highlights

SUNSHINE ACT MEETINGS ........................................ 6195

PIPESLINES
DOT/CG proposes to require lights be displayed on pipelines attached or disengaged from dredges; comments by 3-30-78 (Part II of this issue) ............................................................ 6200

PHENMETRAZINE
Justice/DEA orders that quotas remain unchanged on this Schedule II drug ....................................... 6169

POSTAL AND POST CARDS
PS proposes to rewrite regulations on the preparation and use; comments by 3-20-78 .............................. 6111

CERTAIN ARTICLES OF STEEL
Treasury/Customs requires special invoice for each shipment having an aggregate price over $2,500; effective 2-21-78 ...... 6065

MEETINGS—
Administrative Conference of the United States: Rulemaking and Public Information Committee, 3-10-78 .................... 6115
Commerce/NOAA: Pacific Fishery Management Council's Groundfish Advisory Subpanel, 3-2 and 3-3-78 .................. 6127
HEW/OE: Advisory Council on Developing Institutions, 3-10-78 .................. 6165
Secy: Evaluation of the Appropriateness of the Federal Intergency Day Care Requirements, 2-27, 3-8, and 3-14-78 .......................... 6166
Interior/NPS: Oversight Committee of the National Park System Advisory Board, 3-9-78 .......... 6169
History Areas Committee of the National Park System Advisory Board, 3-10-78 ............................... 6168
Golden Gate National Recreation Area Advisory Commis-

sion, 3-4-78 ........................................ 6168
NFAH/NEH: Education Programs Panel, 3-7 and 3-8-78 .... 6177
Public Programs Panel Advisory Committee, 3-2 and 3 documents) ........................................ 6177, 6178

SEPARATE PARTS OF THIS ISSUE
Part II, DOT/CG .................................................................. 6200

CONTINUED INSIDE
AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

<table>
<thead>
<tr>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOT/COAST GUARD</td>
<td>USDA/ASCS</td>
<td></td>
<td>DOT/COAST GUARD</td>
<td>USDA/ASCS</td>
</tr>
<tr>
<td>DOT/NHTSA</td>
<td>USDA/APHIS</td>
<td></td>
<td>DOT/NHTSA</td>
<td>USDA/APHIS</td>
</tr>
<tr>
<td>DOT/FAA</td>
<td>USDA/FNS</td>
<td></td>
<td>DOT/FAA</td>
<td>USDA/FNS</td>
</tr>
<tr>
<td>DOT/OHMO</td>
<td>USDA/FSQS</td>
<td></td>
<td>DOT/OHMO</td>
<td>USDA/FSQS</td>
</tr>
<tr>
<td>DOT/OPSO</td>
<td>USDA/REA</td>
<td></td>
<td>DOT/OPSO</td>
<td>USDA/REA</td>
</tr>
<tr>
<td>CSC</td>
<td></td>
<td></td>
<td></td>
<td>CSC</td>
</tr>
<tr>
<td>LABOR</td>
<td></td>
<td></td>
<td></td>
<td>LABOR</td>
</tr>
<tr>
<td>HEW/ADAMHA</td>
<td></td>
<td></td>
<td></td>
<td>HEW/ADAMHA</td>
</tr>
<tr>
<td>HEW/CDC</td>
<td></td>
<td></td>
<td></td>
<td>HEW/CDC</td>
</tr>
<tr>
<td>HEW/FDA</td>
<td></td>
<td></td>
<td></td>
<td>HEW/FDA</td>
</tr>
<tr>
<td>HEW/HRA</td>
<td></td>
<td></td>
<td></td>
<td>HEW/HRA</td>
</tr>
<tr>
<td>HEW/HSA</td>
<td></td>
<td></td>
<td></td>
<td>HEW/HSA</td>
</tr>
<tr>
<td>HEW/NIH</td>
<td></td>
<td></td>
<td></td>
<td>HEW/NIH</td>
</tr>
<tr>
<td>HEW/PHS</td>
<td></td>
<td></td>
<td></td>
<td>HEW/PHS</td>
</tr>
</tbody>
</table>

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.
Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

### FEDERAL REGISTER, Daily Issue:
- Subscription orders (GPO) 202-783-3238
- Subscription problems (GPO) 202-275-3050
- "Dial-a-Regulation" (recorded summary of highlighted documents appearing in next day’s issue).
- Scheduling of documents for publication.
- Copies of documents appearing in the Federal Register. 523-3187
- Corrections 523-5237
- Public Inspection Desk 523-5215
- Finding Aids 523-5227
- Public Briefings: "How To Use the Federal Register." 523-3517
- Code of Federal Regulations (CFR) 523-3419
- Finding Aids 523-5227

### PRESIDENTIAL PAPERS:
- Executive Orders and Proclamations 523-5286
- Weekly Compilation of Presidential Documents 523-5284
- Public Papers of the Presidents 523-5285
- Index 523-5285

### PUBLIC LAWS:
- Public Law dates and numbers 523-5266
- Slip Laws 523-5266
- U.S. Statutes at Large 523-5266
- U.S. Government Manual 523-5287
- Special Projects 523-5240

### reminders
(The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

#### Rules Going Into Effect Today
- FCC—Television broadcast stations; table of assignments: Sikeston, Mo 1502; 1-10-78
- Interior/NPS—Immobilized, inoperable vehicles, Grand Canyon National Park 1792; 1-12-78
- Labor/Secy—Comprehensive Employment Training Act, youth programs for members of migrant and other seasonally employed farmworker families 2150; 1-13-78
- Wage rates, procedures for predetermination, incorporating procedural changes 1942; 1-13-78

#### List of Public Laws
Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.
contents

ADMINISTRATIVE CONFERENCE OF ARTS AND HUMANITIES, NATIONAL MEETINGS:

Notices
Meetings:
Rulemaking and Public Information Committee .................. 6115

AGRICULTURE DEPARTMENT

See also Farmers Home Administration; Federal Grain Inspection Service; Soil Conservation Service.

Rules
Authority delegations by Secretary and General Officers: Assistant Secretary for Administration .......... 6057

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices
Meetings:
Education Programs Panel Advisory Committee ................. 6177
Public Programs Panel Advisory Committee (3 documents) ........ 6177, 6178

CIVIL AERONAUTICS BOARD

Proposed Rules
Light to be displayed on pipelines .................................. 6200

COMMERCE DEPARTMENT

See also Industry and Trade Administration; National Oceanic and Atmospheric Administration.

Rules
Organization and functions:
Controller, Office of .................................. 6132
Economic Development Administration .......................... 6127
National Oceanic and Atmospheric Administration (3 documents) ........ 6127, 6128
National Technical Information Service .................. 6131
Organization and Management Systems Office ............... 6132

CUSTOMS SERVICE

Rules
Entry of merchandise; steel articles, special invoice .............. 6065

DRUG ENFORCEMENT ADMINISTRATION

Notices
Registration applications, etc.; controlled substances:
Blanton, Frederick Marsh, M.D ........................................ 6169
Schedules of controlled substances; production quotas:
Phenmetrazine ........................................... 6169

ECONOMIC REGULATORY ADMINISTRATION

Notices
Appeals and applications for exception, etc.; cases filed with Administrative Review Office:
List of applicants, etc. (3 documents) .................. 6133, 6135, 6138

EDUCATION OFFICE

Notices
Meetings:
Developing Institutions Advisory Council .................. 6165

ENERGY DEPARTMENT

See also Economic Regulatory Administration

Notices
International Energy Program:
Voluntary agreement and plan of action; oil allocation system; availability of recordkeeping guidelines; inquiry ........ 6134

ENVIRONMENTAL PROTECTION AGENCY

Notices
Environmental statements; availability, etc .................. 6140

FARMERS HOME ADMINISTRATION

Notices
Disaster and emergency areas:
Pennsylvania ........................................ 6115

FEDERAL AVIATION ADMINISTRATION

Rules
Airworthiness directives:
Beech ........................................ 6059

FEDERAL COMMUNICATIONS COMMISSION

Rules
Maritime services, land and shipboard stations:
Radiocommunications transmission; prohibitions for vessels on land .................. 6092

Proposed Rules
FM broadcast stations; table of assignments:
Alaska ........................................ 6112
California ........................................ 6111
Television broadcast stations; table of assignments:
Illinois and Wisconsin ................................ 6113

Notices
Telephone primary instrument; industry concept ............... 6151

FEDERAL INSURANCE ADMINISTRATION

Rules
Flood elevation determinations:
New York (4 documents) .................. 6079, 6080, 6083, 6086
North Carolina (7 documents) .................. 6076, 6085, 6088, 6089
Oregon ........................................ 6086
Pennsylvania (6 documents) .................. 6075, 6077-6079, 6082, 6084
South Carolina (2 documents) .................. 6078, 6079
South Dakota ................................ 6080
Tennessee ........................................ 6081
Vermont (2 documents) .................. 6087, 6090
Virginia (2 documents) .................. 6077, 6083
West Virginia ................................ 6087
Wisconsin ........................................ 6082

Flood insurance; special hazard areas:
Alabama, et al ........................................ 6070

Proposed Rules
Flood elevation determination:
Oregon ........................................ 6099
Pennsylvania (17 documents) .................. 6099-6110

FEDERAL RESERVE SYSTEM

Rules
Applications, etc.:
Bancsio Corporation ........................................ 6164
First International Bancshares, Inc. .................. 6164
National Bancshares Corp. of Texas .................. 6164

GENERAL ACCOUNTING OFFICE

Rules
Regulatory reports review; proposals, approvals, etc. (ICC) .... 6164

HEALTH CARE FINANCING ADMINISTRATION

Rules
Medical assistance program:
Handbook of Public Assistance Administration Supplement D; revocation .................. 6165
HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Health Care Financing Administration.

NOTICES
Day care requirements, Federal interagency; appropriateness evaluation; meetings 6166

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration.

NOTICES
Authority delegations; Community Planning and Development Assistant Secretary; urban homesteading program 6166

INDIAN AFFAIRS BUREAU

NOTICES
Siletz Reservation Confederated Tribes; interim council election 6167

INDUSTRY AND TRADE ADMINISTRATION

NOTICES
Scientific articles; duty free entry:
Georgetown University et al 6118
Jacksonville Children's Museum 6120
St. Jude's Children's Research Hospital 6123
Sandia Laboratories 6122
University of California et al 6123
University of Michigan et al 6124
University of Minnesota et al 6124
University of Southern California 6126
Yale University 6126

INTERIOR DEPARTMENT
See Indian Affairs Bureau; Land Management Bureau; National Park Service.

INTERNATIONAL TRADE COMMISSION

NOTICES
Import investigations:
Luggage, certain soft-sided 6169

INTERSTATE COMMERCE COMMISSION

NOTICES
Fourth section applications for relief 6193
Hearing assignments 6193
Motor carriers:
Passenger fares; intercity commuter bus fare increase, N.Y. and N.J. 6194
Property broker special licensing; applications 6194
Transfer proceedings 6193
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications; corrections (2 documents) 6194

JUSTICE DEPARTMENT
See Drug Enforcement Administration.

LAND MANAGEMENT BUREAU

NOTICES
Alaska native selections; applications, etc.
Doyon, Ltd 6187
Opening of public lands: Wyoming 6187
Outer Continental Shelf:
Oil and gas leases, Atlantic and Gulf of Mexico areas; protraction diagrams, availability 6187

LEGAL SERVICES CORPORATION

NOTICES
Grants and contracts; applications (4 documents) 6178, 6177

MANAGEMENT AND BUDGET OFFICE

NOTICES
Clearance of reports; list of requests (2 documents) 6178, 6179

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NOTICES
Environmental statements; availability, etc.
Michoud Assembly Facility, New Orleans, La 6177

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

RULES
Motor vehicle safety standards:
Tires, new pneumatic, for passenger cars; correction 6093

NOTICES
Motor vehicle safety standards; exemption petitions, etc.
Jet Industries, Inc; control location, identification and illumination, etc 6192

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

RULES
Fishery conservation and management:
Atlantic haddock, cod, yellowtail flounder; extension of emergency regulations 6094

NOTICES
Endangered species parts or products; certificates of exemption (2 documents) 6127
Meetings
Pacific Fishery Management Council; Groundfish Advisory Subpanel 6127

NATIONAL PARK SERVICE

NOTICES
Meetings:
Golden Gate National Recreation Area Advisory Commission 6168
National Park System Advisory Board, History Areas Committee 6168
National Park System Advisory Board, Oversight Committee 6169

NUCLEAR REGULATORY COMMISSION

PROPOSED RULES
Radioactive material, packaging and transportation; environmental statement; correction 6095

POSTAL SERVICE

PROPOSED RULES
Postal Service Manual:
Postal and post cards; requirements and restrictions 6111

SECURITIES AND EXCHANGE COMMISSION

RULES
Interpretative releases and inquiry:
Management remuneration, disclosure 6060

PROPOSED RULES
Investment Advisors Act:
Cash referral fees 6095

NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc 6181
Depository Trust Co 6185
National Association of Securities Dealers, Inc 6186
New York Stock Exchange, Inc. (2 documents) 6187, 6188
Pacific Securities Depository Trust Co 6190

HEARINGS, ETC.
Alabama Power Co 6180
Central & South West Corp., et al 6182
Christians Securities Co 6182
Columbia Gas System Inc. et al 6183
Curtis Noll Corp 6184
Southwestern Electric Power Co 6191
Shearson Appreciation Fund, Inc., et al 6190
Tiger Oil International, Inc 6192

SOIL CONSERVATION SERVICE

NOTICES
Environmental statements on watershed projects; availability, etc.

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978 v
list of CFR parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today’s issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. The guide lists the parts and sections affected by documents published since the revision date of each title.

| CFR 7 | 2 | 6057 |
| CFR 10 | Proposed Rules: | 6095 |
| | 71 | 6095 |
| | 73 | 6095 |
| CFR 14 | 39 | 6059 |
| Proposed Rules: | 71 | 6095 |
| CFR 17 | 231 | 6060 |
| | 241 | 6060 |
| | 271 | 6060 |
| Proposed Rules: | 71 | 6095 |
| CFR 17 | 231 | 6060 |
| | 241 | 6060 |
| | 271 | 6060 |
| CFR 19 | 141 | 6065 |
| Proposed Rules: | 1915 | 6070 |
| | 1917 (28 documents) | 6075-6090 |
| CFR 24 | Proposed Rules: | 1917 (18 documents) | 6099-6110 |
| CFR 33 | Proposed Rules: | 80 | 6200 |
| | 90 | 6200 |
| | 95 | 6200 |
| CFR 39 | Proposed Rules: | 111 | 6111 |
| | 8-1 | 6091 |
| | 47 | 6092 |
| Proposed Rules: | 73 (2 documents) | 6112, 6113 |
| | 723 | 6111 |
| CFR 49 | Proposed Rules: | 571 | 6093 |
| | 50 CFR | 651 | 6094 |

FEDERAL REGISTER PAGES AND DATES—FEBRUARY

<table>
<thead>
<tr>
<th>Pages</th>
<th>Date</th>
<th>Pages</th>
<th>Date</th>
<th>Pages</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>4245-4412</td>
<td>Feb. 1</td>
<td>4845-4955</td>
<td>6</td>
<td>5495-5791</td>
<td>9</td>
</tr>
<tr>
<td>4413-4562</td>
<td>2</td>
<td>4957-5353</td>
<td>7</td>
<td>5793-6055</td>
<td>10</td>
</tr>
<tr>
<td>4583-4844</td>
<td>3</td>
<td>5355-5494</td>
<td>8</td>
<td>6057-6201</td>
<td>13</td>
</tr>
</tbody>
</table>
CUMULATIVE LIST OF PARTS AFFECTED DURING FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

<table>
<thead>
<tr>
<th>3 CFR—Continued</th>
<th>14 CFR—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 CFR Proclamations:</td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td>3279 (Amended by EO 12038)</td>
<td>21</td>
</tr>
<tr>
<td>4548</td>
<td>4868, 5522</td>
</tr>
<tr>
<td>4549</td>
<td>36</td>
</tr>
<tr>
<td>4550</td>
<td>4868, 5522</td>
</tr>
<tr>
<td>4551</td>
<td>71</td>
</tr>
<tr>
<td>3279 (Amended by EO 12038)</td>
<td>4437, 5523, 5524, 6095</td>
</tr>
<tr>
<td></td>
<td>91</td>
</tr>
<tr>
<td></td>
<td>4868, 5522</td>
</tr>
<tr>
<td></td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>4438</td>
</tr>
<tr>
<td></td>
<td>207</td>
</tr>
<tr>
<td></td>
<td>5383</td>
</tr>
<tr>
<td></td>
<td>208</td>
</tr>
<tr>
<td></td>
<td>5383</td>
</tr>
<tr>
<td></td>
<td>212</td>
</tr>
<tr>
<td></td>
<td>5383</td>
</tr>
<tr>
<td></td>
<td>214</td>
</tr>
<tr>
<td></td>
<td>5383</td>
</tr>
<tr>
<td>8 CFR</td>
<td>15 CFR</td>
</tr>
<tr>
<td></td>
<td>369</td>
</tr>
<tr>
<td>8 CFR</td>
<td>5512</td>
</tr>
<tr>
<td>9 CFR</td>
<td>16 CFR</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>4972</td>
</tr>
<tr>
<td></td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>5802</td>
</tr>
<tr>
<td></td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>5360, 5512, 5513, 5502</td>
</tr>
<tr>
<td></td>
<td>1012</td>
</tr>
<tr>
<td></td>
<td>5803</td>
</tr>
<tr>
<td></td>
<td>1015</td>
</tr>
<tr>
<td></td>
<td>4849</td>
</tr>
<tr>
<td></td>
<td>1016</td>
</tr>
<tr>
<td></td>
<td>4849</td>
</tr>
<tr>
<td>10 CFR</td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td>73</td>
<td>13</td>
</tr>
<tr>
<td>76</td>
<td>5383, 5846</td>
</tr>
<tr>
<td>94</td>
<td>1700</td>
</tr>
<tr>
<td>4589</td>
<td>4832</td>
</tr>
<tr>
<td>4622</td>
<td>17 CFR</td>
</tr>
<tr>
<td>4581</td>
<td>200</td>
</tr>
<tr>
<td>4590</td>
<td>4254</td>
</tr>
<tr>
<td>5356</td>
<td>211</td>
</tr>
<tr>
<td>4972</td>
<td>4972</td>
</tr>
<tr>
<td>4972</td>
<td>331</td>
</tr>
<tr>
<td>5797</td>
<td>6060</td>
</tr>
<tr>
<td>5799</td>
<td>240</td>
</tr>
<tr>
<td>5841</td>
<td>4254, 4342</td>
</tr>
<tr>
<td>5841</td>
<td>241</td>
</tr>
<tr>
<td>6095</td>
<td>6080</td>
</tr>
<tr>
<td>6095</td>
<td>271</td>
</tr>
<tr>
<td>5360, 5512, 5513, 5502</td>
<td>6060</td>
</tr>
<tr>
<td>5360, 5512, 5513, 5502</td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td>12 CFR</td>
<td>32</td>
</tr>
<tr>
<td>4119, 5357</td>
<td>4869</td>
</tr>
<tr>
<td>4253</td>
<td>210</td>
</tr>
<tr>
<td>5358</td>
<td>4264</td>
</tr>
<tr>
<td>5359</td>
<td>240</td>
</tr>
<tr>
<td>5359</td>
<td>4354</td>
</tr>
<tr>
<td>5840</td>
<td>275</td>
</tr>
<tr>
<td>6095</td>
<td>6095</td>
</tr>
<tr>
<td>13 CFR</td>
<td>18 CFR</td>
</tr>
<tr>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>5004</td>
<td>5362</td>
</tr>
<tr>
<td>5008</td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td>5008</td>
<td>141</td>
</tr>
<tr>
<td>5382</td>
<td>5524</td>
</tr>
<tr>
<td>5382</td>
<td>19 CFR</td>
</tr>
<tr>
<td>5010</td>
<td>10</td>
</tr>
<tr>
<td>5010</td>
<td>4855</td>
</tr>
<tr>
<td>5010</td>
<td>141</td>
</tr>
<tr>
<td>5010</td>
<td>4865</td>
</tr>
<tr>
<td>522</td>
<td>162</td>
</tr>
<tr>
<td>4255, 4595</td>
<td>4255</td>
</tr>
<tr>
<td>522</td>
<td>171</td>
</tr>
<tr>
<td>4255, 4595</td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td>522</td>
<td>153</td>
</tr>
<tr>
<td>522</td>
<td>4871</td>
</tr>
<tr>
<td>522</td>
<td>20 CFR</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
<tr>
<td>522</td>
<td>404</td>
</tr>
<tr>
<td>522</td>
<td>4973</td>
</tr>
<tr>
<td>522</td>
<td>21 CFR</td>
</tr>
</tbody>
</table>
This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

[3410-01]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary to reflect realignment of certain functions to the Assistant Secretary for Administration. The Department has determined that the functions performed by the Office of Automated Data Systems, the Office of Operations, and the Office of Finance should be combined into a new Office of Operations and Finance. This will bring together related administrative functions and provide the potential for reduced overhead in management.


FOR FURTHER INFORMATION CONTACT:


Subpart C—Delegations of Authority to the Deputy Secretary, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.25 is amended by revoking and reserving paragraphs (c) and (f) and by revoking paragraph (b) and substituting the following in lieu thereof:

§ 2.25 Delegations of Authority to the Assistant Secretary for Administration.

* * * * *

(b) Related to operations and finance. (1) Promulgate departmental policies, standards, techniques, and procedures, and represent the Department in the following areas:

(i) Contracting for and the procurement of administrative and operating supplies, services, and construction.

(ii) Socioeconomic programs related to contracting, including Small Business Assistance, Labor Surplus Area Assistance, Disadvantaged Business Assistance, and Labor Standards.

(iii) Utilization of the resources of State and local governments and of the private sector in domestic program operations.

(iv) Selection, standardization, and simplification of program delivery processes utilizing grants, contracts, and/or agreements.

(v) Acquisition, leasing, utilization, value analysis, construction, maintenance, and disposition of real and personal property including control of space assignments and use.

(vi) Acquisition, storage, distribution, and disposition of forms and supplies.

(vii) Telecommunications.

(viii) Mail management.

(ix) Motor Vehicle Fleet and other vehicular transportation.

(x) Transportation of things.

(xi) Prevention, control, and abatement of air and water pollution at Federal facilities (Executive Order 11507).


(xiii) Develop and implement energy management actions related to the internal operations of the Department. Maintain liaison with other Government agencies in these matters.

(2) Operate or provide for the operation of centralized departmental services to provide printing, copy reduction, offset composition, supply, telephone, telegraph, mail, automated mailing lists, excess property pool, space allocation, central Secretary's records, departmental administrative regulations and Secretarial issuances, and related management support.

(3) Exercise following special authorities:

(i) Designate Department debarring officer to perform the functions of 31 CFR Subpart 1-1.6 and 41 CFR 4-1.601-1(a).

(ii) Promulgate Department schedule of fees and charges for reproducions, furnishing of copies and making searches for official records pursuant to the Freedom of Information Act, 5 U.S.C. 552.

(iii) Conduct liaison with the Office of the Federal Register including the making of required certification pursuant to 1 CFR Part 4.

(iv) Maintain custody and permit appropriate use of the official seal of the Department.

(v) Promulgate policy for use of the official flags of the Secretary and the Department.

(vi) Coordinate collection of historical materials for Presidential Libraries.

(vii) Oversee the safeguarding of unclassified materials designated "For Official Use Only."

(viii) Establish standards for and coordinate the issuance of employee identification credentials within the Department.

(4) Exercise authority to:

(a) For experimental, developmental, or research work, or for the manufacture, or furnishing of property for experimentation, development, research, or test.

(b) For property or services when the character, ingredients, or components thereof are such that the contract should not be publicly disclosed.

(c) For technical equipment when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization of equipment and interchangeability of parts and where such standardization and interchangeability is necessary in the public interest.

(5) Make determinations and findings authorizing the omission of the examination of records clause from contracts with foreign contractors and foreign subcontractors under the authority granted in 41 U.S.C. 304(c) (11), (12), and (13) with respect to purchases and contracts:

(a) For experimental, developmental, or research work, or for the manufacture, or furnishing of property for experimentation, development, research, or test.

(b) For property or services when the character, ingredients, or components thereof are such that the contract should not be publicly disclosed.

(c) For technical equipment when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization of equipment and interchangeability of parts and where such standardization and interchangeability is necessary in the public interest.

(d) Make determinations and findings authorizing the omission of the examination of records clause from contracts with foreign contractors and foreign subcontractors under the authority granted in 41 U.S.C. 304(c) (11), (12), and (13) with respect to purchases and contracts:

(a) For experimental, developmental, or research work, or for the manufacture, or furnishing of property for experimentation, development, research, or test.

(b) For property or services when the character, ingredients, or components thereof are such that the contract should not be publicly disclosed.

(c) For technical equipment when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization of equipment and interchangeability of parts and where such standardization and interchangeability is necessary in the public interest.

(e) Make determinations and findings authorizing the omission of the examination of records clause from contracts with foreign contractors and foreign subcontractors under the authority granted in 41 U.S.C. 304(c) (11), (12), and (13) with respect to purchases and contracts:

(a) For experimental, developmental, or research work, or for the manufacture, or furnishing of property for experimentation, development, research, or test.

(b) For property or services when the character, ingredients, or components thereof are such that the contract should not be publicly disclosed.

(c) For technical equipment when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization of equipment and interchangeability of parts and where such standardization and interchangeability is necessary in the public interest.

(6) Formulate and promulgate departmental financial policies, procedures, and regulations.

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
(7) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(8) Review financial aspects of agency operations and programs.

(9) Represent the Department in contacts with the General Accounting Office, the Treasury Department, the Office of Management and Budget, and other organizations or agencies on matters related to assigned responsibilities.

(10) Designate the Department's Director of Finance.

(11) Provide management support services for the National Finance Center and, by agreements with agency heads concerned, provide such services for other USDA tenants housed in the same facility. As used herein, such management support service shall include:

(i) Personnel services, as listed in §2.25 (e) (10), and organizational support services. With authority to take actions required by law or regulation to perform such services.

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(iii) Personnel services in the following:

- Personnel services, as listed in §2.25 (e) (10), and organizational support services. With authority to take actions required by law or regulation to perform such services.

(iv) Acquisition, leasing, utilization, value analysis, construction, maintenance, and disposition of real and personal property including control of space assignments and use.

(v) Acquisition, storage, distribution, and disposal of forms and supplies.

(vi) Telecommunications.

(vii) Mail management.

(viii) Motor Vehicle fleet and other vehicular transportation.

(ix) Transportation of things.

(x) Prevention, control, and abatement of air and water pollution at Federal facilities (40 CFR 1-3.211).


(xii) Develop and implement energy management actions related to the internal operations of the Department. Maintain liaison with other Government agencies in these matters.

(12) Exercise full Department-wide contracting and procurement authority for all management, space management, and related services. This authority includes the promulgation of departmental directives regulating the management of contracting and procurement functions related to the above.

(13) Plan, develop, install, and manage departmental data bases and assist in maintenance of such systems to satisfy agency needs.

(14) Administer the Department's records, forms, reports, and directives management programs.

(15) Manage and operate the total USDA data processing program through all stages of the data processing management cycle: advance planning, feasibility, design, equipment selection and acquisition readiness effort, systems installation, system impact appraisal, time sharing and service center arrangement, systems monitoring, evaluation, and security.

(16) Exercise full Department-wide contracting and procurement authority for automation data processing and data transmission equipment, software, services maintenance, and related supplies. This authority includes the promulgation of departmental directives regulating the management of contracting and procurement functions related to the above.

(17) Plan, develop, install, and manage departmental data bases and assist in maintenance of such systems to satisfy agency needs.

(18) Develop an integrated computer network for use by Department agencies and offices.

(c) [Revoked and reserved.]
(ii) Development, maintenance, and operation of Department-wide payroll and personnel statistics, payment, billing and collection, and accounting and related reporting systems.

(9) Formulate and administer departmental financial policies, procedures, and regulations.

(10) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(11) Review financial aspects of agency operations and proposals.

(12) Represent the Department in contacts with the General Accounting Office, the Treasury Department, the Office of Management and Budget, and other agencies or organizations on matters related to assigned responsibilities.

(13) The Director, Office of Operations and Finance is designated as the Department’s Director of Finance.

(14) Provide management support services for the National Finance Center, and by agreements with agency heads concerned, provide such services for other USDA tenants housed in the same facility. As used herein, such management support services shall include:

(i) Personnel services, as listed in §2.25(c)(9), and organizational support services, with authority to take actions required by law or regulation to perform such services.

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(15) Provide budget, accounting, and related financial management services, with authority to take action required by law or regulation to provide such services for working capital funds and general appropriated and trust funds for

(i) The Secretary of Agriculture

(ii) The General officers of the Department

(iii) The Offices and agencies reporting to the Assistant Secretary for Administration, and

(iv) Provide such of the above services, as may be agreed, for any other officers and agencies of the Department as listed in paragraph (a)(15), (i), (ii), or (iii) of this section.

(16) Manage and operate the total USDA data processing program through all stages of the data processing management cycle: advance planning, feasibility, design, equipment selection and acquisition readiness effort, systems installation, system impact appraisal, time sharing and service center arrangements, systems monitoring, evaluation, and security.

(17) Plan, develop, install, and manage departmental data bases and assist in the maintenance of such systems to satisfy agency needs.

(18) Develop an integrated computer network for use with Department agencies and offices.

(b) Reservations. The following authorities are reserved to the Assistant Secretary for Administration:

(1) Make determinations and findings authorizing the use of negotiation in accordance with 41 U.S.C. 252(c)(11), (12), and (13) with respect to purchase and contracts:

(i) For experimental, developmental, or research work, or for the furnishing of property for experimentation, development, research, or test which will require the expenditure of more than $25,000.

(ii) For property or service when the character, ingredients, or components thereof are such that the contract should not be publicly disclosed.

(3) Make determinations and findings when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization and interoperability.

(3) The following authorities are reserved to the Assistant Secretary for Administration:

(1) Make determinations and findings authorizing the omission of the examination of records clause from contracts with foreign contractors and foreign subcontractors under the authority granted in 41 U.S.C. 304(c)(41 CFR 1.3-503; 1-1004).

(2) Make determinations and findings when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization and interoperability.

(2) The following authorities are reserved to the Assistant Secretary for Administration:

(1) Make determinations and findings when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization and interoperability.

(2) Make determinations and findings when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization and interoperability.

(2) Make determinations and findings when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization and interoperability.
design. Accordingly, an AD is being issued applicable to certain serial numbers of the above-mentioned Beech series airplanes making installation of the new P/N 169-524024-85 wing flap control weld assembly mandatory. This AD was coordinated with the manufacturer prior to issuance. The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the Federal Register.

**Drafting Information**

The principal authors of this document are: William L. Schroeder, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

**Beech:** Applies to the following models and serial number airplanes, equipped with manually operated wing flaps, certificated for flight in all categories:

*Model and serial numbers*

A23-19, 19A and B19—MB-1 through MB-866.
A23-24 and A24—MA-1 through MA-388.

**Compliance:** Required as indicated unless already accomplished.

To prevent failure of the wing flap control weld assembly and resulting possible unwanted in-flight retraction of the wing flaps, within the next 50 hours time-in-service after the effective date of this AD, accomplish the following in accordance with Beechcraft Service Instructions No. 0940 or later approved revisions:

A. Remove flap control weld assembly and install Beech P/N 169-524024-85 flap control weld assembly.

B. Any equivalent means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, PAA, Central Region.

This amendment becomes effective on February 20, 1978.

(See 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423; Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c); Sec. 11.98 of the Federal Aviation Regulations (14 CFR 11.98).

Note—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-101.

**Issued in Kansas City, Mo. on February 2, 1978.**

**John E. Shaw,**

*Acting Director, Central Region.*

**(FR Doc. 78-3892 Filed 2-10-78; 8:45 am)**

**[0810-01]**

**Title 17—Commodity and Securities Exchanges**

**Chapter II—Securities and Exchange Commission**

(Release Nos. 33-5904, 34-14445, 35-20404, IC-10112; ST-736)

**Part 231—Interpretative Releases Relating to the Securities Act of 1933 and General Rules and Regulations Thereunder**


**Part 271—Interpretative Releases Relating to the Investment Company Act of 1940 and General Rules and Regulations Thereunder**

**Disclosure of Management Remuneration**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Interpretation and request for comments.

**SUMMARY:** This release supplements the Commission's interpretive release on disclosure of management remuneration, Securities Act Release No. 5856 (August 18, 1977), 42 FR 43058 (August 26, 1977), in order to provide further guidance to registrants. Some of the more frequently raised questions regarding the status as remuneration of benefits received by officers and directors are set forth together with the interpretive responses of the Commission's Division of Corporation Finance. Comments are requested on both Securities Act Release No. 5856 and the interpretive responses included in this release.

**DATE:** Comments should be submitted on or before April 15, 1978.

**ADDRESS:** Comments should refer to File ST-736 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

**For Further Information Contact:**

Registrants with specific questions should contact the staff members directly responsible for reviewing the documents they file with the Commission. General questions may be directed to Linda L. Griggs, Division of Corporation Finance, 202-755-1750 or Glen Payne, Division of Investment Management, 202-755-0230, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.


**Disclosure of Management Remuneration**

On August 18, 1977, the Commission issued a release, Securities Act Release No. 5856 (42 FR 43058), which emphasized its view that the existing disclosure provisions require registrants to include within the aggregate remuneration reported in registration statements, annual reports and proxy and information statements all forms of remuneration received by management from the issuing corporation, including personal benefits sometimes referred to as perquisites. Since the publication of that release, the staff has received many requests for guidance in identifying and valuing some of the personal benefits received by officers and directors and others for whom remuneration information is required.

This release is published to provide current information on the interpretations of the Commission's Division of Corporation Finance (the "Division") of the remuneration reporting requirements in view of the volume of these requests for interpretations of such provisions as they relate to specific fringe benefits. The questions included in the release represent some of those more frequently brought to the attention of the staff by registrants, their counsel, and other interested persons. The Division of Investment Management will follow the Division's interpretations to the extent they relate to disclosure by registered investment companies.

Corporations make a great variety of expenditures which relate to management, many of which result in benefits to executives. Whether these constitute remuneration usually depends upon the facts and circumstances involved in each situation. In general, expenditures which simply assist an executive in doing his job effectively or which reimburse him for expenses incurred in the performance of his functions are not remuneration while expenditures made for his personal benefit or for purposes unrelated to the performance of his functions would constitute remuneration. In some instances, expenditures may serve both purposes, and if neither is predominant, allocation to the extent reasonably feasible may be called for. In view
of the difficulties in applying these, and other general principles, the Commission believes that this statement of
the Division’s responses to specific questions should be useful to registrants.

In determining whether the value of specific benefits should be included in
aggregate remuneration, registrants should keep in mind that full disclo­
sure of the remuneration received by officers and directors is important to
informed voting and investment deci­
sions. In particular, remuneration
information is necessary for an informed
assessment of management and is sig­
nificant in maintaining public confi­
dence in the corporate system. Of
course, accurate and sufficiently de­
tailed books and records are prerequi­
sites to the appropriate disclosure of
remuneration information.1

Whereas the following questions and interpretive responses relate generally
to the presentation of remuneration information pursuant to specific disci­
plines of the anti-fraud provi­sions of the Securities Act of 1933
(15 U.S.C. 77a et seq., as amended by
sure of certain benefits received by officers and directors.2 For example, the anti­
 fraud provisions may require disclo­
sure of any unauthorized receipt of benefits by officers and directors.

The analysis of the benefits received by management requires consideration of
the specific reporting requirements, Securities Act Release No. 5856 and the approach illustrated by the ques­
tions and responses set forth below. The following topics are addressed by
these questions:

I. Remuneration Reporting Requirements

Questions

A. Medical and insurance payments
B. Payments for living and related ex­
penses
C. Company cars
D. Payments for living and related ex­
penses
E. Security devices
F. LOW (Low interest or interest free loans)
G. Company products
H. Business expenses
I. Other corporate assets
J. Retirement payments
K. Deferred compensation
L. Stock options
M. Stock appreciation rights
N. Company planes
O. Other corporate assets
P. Company cars
Q. Company planes
R. Managerial positions
S. Other corporate assets
T. Company cars
U. Company planes
V. Company cars
W. Other corporate assets
X. Company planes
Y. Company cars
Z. Other corporate assets

II. General Disclosure Questions

Questions

A. Identification
B. Valuation
C. Format for disclosure
D. Use of company property
E. Memberships in clubs and profes­
sional associations
F. Medical, insurance and other reim­
bursement plans

1See the recently enacted amendments to
section 13(b) of the Securities Exchange Act of
18, 1977) and section 31 of the Investment
Companies Act of 1940 (15 U.S.C. 80a-30) and
Rule 31a-1 thereunder (17 CFR 270.31a-1) which set forth detailed record keeping re­
qurements for registered investment com­
panies.

2See Securities Act §§ 12(2), and 17(a); Ex­
change Act § 16(b) and Rules 10b-5 and 14a-
9.

3See Securities Act Release No. 5856, foot­
note 7-13. Hereinafter the persons as to
which remuneration disclosure is required
will be referred to as officers, directors,
managers or executives although remu­
neration information is required also for
certain other persons by the investment
company forms.
als (for property given to or used by
an executive); (c) the alternative cost of
the benefit to the recipient, that is
the amount the recipient would have
had to pay to obtain the benefit him-
self; (d) the valuation assigned by the
registrant or his directs; or (e) some other standard
for valuing which is reasonable in
the opinion of management.

III. FORMAT FOR DISCLOSURE

8. Question. Should the personal
benefits received by officers and direc-
tors be described separately in docu-
ments which require disclosure of the
remuneration received by manage-
ment?
Interpretive Response. Personal
benefits are not required to be de-
scribed when their value is included in
the aggregate remuneration reported,
unless disclosure about the benefit is
otherwise required by another report-
ing provision. For example, if an offi-
cer or a director receives an interest-
free loan from a corporation, the value
of the benefit should be included in
the reported aggregate remuneration
received by the individual and the
loan itself should be described pursua-
tant to the provisions of the reporting
requirements relating to indebtedness to
the company of various persons. The
more general anti-fraud provi-
sions, of course, may require addition-
al information to be disclosed about
personal benefits received or to be re-
ceived by management.

9. Question. May a registrant de-
scribe a benefit in addition to includ-
ing its value in the aggregate remu-
neration reported?
Interpretive Response. Yes.

10. Question. May a registrant ex-
clude the value of some or all of the
benefits from the reported aggregate
remuneration and state an approxi-
mate or maximum value of such bene-
fits in a footnote to the remuneration
table?
Interpretive Response. Yes, provided
this disclosure is not misleading.

11. Question. May a registrant de-
scribe the personal benefits in a foot-
note to the remuneration table rather
than including the values of such
benefits in the tabular presentation of
reported aggregate remuneration?
Interpretive Response. A registrant
may describe a benefit which is a form
of remuneration to the executive. Where
the assets are used in connec-
tion with job related matters, how-
ever, this usage would not result in re-
muneration to the executive. Where
an executive uses an asset for both
personal and business purposes, the
value allocated to each purpose
value should be allocated to the per-
sonal use for remuneration reporting
purposes.

IV. TYPES OF BENEFITS RECEIVED BY
MANAGEMENT

A. USE OF COMPANY PROPERTY

13. Question. Is the use by man-
agement of company property such as
cars, planes, apartments, houses, and
other corporate assets a form of remu-
neration?
Interpretive Response. The use of
corporate assets by officers or direc-
tors for reasons unrelated to the con-
duct of company business results in a
form of remuneration to the execu-
tive. Where the assets are valued for remu-
neration purposes, no business is transact-
ed for remuneration reporting pur-
poses.

14. Question. Is the use of a com-
pany owned car a form of remuneration?
Interpretive Response. The personal
use of a company car is a form of re-
muneration to each executive.

15. Question. How should the per-
sonal use of a company's automobile be
valued?
Interpretive Response. The Division
would express no objection if the per-
sonal use of a company's automobile
was valued using one of the following
methods:
(a) Determining the recipient's cost
of leasing or owning the vehicle at the
amount of time an executive used the
car for personal purposes or the
number of miles the car was used for
personal purposes.

(b) Allocating a portion of the cost
to the corporation of owning and
maintaining the facility during a par-
ticular year on the basis of the time
provided it is clear that the value of
the benefit has not been included in
the aggregate remuneration reported
in the table and the disclosure is not
misleading.

12. Question. What information
should be included in a footnote which
describes personal benefits in a foot-

17. Question. Is the use of a com-
pany plane for reporting purposes a
form of remuneration?
Interpretive Response. Yes.

18. Question. If the company plane
is flown someplace for a business
reason and an executive who does not
have company business to transact at
such place hitches a ride or tags along
on the plane, does the executive re-
ceive a form of remuneration?
Interpretive Response. Yes.

19. Question. Should this benefit be
valued for remuneration reporting
purposes?
Interpretive Response. Although the
company may have incurred little
cost as a result of providing air trans-
portation to the extra person(s), the
value of this personal benefit should
be included in aggregate remuneration
or otherwise reported.

OTHER CORPORATE ASSETS

20. Question. Would the use of com-
pany owned or leased assets such as
apartments, houses, villas, lodges, etc. result in a
form of reportable remuneration to
management?
Interpretive Response. Whether or
not the use by management of com-
pany owned or leased assets such as
apartments, houses, villas, lodges,
yachts and other facilities results in a
form of remuneration to the executive
depends upon the nature of the use of
the assets. If the executive uses the fa-
cilities in connection with entertaining
business clients, transacting business
or engaging in internal business relat-
ed activities, he would not be receiving
remuneration as a result of such
usage. If, however, the facilities are
used for recreation or other personal
purposes and no business is transact-
ed, the usage by management would
result in a form of remuneration to
the executive. Where some of the
usage is for business and some for per-
sonal purposes, only the personal
usage would result in a form of remu-
neration.

VALUATION

21. Question. How should the per-
sonal use of company assets such as
planes, apartments, houses, lodges,
etc. be valued for remuneration re-
porting purposes?
Interpretive Response. The Division
would express no objection if the per-
sonal use of company assets were
valued using one of the following
methods:
(a) Determining the recipient's cost
of the property, less the amount the
executive would have paid to obtain
the property in the aggregate.
(b) Allocating a portion of the cost
to the corporation of owning and
maintaining the facility during a par-
ticular year on the basis of the time

"Item 7(e), Schedule 14A, 17 CFR 240.14a-
Items 18(b), Form 10-K, 17 CFR 240.310.
See also Question 34.

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
the asset was used for personal purposes or the mileage of such usage unless this amount is disproportionate to the amount which the recipient would have paid if he had obtained the use of equivalent assets himself.

22. Question. Is the use of clubs of which the corporation is a member or in which an executive's membership is paid for by the company a form of remuneration?

Interpretive Response. If the clubs are used solely for business related matters, the usage does not result in remuneration to the executive. If, however, the club is used for personal activities, this usage results in a form of remuneration.

23. Question. How should this usage be valued?

Interpretive Response. The Division would make no objection if the value of the personal use of clubs of which the corporation is a member or in which an executive's membership is paid for by the company were the sum of:

(1) A portion of the annual dues allocated on the basis of percentage of personal use;

(2) All personal expenses incurred by the executive but paid for by the company;

(3) A portion of the initiation fee in the year in which paid based upon the amount of personal usage.

24. Question. Is the payment of professional organization fees for officers and directors a form of remuneration to them?

Interpretive Response. The payment of fees of professional organizations is not a form of remuneration to the officers or directors if membership in the organization is necessary to such person's performance of his duties for the company.

C. MEDICAL, INSURANCE AND OTHER REIMBURSEMENT PLANS

MEDICAL AND INSURANCE PRACTICES

25. Question. Is the payment by a corporation of expenses incurred in connection with physical examinations given executives a form of remuneration to them?

Interpretive Response. Payments for physical examinations for executives generally do not result in a form of remuneration to the executives. If the physical examination is given at a resort, however, and in part results in a paid vacation for the executive and/or his spouse and if the cost of the physical examination vacation is disproportionate to the cost of a physical examination at a clinic in a non-resort area, then a portion of the cost to the company for the physical examination would be a form of remuneration.

26. Question. How should the amount of this remuneration be determined?

Interpretive Response. The Division would express no objection if the amount of remuneration were:

(a) That portion of the cost to the company of the physical examination resort stay represented by the non-medical expenses; or

(b) The difference between the cost of a physical examination at a clinic in a non-resort area and the cost of the physical at the resort.

27. Question. Are payments made for or benefits to be received by management under life or accident insurance, hospitalization, medical expense reimbursement or other similar plans forms of remuneration?

Interpretive Response. Benefits paid under and payments and premiums made for group life or accident insurance, group hospitalization or similar group payments or benefits need not be included in reported remuneration nor are corporations required to describe such plans or arrangements. Where the amounts are considered to be group plans if they provide benefits to all or substantially all of the employees who satisfy certain minimum eligibility criteria or to such employees as qualify under a classification set by the employer which does not discriminate in favor of employees who are officers, shareholders or highly compensated. For example, if a plan does not cover union members, this fact alone would not be determinative of non-group nature of the plan. Premiums and any other amounts paid by a corporation for such plans or arrangements which are not group plans should be included in aggregate remuneration and the plans or arrangements should be described.

LIABILITY INSURANCE AND INDEMNIFICATION

28. Question. Are premiums paid by corporations for liability insurance for officers and directors forms of remuneration received by the executives?

Interpretive Response. Premiums paid for liability insurance for officers and directors and benefits paid under such insurance plans are not forms of remuneration to the extent that the insurance plan is intended to relieve officers and directors of liability relating to their job performance.

29. Question. Are indemnification payments forms of remuneration?

Interpretive Response. Indemnification payments are not forms of remuneration to the recipient executive if the company treats the payments as ordinary and necessary to the conduct of company business. The anti-fraud provisions, however, may require separate disclosure about indemnification payments, particularly those payments relating to securities violations because the Commission believes that such payments are against public policy.

Low Interest or Interest Free Loans

30. Question. Is the payment by a corporation of housing or other ordinary living expenses at principal, temporary, vacation or other residences owned or used by an officer or director a form of remuneration?

Interpretive Response. Yes, provided the expenses were not incurred by an executive in connection with a business matter nor for the convenience of the corporation.

31. Question. Is the occasional use of a company maintained apartment, house or other dwelling a form of remuneration to him?

Interpretive Response. No, provided the dwelling is used by an officer or director for the purpose of facilitating his conduct of company business.

REPAIRS AND IMPROVEMENTS TO HOME OF PROPERTY

32. Question. Are payments for maintenance, repairs or improvements to an executive's home forms of remuneration to him?

Interpretive Response. Yes, generally.

SECURITY DEVICES

33. Question. Are the installation of security devices in an executive's home and/or car and the providing of bodyguards, chauffeur-driven limousines, and/or any other appropriate security measures forms of remuneration to officers and directors?

Interpretive Response. The taking of various security measures for the protection of executives may not result in any remuneration to such executive if the individual's life is not threatened because of his position in the company or if the company reasonably believes that the individual's safety is in jeopardy. If the security measures are provided solely for the convenience of the executive, however, they result in remuneration to the recipient.

-low interest or interest free loans

34. Question. Is the providing of loans to executives a form of remuneration to them?

Interpretive Response. Officers or directors receive remuneration as a result of their receipt of a loan from the corporation if the terms of the loan, including the security required and the interest rate charged, are not commercially reasonable as compared with the terms of a loan which the executive might have obtained from a lending institution. \(^*\) In addition, if the

\(^*\)Disclosure of the indebtedness of officers, directors and certain other persons to a company is required by a separate reporting provision if the individual's aggregate indebtedness is

Footnote continued on next page.
RULES AND REGULATIONS

loan is commercially reasonable under this analysis but its grant is not a reasonable use of corporate funds because the corporation must pay a higher rate of interest on its own borrowings, the loan would result in remuneration to the officer or director. Low interest or interest free loans provided to executives by their employer result in remuneration to them regardless of whether the loan itself must be reported under the separate reporting provisions relating to the indebtedness of officers and directors to a company.

35. Question. How should the value of this remuneration be determined?

Interpretive Response. The Division would express no objection if the value of the remuneration received by an executive as a result of the favorable loan was based upon:

(a) The difference between the amount of interest to be paid and the amount which the executive would have paid if the loan had been granted by an unaffiliated person; or

(b) The difference between the amount of interest the executive would pay and the amount which he would have paid if the interest rate were equivalent to the rate of interest the corporation pays on its borrowings, if the loan is on terms more favorable than the corporation could have obtained.

E. USE OF THE CORPORATE STAFF

36. Question. If employees on the corporation's professional staff provide financial, accounting, legal or other professional services to an officer or director, does this result in remuneration to the individual?

Interpretive Response. If the services are rendered with respect to a purely personal matter, such as the preparation of a will or United States tax return, this usage of the corporate staff would result in a form of remuneration to the officer or director. Where the matter relates to company business, the individual's compensation package or the individual's legal responsibilities as a result of his position in the company, the providing of the service may not result in remuneration to the office or director.

37. Question. How should the use of the corporation's staff be valued for remuneration reporting purposes?

Interpretive Response. The Division would express no objection if the use of the corporate staff by an officer or director for personal business were valued in one of the following ways:

(a) The amount the officer or director would have had to pay if he had hired unrelated persons to do the work for him; or

(b) The full cost to the company of the employees for the period of time they worked for the officer or director.

F. BENEFITS FROM THIRD PARTIES

BANK LOANS

38. Question. Does the receipt by an officer or director of a loan from the corporation's bank result in a form of remuneration to such person?

Interpretive Response. The receipt of a loan from the corporation's bank may result in remuneration to the officer or director depending upon the facts and circumstances. Where the corporation compensates the bank either directly or indirectly for extending the loan to the executive, the officer or director receives remuneration to the extent of the benefit derived from such compensation.

39. Question. When does a corporation directly or indirectly compensate a bank for granting a favorable loan to an officer or director?

Interpretive Response. A company may compensate a bank directly or indirectly for granting a favorable loan to an officer or director in various different ways including but not limited to:

(a) Maintaining or increasing accounts or compensating balances at the bank as a result of the loan;

(b) Undertaking in writing or orally to increase its requests for loans from the bank or to refer business to the bank;

(c) Paying a higher rate of interest on its loans as a result of the loan of the officer or director.

PROFESSIONAL AND OTHER SERVICES

40. Question. If a company's outside auditors, counsel or other professional consultants perform financial, accounting, legal or other professional services for an officer or director which are paid for by the company, does this result in remuneration to the officer or director?

Interpretive Response. Whether or not the receipt by an officer or director of professional services rendered by a company's outside consultants results in remuneration to the executive depends upon the reason the services are rendered and its cost to the company. If the services are rendered in connection with a matter which is purely personal to the executive, the receipt of the services would result in remuneration to the officer or director.

41. Question. If an officer or director does personal business with a customer or client of the company, does this relationship result in any remuneration to the officer or director from the company?

Interpretive Response. A business relationship between an officer or director and a customer or client of the company does not result in any remuneration to the officer or director unless the company compensates the customer directly or indirectly for performing a service for the executive.

42. Question. When does a company compensate a client or an outside professional for providing personal services to an officer or director?

Interpretive Response. A company may compensate its client or an outside professional directly or indirectly for providing its executive with a service in various ways including:

(a) Paying or agreeing to pay a higher than market rate for its purchases or services obtained from the client or professional as a result of the executive's relationship with the client; and

(b) Increasing or undertaking to increase its business dealings with the client as a result of the executive's relationship with the client.

G. COMPANY PRODUCTS

43. Question. Should the purchase by an officer or director of the corporation's products at a discount be valued for the purposes of reporting remuneration received by an executive?

Interpretive Response. The purchase by officers or directors of the corporation's products at a discount need not be valued for the purposes of reporting remuneration received by an executive provided:

(a) All or substantially all of the corporation's employees may make purchases at the same discount or at a discount based upon eligibility criteria which precludes individual selection; and

(b) The price of the product as a result of the discount is not less than the cost to the corporation of producing it.

H. BUSINESS EXPENSES

44. Question. Do itemized expense accounts result in remuneration to executives?

Interpretive Response. The availability of an itemized expense account to an officer or director generally does not result in a form of remuneration to the executive provided the account is used for business related expenses.
45. Question. Does an unitemized expense account result in remuneration to an executive? Interpretive Response. The total amount of an unitemized expense account would be a form of remuneration to an executive except to the extent specific amounts spent by an executive using such an expense account can be identified as relating to valid business related expenses.

46. Question. If an itemized expense account includes a miscellaneous item, would this result in remuneration to an officer or director? Interpretive Response. If the miscellaneous item is comparable to an unitemized expense account, it should be treated in the same way as an unitemized expense account.

47. Question. If officers and directors receive first class travel arrangements which are related to job performance, should this result in a form of remuneration? Interpretive Response. No.

REQUESTS FOR COMMENTS

Interested persons are invited to comment on both the Commission's interpretation expressed in Securities Act Release No. 8556 and the interpretive responses of its Division of Corporation Finance included in this release. Comments should make reference to File S7-736. These comments will be considered by the staff both for use in connection with its on-going efforts to review the quality and usefulness of information required to be disclosed in documents filed with the Commission and in considering possible amendments to the disclosure rules relating to management remuneration.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.
FEBRUARY 6, 1978.

* Comments relating to the disclosure of management remuneration have previously been requested in Securities Act Release No. 5758 (November 2, 1975) (41 FR 49495) and Securities Exchange Act Release No. 13482 (April 21, 1977) (42 FR 23901) and 13901 (August 29, 1977) (42 FR 44860). All comments received in connection with these requests are available for public inspection at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20549. The comments are available for inspection in Files S7-658 and S7-693 respectively.

[FR Doc. 78-3930 Filed 2-10-78; 8:45 am]

6065

RULES AND REGULATIONS

CHAPTER I—UNITED STATES CUSTOMS SERVICE

PART 141—ENTRY OF MERCHANDISE

Documents and Information Required To Be Filed at the Time of Importation of Certain Articles of Steel, Amended

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to require that a special invoice be presented to Customs for each shipment of certain articles of steel having an aggregate purchase price over $2,500. The additional information provided on the special invoice will be used in the administration and enforcement of the Antidumping Act, 1921, as amended.


FOR FURTHER INFORMATION CONTACT:

With respect to the trigger price mechanism (described under "Supplementary Information," below), Peter D. Ehrenhaft, Deputy Assistant Secretary and Special Counsel (Tariff Affairs), Department of the Treasury, Washington, D.C. 20220, 202-566-2806. With respect to other aspects of the amendments, Ben L. Irvin, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-8121.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1977, notice was published in the Federal Register (42 FR 65214) of a proposal to amend the Customs Regulations to require that a special invoice be presented to Customs for each shipment of certain articles of steel having an aggregate purchase price over $2,500. As explained in the supplementary information to that notice, the additional information provided by the special invoice would be used in the administration and enforcement of the Antidumping Act, 1921, as amended.

In addition, the notice announced that the Secretary of the Treasury would implement a "trigger price mechanism" (TPM) as recommended to and approved by the President and that "trigger prices" for certain steel mill products would be established as the basis upon which imports of such products would be monitored for the purpose of determining whether investigations under the Antidumping Act, 1921, as amended, would be appropriate.

Written comments were invited from all interested persons on the proposed amendments to be received on or before January 27, 1978. Many comments were received in response to that notice. As explained below, the comments have resulted in minor changes in the proposed amendments.

With respect to the trigger price mechanism, the Department of the Treasury announced the base prices to be used for certain importations of steel mill products in a notice published in the Federal Register on January 9, 1978 (43 FR 1464).

Subsequently, in a notice published in the Federal Register on February 3, 1978 (43 FR 4703), the Department announced "extras" to be used in the trigger price mechanism for 16 of the 17 steel mill products for which base prices were published in the Federal Register of January 9, 1978.

DISCUSSION OF MAJOR COMMENTS

SOME IMPORTERS WILL BE REQUIRED TO FILE BOTH THE NEW SPECIAL SUMMARY STEEL INVOICE (SSSI) AND THE SPECIAL CUSTOMS INVOICE (CF 6518)

Under amended section 141.83, importers of those steel products specified in section 141.83(b)(2) will be required to file both the SSSI and the Special Customs Invoice (SCI), unless the filing of the SCI is waived by the district director of Customs. Several commenters stated that, when applicable, only the SSSI should be required. One commenter suggested that all the data necessary to the TPM should be included in the SCI without the adoption of a new form.

The reason for retaining the optional requirement of an SCI is that certain information in the SCI is applicable only to a limited number of importations and it is impracticable to incorporate these items into the SSSI because of space limitation on the new form. Therefore, there will be a continuing need for both the SCI and the SSSI in a limited number of cases. District directors will be instructed to require both forms only when necessary. Because of the specialized nature of the information required for purposes of the TPM, the adoption of the new form is essential. Further, importers could not furnish this information readily on the SCI because that form has no space for providing it.

THE IMPORTER WILL BE REQUIRED TO PRESENT THE SSSI AT THE TIME ENTRY IS MADE

Several comments were directed to the requirement that the SSSI must be available in proper form at the time entry is made. It was suggested that this requirement would interfere with the immediate delivery system which
permits the release of merchandise to the importer in certain circumstances before the formal entry form is presented (19 CFR Part 142). Commenters requested that the importer be allowed additional time in which to file the SSSI. In this connection, one commenter suggested that the importer could be required to furnish a bond for subsequent delivery of the SSSI. Another commenter suggested that the importer should be allowed to enter the shipment for warehouse if he could not produce the SSSI at the time of entry.

The effectiveness of the TPM will depend upon the immediate availability of information in the SSSI. Prompt submission of the SSSI is therefore essential to the program. Under the immediate delivery procedure, the importer will have up to 10 working days after the date of release of the shipment to file the SSSI. This delay provides a reasonably sufficient time for compliance with the SSSI requirements. It is highly unlikely that redelivery of the merchandise to Customs custody for failure to supply the SSSI will be required in a significant number of cases. Warehousing of the merchandise upon arrival would be impracticable because of the handling costs involved for steel products. Further, the delay would preclude timely submission of the information for purposes of the TPM.

IMPORTERS WHOSE SHIPMENTS HAVE AN AGGREGATE PURCHASE PRICE OF NOT MORE THAN $2,500 NEED NOT FILE AN SSSI

Comments were directed to the provisions in section 141.89(b)(1) which will limit the requirement of an SSSI to any shipments (i) containing steel mill products, as defined in section 141.89(b)(2), and (ii) having an aggregate purchase price of over $2,500. The commenters generally suggested revision of the language describing the limitations. Some commenters would expand the scope of the limitation and some would require a more narrow definition. One comment suggested further clarification of the term "purchase price".

This provision was added to provide an exemption for the small number of shipments of limited value which may contain steel mill products. Such shipments can be regarded as non-commercial quantities, as commercial shipments of these types of products usually are valued over $2,500. Further, such amounts are not significant for purposes of the TPM. The $2,500 figure will be based in the purchase price as shown in the invoice filed in connection with entry.

RULES AND REGULATIONS

REFERENCE TO ACCOMPANYING DOCUMENTS

One comment requested that importers be allowed to provide the information called for by the SSSI in summary form and refer to accompanying documents for more detailed information.

The space provided in the SSSI will be sufficient in most cases for the importers to provide the requested information. To expedite examination of the form and compilation of the submitted information for purposes of the TPM, it will be necessary that the use of accompanying documents be minimized.

SHOULD IMPORTERS BE REQUIRED TO SUBMIT SALES CONTRACTS IN CERTAIN CIRCUMSTANCES?

In connection with Item 8 (Date Price Terms Agreed), it was suggested that if the importer claims that the contract was entered into before the effective date of the TPM, he should be required to attach a copy of the pertinent contract to the SSSI. The commenter suggested that an instruction to Item 8 be added for this purpose.

Although confirmation of the contract date stated in the SSSI may be necessary in some cases, this possibility does not appear to justify imposing this added burden upon importers. If an antidumping investigation ensues, the contracts can be examined to confirm this information.

INFORMATION CONCERNING THE DATE OF EXPORTATION WILL NOT BE REQUIRED

Concerning proposed Item 8b (Dated of exportation), several commenters made the point that this information generally will not be known at the time the SSSI is being prepared by the foreign exporter. This information will be set forth for the entry filed in conjunction with the SSSI and accordingly it is deleted from the SSSI.

IMPORTERS WILL BE REQUIRED TO INDICATE THE CURRENCY USED AND EXCHANGE RATE

Several commenters suggested that the currency and the applicable rate of currency exchange used to arrive at the sales price be stated on the SSSI. This information will be necessary for comparison of sales prices with the published trigger prices and the information accordingly will be requested under Item 8b of the SSSI as finally adopted.

INFORMATION CONCERNING EXTRAS PROVIDED BY THE MANUFACTURER

A significant number of comments were directed to the proposed provisions of Item 17 (Base Price), Item 18 (Extras) and Item 11 (Code for Other Extras). Generally, the commenters suggested the use of more specific descriptive terms to ensure that all of the usual extras are covered. Clarification of Item 15 (Description of Goods) and other qualifications are also extras for purposes of the SSSI. The scope of Item 15 also has been expanded to require that the specifications be included in the description of the goods.

DESCRIPTIONS OF SALES TRANSACTIONS NOT CUSTOMARY IN THE TRADE

One commenter requested that instructions be added to the SSSI to provide for circumstances in which the imported products were sold at a negotiated base price and the extras. The same commenter asked that the form be revised to better accommodate f.o.b. transactions.

The SSSI was designed to reflect prevailing trade practices for steel mill products as sold in the U.S. market. It would be impracticable to attempt to accommodate in detail on the form practices in less widely used transactions. However, the form contains ample space for a description of any sales made under other terms.

IMPORTATIONS NOT INVOLVING A SALE

A number of comments were directed at transactions in which the product is imported by a party related to the foreign shipper or is otherwise imported under circumstances in which an arms-length sale price may not exist. It was suggested that in any case in which these circumstances apply, the importer be required to furnish a written undertaking that he would later provide Customs with information as to the first resale price in the United States. It was noted that price information in connection with importations not involving a sale is now required of the importer in Item 27 of the Special Customs Invoice (CF 5515).

Customs believes that imposing the suggested undertaking at the time of entry would be impracticable. If the information is needed for purposes of the TPM, the district director can require the filing of the Special Customs Invoice. Further, under the Antidumping Act, resale information can be requested to determine "exporter's sales price."

OTHER COMMENTS SUGGESTING THAT MORE DETAILED INFORMATION BE REQUIRED

A number of comments recommended revision of the following items of the SSSI to obtain more detailed information:
Item 7—Origin of Goods.
Item 12(b)—Declaration of Seller/Shipper (or Agent).
Item 16—Quantity.
Item 24—Domestic Freight Charges.
Item 26—Other Costs.

The provisions of the SSSI were adopted after a thorough study of the needs of the TPM, and it is believed that the information requested by these items of the SSSI will be sufficient for purposes of the TPM. More detailed information can be obtained by direct inquiry in specific cases, if necessary. The limited space available in the form and the marginal benefit of the additional details in most cases also were considered.

COMMENTS ON THE TRIGGER PRICE MECHANISM

A large number of comments were received concerning the merits of the TPM. The Department of the Treasury will respond to these comments in a series of Questions and Answers to be issued from time to time.

EDITORIAL CHANGES

In Item 9 of the SSSI, the word “payment” is added so that the provisions of the item will conform to the corresponding item in the SCI. The order of Items 23 and 24 on the SSSI have been reversed. Other nonsubstantive corrections have been made to the regulations and SSSI.

SPECIAL SUMMARY STEEL INVOICE

Copies of the Special Summary Steel Invoice (SSSI) designated as Customs Form 5520, may be obtained from any district director of Customs, the U.S. Government Printing Office, Washington, D.C. 20402, or through any U.S. Consul or U.S. Embassy. Copies may also be printed privately or by facsimile as long as they are identical in contents and size and not inferior in paper quality to that available from U.S. Government sources. A sample of the Special Summary Steel Invoice (SSSI) CF 5520, as revised, follows:
**SPECIAL SUMMARY STEEL INVOICE**

Prepare in Duplicate

<table>
<thead>
<tr>
<th>Document No.</th>
<th>Invoice No.</th>
<th>A/R Date</th>
<th>Additional Space for Extras Shown in Box 11</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**1. SELLER**

**2. CONSIGNEE**

**3. BUYER (if other than consignee)**

**4. ORIGIN OF GOODS**

**5. TERMS OF SALE, PAYMENTS AND DISCOUNTS**

**6. DATE PRICE TERMS AGREED**

<table>
<thead>
<tr>
<th>No. Currency Used</th>
<th>Exch. Rate (if fixed or agreed)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**7. DECLARATION OF SELLER/SHIPPER (OR AGENT)**

<table>
<thead>
<tr>
<th>I declare:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>If there are any rel. discounts or allowances shown upon the exportation of goods, I have checked box (A) and explained separately below.</td>
<td></td>
</tr>
<tr>
<td>If any unrelated incentives or reimbursements of dumping duties, or other inducements not reflected in this invoice have been, or will be paid or granted, I have checked Box B and explained below.</td>
<td></td>
</tr>
</tbody>
</table>

**8. DESCRIPTION OF GOODS**

<table>
<thead>
<tr>
<th>Category</th>
<th>Description of Goods (Include Specifications)</th>
<th>Quantity</th>
<th>Base Price</th>
<th>Width</th>
<th>Length</th>
<th>Code</th>
<th>Unit Price (in U.S. $)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**9. PACKING COSTS**

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
<th>Unit Price (in U.S. $)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**10. OTHER COSTS (Specify, Below)**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Unit Price (in U.S. $)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**11. CODE FOR OTHER EXTRAS**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**12. MARKS AND NUMBERS ON SHIPING PACKAGES**

<table>
<thead>
<tr>
<th>Category</th>
<th>Description of Goods (Include Specifications)</th>
<th>Quantity</th>
<th>Base Price</th>
<th>Width</th>
<th>Length</th>
<th>Code</th>
<th>Unit Price (in U.S. $)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**13. UNIT PRICE (IN U.S. $)**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Unit Price (in U.S. $)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**14. TOTALS**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Unit Price (in U.S. $)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SIGNATURE OF SELLER/SHIPPER (OR AGENT):**

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CUSTOMS FORM 5520 (2-7-78)**

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
Program for the United States Steel Industry approved by the President. Its implementation on an expedited basis is essential to its effectiveness, and no significant adverse effects of expedited implementation have been identified. Therefore, good cause exists for dispensing with a 30-day delayed effective date, and the amendments are made effective as of February 21, 1978.

(5 U.S.C. 553.)

DRIFTING INFORMATION

The principal author of this document was Edward T. Rosse, Regulations and Legal Publications Division, U.S. Customs Service. However, other personnel in the Customs Service and the Department of the Treasury assisted in its development.

AMENDMENT TO THE RULES

Part 141 of the Customs Regulations (19 CFR Part 141) is amended as set forth below.

R. E. CHASEN,
Commissioner of Customs.

Approved: February 8, 1978.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

The first sentence of §141.81 is amended to read as follows:

§141.81 Invoice for each shipment.

A special Customs invoice, a special summary invoice, or a commercial invoice shall be presented for each shipment of merchandise at the time of entry, subject to the conditions set forth in these regulations. * * *

§141.82 Invoice for installment shipments arriving within a period of 10 days.

* * *

(e) Special summary invoice. The provisions of this section shall not apply if a special summary invoice is required by §141.83(b).

Present paragraphs (b) and (c) of §141.83 are redesignated as paragraphs (c) and (d), respectively and a new paragraph (b) is added to read as follows:

§141.83 Type of invoice required.

* * *

(b) Special summary invoice. A special summary invoice shall be presented for each shipment of merchandise described in §141.89(b). The district director may waive production of a special Customs invoice (Customs Form 5515) if a special summary invoice is required.

* * *

Section 141.89 if amended by designating the present provisions of that section as paragraph (a) and inserting a new paragraph (b) to that section to read as follows:

§141.89 Additional information for certain classes of merchandise.

* * *

(b) Special summary steel invoice. (1) A Special Summary Steel Invoice (Customs Form) shall be presented in duplicate for each shipment which is determined by the district director to have an aggregate purchase price over $2,500 including all expenses incident to placing the merchandise in condition packed ready for shipment to the United States, and which contains any of the articles of steel listed in paragraph (b)(2) of this section. In addition to the information required by §141.86, the Special Summary Steel Invoice shall set forth the following:

(A) Date price terms were agreed upon (the date of agreement on the final sales price for the shipment).

(B) Description and cost of extras (a description of, and the additional price charged for, extras other than width and length, with extras described in terms understood in the United States market).

(C) American Iron and Steel Institute (AISI) category.

(D) Base price (the base price for each steel category on which the total sales price was based).

(2) The following articles of steel are subject to the special invoice requirements of §141.89(b)(1):

(A) Ingots, blooms, billets, slabs, etc.

(B) Wire rods.

(C) Structural shapes, plain 3 inches and over.

(D) Sheet piling.

(E) Plates.

(F) Rail and track accessories.

(G) Concrete reinforcing bars.

(H) Structural shapes—plain 3 inches and over.

(I) Bar shapes under 3 inches.

(J) Bars, hot rolled, carbon.

(K) Bars, hot rolled, alloy.

(L) Bars, cold finished.

(M) Hollow drill steel.

(N) Welded pipe and tubing.

(O) Other pipe and tubing.

(P) Round and shaped wire.

(Q) Flat wire.

(R) Bale ties.

(S) Galvanized wire fencing.

(T) Wire nails.

(U) Barbed wire.

(V) Black plate.

(W) Tine plate.

(X) Tener plate.

(Y) Sheets, hot rolled.

(Z) Sheets, cold rolled.

(-AA) Sheets, coated including galvanized.

(AB) Sheets, coated, alloy.

(CC) Strip, hot rolled.

(DD) Strip, cold rolled.

(EE) Strip, hot and cold rolled—alloy.

(FF) Sheets other, Electric Coated.

The introductory clause of §141.91 is amended to read as follows:

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
§ 141.91 Entry without required invoice.
If a required invoice, other than a special summary invoice, is not available in proper form at the time of entry and a waiver in accordance with § 141.92 is not granted, the entry shall be accepted only under the following conditions:

* * * * *

The introductory clause of § 141.92(a) is amended to read as follows:

§ 141.92 Waiver of invoice requirements.
(a) When waiver may be granted. The district director may waive production of a required invoice, except a special summary invoice required by § 141.83(b), when he is satisfied that either:

* * * * *


PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

Communities With Detailed Engineering Data (Flood Insurance Rate Maps)

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to provide a list of communities for which the Federal Insurance Administrator has recently issued a new or revised Flood Insurance Rate Map (FIRM), usually providing water surface elevations for Special Flood Hazard Areas. The engineering data on the FIRM is used by local community officials as the basis for flood plain management measures to reduce future flood losses; it is also the basis for actuarial rates for flood insurance.

EFFECTIVE DATE: The effective date of the most recent FIRM revision is listed in the last column.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room, 5270, 451

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Community</th>
<th>Community No.</th>
<th>Effective date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Pinellas</td>
<td>City of St. Petersburg</td>
<td>125148A</td>
<td>June 10, 1977</td>
</tr>
<tr>
<td></td>
<td>Indian River</td>
<td>City of Vero Beach</td>
<td>120126A</td>
<td>Sept. 30, 1977</td>
</tr>
<tr>
<td></td>
<td>Volusia</td>
<td>Volusia County</td>
<td>125165B</td>
<td>July 1, 1977</td>
</tr>
<tr>
<td></td>
<td>Okaloosa</td>
<td>City of Deltona</td>
<td>130060A</td>
<td>May 10, 1977</td>
</tr>
<tr>
<td></td>
<td>Gadsden</td>
<td>City of Melbourne</td>
<td>130075B</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>DeKalb</td>
<td>City of Columbus</td>
<td>130089B</td>
<td>Sept. 30, 1977</td>
</tr>
<tr>
<td></td>
<td>Muscogee</td>
<td>City of Dothan</td>
<td>131098B</td>
<td>July 30, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Jacksonville</td>
<td>130099B</td>
<td>Sept. 9, 1977</td>
</tr>
<tr>
<td></td>
<td>Clay</td>
<td>City of Forest Park</td>
<td>130101A</td>
<td>May 16, 1977</td>
</tr>
<tr>
<td>Iowa</td>
<td>Dubuque</td>
<td>City of Dubuque</td>
<td>130170B</td>
<td>Do.</td>
</tr>
<tr>
<td></td>
<td>Muscatine</td>
<td>City of Independence</td>
<td>130074B</td>
<td>Aug. 17, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Iowa City</td>
<td>130171A</td>
<td>May 2, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Des Moines</td>
<td>130172A</td>
<td>Aug. 17, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Council Bluffs</td>
<td>130247B</td>
<td>Aug. 30, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Marshalltown</td>
<td>130174B</td>
<td>July 17, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Des Moines</td>
<td>130175A</td>
<td>Aug. 17, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Altoona</td>
<td>130176B</td>
<td>July 17, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Davenport</td>
<td>130177A</td>
<td>Aug. 17, 1977</td>
</tr>
<tr>
<td>Illinois</td>
<td>Lake and Cook</td>
<td>Village of Deerfield</td>
<td>170640A</td>
<td>May 16, 1977</td>
</tr>
<tr>
<td></td>
<td>Stephenson</td>
<td>City of Freeport</td>
<td>170361B</td>
<td>Sept. 30, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Grafton</td>
<td>170404A</td>
<td>May 16, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Village of Homewood</td>
<td>170362C</td>
<td>Do.</td>
</tr>
<tr>
<td>Indiana</td>
<td>DuPage</td>
<td>City of Wood Dale</td>
<td>180107B</td>
<td>Do.</td>
</tr>
<tr>
<td></td>
<td>Jefferson</td>
<td>City of Madison</td>
<td>180114B</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Marshall</td>
<td>City of Plymouth</td>
<td>180115B</td>
<td>Aug. 17, 1977</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Wyandotte and Johnson</td>
<td>200166C</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Louisville</td>
<td>200167B</td>
<td>Sept. 30, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Leawood</td>
<td>200168B</td>
<td>Aug. 1, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Overland Park</td>
<td>200174A</td>
<td>Sept. 30, 1977</td>
</tr>
<tr>
<td>Kansas</td>
<td>Johnson</td>
<td>City of Leavenworth</td>
<td>202148B</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Leavenworth</td>
<td>202149B</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Bossier Parish</td>
<td>Town of Benton</td>
<td>220032B</td>
<td>July 26, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>W. Baton Rouge Parish</td>
<td>220209B</td>
<td>July 5, 1977</td>
</tr>
<tr>
<td></td>
<td>Tangipahoa Parish</td>
<td>Town of Independence</td>
<td>220214B</td>
<td>June 26, 1977</td>
</tr>
<tr>
<td></td>
<td>Avoyelles Parish</td>
<td>Town of Mansura</td>
<td>220255B</td>
<td>June 25, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Village of Mound</td>
<td>220216A</td>
<td>Do.</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Plaquemine</td>
<td>220256A</td>
<td>June 26, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of St. Francisville</td>
<td>220256B</td>
<td>May 2, 1977</td>
</tr>
<tr>
<td>Maine</td>
<td>Oxford</td>
<td>Town of Skowhegan</td>
<td>230098A</td>
<td>Aug. 1, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Farmington</td>
<td>230125A</td>
<td>Aug. 1, 1977</td>
</tr>
<tr>
<td></td>
<td>York</td>
<td>Town of Bath</td>
<td>230099A</td>
<td>Aug. 1, 1977</td>
</tr>
<tr>
<td></td>
<td>Washington</td>
<td>Town of Winthrop</td>
<td>230250B</td>
<td>Sept. 30, 1977</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Plymouth</td>
<td>Town of Abington</td>
<td>250365A</td>
<td>May 1, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Brookline</td>
<td>250365B</td>
<td>May 1, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Dartmouth</td>
<td>250365C</td>
<td>May 2, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Duxbury</td>
<td>250365D</td>
<td>May 2, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Peabody</td>
<td>250365E</td>
<td>May 2, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Fall River</td>
<td>250365F</td>
<td>May 2, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Taunton</td>
<td>250365G</td>
<td>May 2, 1977</td>
</tr>
<tr>
<td>Michigan</td>
<td>Iosco</td>
<td>City of E. Tawas</td>
<td>260051A</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Escanaba</td>
<td>260051B</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Gladstone</td>
<td>260051C</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Harbor Springs</td>
<td>260052A</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Township of Lakeside</td>
<td>260052B</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Monroe</td>
<td>260052C</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Township of Muskegon</td>
<td>260052D</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of N. Muskegon</td>
<td>260052E</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td>Minnesota</td>
<td>LeSueur</td>
<td>Village of Shudrow</td>
<td>260052F</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Brown</td>
<td>Brown County</td>
<td>260053A</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Huronville</td>
<td>270102A</td>
<td>April 1, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Champlin</td>
<td>270103A</td>
<td>July 18, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Cold Spring</td>
<td>270444B</td>
<td>Aug. 1, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Crookston</td>
<td>270364B</td>
<td>July 17, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of E. Grand Fork</td>
<td>275236A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Elk River</td>
<td>270436B</td>
<td>May 2, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Marshall</td>
<td>270436C</td>
<td>May 2, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Moorhead</td>
<td>270536C</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Mora</td>
<td>270536D</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of North Mankato</td>
<td>270536E</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Lincoln</td>
<td>City of Brookhaven</td>
<td>270536F</td>
<td>July 17, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Brookhaven</td>
<td>270536G</td>
<td>July 17, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Hillside</td>
<td>270536H</td>
<td>July 17, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Leland</td>
<td>270536I</td>
<td>July 17, 1977</td>
</tr>
<tr>
<td>Missouri</td>
<td>Clark</td>
<td>City of Alexandria</td>
<td>290088A</td>
<td>May 2, 1977</td>
</tr>
<tr>
<td>State</td>
<td>County</td>
<td>Community</td>
<td>Community No</td>
<td>Effective date</td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
<td>---------------------------</td>
<td>--------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Missouri</td>
<td>St. Louis</td>
<td>Village of Bel-Nor</td>
<td>290322A</td>
<td>Aug. 29, 1977</td>
</tr>
<tr>
<td></td>
<td>Pike</td>
<td>City of Bowling Green</td>
<td>290325A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>St. Louis</td>
<td>City of Brentwood</td>
<td>290328A</td>
<td>May 16, 1977</td>
</tr>
<tr>
<td></td>
<td>Clay</td>
<td>Village of Claycomo</td>
<td>290329A</td>
<td>May 16, 1977</td>
</tr>
<tr>
<td></td>
<td>St. Louis</td>
<td>City of Clayton</td>
<td>290330A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Village of Cool Valley</td>
<td>290331A</td>
<td>May 16, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>City of Crestwood</td>
<td>290332A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Jefferson</td>
<td>City of Crystal City</td>
<td>290333A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Lincoln</td>
<td>City of Elsberry</td>
<td>290334A</td>
<td>May 16, 1977</td>
</tr>
<tr>
<td></td>
<td>Shannon</td>
<td>City of Eminence</td>
<td>290335A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>St. Louis</td>
<td>City of Eureka</td>
<td>290336A</td>
<td>May 16, 1977</td>
</tr>
<tr>
<td></td>
<td>Clay</td>
<td>Village of Glenaire</td>
<td>290337A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Texas</td>
<td>City of Houston</td>
<td>290338A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>City of Moberly</td>
<td>290339A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Marston</td>
<td>Marion County</td>
<td>290340A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Randolph</td>
<td>City of Moberly</td>
<td>290341A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Village of Pleasant Valley</td>
<td>290342A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Village of Randolph</td>
<td>290343A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>St. Louis</td>
<td>City of Richmond Heights</td>
<td>290344A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Platte</td>
<td>City of Riverside</td>
<td>290345A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>St. Louis</td>
<td>City of Rock Hill</td>
<td>290346A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Phillips</td>
<td>City of Rolla</td>
<td>290347A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>City of St. Joseph</td>
<td>290348A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Ste. Genevieve</td>
<td>City of St. Genevieve</td>
<td>290349A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>City of Times Beach</td>
<td>290350A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td>Montana</td>
<td>Cascade</td>
<td>City of Great Falls</td>
<td>290351A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Clay</td>
<td>City of Beatrice</td>
<td>290352A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Village of Corland</td>
<td>290353A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Bergen</td>
<td>Borough of Bergencfield</td>
<td>290354A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Essex</td>
<td>Town of Bloomfield</td>
<td>290355A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Ocean</td>
<td>Township of Brick</td>
<td>290356A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Burlington</td>
<td>City of Burlington</td>
<td>290357A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Township of Delran</td>
<td>290358A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Hudson</td>
<td>Borough of E. Newark</td>
<td>290359A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Town of Harrison</td>
<td>290360A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Middlesex</td>
<td>Borough of Highland</td>
<td>290361A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Borough of Ho Ho Kus</td>
<td>290362A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Ocean</td>
<td>Township of Lacey</td>
<td>290363A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Monmouth</td>
<td>Township of Manalapan</td>
<td>290364A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Borough of Mantoloking</td>
<td>290365A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Essex</td>
<td>Township of Maplewood</td>
<td>290366A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Bergen</td>
<td>Borough of Maywood</td>
<td>290367A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Cape May</td>
<td>Township of Middle</td>
<td>290368A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Bergen</td>
<td>Borough of Midland Park</td>
<td>290369A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Monmouth</td>
<td>Borough of Monmouth</td>
<td>290370A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Essex</td>
<td>City of Montclair</td>
<td>290371A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Bergen</td>
<td>Borough of Saddle River</td>
<td>290372A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Union</td>
<td>Township of Scotch Plains</td>
<td>290373A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Essex</td>
<td>Village of S. Orange</td>
<td>290374A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Bergen</td>
<td>Borough of Upper Saddle River</td>
<td>290375A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Essex</td>
<td>Town of West Orange</td>
<td>290376A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Dona Ana</td>
<td>City of Last Cruces</td>
<td>290377A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td>New York</td>
<td>Buffalo</td>
<td>Village of Amityville</td>
<td>290378A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Village of Babylon</td>
<td>290379A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Bleuban</td>
<td>Village of Bath</td>
<td>290380A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Broome</td>
<td>City of Binghamton</td>
<td>290381A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Cayuga</td>
<td>Village of Cayuga</td>
<td>290382A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Erie</td>
<td>Town of Cheektowaga</td>
<td>290383A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Town of Collins</td>
<td>290384A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Broome</td>
<td>Town of Colvin</td>
<td>290385A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Erie</td>
<td>Town of Elma</td>
<td>290386A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Town of Evans</td>
<td>290387A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Cattaraugus and Village of Gowanda</td>
<td>290388A</td>
<td>Sept. 15, 1977</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monroe</td>
<td>Village of Honeye Falls</td>
<td>290389A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Village of Johnson City</td>
<td>290390A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Town of Kirkwood</td>
<td>290391A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Westchester</td>
<td>Village of Larchmont</td>
<td>290392A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Sullivan</td>
<td>Village of Liberty</td>
<td>290393A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Buffalo</td>
<td>Village of Livermore</td>
<td>290394A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Village of Longhushton</td>
<td>290395A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Suffolk</td>
<td>Village of North Haven</td>
<td>290396A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Oswego</td>
<td>Town of Oswego</td>
<td>290397A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Village of Painted Prat</td>
<td>290398A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Wyoming</td>
<td>Village of Perry</td>
<td>290399A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Broome</td>
<td>Village of Fort Dickinson</td>
<td>290400A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>do.</td>
<td>Town of Pulley</td>
<td>290401A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Suffolk</td>
<td>Village of Quinnage</td>
<td>290402A</td>
<td>Sept. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Lewis</td>
<td>Village of Turin</td>
<td>290403A</td>
<td>Sept. 15, 1977</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Community</th>
<th>Community No.</th>
<th>Effective date</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>Broome</td>
<td>Town of Vestal</td>
<td>300057B</td>
<td>July 5, 1977</td>
</tr>
<tr>
<td></td>
<td>Carteret</td>
<td>Town of Beaufort</td>
<td>3706358</td>
<td>Aug. 12, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Belhaven</td>
<td>370615A</td>
<td>May 16, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Edwards</td>
<td>370620B</td>
<td>July 5, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Hobgood</td>
<td>370186I</td>
<td>July 1, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of New York</td>
<td>370368A</td>
<td>July 18, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Surf City</td>
<td>370155I</td>
<td>Sept. 30, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Topsail</td>
<td>300193B</td>
<td>July 18, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of Windsor</td>
<td>300154B</td>
<td>July 18, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Town of York</td>
<td>300128B</td>
<td>July 18, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Grand Forks</td>
<td>380068B</td>
<td>Aug. 26, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Veta</td>
<td>380029B</td>
<td>Aug. 26, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Village of Daytona</td>
<td>390167A</td>
<td>Aug. 26, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Port Clinton</td>
<td>390434B</td>
<td>Aug. 26, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Spartan</td>
<td>390434B</td>
<td>Aug. 26, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Warren</td>
<td>390154A</td>
<td>Aug. 26, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>City of Youngstown</td>
<td>390154A</td>
<td>Aug. 26, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Borough of Manor</td>
<td>420902A</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Borough of Meadville</td>
<td>420563B</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Borough of Lower Allen</td>
<td>420185B</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Borough of Lower Abase</td>
<td>420563B</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Borough of Lower Abase</td>
<td>420563B</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Borough of Lower Abase</td>
<td>420563B</td>
<td>Aug. 15, 1977</td>
</tr>
<tr>
<td>State</td>
<td>County</td>
<td>Community</td>
<td>Community No.</td>
<td>Effective date</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
<td>-----------------</td>
<td>---------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Huntingdon</td>
<td>Borough of Mount Union</td>
<td>42048B</td>
<td>Do</td>
</tr>
<tr>
<td>Do</td>
<td>Berks</td>
<td>Township of Omelee</td>
<td>420986C</td>
<td>June 1, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Luzerne</td>
<td>City of Pittston</td>
<td>420962B</td>
<td>May 2, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Northumberland</td>
<td>Township of Point</td>
<td>4201028B</td>
<td>May 2, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Bucks</td>
<td>Borough of Quakertown</td>
<td>4201125B</td>
<td>May 2, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Delaware</td>
<td>Township of Radnor</td>
<td>420136A</td>
<td>July 5, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Berks</td>
<td>Township of Robeson</td>
<td>420148B</td>
<td>July 18, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Dauphin</td>
<td>Township of South Hanover</td>
<td>420935A</td>
<td>May 2, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Northumberland</td>
<td>City of Sunbury</td>
<td>420743B</td>
<td>July 18, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Delaware</td>
<td>Borough of Swarthmore</td>
<td>420435A</td>
<td>May 16, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Delaware</td>
<td>Borough of Trainer</td>
<td>4201125B</td>
<td>May 2, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Okanogan</td>
<td>Township of Twisp</td>
<td>530124B</td>
<td>July 18, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Delaware</td>
<td>Township of Upper Chichester</td>
<td>420435B</td>
<td>Do</td>
</tr>
<tr>
<td>Do</td>
<td>Chester</td>
<td>Township of West White Island</td>
<td>420295B</td>
<td>May 2, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>do</td>
<td>Borough of White Haven</td>
<td>420435B</td>
<td>Do</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Newport</td>
<td>Town of Tiverton</td>
<td>440012A</td>
<td>May 2, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Colleton</td>
<td>Town of Edisto Beach</td>
<td>450414B</td>
<td>June 17, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Perry</td>
<td>City of Myrtle Beach</td>
<td>450629B</td>
<td>July 5, 1977.</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Butte</td>
<td>City of Belle Fourche</td>
<td>460012B</td>
<td>June 1, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Meade</td>
<td>City of Sturgis</td>
<td>460055C</td>
<td>Do</td>
</tr>
<tr>
<td>Do</td>
<td>Anderson</td>
<td>Township of Clinton</td>
<td>470001B</td>
<td>July 18, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Marion</td>
<td>Town of Jasper</td>
<td>475429B</td>
<td>May 20, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Brazoria</td>
<td>City of Angleton</td>
<td>480046B</td>
<td>June 10, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Tarrant</td>
<td>City of Bedford</td>
<td>480835A</td>
<td>July 18, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Brazoria</td>
<td>Brazoria County</td>
<td>485456B</td>
<td>June 10, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Johnson and Tarrant</td>
<td>City of Burleson</td>
<td>484582D</td>
<td>June 24, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Galveston</td>
<td>Galveston County</td>
<td>485475B</td>
<td>June 24, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>do</td>
<td>Village of Jamaica Beach</td>
<td>481271B</td>
<td>Do</td>
</tr>
<tr>
<td>Do</td>
<td>do</td>
<td>City of League City</td>
<td>485488B</td>
<td>June 17, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>do</td>
<td>City of Leon Valley</td>
<td>480053B</td>
<td>June 16, 1977.</td>
</tr>
<tr>
<td>Do</td>
<td>Aransas</td>
<td>City of Rockport</td>
<td>485804C</td>
<td>Sept. 9, 1977.</td>
</tr>
</tbody>
</table>
PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Bethlehem, Lehigh and Northampton Counties, Pa.

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 Bethlehem, Lehigh and Northampton Counties, Pa. These base (100-year) 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 Bethlehem, Lehigh and Northampton Counties, Pa., are available for review at the City Hall, 10 East Church Street, Bethlehem, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5551 or toll free line 800-434-8872, Room 7260, 400 Seventh Street SW., Washington, D.C. 20410.


An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator 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:

[Table of elevations]


Patricia Roberts Harris,
Secretary.

[FR Doc. 78-3665 Filed 2-10-78; 8:45 am]


Patricia Roberts Harris,
Secretary.

[FR Doc. 78-3530 Filed 2-10-78; 8:45 am]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Greenville, Pitt County, N.C.

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 Greenville, Pitt County, N.C. The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

TAR RIVER

Feet above mean sea level

<table>
<thead>
<tr>
<th>Source of Flooding</th>
<th>Location</th>
<th>Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>River</td>
<td>Greenville Blvd</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>RIE</td>
<td>23</td>
</tr>
<tr>
<td>Green Mill Run</td>
<td>North Green St.</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Elm St.</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>Evans St.</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Memorial Dr.</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>SR 1135</td>
<td>60</td>
</tr>
<tr>
<td>North Fork Green</td>
<td>N. &amp; S. RR</td>
<td>63</td>
</tr>
<tr>
<td>Mill Run</td>
<td>SR 1300</td>
<td>88</td>
</tr>
<tr>
<td></td>
<td>14th St.</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>South Elm St.</td>
<td>39</td>
</tr>
<tr>
<td>Parkers Creek and Lateral No. 1.</td>
<td>North Green St.</td>
<td>24</td>
</tr>
<tr>
<td>Parkers Creek and Lateral No. 2.</td>
<td>NC 30</td>
<td>23</td>
</tr>
<tr>
<td>Hardeen Creek</td>
<td>North Green St.</td>
<td>24</td>
</tr>
<tr>
<td>Bells Branch</td>
<td>Oxford Rd.</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>York Rd.</td>
<td>56</td>
</tr>
<tr>
<td>Reedy Branch</td>
<td>10th St.</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>South Wright Rd.</td>
<td>36</td>
</tr>
<tr>
<td>Meeting House Branch.</td>
<td>N. &amp; S. RR</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>King George Rd.</td>
<td>37</td>
</tr>
</tbody>
</table>

Downstream side.

(1) Flood elevations for the city of Greenville, N.C., are available for review at City Hall, Greenville, N.C.

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Grand Strand Flood District, Horry County, S.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Grand Strand District, Horry County, S.C., are available for review at the County Courthouse, Conway, 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 Grand Strand Flood District, Horry County, S.C.


PATRICIA ROBERTS HARRIS, Secretary.

(FR Doc. 78-3532 Filed 2-10-78; 8:45 am)

(1) Flood elevations for selected locations are:

Atlantic Avenue Ocean Drive

<table>
<thead>
<tr>
<th>Source of Flooding</th>
<th>Location</th>
<th>Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5th Ave.</td>
<td>13</td>
</tr>
<tr>
<td>Old Conway Highway</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Shore Dr.</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Kings Rd.</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Beach Dr.</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Waccamaw Dr.</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Ocean Blvd.</td>
<td>14</td>
<td></td>
</tr>
</tbody>
</table>


PATRICIA ROBERTS HARRIS, Secretary.

(FR Doc. 78-3532 Filed 2-10-78; 8:45 am)
RULES AND REGULATIONS

[4210-01]

[Docket No. FI-2915]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Independent City of Bedford, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the independent city of Bedford, Va.

These base (100-year) flood elevations are the basis for the floodplain 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 Independent City of Bedford, Va., are available for review in the meeting room, Keating Township Municipal Building, 215 East Main Street, Bedford, Va., are available for review in the meeting room, Keating Township Municipal Building, 215 East Main Street, Bedford, 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 Township of Keating, McKean County, Pa.


PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78-3543 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-2923]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Keating, McKean 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 Keating, McKean County, Pa.

These base (100-year) flood elevations are the basis for the floodplain 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 Keating, McKean County, Pa.


PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78-3533 Filed 2-10-78; 8:45 am]

THE FINAL BASE (100-YEAR) FLOOD ELEVATIONS FOR SELECTED LOCATIONS ARE:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Johns Creek-</td>
<td>Downstream</td>
<td>Corporate 818</td>
</tr>
<tr>
<td>Limits.</td>
<td>At 1st tributary</td>
<td>823</td>
</tr>
<tr>
<td></td>
<td>At 2d tributary</td>
<td>845</td>
</tr>
<tr>
<td></td>
<td>At Town Branch</td>
<td>862</td>
</tr>
<tr>
<td></td>
<td>At Va, Route 297</td>
<td>862</td>
</tr>
<tr>
<td>Unnamed</td>
<td>Elk's Private Drive</td>
<td>861</td>
</tr>
<tr>
<td>Tributary to Little</td>
<td>Otter River</td>
<td></td>
</tr>
</tbody>
</table>


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 floodplain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potato Creek-</td>
<td>Intersection of northern corporate limit of Smethport and Potato Creek</td>
<td>1,467</td>
</tr>
<tr>
<td>U.S. Route 6</td>
<td>Bridge of crossing</td>
<td>1,469.5</td>
</tr>
<tr>
<td>Intersection of</td>
<td>southern corporate limit of Smethport and Potato Creek</td>
<td>1,474.5</td>
</tr>
<tr>
<td>Miller Brook-</td>
<td>Confluence with</td>
<td>1,471</td>
</tr>
<tr>
<td>Potato Creek.</td>
<td>Abandoned railroad bridge.</td>
<td>1,473</td>
</tr>
<tr>
<td>U.S. Route 6</td>
<td>Upland of Culvert</td>
<td>1,505</td>
</tr>
</tbody>
</table>


PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78-3533 Filed 2-10-78; 8:45 am]
The final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of Flooding</th>
<th>Location</th>
<th>Elevation in feet, above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>McGee Run</td>
<td>Upstream</td>
<td>1,228</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,206</td>
</tr>
<tr>
<td>East 1st Avenue</td>
<td></td>
<td>1,194</td>
</tr>
<tr>
<td>Canadianway</td>
<td></td>
<td>1,137</td>
</tr>
<tr>
<td>4th Street—Route 217</td>
<td></td>
<td>1,145</td>
</tr>
<tr>
<td>Downstream</td>
<td></td>
<td>1,126</td>
</tr>
<tr>
<td>Garlane Mills Run</td>
<td>Upstream</td>
<td>1,297</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,240</td>
</tr>
<tr>
<td>West Utopia Street</td>
<td></td>
<td>1,209</td>
</tr>
<tr>
<td>West 4th Avenue</td>
<td></td>
<td>1,198</td>
</tr>
<tr>
<td>West Kelly Way</td>
<td></td>
<td>1,155</td>
</tr>
</tbody>
</table>

**RULES AND REGULATIONS**

The final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of Flooding</th>
<th>Location</th>
<th>Elevation in feet, above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>McGee Run</td>
<td>Upstream</td>
<td>1,228</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,206</td>
</tr>
<tr>
<td>East 1st Avenue</td>
<td></td>
<td>1,194</td>
</tr>
<tr>
<td>Canadianway</td>
<td></td>
<td>1,137</td>
</tr>
<tr>
<td>4th Street—Route 217</td>
<td></td>
<td>1,145</td>
</tr>
<tr>
<td>Downstream</td>
<td></td>
<td>1,126</td>
</tr>
<tr>
<td>Garlane Mills Run</td>
<td>Upstream</td>
<td>1,297</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,240</td>
</tr>
<tr>
<td>West Utopia Street</td>
<td></td>
<td>1,209</td>
</tr>
<tr>
<td>West 4th Avenue</td>
<td></td>
<td>1,198</td>
</tr>
<tr>
<td>West Kelly Way</td>
<td></td>
<td>1,155</td>
</tr>
</tbody>
</table>

**FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978**

---

**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 Spartanburg, Spartanburg County, S.C.


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.

**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 Spartanburg, Spartanburg County, S.C.


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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Chinequin Creek</td>
<td>S.C. Highway 29...</td>
<td>750</td>
</tr>
<tr>
<td>Tributary C-1</td>
<td>Centennial St.</td>
<td>728</td>
</tr>
<tr>
<td>Chinoqupe Creek</td>
<td>Daniel Morgan Ave.</td>
<td>587</td>
</tr>
<tr>
<td>Holston Creek</td>
<td>S.C. Highway 29...</td>
<td>755</td>
</tr>
<tr>
<td>Parley Branch</td>
<td>U.S. Highway 29...</td>
<td>798</td>
</tr>
<tr>
<td>Greenville Branch</td>
<td>U.S. Highway 29...</td>
<td>765</td>
</tr>
<tr>
<td>Williams Branch</td>
<td>U.S. Highway 29...</td>
<td>765</td>
</tr>
</tbody>
</table>

---

**FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978**

---

PATRICIA ROBERTS HARRIS,
Secretary,
[FR Doc. 78-3534 Filed 2-10-78; 8:45 am]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Upper Providence, Montgomery County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year) flood are listed below for selected locations in the Township of Upper Providence, Montgomery County, Pa.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Upper Providence, Montgomery County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final flood elevations, for the City of Jamestown, Chautauqua County, N.Y., are available for review at the City Hall, Jamestown, N.Y.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Upper Providence, Montgomery 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. 4001-4126, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of Flooding</th>
<th>Location</th>
<th>Elevation in feet, above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schuylkill River ..........</td>
<td>Conrail railroad bridge.</td>
<td>97.8</td>
</tr>
<tr>
<td></td>
<td>Pennsylvannia</td>
<td>101.8</td>
</tr>
<tr>
<td></td>
<td>Route 29</td>
<td>106.3</td>
</tr>
<tr>
<td></td>
<td>Black Rock Rd ....</td>
<td>108.7</td>
</tr>
<tr>
<td></td>
<td>Conrail railroad bridge</td>
<td>112.9</td>
</tr>
<tr>
<td></td>
<td>Upstream</td>
<td>119.4</td>
</tr>
<tr>
<td></td>
<td>Corporate limit.</td>
<td>119.4</td>
</tr>
<tr>
<td></td>
<td>Egypt Rd ..........</td>
<td>107.4</td>
</tr>
<tr>
<td></td>
<td>Arcola Rd..........</td>
<td>114.3</td>
</tr>
</tbody>
</table>

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. 4001-4126, and 24 CFR Part 1917.(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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chagokin River</td>
<td>East Corporate Limits</td>
<td>1,362</td>
</tr>
<tr>
<td></td>
<td>ConRail Bridge</td>
<td>1,207</td>
</tr>
<tr>
<td></td>
<td>Buffalo Street</td>
<td>1,277</td>
</tr>
<tr>
<td></td>
<td>Chandler Street</td>
<td>1,269</td>
</tr>
<tr>
<td></td>
<td>Windsor Street</td>
<td>1,293</td>
</tr>
<tr>
<td></td>
<td>Poole Avenue</td>
<td>1,298</td>
</tr>
<tr>
<td></td>
<td>Main Street</td>
<td>1,902</td>
</tr>
<tr>
<td></td>
<td>West Sixth Street</td>
<td>1,310</td>
</tr>
<tr>
<td></td>
<td>West Corporate Limits</td>
<td>1,310</td>
</tr>
</tbody>
</table>


PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3520 Filed 2-10-78; 8:45 am]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of West Bloomfield, Ontario County, N.Y.

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 West Bloomfield, Ontario County, N.Y.

These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to 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 Aberdeen, Brown County, S. Dak.

ADDRESSSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Aberdeen, Brown County, S. Dak., are available for review at the Aberdeen Municipal Building, on the first floor, 123 South Lincoln Street, Aberdeen, S. Dak.

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.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Aberdeen, Brown County, S. Dak.

These base (100-year) flood elevations are the basis for the floodplain 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 Aberdeen, Brown County, S. Dak.

ADDRESSSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Aberdeen, Brown County, S. Dak., are available for review at the Aberdeen Municipal Building, on the first floor, 123 South Lincoln Street, Aberdeen S. Dak.

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 Aberdeen, Brown County, S. Dak.


An opportunity for the community or individuals to appeal this determination 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 floodplain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honeoye Creek</td>
<td>North corporate limits</td>
<td>670</td>
</tr>
<tr>
<td></td>
<td>Route 65</td>
<td>684</td>
</tr>
<tr>
<td></td>
<td>Martin Rd</td>
<td>705</td>
</tr>
<tr>
<td></td>
<td>U.S. Highway No. 20</td>
<td>742</td>
</tr>
<tr>
<td></td>
<td>Gleason Rd</td>
<td>774</td>
</tr>
<tr>
<td></td>
<td>(extended)</td>
<td>793</td>
</tr>
<tr>
<td></td>
<td>Gray Rd</td>
<td>792</td>
</tr>
<tr>
<td></td>
<td>South corporate limits</td>
<td>793</td>
</tr>
</tbody>
</table>


PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3521 Filed 2-10-78; 8:45 am]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Aberdeen, Brown County, S. Dak.

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 Aberdeen, Brown County, S. Dak.

These base (100-year) flood elevations are the basis for the floodplain 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 Aberdeen, Brown County, S. Dak.

ADDRESSSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Aberdeen, Brown County, S. Dak., are available for review at the Aberdeen Municipal Building, on the first floor, 123 South Lincoln Street, Aberdeen S. Dak.

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 Aberdeen, Brown County, S. Dak.


An opportunity for the community or individuals to appeal this determination 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 floodplain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moccasin Creek</td>
<td>Confluence with Moccasin Creek</td>
<td>1,297</td>
</tr>
<tr>
<td></td>
<td>Tributary</td>
<td>3d Ave</td>
</tr>
</tbody>
</table>
### RULES AND REGULATIONS

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation, feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moccasin Creek</td>
<td>8th Ave</td>
<td>1,296</td>
</tr>
<tr>
<td></td>
<td>FR 17804</td>
<td>1,296</td>
</tr>
<tr>
<td></td>
<td>Brown County 14</td>
<td>1,294</td>
</tr>
<tr>
<td>Tributary</td>
<td>B. N. RR</td>
<td>1,298</td>
</tr>
<tr>
<td></td>
<td>CR 56 &amp; P.</td>
<td>1,298</td>
</tr>
<tr>
<td></td>
<td>RR.</td>
<td>1,297</td>
</tr>
<tr>
<td>Foot Creek</td>
<td>Melgaard Rd</td>
<td>1,302</td>
</tr>
<tr>
<td></td>
<td>Frontage Rd</td>
<td>1,302</td>
</tr>
<tr>
<td></td>
<td>U.S. 281</td>
<td>1,301</td>
</tr>
<tr>
<td></td>
<td>Brown County 14</td>
<td>1,300</td>
</tr>
</tbody>
</table>


SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator must give notice of his final determinations of flood elevations for the City of Morristown, Hamblen 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, feet above mean sea level
--- | --- | ---
**Turkey Creek** | Fairview Rd. (downstream side) | 1,136 |
| | Fairview Rd. (upstream side) | 1,130 |
| | South Outer Dr. (downstream side) | 1,182 |
| | South Outer Dr. (upstream side) | 1,186 |
| | Davis Ave. (downstream side) | 1,218 |
| | Davis Ave. (upstream side) | 1,231 |
| | Cherokee Dr. (downstream side) | 1,244 |
| | Cherokee Dr. (upstream side) | 1,244 |
| | West Third North St. (downstream side) | 1,266 |
| | West Third North St. (upstream side) | 1,267 |
| | Sunrise Ave. (downstream side) | 1,303 |
| | Sunrise Ave. (upstream side) | 1,303 |
| **West Pork Turkey Creek** | Dike St. (downstream side) | 1,288 |
| | Dike St. (upstream side) | 1,289 |
| | Sulphur Springs Rd. (downstream side) | 1,297 |


**Patricia Roberts Harris, Secretary.**

[FR Doc. 78-3538 Filed 2-10-78; 8:45 am]

[4210-01]

[DOCKET NO. PI-3241]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Morristown, Hamblen 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 Morristown, Hamblen 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 Morristown, Hamblen County, Tenn. is February 13, 1978.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Morristown, Hamblen County, Tennessee, are available for review at the Municipal Building, 144 West First North Street, Morristown, Tenn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-


PATRICIA ROBERTS HARRIS, Secretary.

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 Village of Cleveland, Wis.

The 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 1383 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.

No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator gives notice of his final determinations of flood elevations for the Village of Cleveland, Wis.

The 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 1383 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.

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Walnutport, Northampton 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 Walnutport, Northampton 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 1383 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.

RULINES AND REGULATIONS

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation, feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Havley Springs Branch</td>
<td>North Economy Rd. (upstream side)</td>
<td>1,272</td>
</tr>
<tr>
<td>Unnamed Confluence with Turkey Creek</td>
<td>Lincoln Ave. (downstream side)</td>
<td>1,334</td>
</tr>
<tr>
<td>Tributary to Turkey Creek</td>
<td>Lincoln Ave. (downstream side)</td>
<td>1,335</td>
</tr>
<tr>
<td>Centerville Creek</td>
<td>Linden St.</td>
<td>643</td>
</tr>
<tr>
<td>Tributary</td>
<td>Hickory St.</td>
<td>635</td>
</tr>
<tr>
<td>Chicago and Northwestern RR</td>
<td>Washington Ave.</td>
<td>631</td>
</tr>
<tr>
<td>Centerville Creek</td>
<td>U.S. Highway 141</td>
<td>640</td>
</tr>
<tr>
<td>County Trunk</td>
<td>Highway 28</td>
<td>584</td>
</tr>
</tbody>
</table>


PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78-3545 Filed 2-10-78; 8:45 am]
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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation, feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lehigh River</td>
<td>Downstream</td>
<td>357</td>
</tr>
<tr>
<td></td>
<td>corporate limits</td>
<td>350</td>
</tr>
<tr>
<td></td>
<td>Foot of Gap St.</td>
<td>360</td>
</tr>
<tr>
<td></td>
<td>South end of</td>
<td>360</td>
</tr>
<tr>
<td></td>
<td>Lehigh St.</td>
<td>362</td>
</tr>
<tr>
<td></td>
<td>500 feet</td>
<td>362</td>
</tr>
<tr>
<td></td>
<td>downstream of</td>
<td>363</td>
</tr>
<tr>
<td></td>
<td>Main St.</td>
<td>364</td>
</tr>
<tr>
<td></td>
<td>100 feet upstream of Main St.</td>
<td>364</td>
</tr>
<tr>
<td></td>
<td>At U.S.G.S. gaging station</td>
<td>365</td>
</tr>
<tr>
<td></td>
<td>At upstream</td>
<td>366</td>
</tr>
</tbody>
</table>

The administrator has developed criteria for 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).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Herkimer, Herkimer County, N.Y.


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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, above the National Geodetic Vertical Datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mohawk River</td>
<td>Upstream</td>
<td>394</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits</td>
<td>391</td>
</tr>
<tr>
<td></td>
<td>New York State</td>
<td>391</td>
</tr>
<tr>
<td></td>
<td>Thruway Bridge</td>
<td>388</td>
</tr>
<tr>
<td></td>
<td>Confluence with</td>
<td>388</td>
</tr>
<tr>
<td></td>
<td>Hydraulic Canal</td>
<td>387</td>
</tr>
<tr>
<td></td>
<td>Downstream</td>
<td>387</td>
</tr>
<tr>
<td>West Canada Creek</td>
<td>Upstream</td>
<td>414</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits</td>
<td>413</td>
</tr>
<tr>
<td></td>
<td>East Side Street Bridge</td>
<td>390</td>
</tr>
<tr>
<td></td>
<td>Confluent with</td>
<td>387</td>
</tr>
<tr>
<td></td>
<td>Mohawk River</td>
<td>384</td>
</tr>
<tr>
<td>Bellinger Brook</td>
<td>Maple Grove Ave.</td>
<td>419</td>
</tr>
<tr>
<td></td>
<td>Bridge</td>
<td>419</td>
</tr>
<tr>
<td></td>
<td>Church St. Bridge</td>
<td>434</td>
</tr>
<tr>
<td></td>
<td>High School</td>
<td>402</td>
</tr>
<tr>
<td></td>
<td>Footbridge</td>
<td>395</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits</td>
<td>395</td>
</tr>
</tbody>
</table>

The Administrator has developed criteria for 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).

SUMMARY: Final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, above the National Geodetic Vertical Datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lehigh River</td>
<td>Downstream</td>
<td>357</td>
</tr>
<tr>
<td></td>
<td>corporate limits</td>
<td>350</td>
</tr>
<tr>
<td></td>
<td>Foot of Gap St.</td>
<td>360</td>
</tr>
<tr>
<td></td>
<td>South end of</td>
<td>360</td>
</tr>
<tr>
<td></td>
<td>Lehigh St.</td>
<td>362</td>
</tr>
<tr>
<td></td>
<td>500 feet</td>
<td>362</td>
</tr>
<tr>
<td></td>
<td>downstream of</td>
<td>363</td>
</tr>
<tr>
<td></td>
<td>Main St.</td>
<td>364</td>
</tr>
<tr>
<td></td>
<td>100 feet upstream of Main St.</td>
<td>364</td>
</tr>
<tr>
<td></td>
<td>At U.S.G.S. gaging station</td>
<td>365</td>
</tr>
<tr>
<td></td>
<td>At upstream</td>
<td>366</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, above the National Geodetic Vertical Datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mohawk River</td>
<td>Upstream</td>
<td>394</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits</td>
<td>391</td>
</tr>
<tr>
<td></td>
<td>New York State</td>
<td>391</td>
</tr>
<tr>
<td></td>
<td>Thruway Bridge</td>
<td>388</td>
</tr>
<tr>
<td></td>
<td>Confluence with</td>
<td>388</td>
</tr>
<tr>
<td></td>
<td>Hydraulic Canal</td>
<td>387</td>
</tr>
<tr>
<td></td>
<td>Downstream</td>
<td>387</td>
</tr>
<tr>
<td>West Canada Creek</td>
<td>Upstream</td>
<td>414</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits</td>
<td>413</td>
</tr>
<tr>
<td></td>
<td>East Side Street Bridge</td>
<td>390</td>
</tr>
<tr>
<td></td>
<td>Confluent with</td>
<td>387</td>
</tr>
<tr>
<td></td>
<td>Mohawk River</td>
<td>384</td>
</tr>
<tr>
<td>Bellinger Brook</td>
<td>Maple Grove Ave.</td>
<td>419</td>
</tr>
<tr>
<td></td>
<td>Bridge</td>
<td>419</td>
</tr>
<tr>
<td></td>
<td>Church St. Bridge</td>
<td>434</td>
</tr>
<tr>
<td></td>
<td>High School</td>
<td>402</td>
</tr>
<tr>
<td></td>
<td>Footbridge</td>
<td>395</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits</td>
<td>395</td>
</tr>
</tbody>
</table>


PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78-3519 Filed 2-10-78; 8:45 am]

[4210-01] (Docket No. FI-33001)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Botetourt, Va.

AGENCY: Federal Insurance Administration, HUD.

AGENCY: Final rule

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the County of Botetourt, Va.


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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, above the National Geodetic Vertical Datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mohawk River</td>
<td>Upstream</td>
<td>394</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits</td>
<td>391</td>
</tr>
<tr>
<td></td>
<td>New York State</td>
<td>391</td>
</tr>
<tr>
<td></td>
<td>Thruway Bridge</td>
<td>388</td>
</tr>
<tr>
<td></td>
<td>Confluence with</td>
<td>388</td>
</tr>
<tr>
<td></td>
<td>Hydraulic Canal</td>
<td>387</td>
</tr>
<tr>
<td></td>
<td>Downstream</td>
<td>387</td>
</tr>
<tr>
<td>West Canada Creek</td>
<td>Upstream</td>
<td>414</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits</td>
<td>413</td>
</tr>
<tr>
<td></td>
<td>East Side Street Bridge</td>
<td>390</td>
</tr>
<tr>
<td></td>
<td>Confluent with</td>
<td>387</td>
</tr>
<tr>
<td></td>
<td>Mohawk River</td>
<td>384</td>
</tr>
<tr>
<td>Bellinger Brook</td>
<td>Maple Grove Ave.</td>
<td>419</td>
</tr>
<tr>
<td></td>
<td>Bridge</td>
<td>419</td>
</tr>
<tr>
<td></td>
<td>Church St. Bridge</td>
<td>434</td>
</tr>
<tr>
<td></td>
<td>High School</td>
<td>402</td>
</tr>
<tr>
<td></td>
<td>Footbridge</td>
<td>395</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits</td>
<td>395</td>
</tr>
</tbody>
</table>


PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78-3519 Filed 2-10-78; 8:45 am]

[4210-01] (Docket No. FI-33001)
tion 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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Back Creek</td>
<td>Confluence with Ellis Run, State Route 650</td>
<td>919</td>
</tr>
<tr>
<td>Buffalo Creek</td>
<td>Confluence with Norfolk &amp; Western Ry., U.S. Route 81 on ramp</td>
<td>1,181</td>
</tr>
<tr>
<td>Craig Creek</td>
<td>Confluence with James River, State Route 615</td>
<td>941</td>
</tr>
<tr>
<td>Eagle Rock Creek</td>
<td>Confluence with James River, State Route 688</td>
<td>943</td>
</tr>
<tr>
<td>Ellis Run</td>
<td>Confluence with Back Creek, State Route 640</td>
<td>919</td>
</tr>
<tr>
<td>Glade Creek</td>
<td>County line, 928</td>
<td></td>
</tr>
<tr>
<td>Jackson River</td>
<td>Confluence with James River, State Route 727</td>
<td>1,019</td>
</tr>
<tr>
<td>James River</td>
<td>County limits, 1,021</td>
<td></td>
</tr>
<tr>
<td>Laurel Run</td>
<td>State Route 640, 868</td>
<td></td>
</tr>
<tr>
<td>Laytown Creek</td>
<td>Confluence with Glen Creek, State Route 820</td>
<td>1,014</td>
</tr>
<tr>
<td>Long Run</td>
<td>Confluence with Looney Mill Creek, State Route 625</td>
<td>840</td>
</tr>
<tr>
<td>Looney Mill Creek</td>
<td>State Route 625, 849</td>
<td></td>
</tr>
<tr>
<td>Mill Creek</td>
<td>Confluence with James River, State Route 625</td>
<td>957</td>
</tr>
<tr>
<td>Roaring Run</td>
<td>Confluence with Craig Creek, State Route 615</td>
<td>965</td>
</tr>
<tr>
<td>Sinking Creek</td>
<td>Confluence with James River, State Route 625</td>
<td>957</td>
</tr>
<tr>
<td>Tinker Creek</td>
<td>County limits, 1,102</td>
<td></td>
</tr>
</tbody>
</table>

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Township of Butler, Butler 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 Butler, Butler County, Pa.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Butler, Butler County, Pa., are available for review on the Bulletin Board, Municipal Building, Lyndora, Pa.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 200-755-5581, 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 Butler, Butler 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:
ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Landis, Rowan County, N.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 Town of Landis, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Landis, are available for review at Town Hall, 136 North Central Avenue, Landis, N.C.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of East Spencer, N.C.

The 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), as amended (39 FR 2787, January 24, 1974.)


PATRICIA ROBERTS HARRIS
Secretary.

[FR Doc. 78-3527 Filed 2-10-78; 8:45 am]

[4210-01]

(Docket No. FI-3421)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of East Spencer, Rowan County, N.C.

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 East Spencer, Rowan County, N.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 Town of Landis, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Landis, are available for review at Town Hall, 136 North Central Avenue, Landis, N.C.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of East Spencer, N.C.

The 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), as amended (39 FR 2787, January 24, 1974.)


PATRICIA ROBERTS HARRIS
Secretary.

[FR Doc. 78-3527 Filed 2-10-78; 8:45 am]

[4210-01]

(Docket No. FI-3421)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of East Spencer, Rowan County, N.C.

AGENCY: Federal Insurance Administration, HUD.
SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Clatsop County, 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 XII of the Housing and Urban Development Act of 1968 (Pub. L. 90–444), 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.


PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78–3525 Filed 2–10–78; 8:45 am]

[4210–01]

[Docket No. FI–3438]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Franklinville, Cattaraugus County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Franklinville, Cattaraugus County, N.Y.

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 Clatsop County, Oreg.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Clatsop County, are available for review at Clatsop County Courthouse, Astoria, Oreg.

FOR FURTHER INFORMATION CONTACT:


[FR Doc. 78–3529 Filed 2–10–78; 8:45 am]

[4210–01]

[Docket No. FI–3456]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Franklinville, Cattaraugus County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Franklinville, Cattaraugus County, N.Y. 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 Na-
**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Franklinville, Cattaraugus County, N.Y. are elevations for the flood-prone areas and the final elevations for the Village of Franklinville, Cattaraugus County, N.Y. are available for review at the Village Clerk's Office, Franklinville, N.Y. for the Village of Franklinville, Cattaraugus County, N.Y.

**FOR FURTHER INFORMATION CONTACT:**
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Franklinville, Cattaraugus County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-334), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of 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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gates Creek</td>
<td>Upstream</td>
<td>1,618</td>
</tr>
<tr>
<td></td>
<td>corporate limits</td>
<td>1,586</td>
</tr>
<tr>
<td></td>
<td>Fork Ave.</td>
<td></td>
</tr>
<tr>
<td>Route 16</td>
<td>Downstream</td>
<td>1,578</td>
</tr>
<tr>
<td>Ischus Creek</td>
<td>Bakersland Rd</td>
<td>1,583</td>
</tr>
<tr>
<td></td>
<td>Downstream</td>
<td>1,581</td>
</tr>
</tbody>
</table>

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of New Haven, W. Va.

**AGENCY:** Federal Insurance Administration.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of New Haven, Mason County, W. 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 New Haven, Mason County, W. Va.

**AGENCY:** Federal Insurance Administration.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of New Haven, Mason County, W. 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 City of St. Albans, Franklin County, W. Va.

**AGENCY:** Federal Insurance Administration.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of St. Albans, Franklin County, W. 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).

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:

**RULING AND REGULATIONS**

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of New Haven, Mason County, W. Va.**

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio River</td>
<td>Upstream</td>
<td>581</td>
</tr>
<tr>
<td></td>
<td>Downstream</td>
<td>580</td>
</tr>
<tr>
<td>Broad Run</td>
<td>U.S. Highway 30</td>
<td>581</td>
</tr>
<tr>
<td></td>
<td>Baltimore &amp; Ohio</td>
<td>581</td>
</tr>
<tr>
<td></td>
<td>RR. Laye Rd.</td>
<td>581</td>
</tr>
</tbody>
</table>

(Continued on page 6087)
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 St. Albans, Franklin County, Vt.

The final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–294), 87 Stat. 960, which added section 1368 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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Vertical datum</th>
<th>Geodetic datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stevens Brook</td>
<td>46 ft downstream of Barlow St.</td>
<td>481</td>
<td>national</td>
<td>vertical</td>
</tr>
<tr>
<td></td>
<td>46 ft upstream of Barlow St.</td>
<td>480</td>
<td>national</td>
<td>vertical</td>
</tr>
</tbody>
</table>

Final Flood Elevation Determinations for the Town of Faith, Rowan County, N.C.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Faith, Rowan County, N.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 Town of Faith, N.C.

ADDRESSSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Faith, are available for review at the Home of the Town Clerk, c/o Carol Retallick, East Second Street, Faith, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Faith, N.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. 960, which added section 1368 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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Vertical datum</th>
<th>Geodetic datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemetery Creek</td>
<td>Church St.</td>
<td>832</td>
<td>national</td>
<td>vertical</td>
</tr>
<tr>
<td></td>
<td>do.*</td>
<td>828</td>
<td>national</td>
<td>vertical</td>
</tr>
<tr>
<td></td>
<td>Brown St.</td>
<td>843</td>
<td>national</td>
<td>vertical</td>
</tr>
<tr>
<td></td>
<td>do.*</td>
<td>843</td>
<td>national</td>
<td>vertical</td>
</tr>
<tr>
<td></td>
<td>Fish St.</td>
<td>858</td>
<td>national</td>
<td>vertical</td>
</tr>
</tbody>
</table>

Final Flood Elevation Determinations for the Town of Garner, Wake County, N.C.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Garner, Wake County, N.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 Town of Garner, N.C.

ADDRESSSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Garner, are available for review at Town Hall, 900 7th Avenue, Garner, N.C.

FOR FURTHER INFORMATION CONTACT:

RULING & REGULATIONS

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Garner, N.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 1966 (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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reedy Branch</td>
<td>North Carolina</td>
<td>241</td>
</tr>
<tr>
<td>State Road 2710</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edgebrook St.</td>
<td></td>
<td>288</td>
</tr>
<tr>
<td>Park Ave.</td>
<td></td>
<td>294</td>
</tr>
<tr>
<td>Lakeside Dr.</td>
<td></td>
<td>307</td>
</tr>
<tr>
<td>Vandal Ave.</td>
<td></td>
<td>313</td>
</tr>
<tr>
<td>North Carolina</td>
<td></td>
<td>323</td>
</tr>
<tr>
<td>State Road 2794</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bogwell Branch</td>
<td>North Carolina</td>
<td>293</td>
</tr>
<tr>
<td>Claymore Dr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reedy Branch</td>
<td>North Carolina</td>
<td>267</td>
</tr>
<tr>
<td>Tributary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swift Creek</td>
<td>Old Stage Rd. 4</td>
<td>246</td>
</tr>
<tr>
<td>Adams Branch</td>
<td>North Carolina</td>
<td>275</td>
</tr>
<tr>
<td>State Road 2664</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Big Branch</td>
<td>North Carolina</td>
<td>225</td>
</tr>
<tr>
<td>State Road 2564</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buck Creek</td>
<td>Vanders Springs</td>
<td>270</td>
</tr>
<tr>
<td>Rd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Echo Creek</td>
<td>North Carolina</td>
<td>265</td>
</tr>
<tr>
<td>State Road 1006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Carolina</td>
<td></td>
<td>281</td>
</tr>
<tr>
<td>State Road 2720</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yates Branch</td>
<td>Garner</td>
<td>247</td>
</tr>
<tr>
<td>Extraterritorial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boundary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mahlers Creek</td>
<td>Garner</td>
<td>248</td>
</tr>
<tr>
<td>Extraterritorial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boundary</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Upstream.


PATRICIA ROBERTS HARRIS, Secretary.

(4210-01) [Docket No. FI-3523]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Wake Forest, Wake County, N.C.

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 Wake Forest, Wake County, N.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 Town of Wake Forest, N.C.

ADDITIONAL INFORMATION: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wake Forest, are available for review at Town Hall, 442 Pine View Avenue, Wake Forest, N.C.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Wake Forest, N.C.


PATRICIA ROBERTS HARRIS, Secretary.

(FR Doc. 78–3523 Filed 2–10–78; 8:45 am)

6089

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Zebulon, Wake County, N.C.

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 Zebulon, Wake County, N.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 Town of Zebulon, Wake County, N.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).

ADDITIONAL INFORMATION: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Zebulon, are available for review at Town Hall, 442 Pine View Avenue, Wake Forest, N.C.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Zebulon, Wake County, N.C.


PATRICIA ROBERTS HARRIS, Secretary.

(FR Doc. 78–3523 Filed 2–10–78; 8:45 am)

6089

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Zebulon, Wake County, N.C.

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 Zebulon, Wake County, N.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 Town of Zebulon, Wake County, N.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).

ADDITIONAL INFORMATION: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Zebulon, are available for review at Town Hall, 442 Pine View Avenue, Wake Forest, N.C.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Zebulon, Wake County, N.C.


PATRICIA ROBERTS HARRIS, Secretary.

(FR Doc. 78–3523 Filed 2–10–78; 8:45 am)


![Image](image_url)

**RULES AND REGULATIONS**


**Issued:** January 17, 1978.

**PATRICIA ROBERTS HARRIS,**

Secretary.

[FR Doc. 78-3528 Filed 2-10-78; 8:45 am]

**[4210-01]**

[Docket No. FT-3628]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

Final Flood Elevation Determination for The Town of Stamford, Bennington County, Vt.

**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 Stamford, Bennington County, Vt. 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 Stamford, Bennington County, Vt. These base (100-year) 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 Administrator has determined that the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator gives notice of his final determinations to or through the community for a period of ninety (90) days has been provided. No appeal 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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Creek</td>
<td>U.S. Route 264*</td>
<td>272</td>
</tr>
<tr>
<td>Gill Creek</td>
<td>State Rd. 236*</td>
<td>269</td>
</tr>
<tr>
<td>Wheels Creek</td>
<td>U.S. Route 94*</td>
<td>261</td>
</tr>
<tr>
<td>Little River</td>
<td>North Carolina State Rd. 2368*</td>
<td>234</td>
</tr>
<tr>
<td>Hominy Branch</td>
<td>Zebulon</td>
<td>233</td>
</tr>
<tr>
<td>Beaverdam Creek</td>
<td>42 ft. upstream</td>
<td>280</td>
</tr>
</tbody>
</table>

*Upstream. **Downstream.

**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 Stamford, Bennington County, Vt.

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) and 24 CFR Part 1917.(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 appeal 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**

<table>
<thead>
<tr>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>North branch, Hoosic River</td>
<td>1,074</td>
</tr>
<tr>
<td>Southern town</td>
<td>1,069</td>
</tr>
<tr>
<td>East Street Bridge</td>
<td>1,094</td>
</tr>
<tr>
<td>Confluence of Pulter Brook</td>
<td>1,111</td>
</tr>
<tr>
<td>Confluence of Summer Brook</td>
<td>1,215</td>
</tr>
<tr>
<td>Old Route 100 Bridge near Summer Brook</td>
<td>1,251</td>
</tr>
<tr>
<td>Old Route 100 Bridge near Basin Brook</td>
<td>1,284</td>
</tr>
<tr>
<td>425 ft upstream of Old Route 100 Bridge near Basin Brook</td>
<td>1,297</td>
</tr>
<tr>
<td>0.6 mi south of Collins Rd.</td>
<td>1,318</td>
</tr>
<tr>
<td>Route 8 Bridge</td>
<td>1,362</td>
</tr>
<tr>
<td>0.2 mi south of Collins Rd.</td>
<td>1,371</td>
</tr>
<tr>
<td>Confluence with Crazy John Stream</td>
<td>1,388</td>
</tr>
<tr>
<td>Old Route 100 Bridge near Collins Rd.</td>
<td>1,431</td>
</tr>
<tr>
<td>1,500 ft upstream of Old Route 100 Bridge near Collins Rd.</td>
<td>1,508</td>
</tr>
<tr>
<td>0.3 mi south of Fred Tatro Rd.</td>
<td>1,516</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
RULES AND REGULATIONS

Elevation in
foot, national
vertical datum

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>North branch, Hoosic River.</td>
<td>Route 8 culvert, 180 ft north of Fred Tatro Rd.</td>
<td>1,537</td>
</tr>
<tr>
<td>Rourins Brook...</td>
<td>Confluence with north branch, Hoosic River.</td>
<td>1,111</td>
</tr>
<tr>
<td>Route 8 Bridge.....</td>
<td>600 ft downstream of Route 8 Bridge.</td>
<td>1,121</td>
</tr>
<tr>
<td>600 ft upstream of Route 8 Bridge.</td>
<td>1,136</td>
<td></td>
</tr>
<tr>
<td>1,500 ft upstream of Route 8 Bridge.</td>
<td>1,145</td>
<td></td>
</tr>
<tr>
<td>2,250 ft upstream of Route 8 Bridge.</td>
<td>1,174</td>
<td></td>
</tr>
<tr>
<td>2,600 ft upstream of Route 8 Bridge.</td>
<td>1,198</td>
<td></td>
</tr>
<tr>
<td>3,250 ft upstream of Route 8 Bridge.</td>
<td>1,232</td>
<td></td>
</tr>
</tbody>
</table>


PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78-3540 Filed 2-10-78; 8:45 am]

6091

FEDERAL REGISTER, VOL 43, NO. 30—MONDAY, FEBRUARY 13, 1978

ERAL PRISON INDUSTRIES (FPI) and blind-made products as higher priority sources than mandatory Federal Supply Schedules (FSS). This change should not have an impact on Veterans’ Administration buying activities inasmuch as FPI and blind-made supply items are normally not duplicated in mandatory FSS. Section 8-1.311 is revised to eliminate reference to the Business and Defense Services Administration (BSDA) of the Department of Commerce. BSDA is now an inappropriate reference.

Sections 8-1.318-50 and 8-1.318-51 are added to require the contracting office to forward notices of appeal to the Veterans’ Administration Contract Appeals Board, and to prescribe transmittal of documents relating to appeals. Section 8-1.403-60 is added to require technical review by the Director, Supply Service, prior to award of certain contracts.

Since the proposed changes revise internal administrative procedures and make editorial modifications, compliance with the provisions of 38 CFR 1.12 relating to regulatory development is considered unnecessary.


By direction of the Administrator.

RUTHS H. WILSON, Deputy Administrator.

1. In § 8-1.302-1, paragraph (a) (6) and (7) is revised to read as follows:

§ 8-1.302-1 General.

(a) General. Procurement will be effected from the following sources in the descending order of priority indicated:

(6) Federal Prison Industries and blind-made products except as indicated in paragraph (d) of this section.

(7) Mandatory Federal supply schedule contracts.

2. In § 8-1.311, paragraphs (a), (b), and (c) introductory portion preceding subparagraph (1), (3) (6) are revised to read as follows:

§ 8-1.311 Priorities, allocations, and allotments.

(a) Priorities, allocations, and allotments of critical materials are controlled by the Department of Commerce. Essentially such priorities, etc., are restricted to projects having a direct connection with supporting current defense needs. The Veterans’ Administration does not possess and therefore, is not authorized to assign a priority rating to its purchase orders or contracts involving the acquisition or use of critical materials.

(b) In those instances where it has been technically established that it is not feasible to use a substitute material, the Department of Commerce has agreed to assist us in obtaining critical materials for maintenance and repair projects. They will also, where possible, render assistance in connection with the purchase of new items, which may be in short supply because of their use in connection with the defense effort.

(c) Contracting officers having problems in acquiring critical materials will ascertain all the facts necessary to enable the Department of Commerce to render assistance to the Veterans’ Administration in acquiring, if possible, these materials. The contracting officer will submit a request for assistance containing the following information to the Chief Medical Director (134):

(1) The contractor’s source(s) of supply including address(es). If this source is other than the manufacturer or producer list the manufacturer or producer and address.

(2) The additional time the contractor claims will be necessary to effect delivery if unable to get priority assistance.

3. Sections 8-1.318-50 and 8-1.318-51 are added to read as follows:

§ 8-1.318-50 Forwarding of appeals.

When a notice of appeal in any form has been received by the contracting officer, that officer will endorse thereon the date of mailing (or date of receipt, if otherwise conveyed), and within 10 days will forward said original notice of appeal and a copy of the contracting officer’s final decision letter to the Veterans’ Administration Contract Appeals Board (VACAB). Copies of the notice of appeal and the final decision letter will be transmitted concurrently to the Director, Supply Service (134C), and Assistant General Counsel (925). (In cases of construction contracts administered by the Office of Construction, copies of appeal and final decision letter need not be transmitted to the Director, Supply Service.)

§ 8-1.318-51 Preparation, contents and forwarding of appeal file.

Within 20 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer will assemble and transmit to the VACAB, through the Office of General Counsel (925), an appeal file consisting of all documents pertinent to the appeal, including:

(a) The decision and findings of fact from which the appeal is taken.
(b) The contract, including specifications and pertinent amendments, plans and drawings.

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

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

(e) Any additional information considered pertinent.

4. Sections 8-1.403-60 is added to read as follows:

§ 8-1.403-60 Technical review.

Certain contracts not subject to the legal review requirements of § 8-1.403-51 are subject to a prior technical review for compliance with procurement regulations as provided in this section. Negotiated contracts expected to exceed $50,000 and formally advertised contracts expected to exceed $100,000 will be reviewed by the Director, Supply Service, prior to award, except that the requirement for a review is not applicable to contracts related to the Loan Guaranty Program, to construction contracts, or to architect-engineer contracts.

(a) The procedure for obtaining the technical review will be the same as that specified for legal review in § 8-1.403-52 except that where paragraphs (b) and (c) of that section indicate submission of documents to the General Counsel, the documents will be forwarded to the Director, Supply Service.

(b) The documents to be submitted for review are the same as for legal review as specified in § 8-1.403-53.

(c) Upon completion of the technical review, the Director, Supply Service, will advise the appropriate Central Office contracts (for field station contracts) or contracting officer (for Central Office contracts) as to approval or as to any changes required to comply with procurement regulations. Where changes are required, immediate action will be taken to amend the solicitation or proposed contract.

(d) The technical review will be completed as expeditiously as possible with due regard to the date by which the contract is needed. Conversely, contemplated effective dates of proposed contracts will take into consideration the need for technical review.

[RFR Doc. 78-3862 Filed 2-10-78; 8:45 am]

RULES AND REGULATIONS

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

(Docket No. 21405; FCC 78-68)

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Prohibiting the Transmission of Radio Communications by Ship Stations in the Maritime Services When the Vessels Are on Land

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: The amendment of the Commission's rules will specifically prohibit the transmission of radiocommunications by ship stations in the maritime services when the vessels are on land. An increasing number of inquiries and complaints have been received concerning the operation of ship stations on land. This action is intended to clarify the rules and avoid confusion regarding the utilization of such shipboard stations on land.


FURTHER INFORMATION CONTACT:

Robert H. McNamara, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED


In the matter of amendment of Part 83 of the Code of Federal Regulations as a result of a distress situation or in drydock undergoing repairs would not be considered to be on land for the purposes of the proposed rule.

3. No comments were filed in response to the notice of proposed rulemaking in this proceeding. Therefore, for the reasons expressed above, and in the notice of proposed rulemaking, we believe it is in the public interest and convenience to amend the rules as proposed.

4. Accordingly, it is ordered, That pursuant to the authority contained in section 4(l) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules are amended, as set forth below, effective March 20, 1978.

5. It is further ordered, That this proceeding is terminated.

(Sees. 4, 303, 48 Stat., as amended, 1066, 1062 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRIGARICO,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Part 83—Stations on Shipboard in the Maritime Services

Section 83.178(f) is added to read as follows:

§ 83.178 Unlawful transmisions.

(f) Transmit signals or communications while on board vessels being transported, stored, parked or otherwise located on land. (Vessels which are aground as a result of a distress situation or in drydock undergoing repairs are not considered to be located on land for purposes of this sub-paragraph.)

[FRC Doc. 78-3900 Filed 2-10-78; 8:45 am]
TABLE I-GG

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR 'P/80' SERIES ISO TYPE TIRES

<table>
<thead>
<tr>
<th>Tire size designation</th>
<th>Maximum tire loads (kilograms) at various cold inflation pressures (kPa)</th>
<th>Test rim width (inches)</th>
<th>Minimum size factor (mm)</th>
<th>Section width (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>P165/80R15</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>120</td>
<td>140</td>
<td>160</td>
<td>180</td>
</tr>
<tr>
<td></td>
<td>380</td>
<td>410</td>
<td>440</td>
<td>465</td>
</tr>
<tr>
<td></td>
<td>280</td>
<td>580</td>
<td></td>
<td>797</td>
</tr>
</tbody>
</table>

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in 4.2.2.2.

---

TABLE I-JJ

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR 'P/70' SERIES ISO TYPE TIRES

<table>
<thead>
<tr>
<th>Tire size designation</th>
<th>Maximum tire loads (kilograms) at various cold inflation pressures (kPa)</th>
<th>Test rim width (inches)</th>
<th>Minimum size factor (mm)</th>
<th>Section width (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>P225/70R14</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>120</td>
<td>140</td>
<td>160</td>
<td>180</td>
</tr>
<tr>
<td></td>
<td>510</td>
<td>550</td>
<td>590</td>
<td>625</td>
</tr>
<tr>
<td></td>
<td>929</td>
<td>235</td>
<td></td>
<td>879</td>
</tr>
</tbody>
</table>

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in 4.2.2.2.
Title 50—Wildlife and Fisheries
CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE
PART 651—ATLANTIC FISHERIES: HADDOCK, COD, YELLOWTAIL FLOUNDER
Emergency Regulations Repromulgated

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency regulations.

SUMMARY: This rule extends the emergency regulation of the Atlantic groundfish fishery for an additional 45-days from February 15, 1978 to March 31, 1978, inclusive. The emergency described in the initial Federal Register publication (42 FR 65186) on December 30, 1977 continues to exist.

EFFECTIVE DATE: 0001 hours EST, February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:
On December 30, 1977, the Acting Deputy Assistant Administrator for Fisheries published emergency regulations in the Federal Register (42 FR 65186) to implement the fishery management plan concerning Atlantic groundfish. The Secretary has determined that the current regulations should be continued for an additional 45 days as authorized by section 305(e) of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq, as amended, because the Secretary recognizes the critical conservation needs of those fisheries and has determined that the emergency which required the December 30, 1977 promulgation of emergency regulations continues to exist. The Secretary also finds that formal notice of proposed rulemaking is impractical, unnecessary, and contrary to the public interest because of the emergency described above.

Therefore, the emergency regulations adopted on December 30, 1977, are continued in full force and effect for an additional 45 days beginning 0001 hours EST, February 15, 1978, and ending 2400 hours EST, March 31, 1978, unless sooner amended or terminated by appropriate notice.


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

[FR Doc. 78-3853 Filed 2-10-78; 8:45 am]
[1505-01]  
**NUCLEAR REGULATORY COMMISSION**  
[10 CFR Parts 71 and 73]  
**RADIOACTIVE MATERIAL**

Packaging and Transportation by Air, Environmental Statement

**Correction**  
In FR Doc. 78-2040 appearing on page 3368 in the issue of Wednesday, January 25, 1978, in the paragraph, SUPPLEMENTARY INFORMATION, the 10th line should read, "the Regional Counsel." As an alternative to a complete payment by investment advisers to soliciting public comments on the advisability of issuing a rule under the Investment Advisers Act of 1940 ("Act") which would prohibit cash payments by investment advisers to persons who solicit clients for the adviser. As an alternative to a complete payment by investment advisers to soliciting public comments on the advisability of issuing a rule under the Investment Advisers Act of 1940 ("Act") which would prohibit cash payments by investment advisers to persons who solicit clients for the adviser. As an alternative to a complete payment by investment advisers to soliciting public comments on the advisability of issuing a rule under the Investment Advisers Act of 1940 ("Act") which would prohibit cash payments by investment advisers to persons who solicit clients for the adviser. As an alternative to a complete

**[4910-13] DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**  
[14 CFR Part 71]

[Airspace Docket No. 77-AEA-941]

**STATE COLLEGE, PA.**

** Proposed Alteration of Transition Area**

**AGENCY:** Federal Aviation Administration (FAA), DOT.  
**ACTION:** Notice of Proposed Rule Making.  
**SUMMARY:** This notice proposes to alter the State College, Pa., Transition Area. These alterations will provide protection to aircraft executing a new instrument approach which has been developed for the University Park Airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.  
**DATES:** Comments must be received on or before March 23, 1978.  
**ADDRESSES:** Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430.  
**FOR FURTHER INFORMATION CONTACT:**  
Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, telephone, 212-995-3391. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-530, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

**COMMENTS INVITED**  
Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region. Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before March 23, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

**AVAILABILITY OF NPRM**  
Any person may obtain a copy of this notice of proposed rulemaking by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.  
Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

**THE PROPOSAL**  
The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area over University Park Airport, State College, Pa. The alteration will add an area of approximately 4½ miles in depth and 7 miles in width northeast of the airport to the transition area.

**DRAFTING INFORMATION**  
The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Office of the Regional Counsel.
prohibition on such payments, the Commission is also soliciting public comments on a proposed rule under the Act which would set forth clear guidelines concerning when and under what circumstances an investment adviser can make a cash payment to a person who has solicited clients for the adviser. Because the Commission regularly receives inquiries concerning the applicability of the federal securities laws to the use of cash referral fees as a method of soliciting clients, the Commission believes a rule setting forth the applicability of the Act to such payments is appropriate.

DATE: Comments must be received on or before March 31, 1978.

ADDRESSES: Interested persons should submit their views and comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should refer to File No. 37-739.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:
The Commission regularly receives interpretive requests concerning the applicability of the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) ("Act") to arrangements pursuant to which an investment adviser compensates another person for recommending clients to the investment adviser. In view of the frequency of such requests, the Commission believes that it would be more efficient for both the Commission and the investment advisory industry for the Commission to adopt a rule which specifically addresses the applicability of the Act to the payment of such fees.

Because of the inherent conflicts of interest which can be present in arrangements pursuant to which an individual receives compensation, even on a fully disclosed basis, for referring someone to an investment adviser, one possible resolution of the question would be a rule adopted pursuant to section 206(4) of the Act (15 U.S.C. 80b-4c-4) (the "Rule") and section 203(e)(3) of the Act and thereby supersede any provision of the Act which is not compatible with the Rule. The Rule would authorize the Commission to define, and prescribe means reasonably designed to prevent, such acts, practices, and courses of business as are fraudulent, deceptive, or manipulative. Because referral arrangements are fraught with possible abuses inconsistent with the fiduciary relationships which frequently exist in the investment advisory industry, the Commission believes that such a prohibition may be a means reasonably designed to prevent fraudulent practices. The Commission believes that it will need to adopt a rule reflecting such decision.

An alternative resolution would be to permit a referral fee to be paid only under narrowly circumscribed conditions. Accordingly, the Commission is also soliciting public comments on a proposal to adopt Rule 206(4)-3 (17 CFR 275.206(4)-3) (the "Rule") and also Rule 206(2)-3 (17 CFR 275.206(2)-3) under the Act which would set forth when and in what circumstances an investment adviser can make a cash payment to someone who solicits clients for the investment adviser.

PROVISIONS OF THE PROPOSED RULE

Paragraph (a) of the Rule makes it unlawful for an investment adviser to pay a cash referral fee except in one of three circumstances. The first is a payment to an employee of the investment adviser who either is primarily engaged in performing duties relating to the investment advisory business of the investment adviser or is someone who is not primarily engaged in performing duties relating to the investment advisory business of the investment adviser. In these circumstances, the prospective client should be aware of the solicitor's natural predilection to recommend his own employer and knowledge of the existence of a compensation arrangement would not, the Commission believes, affect the prospective client's evaluation of the employee's recommendation. However, this exception would not be available to an employee who is not primarily engaged in activities relating to his employer's advisory business or who is not identified as a sales representative, for example, to someone whom it might not be able to hire as an employee, the Rule prohibits payment of a referral fee to someone who is the subject of a Commission order barring or suspending the right of such person to be associated with an investment adviser or who has engaged in any of the conduct set forth in Section 203(e) of the Act (15 U.S.C. 80b-3(e)) or been the subject of the type of injunction described in Section 203(e)(3) of the Act and therefore could be the subject of a Commission order barring or suspending the right of such person to be associated with an investment adviser.

During the course of the solicitation, the prospective client must receive a written document containing the in

1 However, since a finding that a person has engaged in the conduct specified in this section only authorizes and does not require the Commission to bar such person from being associated with an investment adviser, the Commission would entertain, and be prepared to grant in appropriate circumstances, requests for permission to associate a person who is subject to a statutory bar.

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
The Commission believes that a prospective client should know whether he will be compelled to pay a specific charge, similar to a sales load, or a higher advisory fee because a solicitor recommended him to the investment adviser. Accordingly, if the prospective client will be required to pay a specific charge in addition to the advisory fee to compensate the investment adviser for the cost of obtaining the client's account, or will be required to pay a higher adviser fee than other clients with similar sized accounts receiving similar services and such charge or differential is due to the existence of a referral arrangement, paragraph (b)(7) requires that the disclosure statement set forth the amount of the additional charge or advisory fee increment.

One of the major obligations which an investment adviser who uses solicitors will have to bear is a duty to supervise the solicitation activities of these individuals as though they were the investment adviser's own employees. Although an investment adviser may not be able to exercise as much direct control over a solicitor as it could over its own employees, the Commission believes that the contractual relationships between the parties can be structured so that the investment adviser can effectively supervise the solicitor's solicitation activities. Furthermore, the problems of supervising a solicitor who is operating in an area geographically remote from the investment adviser would not seem to be appreciably greater than those attendant to supervising a branch office's activities. In addition, because payment of referral fees is not an essential feature of operating an advisory service, an investment adviser who does not believe he can adequately supervise the solicitation activities of his solicitors presumably can decide to rely on other methods of obtaining new clients.

Certain staff interpretive positions concerning the applicability of the Act to referral arrangements have stated that a solicitor must either himself be a registered investment adviser or be an associated person of an investment adviser. In light of an investment adviser's responsibility to supervise his solicitors, it is the Commission's opinion that a solicitor who engages in solicitation activities in accordance with the provisions of the Rule will be, at least with respect to these activities, an associated person of the investment adviser and therefore would not be required to register under the Act individually solely as a result of these activities.

If an investment advisory relationship which was initiated as the result of a solicitor's activities continues beyond the initial contract period or one year, whichever is less, and additional referral fees are to be paid, the investment adviser must furnish the client a new disclosure statement prior to the commencement of each additional period. In addition to the information contained in the initial disclosure statement, this new statement must describe all compensation the solicitor received during the preceding contract period for his solicitation of the client to whom the disclosure is being made. The Commission believes that having information available each time the client must decide whether to renew an advisory relationship will enable the client to make this decision fully cognizant of the circumstances which originally brought him to the adviser.

Before entering into an advisory relationship with a client who has been recommended by a solicitor, the investment adviser must have a reasonable basis for believing that the client has been provided the required disclosure statement in a form the prospective client can understand and must receive from the client a written acknowledgment that he has received the disclosure statement. The investment adviser must retain in accordance with the provisions of proposed paragraph (k) of Rule 204-2 a copy of these acknowledgments, a written agreement with each of its solicitors in which the solicitor undertakes to act consistent with the Rule, and all documents and correspondence relating to its solicitation arrangements.

A solicitor who has a pre-existing relationship with the prospective client, e.g., a registered representative of a broker-dealer, may, depending on the nature of his relationship with his client, have fiduciary obligations to such client which require him to make a reasonable attempt to find the investment adviser best suited to the particular client. So that it is clear that this obligation continues to exist even if the solicitor complies with all provisions of the Rule, paragraph (d) of the Rule expressly provides that the standards set forth in the Rule are not intended to relieve any solicitor of any fiduciary or other obligation applicable with the solicitation activities covered by the Rule.

It may be difficult for investment advisers who use their clients' brokerage transactions to particular broker-dealers as compensation for client referrals to disclose to their prospective clients meaningfully and in a manner which can be evaluated the existence of such arrangements. In addition, investment advisers and broker-dealers have statutory and common law obligations to their clients which may preclude their participating in an arrangement which, on other things, might require an investment adviser to direct a client's transactions to a particular broker-dealer, irrespective of the broker-dealer's ability to provide the transactions at a cost and at an appropriate cost. Therefore, in certain circumstances, it may be a fraudulent course of business, within the meaning of Section 206(2) of the Act (15 U.S.C. 80b-6(2)), for an investment adviser to use client commission dollars for this purpose and this rule proposal only addresses the applicability of the Act to those investment advisers who make cash payments to individuals who solicit clients for them. The Commission is in the process of reviewing its position with respect to various uses of client commission dollars which in the past have been common in the securities industry, but are now prohibited. When the review is completed, the Commission will consider whether it is appropriate to amend this rule so that it explicitly addresses the applicability of the Act to investment advisers who use directed brokerage as compensation for client referrals. However, the Commission wishes to emphasize that nothing which is stated in this release or this rule proposal should be taken as an expression of its views on the question of whether directed brokerage can be used in this manner.

**Authority**

Rule 206(4)-3 and paragraph (k) of Rule 204-2 would be adopted pursuant to:

*As relevant, sec. 202(a)(17) of the act (15 U.S.C. 80b-2(a) (17)) defines an "associated person" to include "any partner, officer, or director of such investment adviser (or any person primarily engaged in the provision of the services of such adviser) or any person directly or indirectly controlling, controlled by or under common control with any person described in the definition of "associated person", which person is under common control with such investment adviser, including any employee * * * ."

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
PROPOSED RULES

Note—The investment adviser shall retain a copy of each acknowledgment, as well as the acknowledgments referred to in paragraph (iv) below, as part of the records required to be kept by Rule 204-2(k) under the Act.

(iv) If additional fees are to be paid by the investment adviser to the solicitor with respect to an advisory relationship with a client obtained as a result of a solicitation or recommendation by the solicitor which has continued beyond the initial advisory agreement or one year, whichever is less, the investment adviser must furnish the client in writing prior to the commencement of each additional period or year, whichever is less, a new current disclosure document containing the information required by paragraph (b) of this section and the investment adviser shall receive from the client a written acknowledgment of receipt of the disclosure document.

(b) The written disclosure document required by this rule shall contain the following information:

(1) The name of the solicitor.
(2) The name of the investment adviser.
(3) The nature of the relationship between the solicitor and the investment adviser.
(4) A statement that the solicitor has a financial interest in the selection of the investment adviser.
(5) The terms of such financial interest, including a description of the amount or level of advisory fees charged by the investment adviser if such differential is attributable to the existence of any arrangement pursuant to which the investment adviser has agreed to compensate the solicitor for soliciting or recommending clients for or to the investment adviser.
(6) A statement as to whether such compensation is to be paid on a one-time or a continuing basis in respect of such client.
(7) The amount, if any, for the cost of obtaining his account the client will pay to the investment adviser, and/or the differential, if any, among clients with respect to the amount or level of advisory fees charged by the investment adviser if such differential is attributable to the existence of any arrangement pursuant to which the investment adviser has agreed to compensate the solicitor for soliciting or recommending clients for or to the investment adviser.


By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3929 Filed 2-10-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by the Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Creek</td>
<td>State Highway</td>
<td>2,774</td>
</tr>
<tr>
<td></td>
<td>203 bridge</td>
<td>2,777</td>
</tr>
<tr>
<td></td>
<td>1st Street Bridge</td>
<td>2,775</td>
</tr>
<tr>
<td></td>
<td>1st Street Bridge</td>
<td>2,776</td>
</tr>
<tr>
<td></td>
<td>College Lane</td>
<td>2,781</td>
</tr>
<tr>
<td></td>
<td>Bridge</td>
<td>2,790</td>
</tr>
<tr>
<td></td>
<td>State Highway</td>
<td>2,796</td>
</tr>
<tr>
<td></td>
<td>237t</td>
<td>2,796</td>
</tr>
<tr>
<td></td>
<td>Bryan Avenue Bridge</td>
<td>2,796</td>
</tr>
<tr>
<td></td>
<td>Bryan Avenue</td>
<td>2,799</td>
</tr>
<tr>
<td>Catherine Creek</td>
<td>10th Street Bridge</td>
<td>2,783</td>
</tr>
<tr>
<td></td>
<td>5th Street Bridge</td>
<td>2,773</td>
</tr>
<tr>
<td></td>
<td>Main Street</td>
<td>2,788</td>
</tr>
<tr>
<td></td>
<td>Bridge</td>
<td>2,793</td>
</tr>
<tr>
<td></td>
<td>Bellwood Avenue Bridge</td>
<td>2,793</td>
</tr>
</tbody>
</table>

1 Upstream side.
2 Downstream side.

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978

PROPOSED RULES

[4210-01] DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917] (Docket No. PI-3876)

THE CITY OF UNION, UNION COUNTY, OREG.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Union, Union County, Oreg. These base (100-year) flood elevations are the basis for the flood plain management measures that the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by the Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Creek</td>
<td>State Highway</td>
<td>2,774</td>
</tr>
<tr>
<td></td>
<td>203 bridge</td>
<td>2,777</td>
</tr>
<tr>
<td></td>
<td>1st Street Bridge</td>
<td>2,775</td>
</tr>
<tr>
<td></td>
<td>237t</td>
<td>2,796</td>
</tr>
<tr>
<td></td>
<td>237t</td>
<td>2,796</td>
</tr>
<tr>
<td></td>
<td>237t</td>
<td>2,796</td>
</tr>
<tr>
<td></td>
<td>237t</td>
<td>2,796</td>
</tr>
<tr>
<td></td>
<td>Bridge</td>
<td>2,790</td>
</tr>
<tr>
<td>Catherine Creek</td>
<td>10th Street Bridge</td>
<td>2,783</td>
</tr>
<tr>
<td></td>
<td>5th Street Bridge</td>
<td>2,773</td>
</tr>
<tr>
<td></td>
<td>Main Street</td>
<td>2,788</td>
</tr>
<tr>
<td></td>
<td>Bridge</td>
<td>2,793</td>
</tr>
<tr>
<td></td>
<td>Bellwood Avenue Bridge</td>
<td>2,793</td>
</tr>
</tbody>
</table>

1 Upstream side.
2 Downstream side.

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Kiski Park Plaza, R.D. No. 3, Leechburg, Pa. Send comments to: Mr. Robert A. Fuller, Township Supervisor of Allegheny, R.D. No. 3, Box 475A, Leechburg, Pa. 15656.

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.


These elevations, together with the flood plain management measures required by section 110 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegheny River</td>
<td>State Route 356 Bridge</td>
<td>2,799</td>
</tr>
<tr>
<td></td>
<td>Conrail Bridge</td>
<td>2,791</td>
</tr>
</tbody>
</table>
PROPOSED RULES


These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ten Mile Run</td>
<td>Confluence with Bear Creek.</td>
<td>1,530</td>
</tr>
<tr>
<td></td>
<td>0.5 mi from</td>
<td>1,563</td>
</tr>
<tr>
<td></td>
<td>0.7 mi from</td>
<td>1,602</td>
</tr>
<tr>
<td></td>
<td>0.9 mi from</td>
<td>1,634</td>
</tr>
<tr>
<td></td>
<td>Dam No. 1</td>
<td>1,684</td>
</tr>
<tr>
<td></td>
<td>Downstream</td>
<td>1,727</td>
</tr>
<tr>
<td></td>
<td>115</td>
<td>1,734</td>
</tr>
<tr>
<td></td>
<td>Confluence with Mud Creek</td>
<td>1,768</td>
</tr>
<tr>
<td></td>
<td>Confluence with Geneceda Creek</td>
<td>1,778</td>
</tr>
<tr>
<td></td>
<td>0.5 mi upstream</td>
<td>1,783</td>
</tr>
<tr>
<td></td>
<td>Downstream</td>
<td>1,818</td>
</tr>
<tr>
<td></td>
<td>Northeast extension</td>
<td>1,820</td>
</tr>
</tbody>
</table>


PATRICIA ROBERTS HARRIS,
Secretary.

[4210–01] [24 CFR Part 1917] (Docket No. F1–3879)

Proposed Flood Elevation Determinations

THE TOWNSHIP OF BEAR CREEK, LUZERNE COUNTY, PA.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Bear Creek, Luzerne 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, R.D. No. 1, Trailwood, Wilkes-Barre, Pa. 18702.

Send comments to: Mr. Willard Kresge, Chairman of the Board of Supervisors of Bear Creek, R.D. No. 1, Box 331, Trailwood, Wilkes-Barre, Pa. 18702.

FOR FURTHER INFORMATION CONTACT:

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Doylestown Township Building, 425 Wells Road, Doylestown, Pa. 18901.

Send comments to: Mrs. Diane M. Hering, Supervisor of Doylestown Township, 425 Wells Road, Doylestown, Pa. 18901.

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.


These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neshaminy Creek</td>
<td>Corporate limits</td>
<td>185</td>
</tr>
<tr>
<td></td>
<td>Easton Rd</td>
<td>199</td>
</tr>
<tr>
<td></td>
<td>Lower State Rd</td>
<td>217</td>
</tr>
<tr>
<td></td>
<td>Confluence with Mill Creek</td>
<td>222</td>
</tr>
<tr>
<td>Central tributary</td>
<td>Edison Rd</td>
<td>201</td>
</tr>
<tr>
<td></td>
<td>Saurman Rd</td>
<td>230</td>
</tr>
</tbody>
</table>

The proposed base (100-year) flood elevations listed below for selected locations in the Borough of East Stroudsburg, Monroe County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to adopt and or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the East Stroudsburg Borough Office, 24 Aнакonick Street, East Stroudsburg, Pa.

Send comments to: Mr. Donald C. Gage, Borough Manager of East Stroudsburg, P.O. Box 303, East Stroudsburg, Pa. 18301.

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.


These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brodhead Creek</td>
<td>I-80 Bridge</td>
<td>393</td>
</tr>
<tr>
<td></td>
<td>I-80 Bridge</td>
<td>398</td>
</tr>
<tr>
<td></td>
<td>Washington St</td>
<td>396</td>
</tr>
<tr>
<td></td>
<td>Washington St</td>
<td>385</td>
</tr>
<tr>
<td></td>
<td>Confluence with Sambo Creek</td>
<td>411</td>
</tr>
<tr>
<td>Sambo Creek</td>
<td>Confluence with Brodhead Creek</td>
<td>411</td>
</tr>
<tr>
<td></td>
<td>Sambo Creek</td>
<td>427</td>
</tr>
<tr>
<td></td>
<td>Saurman Rd</td>
<td>230</td>
</tr>
<tr>
<td></td>
<td>Edison Rd</td>
<td>201</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
PROPOSED RULES

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Hempfield, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the floodplain 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of general circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Hempfield Township Municipal Building, 7471 McCray Road, Fairview, Pa. Send comments to: 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.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance.

Supplementary Information:


These elevations, together with the floodplain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walnut Creek</td>
<td>Confluence with Lake Erie</td>
<td>577</td>
</tr>
<tr>
<td>Trout Run</td>
<td>Confluence with Lake Erie</td>
<td>585</td>
</tr>
<tr>
<td>Bear Run</td>
<td>Concrete nursery</td>
<td>819</td>
</tr>
<tr>
<td>Lake Erie</td>
<td>Entire reach</td>
<td>577</td>
</tr>
</tbody>
</table>

(FR Doc. 78-3552 Filed 2-10-78; 8:45 am)
These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jack's Run</td>
<td>City of Greensburg</td>
<td>1,010</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits (290 feet)</td>
<td>988</td>
</tr>
<tr>
<td></td>
<td>Downstream of Conrail</td>
<td>988</td>
</tr>
<tr>
<td></td>
<td>Borough of South Greensburg</td>
<td>988</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits (590 feet) Upstream of U.S. 119</td>
<td>987</td>
</tr>
<tr>
<td></td>
<td>(110 feet)</td>
<td>987</td>
</tr>
<tr>
<td></td>
<td>Conrail</td>
<td>987</td>
</tr>
<tr>
<td></td>
<td>U.S. Route 119</td>
<td>982</td>
</tr>
<tr>
<td></td>
<td>(460 feet)</td>
<td>982</td>
</tr>
<tr>
<td></td>
<td>Upstream of Confluence with Slate Creek</td>
<td>980</td>
</tr>
<tr>
<td></td>
<td>Conrail (100 feet)</td>
<td>980</td>
</tr>
<tr>
<td></td>
<td>Upstream of Confluence with Slate Creek</td>
<td>980</td>
</tr>
<tr>
<td></td>
<td>Confluence of Slate Creek</td>
<td>979</td>
</tr>
<tr>
<td></td>
<td>Conrail 1,100 feet</td>
<td>976</td>
</tr>
<tr>
<td></td>
<td>Downstream of Confluence with Slate Creek</td>
<td>976</td>
</tr>
<tr>
<td></td>
<td>Conrail</td>
<td>974</td>
</tr>
<tr>
<td></td>
<td>Upstream of Borough of Youngwood Corporate Limits</td>
<td>971</td>
</tr>
<tr>
<td></td>
<td>Upstream</td>
<td>971</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit of Borough of Youngwood</td>
<td>970</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit of Borough of Youngwood at Township Route 526</td>
<td>963</td>
</tr>
<tr>
<td></td>
<td>Confluence with Sewickly Creek</td>
<td>953</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit</td>
<td>953</td>
</tr>
<tr>
<td></td>
<td>1,975 feet</td>
<td>953</td>
</tr>
<tr>
<td></td>
<td>of U.S. Route 30</td>
<td>953</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit</td>
<td>953</td>
</tr>
<tr>
<td></td>
<td>1,111 feet</td>
<td>953</td>
</tr>
<tr>
<td></td>
<td>of U.S. Route 30</td>
<td>953</td>
</tr>
<tr>
<td></td>
<td>Private Drive (1,089 feet) Upstream of Luxor Road</td>
<td>1,089</td>
</tr>
<tr>
<td></td>
<td>Abandoned Bridge</td>
<td>1,068</td>
</tr>
<tr>
<td></td>
<td>(40 feet)</td>
<td>1,068</td>
</tr>
<tr>
<td></td>
<td>Upstream of Township Route 368</td>
<td>1,065</td>
</tr>
<tr>
<td></td>
<td>Township Route 368</td>
<td>1,065</td>
</tr>
<tr>
<td></td>
<td>Private Drive (1,071 feet) Downstream of Township Route 368</td>
<td>1,058</td>
</tr>
<tr>
<td></td>
<td>Private Drive (1,058 feet) Downstream of Township Route 368</td>
<td>1,058</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slate Creek</td>
<td>Private Drive 860 feet Upstream of L.R. 64140</td>
<td>1,043</td>
</tr>
<tr>
<td></td>
<td>L.R. 64140</td>
<td>1,039</td>
</tr>
<tr>
<td></td>
<td>Private Drive (1,030 feet) Upstream of Pennsylvania Route 130</td>
<td>1,029</td>
</tr>
<tr>
<td></td>
<td>Pennsylvania Route 130</td>
<td>1,029</td>
</tr>
<tr>
<td></td>
<td>Brookside Drive</td>
<td>1,022</td>
</tr>
<tr>
<td></td>
<td>Township Route 863</td>
<td>1,012</td>
</tr>
<tr>
<td></td>
<td>Briarwood Drive</td>
<td>1,002</td>
</tr>
<tr>
<td></td>
<td>L.R. 64174</td>
<td>1,000</td>
</tr>
<tr>
<td></td>
<td>Private Drive (500 feet) Downstream of L.R. 64174</td>
<td>995</td>
</tr>
<tr>
<td></td>
<td>Private Drive (1,520 feet) Downstream of L.R. 64174</td>
<td>990</td>
</tr>
<tr>
<td></td>
<td>Private Drive (1,990 feet) Downstream of L.R. 64174</td>
<td>988</td>
</tr>
<tr>
<td></td>
<td>Private Drive (2,370 feet) Downstream of L.R. 64174</td>
<td>987</td>
</tr>
<tr>
<td></td>
<td>Corporate Limits of Borough of South Greensburg</td>
<td>981</td>
</tr>
<tr>
<td></td>
<td>Confluence with Borough of South Greensburg</td>
<td>979</td>
</tr>
<tr>
<td></td>
<td>Confluence</td>
<td>979</td>
</tr>
<tr>
<td></td>
<td>Jack's Run</td>
<td>979</td>
</tr>
<tr>
<td>Tributary No. 1</td>
<td>Carbon Road</td>
<td>997</td>
</tr>
<tr>
<td></td>
<td>Private Drive (700 feet) Upstream of Hunter Rd.</td>
<td>990</td>
</tr>
<tr>
<td></td>
<td>Private Drive (810 feet) Upstream of Hunter Rd.</td>
<td>990</td>
</tr>
<tr>
<td></td>
<td>Hunter Rd. (1,440 feet) Upstream of Confluence with Jack's Run</td>
<td>984</td>
</tr>
<tr>
<td></td>
<td>Hunter Rd. (440 feet)</td>
<td>984</td>
</tr>
<tr>
<td></td>
<td>Upstream of Confluence with Jack's Run</td>
<td>984</td>
</tr>
<tr>
<td></td>
<td>Confluence with Jack's Run</td>
<td>984</td>
</tr>
<tr>
<td>Tributary No. 3</td>
<td>Private Dr</td>
<td>1,031</td>
</tr>
<tr>
<td></td>
<td>Confluence with Jack's Run</td>
<td>1,024</td>
</tr>
<tr>
<td>Tributary No. 3</td>
<td>Private Postbridge 50 feet Upstream of Country Club Rd</td>
<td>1,099</td>
</tr>
<tr>
<td></td>
<td>Postbridge</td>
<td>1,099</td>
</tr>
<tr>
<td></td>
<td>Country Club Rd</td>
<td>1,098</td>
</tr>
<tr>
<td></td>
<td>Private</td>
<td>1,098</td>
</tr>
<tr>
<td></td>
<td>Postbridge</td>
<td>1,098</td>
</tr>
<tr>
<td></td>
<td>1,360 feet Downstream of Country Club Rd</td>
<td>1,092</td>
</tr>
<tr>
<td></td>
<td>Country Club Rd</td>
<td>1,092</td>
</tr>
<tr>
<td></td>
<td>Private</td>
<td>1,092</td>
</tr>
<tr>
<td></td>
<td>Postbridge</td>
<td>1,092</td>
</tr>
<tr>
<td></td>
<td>1,600 feet Downstream of Country Club Rd</td>
<td>1,091</td>
</tr>
<tr>
<td></td>
<td>Green Gate Rd</td>
<td>1,085</td>
</tr>
<tr>
<td></td>
<td>Private Drive</td>
<td>1,076</td>
</tr>
<tr>
<td></td>
<td>1,200 feet Downstream of Green Gate Rd</td>
<td>1,076</td>
</tr>
</tbody>
</table>
### Proposed Regulations

**Elevation in feet, national geodetic vertical datum**

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tributary No. 3</strong> Abandoned</td>
<td>Footbridge 570 feet Upstream of Weber St.</td>
<td>1,096</td>
</tr>
<tr>
<td></td>
<td>Weber St</td>
<td>1,069</td>
</tr>
<tr>
<td></td>
<td>Private</td>
<td>1,068</td>
</tr>
<tr>
<td></td>
<td>Footbridge 150 feet Downstream of Weber St.</td>
<td>1,060</td>
</tr>
<tr>
<td>Pennsylvania Route 130</td>
<td>1,057</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Private Drive 220 feet Downstream of Pennsylvania Route 130</td>
<td>1,057</td>
</tr>
<tr>
<td></td>
<td>Fiscus Dr</td>
<td>1,054</td>
</tr>
<tr>
<td></td>
<td>Private Drive 630 feet Upstream of Confluence with Brush Creek</td>
<td>1,042</td>
</tr>
<tr>
<td></td>
<td>Confluence with / Brush Creek</td>
<td>1,033</td>
</tr>
<tr>
<td><strong>Brush Creek</strong></td>
<td>State Route 766</td>
<td>1,085</td>
</tr>
<tr>
<td>Private Drive 1,146 feet Downstream of State Route 766</td>
<td>1,069</td>
<td></td>
</tr>
<tr>
<td>Private Drive 1,540 feet Upstream of Brown Ave.</td>
<td>1,018</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Brown Ave</td>
<td>1,018</td>
</tr>
<tr>
<td></td>
<td>Private Road 390 feet Downstream of Brown Ave</td>
<td>1,018</td>
</tr>
<tr>
<td></td>
<td>Thomas St</td>
<td>1,006</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit at Conrail</td>
<td>941</td>
</tr>
<tr>
<td></td>
<td>Conrail, 250 feet Upstream of Penn Manor Rd.</td>
<td>936</td>
</tr>
<tr>
<td></td>
<td>Penn Manor Rd</td>
<td>935</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit</td>
<td>935</td>
</tr>
<tr>
<td><strong>Tributary No. 4</strong></td>
<td>L.R. 64142 350 feet Downstream of Tipple Row Rd.</td>
<td>1,078</td>
</tr>
<tr>
<td></td>
<td>Private Drive 650 feet Downstream of Tipple Row Rd.</td>
<td>1,067</td>
</tr>
<tr>
<td></td>
<td>L.R. 64142 250 feet Downstream of Tipple Row Rd.</td>
<td>1,057</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit at Confluence with / Little Crabtree Creek</td>
<td>1,056</td>
</tr>
<tr>
<td></td>
<td>Little Crabtree Creek</td>
<td>1,056</td>
</tr>
<tr>
<td></td>
<td>Private Drive</td>
<td>1,046</td>
</tr>
<tr>
<td></td>
<td>Township Route 829</td>
<td>1,046</td>
</tr>
<tr>
<td></td>
<td>L.R. 64142</td>
<td>1,038</td>
</tr>
<tr>
<td></td>
<td>U.S. Route 119</td>
<td>1,004</td>
</tr>
<tr>
<td></td>
<td>Confluence with / Crabtree Creek</td>
<td>997</td>
</tr>
<tr>
<td></td>
<td>Crabtree Creek</td>
<td>1,038</td>
</tr>
<tr>
<td></td>
<td>L.R. 64054</td>
<td>1,025</td>
</tr>
<tr>
<td></td>
<td>Abandoned</td>
<td>1,025</td>
</tr>
<tr>
<td></td>
<td>Private Drive</td>
<td>1,025</td>
</tr>
<tr>
<td><strong>Zellers Run</strong></td>
<td>City of Greensburg Corporate Limit at Gitterman St.</td>
<td>1,088</td>
</tr>
<tr>
<td></td>
<td>William Pitt St</td>
<td>1,064</td>
</tr>
<tr>
<td></td>
<td>James St</td>
<td>1,061</td>
</tr>
<tr>
<td></td>
<td>City of Greensburg Corporate Limit</td>
<td>340 feet Downstream of James St.</td>
</tr>
</tbody>
</table>

**Source of flooding** | **Location** | **Elevation in feet, national geodetic vertical datum**
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Zellers Run</td>
<td>City of Greensburg Corporate Limit</td>
<td>1,029</td>
</tr>
<tr>
<td></td>
<td>Upstream of Stanton St.</td>
<td>1,020</td>
</tr>
<tr>
<td></td>
<td>Borough of Southeast Greensburg</td>
<td>1,020</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit</td>
<td>1,020</td>
</tr>
<tr>
<td></td>
<td>Limits at Stanton St.</td>
<td>1,020</td>
</tr>
<tr>
<td><strong>Tributary No. 5</strong></td>
<td>City of Greensburg Corporate Limit at Pennsylvania Route 819</td>
<td>1,065</td>
</tr>
<tr>
<td></td>
<td>Abandoned Road</td>
<td>1,030</td>
</tr>
<tr>
<td></td>
<td>Forest Hills Dr</td>
<td>1,029</td>
</tr>
<tr>
<td></td>
<td>Terrace View Dr</td>
<td>1,028</td>
</tr>
<tr>
<td></td>
<td>City of Greensburg Corporate Limit at Union Cemetery Rd</td>
<td>1,018</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit at U.S. Highway 119</td>
<td>1,018</td>
</tr>
<tr>
<td></td>
<td>Little Sewickly Creek</td>
<td>1,037</td>
</tr>
<tr>
<td></td>
<td>Private Drive</td>
<td>1,036</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit</td>
<td>1,035</td>
</tr>
<tr>
<td></td>
<td>900 feet Downstream of Private Drive</td>
<td>1,034</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit</td>
<td>1,034</td>
</tr>
<tr>
<td></td>
<td>1,300 feet Downstream of Private Drive</td>
<td>1,034</td>
</tr>
<tr>
<td></td>
<td>Corporate Limit</td>
<td>1,034</td>
</tr>
<tr>
<td></td>
<td>1,640 feet Downstream of Private Drive.</td>
<td>1,034</td>
</tr>
</tbody>
</table>


**DATES:** The period for comment will be ninety (90) days following the publication of this proposed rule in a newspaper of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Community Center, 600 Market Street, Johnsonburg, Pa. Send comments to: Mr. Richard Beaver, Manager of the Borough of Johnsonburg, 600 Market Street, Johnsonburg, Pa. 15845.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krinn, 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.


These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:
PROPOSED RULES

Source of flooding Location Elevation in feet, national geodetic vertical datum

Clarion River Confluence of Powers Run 1,431

Grant St. 1,434

Confluence of Johnson Run. 1,438

ConRail 1,438

Confluence of east and west branches 1,438

Clarion River.

East branch Clarion River.

Dam 1,439

Route 216 1,440

Erie Lackawanna RR 1,441

Clarion Ave 1,442

Corporate limits 1,445

B. & O. RR 1,439

Clayton River.

Route 219 (downstream crossing) 1,440

Route 219 (upstream crossing) 1,443

Confluence of Silver Creek 1,445

Main St. 1,448

Proud 1,445

Center St. 1,448

Abandoned railroad bridge 1,448

Main St. 1,458

ConRail 1,428

U.S. Route 219 1,438

Corporate limits 1,488

Silver Creek

Footbridge 496

Bridge St. 481

Route 902 582

Private driveway connection 582

Route 902 and 505

Mertztown Rd 500

(Pocket Blvd 496

Stewart Creek)

Footbridge 481

Lehighton Rd 496

Minisink Rd 481

Private driveway 547

Route 902 582

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978

Source of flooding Location Elevation in feet, national geodetic vertical datum

Mahoning Creek Confluence with Lehigh River 459

Lehigh River

Dam No. 1 464

Route 443 496

Route 999 469

9th St. 472

Bridge St. 481

Minisink Rd 500

Route 902 500

Private driveway 547

Route 902 582

Clarion River.

Footbridge 1,438

ConRail 1,438

Confluence of 1,436

Johnson Run.

Powers Run.

ConRail 511

Upstream corporate limits 522

corporate limits 511

downstream corporate limits

(Dam of the Flood Insurance Administration, Office of Flood Insurance

remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review in the Municipal Building, R.D. No. 1, Lehighton, Pa. Send comments to: Mr. Dean D. W. DeLong, Chairman of the Board of Supervisors of Mahoning, R.D. No. 1, Lehighton, Pa. 18236.

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 proposed base (100-year) flood elevations are based on the flood plain management measures required by section 1910.3 of the program regulations, which are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies or procedures established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

-----

(Agency: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Mahoning, Carbon County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to adopt or show evidence of being already in effect in order to qualify or continue to participate in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Moore Township Municipal Building, R.D. No. 2, Bath, Pa. Send comments to: Mr. Edward Tanczos, Chairman of the Board of Supervisors of Moore, R.D. No. 2, P.O. Box 95, Bath, Pa. 18014.
PROPOSED RULES

[4210-01]  
[24 CFR Part 1917]  
[Docket No. FI-3886]

CITY OF NEW KENSINGTON, WESTMORELAND COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of New Kensington, Westmoreland 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, New Kensington City Hall, 2400 Leechburg Road, New Kensington, Pa. Send comments to: Hon. Verle N. Bevan, Mayor of New Kensington, City Hall, 2400 Leechburg Road, New Kensington, Pa. 15068.

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:


These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Elevation in feet</th>
<th>Location</th>
<th>National</th>
<th>Geodetic</th>
<th>Vertical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hokendavqua Creek</td>
<td>491</td>
<td>Downstream</td>
<td>corporate limits</td>
<td>496</td>
<td>496</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dam No. 1</td>
<td>512</td>
<td>512</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Club Rd</td>
<td>515</td>
<td>515</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dam No. 2</td>
<td>517</td>
<td>517</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Footbridge</td>
<td>552</td>
<td>552</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>W. Walker Rd</td>
<td>664</td>
<td>664</td>
</tr>
</tbody>
</table>

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-3557 Filed 2-10-78; 8:45 am]

Borough of Palmerton, Carbon County, Pa.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical Information or comments are solicited on the proposed determinations of base (100-year) flood elevations for the Borough of Palmerton, Carbon County, Pa., in accordance with section 110 of the Federal Insurance Administration, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-3557 Filed 2-10-78; 8:45 am]
posed base (100-year) flood elevations listed below for selected locations in the Borough of Palmerton, Carbon 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough of Palmerton, 443 Delaware Avenue, Palmerton, Pa. Send comments to: Mr. James S. Kiel, Jr., Chairman of the Board of Plumstead Township, P.O. Box 14, Fountainville, Pa. 18023.

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


PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3558 Filed 2-10-78:8:45 am]

PROPOSED RULES

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Plumstead Township, 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the home of the Plumstead Township Secretary, Ferry Road, Fountainville, Pa. Send comments to: Mr. James S. Kiel, Jr., Chairman of the Board of Plumstead Township, P.O. Box 14, Fountainville, Pa. 18023.

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.


These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lehigh River Downstream</td>
<td>399</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mill Creek Downstream</td>
<td>417</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delaware Ave</td>
<td>401</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lafayette Ave</td>
<td>411</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PROPOSED RULES

Source of flooding | Location | Elevation in feet above mean sea level
---|---|---
Clarion River near Borough of Ridgway | Confluence with Alysworth Run. | 1,374
Clarion River | Confluence with Clarion River. | 1,374
Laurel Mill Rd. (3,030 ft upstream of Laurel Mill Rd.) | 1,377
Grass Rd. (3,000 ft upstream of Laurel Mill Rd.) | 1,425

West Branch Clarion River | Corporate limits. | 1,445
Grass Rd. | Corporate limits. | 1,446
U.S. Route 219 | 1,436
Johnsonburg-Ridgway | Corporate limits. | 1,446


These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

(Notice of proposed flood insurance rate changes for the Borough of Sharpsburg, Allegheny County, Pa., in accordance with the National Flood Insurance Program (NFIP).

DISTRIBUTION: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of general circulation in the Borough of Sharpsburg, Allegheny 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of general circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Ridgway Drive, Ridgway, Pa. Send comments to: 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.

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.


DISTRIBUTION: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of general circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Ridgway Drive, Ridgway, Pa. Send comments to: Mr. Fred Lenze, Chairman of the Board of Supervisors of Ridgway Township, Municipal Building, Ridgway Drive, Ridgway, Pa. 15853.

FOR FURTHER INFORMATION CONTACT:
Mr. Fred Lenze, Chairman of the Board of Supervisors of Ridgway Township, Municipal Building, Ridgway Drive, Ridgway, Pa. 15853.

(Notice of proposed flood insurance rate changes for the Borough of Sharpsburg, Allegheny County, Pa., in accordance with the National Flood Insurance Program (NFIP).

DISTRIBUTION: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of general circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Ridgway Drive, Ridgway, Pa. Send comments to: Mr. Fred Lenze, Chairman of the Board of Supervisors of Ridgway Township, Municipal Building, Ridgway Drive, Ridgway, Pa. 15853.

FOR FURTHER INFORMATION CONTACT:
Mr. Fred Lenze, Chairman of the Board of Supervisors of Ridgway Township, Municipal Building, Ridgway Drive, Ridgway, Pa. 15853.

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegheny River</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downstream</td>
<td></td>
<td></td>
</tr>
<tr>
<td>corporate limits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15th St.</td>
<td></td>
<td>736</td>
</tr>
<tr>
<td>Upstream</td>
<td></td>
<td>737</td>
</tr>
<tr>
<td>corporate limits</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS, Secretary.

[4210-01] [24 CFR Part 1917] [Docket No. FI-3891]

THE TOWNSHIP OF WARRINGTON, BUCKS COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Warrington, 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, Mill Creek and Pickerton, Warrington, Pa. Send comments to: Mr. Joseph J. Bonargo, Township Manager of Warrington, 3400 Pickerton Road, Warrington, Pa. 18976.

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.


These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Neshaminy Creek</td>
<td>Valley Rd</td>
<td>201</td>
</tr>
<tr>
<td>Confluence</td>
<td>202</td>
<td></td>
</tr>
</tbody>
</table>

6109

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
listed below for selected locations in the Township of Warwick, 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Warwick Township Building, 2045 Ginny Lane, Jamison, Pa. Request comments to Mr. Joseph A. Woll, Chairman of the Board of Supervisors of Warwick, P.O. Box 364, Jamison, Pa. 18929.

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.


These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents. The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nesbits Run Creek</td>
<td>D.</td>
<td>144</td>
</tr>
<tr>
<td></td>
<td>corporate limits</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dark Hollow Rd...</td>
<td>151</td>
</tr>
<tr>
<td></td>
<td>Conference Meethouse</td>
<td>169</td>
</tr>
<tr>
<td></td>
<td>Tributary</td>
<td>174</td>
</tr>
<tr>
<td></td>
<td>Mill Rd</td>
<td>175</td>
</tr>
<tr>
<td></td>
<td>York Rd</td>
<td>179</td>
</tr>
<tr>
<td></td>
<td>U.S. Route 235</td>
<td>179</td>
</tr>
<tr>
<td></td>
<td>Confluence of</td>
<td>184</td>
</tr>
<tr>
<td></td>
<td>Tributary D.</td>
<td>191</td>
</tr>
<tr>
<td></td>
<td>Upstream</td>
<td>191</td>
</tr>
<tr>
<td>Little Nesbit Run</td>
<td>Downstream</td>
<td>137</td>
</tr>
<tr>
<td>Creek</td>
<td>corporate limits</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Olmstead Rd.</td>
<td>164</td>
</tr>
<tr>
<td></td>
<td>Confluence of</td>
<td>171</td>
</tr>
<tr>
<td></td>
<td>Tributary A.</td>
<td>184</td>
</tr>
<tr>
<td></td>
<td>York Rd</td>
<td>188</td>
</tr>
<tr>
<td></td>
<td>Old York Rd.</td>
<td>189</td>
</tr>
<tr>
<td></td>
<td>Bristol Rd.</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td>(corporate limits)</td>
<td></td>
</tr>
<tr>
<td>Tributary D to</td>
<td>Nesbit Run Creek</td>
<td>184</td>
</tr>
<tr>
<td>Nesting Run Creek</td>
<td>Olmstead Rd.</td>
<td>277</td>
</tr>
<tr>
<td></td>
<td>Private DriveWay</td>
<td>301</td>
</tr>
<tr>
<td>Tributary A to</td>
<td>Confluence with</td>
<td>317</td>
</tr>
<tr>
<td>Little Nesting Run</td>
<td>Little Nesting</td>
<td></td>
</tr>
<tr>
<td>Creek</td>
<td>Nesting Run Creek</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Creek</td>
<td>176</td>
</tr>
<tr>
<td></td>
<td>DriveWay No. 1</td>
<td>188</td>
</tr>
<tr>
<td></td>
<td>Meetinghouse Rd.</td>
<td>203</td>
</tr>
<tr>
<td></td>
<td>Bristol Rd.</td>
<td>233</td>
</tr>
</tbody>
</table>

The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nesting Run Creek</td>
<td>142</td>
</tr>
<tr>
<td></td>
<td>corporate limits</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dark Hollow Rd...</td>
<td>151</td>
</tr>
<tr>
<td></td>
<td>Confrence Meethouse</td>
<td>169</td>
</tr>
<tr>
<td></td>
<td>Tributary</td>
<td>174</td>
</tr>
<tr>
<td></td>
<td>Mill Rd</td>
<td>175</td>
</tr>
<tr>
<td></td>
<td>York Rd</td>
<td>179</td>
</tr>
<tr>
<td></td>
<td>U.S. Route 235</td>
<td>179</td>
</tr>
<tr>
<td></td>
<td>Confluence of</td>
<td>184</td>
</tr>
<tr>
<td></td>
<td>Tributary D.</td>
<td>191</td>
</tr>
<tr>
<td></td>
<td>Upstream</td>
<td>191</td>
</tr>
<tr>
<td>Little Nesbit Run</td>
<td>Downstream</td>
<td>137</td>
</tr>
<tr>
<td>Creek</td>
<td>corporate limits</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Olmstead Rd.</td>
<td>164</td>
</tr>
<tr>
<td></td>
<td>Confluence of</td>
<td>171</td>
</tr>
<tr>
<td></td>
<td>Tributary A.</td>
<td>184</td>
</tr>
<tr>
<td></td>
<td>York Rd</td>
<td>188</td>
</tr>
<tr>
<td></td>
<td>Old York Rd.</td>
<td>189</td>
</tr>
<tr>
<td></td>
<td>Bristol Rd.</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td>(corporate limits)</td>
<td></td>
</tr>
<tr>
<td>Tributary D to</td>
<td>Nesbit Run Creek</td>
<td>184</td>
</tr>
<tr>
<td>Nesting Run Creek</td>
<td>Olmstead Rd.</td>
<td>277</td>
</tr>
<tr>
<td></td>
<td>Private DriveWay</td>
<td>301</td>
</tr>
<tr>
<td>Tributary A to</td>
<td>Confluence with</td>
<td>317</td>
</tr>
<tr>
<td>Little Nesting Run</td>
<td>Little Nesting</td>
<td></td>
</tr>
<tr>
<td>Creek</td>
<td>Nesting Run Creek</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Creek</td>
<td>176</td>
</tr>
<tr>
<td></td>
<td>DriveWay No. 1</td>
<td>188</td>
</tr>
<tr>
<td></td>
<td>Meetinghouse Rd.</td>
<td>203</td>
</tr>
<tr>
<td></td>
<td>Bristol Rd.</td>
<td>233</td>
</tr>
</tbody>
</table>

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at West Elizabeth Borough Building, 815 4th Street, West Elizabeth, Pa. Request comments to Mr. Charles McDevitt, Borough Secretary of West Elizabeth, 815 4th Street, West Elizabeth, Pa. 15083.

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.


These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:
**PROPOSED RULES**

**POSTAL SERVICE**

**POSTAL AND POST CARDS**

Clarification of Requirements and Restrictions on the Use of the Postal and Post Cards

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Present postal regulations on the preparation and use of postal and post cards need clarification. It is the intent of this proposed rule to rewrite these regulations without making any substantive changes, with one exception: the proposed new regulations would specify the exact minimum dimensions of the address portion of a card. Existing regulations on this point simply provide that in certain circumstances the address portion may be smaller than the remainder of the card.

DATE: Comments must be received on or before March 20, 1978.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L’Enfant Plaza SW., Washington, D.C. 20260.

Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Office of Mail Classification, Room 1610, 475 L’Enfant Plaza SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: The Postal Service is proposing to rewrite and combine into new section 131.223 existing sections 131.223 and 131.224 of the Postal Service Manual, chapter 410, in which provisions have been incorporated by reference in the Federal Register, see 39 CFR 111.1. In addition, it may be noted that the rewrite deletes the material in 131.224e dealing with the thickness of a card, since that subject is covered elsewhere. See 131.222b.

There are also several changes in cross-referencing and redesignating resulting from the rewrite. Thus, existing 131.225 and .226 would be redesignated .224 and .225 respectively. Existing 131.227 would be deleted, since it deals with presorted first-class mail and is covered elsewhere. See 131.217.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Postal Service Manual:

**PART 131—FIRST CLASS**

1. In 131.22 of the Postal Service Manual revise .223 and .224 to read as follows:

131.22 Postal and post cards.

**.223 Restrictions on the use of postal and post cards.**

a. The users of postal and post cards must comply with the following rules:

(1) Double cards must be folded before mailing. The first half must be detached when the reply half is mailed for return.

(2) The reply portion of a double card must be prepared in accordance with 131.223b.

(3) Double cards must be prepared so that the address on the reply portion is on the inside when the double card is mailed.

(4) Plain stickers or seals or a single wire stitch may be used to fasten the edges, provided they are so fixed that the inner folds of the cards can be readily examined.

(5) Enclosures are prohibited.

(6) The face of the card may be divided by a vertical line, the left half to be used for the message and the right half for the address only. More than one-half of the face may be used for the message, but a space of at least 2½ inches in length, measured from the right edge of the card, must be reserved for the address, postage, and postal endorsement and such cards must be prepared in accordance with 131.223b.

(7) Aside from the address and any postal endorsements, only accounting information may be shown in the ad-
dress side of cards, the information must be shown on a shaded background, and the cards must be prepared in accordance with 131.223b.

The area reserved for the address of cards prepared in this manner must be unshaded and at least 2½ inches long and 1 inch high. Permit imprints, meter stamps or postal endorsements must be shown on an unshaded background.

(8) Cards bearing attachments are not mailable at the rates for postal cards or post cards. Labels affixed for the purpose of showing the address and the return address are permitted.

(9) Postal cards and post cards which have holes or vertical tearing guides are mailable only if the holes and tearing guides do not result in the elimination of any letters or numbers in the address and the cards are prepared in accordance with 131.225b. Postal cards and post cards, not mailed as presorted first-class mail, which are required by 131.223a (6), (7), or (9) to be prepared under the provisions of this subsection must meet the following conditions:

(1) The mailings must consist of not less than 200 cards which are identical as to size and weight.

(2) The addresses on the cards must include ZIP Code numbers.

(3) Postage must be paid by permit imprints, by meter stamps, or by pre-canceled stamps.

(4) The mailer must separate the cards to the finest extent possible and sack them in the manner prescribed by 134.43.

2. In 131.22 of the Postal Service Manual redesignate .225 and .226 as .224 and .225 respectively, delete .227, and strike out in the second sentence of redesignated .224 the words “and 131.224”.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,

Deputy General Counsel.

[FR Doc. 78-3883 Filed 2-10-78; 8:45 am]

**FEDERAL COMMUNICATIONS COMMISSION**

**PROPOSED BROADCAST STATION IN YUCCA VALLEY, CALIF.**

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

[FR Doc. 78-3883 Filed 2-10-78; 8:45 am]
SUMMARY: Action taken herein proposes the assignment of a class A channel to Yucca Valley, Calif., as a first FM assignment. Petitioner, Israel Sinofsky, states that the proposed station could provide a first local aural broadcast service to the community.

DATES: Comments must be filed on or before April 3, 1978, and reply comments on or before April 24, 1978.


FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-832-7792.

SUPPLEMENTARY INFORMATION:


In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Yucca Valley, Calif.), BC Docket No. 78-35, RM-2964.

1. Petitioner, proposal, and comments. (a) Petition for rulemaking,1 filed on August 29, 1977, by Israel Sinofsky (petitioner), proposing the assignment of channel 296A as a first FM assignment to Yucca Valley, Calif. (b) If the channel could be assigned in conformity with the minimum distance separation requirements.9 (c) Petitioner states that, if the channel is assigned, he will file an application for authority to construct in FM broadcast station.

2. Community data. (a) Location. Yucca Valley, an unincorporated community in San Bernardino County, is located approximately 164 kilometers (102 miles) east of Los Angeles and 34 kilometers (21 miles) north of Palm Springs, Calif.

(b) Population. Yucca Valley—3,893; San Bernardino County—684,072.*

3. Local broadcast service. There is no local broadcast service in Yucca Valley. Petitioner states that it receives service from stations in Twentynine Palms, Palms Springs, Palm Desert, and Cathedral City.

4. Economic considerations. Petitioner states that although Yucca Valley is an unincorporated community, it has its own post office, schools, churches, library, and hospital. He notes that there are plans to incorpate Yucca Valley which are before the County Board of Supervisors for public hearing. Petitioner states that Yucca Valley is a year-round retire-

*Public notice of the petition was given on September 18, 1977 (report No. 1075).

**Mexico census must be obtained before the channel is assigned to Yucca Valley.

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

PROPOSED RULES

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 6.281(b)(6) of the Commission's rules, it is proposed to amend the FM table of assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. Showings required. Comments are invited on the proposals discussed in the notice of proposed rulemaking which this appendix is attached. Proposers will be expected to answer whatever questions are presented in initial comments. The proposers of a proposed assignment is also expected to file comments even if it only re-

3. Cutoff procedures. The following proced-

4. Pursuant to section 4(i) of the Commission's rules.

(b) With respect to petitions for rulemak-

5. With the concurrence of the Commission.

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

APPENDIX

City and Channel No.

Yucca Valley, Calif., present: —; proposed: 296A.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-832-7792.

SUPPLEMENTARY INFORMATION

{[6712-01] [47 CFR Part 73]}

[BC Docket No. 78-39; RM-2964]

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-832-7792.

SUPPLEMENTARY INFORMATION
PROPOSED RULES


In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Haines, Alaska), BC Docket No. 78-39, RM-2996.

1. The Commission here considers a petition for rulemaking filed on behalf of the Alaska Public Broadcasting Commission ("APBC") which seeks the assignment of FM channel 272A to Haines, Alaska, to be used there on a reserved basis for noncommercial educational purposes.

2. APBC avers that, if the channel is assigned, APBC or a nonprofit educational corporation functioning under its aegis will apply for its use. APBC asserts that channel 272A could be assigned to Haines in compliance with the minimum distance separation requirements, and would have little impact on the future assignment of FM channels to other communities in this very sparsely populated area of Alaska.

3. Haines (pop. 463) is located approximately 121 kilometers (75 miles) north of Juneau, Alaska. APBC claims that neither Haines nor any community between Juneau to the south and Yakutat to the northwest—roughly a distance of 320 kilometers (200 miles)—has an FM assignment of its own?

4. The assignment of channel 272A to Haines would create preclusion on channel 272A and the adjacent channels, however, APBC states that many other FM channels are available for assignment to communities in the precluded areas.

5. Haines is located within 402 kilometers (250 miles) of the United States-Canada border, the proposed assignment of channel 272A to Haines requires coordination with the Canadian Government.

6. In view of the fact that the proposed FM station could provide the community with a first noncommercial educational aural broadcast service, the Commission proposes to amend the FM table of assignments, § 73.202(b) of the rules, with regard to Haines, Alaska, as follows:

City and Channel No.

Haines, Alaska, present: —; proposed: 272A.

7. The Commission's authority to institute rule making proceedings; showings of continuing interest are required; cutoff procedures; and filing requirements are contained in the attached appendix below and are incorporated herein.

8. Interested parties may file comments on or before April 4, 1978, and reply comments on or before April 25, 1978.

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

APPENDIX

1. Pursuant to authority found in section 4(l), 5(d)(1), 303(g), (r), and (t), and 307(b) of the Communications Act of 1934, as amended, and § 0.381(d)(6) of the Commission's rules, it is proposed to amend the FM table of assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

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

3. Cutoff procedures. The following procedures will govern the consideration of filings in this proceeding. (a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

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

4. Comments and reply comments; service. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments. If they are filed later than that, they will not be considered in connection with the decision in this docket.

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

6. Public inspection of filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 445 12th St., NW, Washington, D.C.

[6712—01]

[47 CFR Part 73]

BC Docket No. 78-32; RM-2970

TELEVISION BROADCAST STATIONS IN MARION AND URBANA, ILL., AND MADISON, WIS.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making and order to show cause.

SUMMARY: Action taken herein proposed the assignment of UHF TV channel 47 to Marion, Ill., and provide a second commercial television station to the southern Illinois area. An order to show cause is directed to the licensee of station WKOW-TV, Madison, Wis., to show why the offset on channel 27, on which it operates, should not be changed from minus to plus.

DATES: Comments must be filed on or before March 29, 1978, and reply comments on or before April 19, 1978.


FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

NOTICE OF PROPOSED RULEMAKING AND ORDER TO SHOW CAUSE


In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Marion, Ill.), BC Docket No. 78-32, RM-2970.

1. The Commission has before it for consideration a petition for rulemaking filed by Dennis F. Doelitzsch (petitioner), seeking the assignment of channel 47 of the Commission's rules. It proposes that television channel 27

*Public notice of the petition was given on September 30, 1977 (report No. 1060).
be assigned to Marion, Ill., for commercial use as that community’s first television assignment. No responses to the proposal were received.

2. Marion (pop. 11,724), in Williamson County (pop. 49,021), is located in the extreme south central part of Illinois. There are no television channels assigned to Marion. It receives service from WSIL-TV, Harrisburg, Ill., WPBS-TV, Paducah, Ky., and KFVS-TV, Cape Girardeau, Mo.

3. Petitioner notes that Marion is the largest city in southern Illinois without a television channel. He points out that southern Illinois is not dominated by any one large city, but instead, numerous medium-sized cities are spread throughout the area. He asserts that, if the proposed channel were to be assigned, it would bring a second commercial channel to the southern Illinois area and increase the number of program choices for area residents. Petitioner contends that the area he proposes to serve receives no independent (non-network) television service.

4. Channel 27 may be assigned to Marion, Ill., in compliance with the minimum distance separation requirements and other technical criteria, provided a change in channel offsets are made on unoccupied channel 27 in Urbana, Ill., from zero to minus and on channel 27 (WKOW-TV), Madison, Wis., from minus to plus. Therefore, a show cause order is being issued to the licensee of the affected station.

5. Petitioner, as the owner of the FM station in Marion, would have to demonstrate that his being the licensee of both stations would not create an undue concentration of control under the provisions of §73.636(a)(1) of the Commission’s rules. However, issuance of this notice is not intended to indicate any view on that situation which will be examined when an application is filed.

6. In view of the foregoing, and the fact that the proposed assignment would provide Marion with a first television service and southern Illinois with a second commercial television channel, the Commission finds that it would serve the public interest to seek comments in rulemaking.

7. Therefore, notice is hereby given that the Commission proposed to amend the television table of assignments, §73.606(b), of the Commission’s rules, with respect to the communities listed below, as follows:

City and Channel No.
Marion, Ill., present: —; proposed: 27.

*Population figures were taken from the 1970 U.S. Census.

PROPOSED RULES

Urbana, Ill., present: 12—; 27; proposed: 12—, 27—.
Madison, Wis., present: 3, 15, 21—, 27—, 47—; proposed: 3, 15, 21—, 27—, 47+.

8. It is ordered, That, pursuant to section 316 of the Communications Act of 1934, as amended:

(a) Horizons Communications Corp. of Wisconsin, licensee of television station WKOW-TV, Madison, Wis., shall show cause why its license should not be modified to specify operation on channel 27+ instead of channel 27—, if the Commission in this proceeding finds it in the public interest to assign channel 27 to Marion, Ill.; this order being made with the understanding that the ultimate licensee at Marion, Ill., will pay reasonable reimbursement of expenses incurred in the change of channel offset of station WKOW-TV at Madison, Wis.

(b) Pursuant to §1.87 of the Commission’s rules, the licensee of station WKOW-TV, Madison, Wis., may, not later than March 29, 1978, file a written statement showing that a show cause order is being issued to the proposed modification. Pursuant to §1.87(f), if the right to request a hearing is waived, Horizons Communications Corp. of Wisconsin may, not later than March 29, 1978, file a written statement showing that the proceeding shall be modified to specify operation on channel 27+ instead of channel 27—, if the Commission in this proceeding finds it in the public interest to assign channel 27 to Marion, Ill.; this order being made with the understanding that the ultimate licensee at Marion, Ill., will pay reasonable reimbursement of expenses incurred in the change of channel offset of station WKOW-TV at Madison, Wis.

9. It is directed, that the Secretary of the Commission shall send a copy of this notice of proposed rulemaking and order to show cause by certified mail, return receipt requested, to Horizons Communications Corp. of Wisconsin, Box 100, Madison, Wis. 53701, the party to whom the order to show cause is directed.

10. The Commission’s authority to institute rulemaking proceedings; showings required; cutoff procedures; and filing requirements are contained in the attached appendix and are incorporated by reference herein.

11. Interested parties may file comments on or before March 29, 1978, and reply comments on or before April 19, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WALTER JOHNSON, Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§281(4)(b) of the Commission’s rules, it is proposed to amend the TV table of assignments, §73.606(b) of the Commission’s rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. Showings required. Comments are invited on the proposal(s) discussed in the notice of this proceeding. Petitioner(s) are requested to file a notification of proposed rulemaking showing why its license should not be modified to specify operation on channel 27+ instead of channel 27—, if the Commission in this proceeding finds it in the public interest to assign channel 27 to Marion, Ill.; this order being made with the understanding that the ultimate licensee at Marion, Ill., will pay reasonable reimbursement of expenses incurred in the change of channel offset of station WKOW-TV at Madison, Wis.

3. Cutoff procedures. The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding will be considered as comments in the proceeding, and public notice to the effect will be given as long as they are filed after the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

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

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

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

[FR Doc. 78-3861 Filed 2-10-78; 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.

---

**[6110-01]**

**ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**

**COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION**

**Meeting**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:30 a.m., March 10, 1978, in the library of the Administrative Conference, the Gelman Building, 2120 L Street NW., Suite 500, Washington, D.C.

The committee will meet to be briefed on the conference's ongoing study of the Federal Trade Commission’s trade regulation rulemaking procedures and a new study involving a close examination of existing and desirable rulemaking practices governmentwide, with particular reference to the manner in which rulemaking issues are prepared for agency decisions.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Joseph B. Scott, 202-254-7020. Minutes of the meeting will be available on request.

RICHARD K. BERG, Executive Secretary.

February 6, 1978.

[FR Doc. 78-3865 Filed 2-10-78; 8:45 am]

---

**[3410-07]**

**Farmers Home Administration**

[Notice of Designation No. A568]

**Pennsylvania**

**Designation of Emergency Areas**

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Tioga County, Pa., as a result of drought May 1 through May 31, 1977, excessive rainfall September 7 through November 30, 1977, and a crippling snow October 16, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904, subpart C, exhibit D, paragraph V B, including the recommendation of Gov. Milton J. Shapp that such designation be made.

Applications for emergency loans must be received by this Department no later than August 1, 1978, for physical losses and January 31, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 6th day of February, 1978.

GORDON CAVANAUGH, Administrator, Farmers Home Administration.

[FR Doc. 78-3884 Filed 2-10-78; 8:45 am]

---

**[3410-16]**

**Soil Conservation Service**

**BRIDGETON CITY PARK PUBLIC WATER-BASED RECREATION RC&D MEASURE, NEW JERSEY**

**Intent Not To Prepare an Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bridgeton City Park Public Water-Based Recreation RC&D Measure, Cumberland County, N.J.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of water-based recreation facilities and the stabilization of critically eroding area within the Bridgeton City Park in Cumberland County, N.J. The planned works of improvements include installation of picnic shelters, bathhouses, a boat ramp, a fishing pier, hiking trails, parking lots, and associated service facilities.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, P.O. Box 219, Somersect, N.J., 08873, 201-246-1205. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 15, 1978.

---

__FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978__

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f. g.)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 78-3902 Filed 2-10-78; 8:45 am]

[3410-16]

CITY OF PETSOKY WINTER SPORTS PARK CRITICAL AREA TREATMENT RC&D MEASURE, MICHIGAN

Intent Not To Prepare an Environmental Impact Statement


The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include the installation of approximately 600 feet of corrugated metal pipe, riprapping, and seedings to control erosion and sedimentation at the park. The construction costs are approximately $47,500; $35,475 RC&D funds and $11,025 local funds.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1406 South Harrison Road, East Lansing, Mich. 48823, 517-372-1910. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 15, 1978.


(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f. q.)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 78-3901 Filed 2-10-78; 8:45 am]

[3410-16]

HOMER AIRPORT CRITICAL AREA TREATMENT RC&D MEASURE, LOUISIANA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Homer Airport Critical Area Treatment RC&D measure, Claiborne Parish, La.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Benny Martin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned improvement includes establishing vegetation on 23 acres at the Homer Airport site to control erosion.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, P.O. Box 1630, Alexandria, La. 71301, 318-448-3421. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interest-ed parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 15, 1978.


(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f. q.)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 78-3904 Filed 2-9-78; 8:45 am]

[3410-16]

SPRING CREEK WATERSHED PROJECT, DAWSON COUNTY, NEBR.

Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (40 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Spring Creek Watershed Project, Dawson County, Neb.

The environmental assessment of the federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Benny Martin, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention to agricultural lands and the city of Lexington, and a reduction in sheet and rill erosion. The planned works of improvement include a system of six floodwater detention structures, five of which have been built. The remaining structure to be built replaces six floodwater detention structures that were in the original plan. An additional 33.7 miles of channel improvement and 1.77 miles of dike around the city of Lexington are deleted from the plan.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environ-
In Order 75-12-141, December 29, 1975, the Board deferred action on Agreements CAB 25600-R1 through R4.¹ In Order 76-7-56, July 16, 1976, it refused to grant interim approval of the agreements and instituted an investigation into the principal issue raised by the agreements, viz., whether or not the establishment of a uniform commission rate payable to agents for the sale of international air transportation is adverse to the public interest. In Order 77-6-14, August 3, 1977, the Board denied a request by National Airlines, Inc. (National) for interim approval of the agreements, finding that the apparent effects of the current open commission rate situation did not warrant a reversal of its earlier determination not to grant interim approval. Reaffirming that decision in Order 77-9-127, September 27, 1977, we deferred action on certain other IATA agreements which are related substantively to those under investigation.¹

Upon review of agreements subsequently filed by IATA for Board approval, it appears that the agreements listed above relate in a substantive manner to issues which ultimately will be determined by the investigation being conducted in Docket 28672.² In denying National's motion for interim approval of Agreements 28606-R1 through R4, the Board found that there had been no concrete showing that the public interest had been adversely affected by the open commission rate situation. With respect to the agreements listed above, IATA has presented no new supporting argument which would suggest a decision different from that reached by the Board in Order 74-12-121 and reiterated in Orders 76-3-83, 76-7-56, 77-8-14 and 77-9-127.

Therefore, pursuant to authority duly delegated by the Board in the Board's Economic Regulations, 14 CFR 385.3, it has been decided to defer action on these agreements, pending completion of the investigation of the IATA commission rate structure. Upon completion of the investigation, the agreements will be considered on their merits.

Accordingly, It is ordered, That: 1. Action on Agreements CAB 25973-R2, 26996-R1 and R7 be deferred; and 2. This order shall be served on IATA and its U.S. member air carriers, the Air Traffic Conference of America and its member air carriers, the American Society of Travel Agents, Inc., the Association of Retail Travel Agents, the American Automobile Association, the Association of Bank Travel Bureaus, the International Air Freight Agents Association, the Travel Agents' Legal Action Committee, Unitours, Inc., and the U.S. Departments of Justice and Transportation.

Persons entitled to petition the Board for review of this order pursuant to the Board's Economic Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order will be published in the Federal Register.

1 The agreements at issue are Agreements CAB 25600-R1 through R4, which respectively establish or amend IATA Resolutions 002z, 016d, 815, and 860. Resolution 002z, among other things, amends Resolution 820z to establish a uniform commission rate payable to approved agents. Resolution 016d establishes commissions on interline sales. Resolution 815 provides a study of tour and travel operations. The texts of these agreements are reproduced in an appendix to Order 75-12-141. See also, Order 76-3-83, March 12, 1976.

² Agreements CAB 26996, 26157-R1 through R3, 26900-R1, and 26951.
and would limit APEX seats on each flight to 33 to 38 percent of the capacity of the particular aircraft type.

Western argues that the proposed increases are justified by eroding profitability, the cost increases, particularly in labor and landing fees, and declining traffic; its return on investment (ROI) in United States-Mexico passenger service has steadily declined from 14.3 percent for Calendar year 1976 to —9.8 percent for the year ended September 1977; its costs have risen at least 29 percent per available seat-mile since January 1974, the last time Western was granted a fare increase; its United States-Mexico traffic has fallen due to currency fluctuations affecting northbound travelers; the decrease in tourist traffic and greater competition from Mexico-flag carriers; it forecasts an ROI of 6.45 percent for Calendar year 1978 as compared with September 1978 at present fares, and 4.89 percent at the proposed fares.

In support of the APEX fares, Western states that they are needed to fill seats that would otherwise go empty, especially northbound, in view of the present traffic stagnation, and to compete with existing lift against specialized services such as Mexicana’s night coach; the APEX fare is similar to the domestic “Super-Saver” level and “Freedom Fare” rules and will accomplish its goal as well as smoothing out diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana’s night coach service, it should offer a parallel service rather than the economic day-line discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western’s indication of its intention to compete with Aeroméxico’s Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they are at two very different levels and, on the contrary, they worsen peakings problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.

We have repeatedly stated our position that carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. In its justification for support of the normal-fare level and “Freedom Fare” rules and will accomplish its goal as well as smoothing out diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana’s night coach service, it should offer a parallel service rather than the economic day-line discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western’s indication of its intention to compete with Aeroméxico’s Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they are at two very different levels and, on the contrary, they worsen peakings problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.

We have repeatedly stated our position that carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. In its justification for support of the normal-fare level and “Freedom Fare” rules and will accomplish its goal as well as smoothing out diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana’s night coach service, it should offer a parallel service rather than the economic day-line discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western’s indication of its intention to compete with Aeroméxico’s Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they are at two very different levels and, on the contrary, they worsen peakings problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.

We have repeatedly stated our position that carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. In its justification for support of the normal-fare level and “Freedom Fare” rules and will accomplish its goal as well as smoothing out diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana’s night coach service, it should offer a parallel service rather than the economic day-line discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western’s indication of its intention to compete with Aeroméxico’s Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they are at two very different levels and, on the contrary, they worsen peakings problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.

We have repeatedly stated our position that carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. In its justification for support of the normal-fare level and “Freedom Fare” rules and will accomplish its goal as well as smoothing out diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana’s night coach service, it should offer a parallel service rather than the economic day-line discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western’s indication of its intention to compete with Aeroméxico’s Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they are at two very different levels and, on the contrary, they worsen peakings problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.

We have repeatedly stated our position that carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. In its justification for support of the normal-fare level and “Freedom Fare” rules and will accomplish its goal as well as smoothing out diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana’s night coach service, it should offer a parallel service rather than the economic day-line discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western’s indication of its intention to compete with Aeroméxico’s Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they are at two very different levels and, on the contrary, they worsen peakings problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.

We have repeatedly stated our position that carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. In its justification for support of the normal-fare level and “Freedom Fare” rules and will accomplish its goal as well as smoothing out diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana’s night coach service, it should offer a parallel service rather than the economic day-line discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western’s indication of its intention to compete with Aeroméxico’s Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they are at two very different levels and, on the contrary, they worsen peakings problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.

We have repeatedly stated our position that carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. In its justification for support of the normal-fare level and “Freedom Fare” rules and will accomplish its goal as well as smoothing out diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana’s night coach service, it should offer a parallel service rather than the economic day-line discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western’s indication of its intention to compete with Aeroméxico’s Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they are at two very different levels and, on the contrary, they worsen peakings problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.

We have repeatedly stated our position that carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. In its justification for support of the normal-fare level and “Freedom Fare” rules and will accomplish its goal as well as smoothing out diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana’s night coach service, it should offer a parallel service rather than the economic day-line discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western’s indication of its intention to compete with Aeroméxico’s Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they are at two very different levels and, on the contrary, they worsen peakings problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.

We have repeatedly stated our position that carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. In its justification for support of the normal-fare level and “Freedom Fare” rules and will accomplish its goal as well as smoothing out diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana’s night coach service, it should offer a parallel service rather than the economic day-line discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western’s indication of its intention to compete with Aeroméxico’s Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they are at two very different levels and, on the contrary, they worsen peakings problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.

We have repeatedly stated our position that carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. In its justification for support of the normal-fare level and “Freedom Fare” rules and will accomplish its goal as well as smoothing out diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana’s night coach service, it should offer a parallel service rather than the economic day-line discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western’s indication of its intention to compete with Aeroméxico’s Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they are at two very different levels and, on the contrary, they worsen peakings problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.
NOTICES

Docket No. 78-00094. Applicant: McGee Eye Institute, 608 Stanton L. Young Dr., Oklahoma City, Okla. 73104. Article: Electron Microscope, Model H-500 with Goniometer. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used to examine eye tissue from both humans and animals. Connective tissue and biochemical biophysical and pathological properties of the eye will be studied. Application will be conducted to: (1) Determine the role proteoglycans play in the normal physiology of vision; (2) Demonstrate any differences that may occur between the proteoglycan content of the normal cornea versus corneas with known pathology; (3) Demonstrate any difference of enzyme levels between normal and diseased corneas, and other eye tissues; (4) Demonstrate the effects lysosomal proteins may have on the retinal degeneration syndrome; (5) Demonstrate antigen-antibody complexes in autoimmune diseases of the eye; and (6) Develop clinical applications of the electron microscope to pathology. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00095. Applicant: Sandia Laboratories, 1515 Eubank Boulevard SE, P.O. Box 5800, Albuquerque, N. Mex. 87115. Article: Cint hodolite System. Manufacturer: Contraves AG, Switzerland. Intended use of article: The article is intended to be used for studies of aerodynamic characteristics of Weapon System Flight Vehicles. The phenomena to be investigated will be accelerations, velocities, and space position versus time. Experiments will be conducted to conform characteristics obtained from model studies, to determine the interface characteristics on which the delivery system and to investigate effects of component retrofits on existing systems. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00096. Applicant: North Carolina State University, Department of Botany, 2214 Gardner Hall, Raleigh, N.C. 27607. Article: Combination Scanning Microinterferometer and Scanning Microdensitometer, Model M8500010 with camera accessories. Manufacturer: Vickers Instrument Inc., United Kingdom. Intended use of article: The article is intended to be used for the measurement of amount of biological macromolecules DNA, RNA, proteins, and enzyme substrate precipitates at the cell level in order to procure quantitative data on the behavior of genetic material during growth and differentiation of prokaryotic and eukaryotic organisms. Other phenomena to be studied will include endopolyploidy, polyploidy pattern recognition, intra and interspecific plant and avian DNA values, sex determination and internal DNA reference standard establishment. In addition, the article will be used to provide basic understanding of quantitative cytochemistry and its application in plant science and biomedical research in the courses: Botany/Zoology 414 Cell Biology, Botany 421-510 Plant Anatomy, Botany 620 Advanced Plant Taxonomy, and Botany 590 Quantitative Botany. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00097. Applicant: University of Michigan, Ann Arbor, Mich. 48109. Article: Electron Microscope, Model H-100CX with side entry goniometer stage and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research needs: (1) Studies of the fundamental nature of electron transfer between transition metal ion sites in metalloproteins. (2) Identification of residual impurities and the

(Catalog of Federal Domestic Assistance Program No. 11.106, Importation of Duty-Free Educational and Scientific Materials.

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

(FR Doc. 78-3867 Filed 2-10-78; 8:45 am)

[3510-25]

JACKSONVILLE CHILDREN'S MUSEUM

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-851, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 75-00392-00-66700. Applicant: Jacksonville Children's Museum, 1025 Golf Life Drive, Jacksonville, Fla. 32207. Article: Planetarium Projector, MS-10. Manufacturer: Minolta Camera Co. Ltd., Japan. Intended use of article: The article is intended to be used to demonstrate astronomical phenomena and to allow student participation and involvement in the following courses:

- Celestial Navigation
- Principles of Stellar Photography
- General Astronomy
- Concepts in Contemporary Astronomy
- General and Practical Astronomy
- Concepts in Science, Grades 3 through 12
- Our Galaxy and the Universe
- Astronomy Workshops for Teachers

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 5, 1970).

Reasons: The application is a resubmission of Docket Nos. 71-00025-00-66700, 72-00210-00-66700, and 73-00258-00-66700 which were denied without prejudice to resubmission on April 9, 1971, July 27, 1972 and October 10, 1974, respectively. Denial without prejudice to resubmission (DWOP) is the procedure whereby the Department of Commerce permits the applicant to resubmit the article which the Department determines to prevent or severely restrict consideration of an application on its merits by submitting additional information in a new application limited to the same article and the same intended purposes, in addition to the deficiencies found in the application. Thus the material considered by the Department in a resubmission is that which falls within the scope and context of the deficiencies specifically stated to the applicant in writing. In the DWOP of the second submission of Docket No. 72-00210-00-66700 the applicant was specifically asked to provide more detailed information in reply to Question 8 which might establish a pertinent feature (within the meaning of §§301.2(n) and 301.5) upholding duty-free entry from the list of features claimed to be essential to the applicant's needs. These features were not found in the applicant's second submission essentially consisted of: 5,000 stars; accuracy of star positions (+/- 2 minutes of arc); accuracy of star magnitudes (+/-0.2 magnitude); projection of star images as well defined circular dots; annual—diurnal—latitude motion coupling, Keplerian planet motions; dual starbursts; complete star dimming capability; moon crescent within 2 degrees of sun; dual planet projectors; high efficiency moon and sun projectors; azimuth and altitude motion coupling, Keplerian planet motions.

In the second submission, the applicant included much stereotyped material of questionable relevance. Some of this material referred to projects which individuals not directly involved with the applicant's case advised that the applicant's case in itself "would like to see presented." These projects were proposed over a year after the article was ordered. This delay supports a finding of non-reasonable, blindsided unpreparedness which the applicant did not intend to perform when the initial application was submitted which was not received with respect to this application.

In the second submission, the applicant did not address the issues raised for the first time in the DWOP. In reply to Question 8 of this second submission, the applicant provided no new information relating to the issues raised in the second submission as listed above. Instead the applicant deleted all of the issues listed above and raised four new ones. In the DWOP of the third submission the applicant submitted a new material which the applicant did not intend to perform when the initial application was submitted or which were conceived by the applicant subsequent to the date the article was ordered. It was also pointed out that these limitations might well have been exceeded in certain programs described in the application (Docket No. 73-00210-00-66700). See, for example, page 3 of our DWOP letter of July 27, 1972.

In the third submission (Docket No. 73-00258-00-66700), the applicant provided no new information relating to the issues raised in the second submission as listed above. Instead the applicant deleted all of the issues listed above and raised four new ones. In the DWOP of the third submission the applicant asked for evidence that might explain why the four new issues were raised for the first time in the third submission. The applicant did not provide and evidence that these new issues raised for the first time in the third submission. The substantive portion of the fourth submission (Docket No. 75-00392-00-66700) was essentially a duplication of the third submission. No new material was provided. What could counterbalance contradictory material (pointed out to the applicant in the DWOP) contained in prior submissions. In reply to Question 8 of this fourth submission the following features were listed as essential to the applicant's program:

1. Separate Milky Way Projection,
2. Star twinkling,
3. Fully variable star field,
4. Dual planet projectors.

All four of these features relate to purposes which appear for the first time in the third submission and are repeated in this submission. While some of these features may have been listed in the manufacturer's published specifications and discussed in material attached to prior applications, the applicant did not previously list any of these features as essential to the achievement of intended purposes. Further, none of the features cited above (with the possible exception of
star dimming) was clearly an important consideration of the applicant, prior to the purchase of the foreign article, as evidence by the applicant's correspondence with the manufacturer, the summary analysis provided to the planetarium committee, and inquiries on planetarium characteristics which were sent to planetarium directors by the applicant while seeking information helpful in the accomplishment of teaching purposes. It is clear that Spitz was capable of meeting the requirements of the foreign article. Thus, there is evidence that Spitz was asked to provide a separately controlled Milky Way projector for use by the applicant to compare the features of the foreign article with those of other planetarium projectors including the domestic Spitz A-4. Moreover, there is no evidence that Spitz was asked to provide a separately controlled Milky Way projector for use by the applicant's initial submission the applicant referred to variability in intensity. This incandescent source could be exchanged with an arc source in a very short time by simply unhooking the Xenon source from the yoke and replacing it with the filamentary unit. Other alternatives such as use of a variable density filter over the light source are also possible.

In this connection, it is noted that the report of the equipment subcommittee dated February 5, 1970 includes a comparison of the A-4 with the foreign article showing that “Dawn/Twilight * * * Sunrise/Set” is built in on the A-4 and is optional on the A-4. If “Dawn/Twilight * * * Sunrise/Set” related to variability of the star field, Spitz is shown to have that feature.

4. In response to Question 8 of the applicant's initial submission the applicant stated that the dual optical projection of the foreign article's planet projectors assures that no occlusions will occur as “sometimes” happens with the single planet projection method. No other information on this feature was provided.

In the second submission (Docket No. 71-00255-00-66700), the applicant made no claims, in reply to Question 8 (or in any other part of the application), that a fully variable star field was needed for achievement of intended purposes or even facilitated the policy of which the applicant was advised in the DWOP of the initial submission.

Further, in its recommendation relating to Docket No. 73-00258-00-66700 (the third submission) the National Air and Space Museum (NASM) advised that b., c., and d. were not pertinent to the variability of the star field. b. could be performed on the Spitz A-4. Moreover, all of use a. and b. are intended for programs designed to convey information on certain subjects to the general public. As such these programs are considered to be of cultural rather than formalized educational character. Within the context of the Florence Agreement Legislation (Pub. L. 89-651) and consistent with the Department's administration of this program since 1967, such cultural purposes cannot be used to establish the pertinency of any characteristic of the foreign article and to justify thereby duty-free entry under the law (or law in which the applicant was advised in the DWOP of the initial submission).

Finally, it is noted that Spitz has had available a compact filamentary light source capable of 100 percent variability in intensity. This incandescent source could be exchanged with an arc source in a very short time by simply unhooking the Xenon source from the yoke and replacing it with the filamentary unit. Other alternatives such as use of a variable density filter over the light source are also possible.

In this connection, it is noted that the report of the equipment subcommittee dated February 5, 1970 includes a comparison of the A-4 with the foreign article showing that “Dawn/Twilight * * * Sunrise/Set” is built in on the article and is optional on the A-4. If “Dawn/Twilight * * * Sunrise/Set” related to variability of the star field, Spitz is shown to have that feature.

4. In response to Question 8 of the applicant's initial submission the applicant stated that the dual optical projection of the foreign article's planet projectors assures that no occlusions will occur as “sometimes” happens with the single planet projection method. No other information on this feature was provided.

In the second submission (Docket No. 71-00255-00-66700), the applicant made no claims, in reply to Question 8 (or in any other part of the application), that a fully variable star field was needed for achievement of intended purposes or even facilitated the policy of which the applicant was advised in the DWOP of the initial submission.

Further, in its recommendation relating to Docket No. 73-00258-00-66700 (the third submission) the National Air and Space Museum (NASM) advised that b., c., and d. were not pertinent to the variability of the star field. b. could be performed on the Spitz A-4. Moreover, all of use a. and b. are intended for programs designed to convey information on certain subjects to the general public. As such these programs are considered to be of cultural rather than formalized educational character. Within the context of the Florence Agreement Legislation (Pub. L. 89-651) and consistent with the Department's administration of this program since 1967, such cultural purposes cannot be used to establish the pertinency of any characteristic of the foreign article and to justify thereby duty-free entry under the law (or law in which the applicant was advised in the DWOP of the initial submission).

Finally, it is noted that Spitz has had available a compact filamentary light source capable of 100 percent variability in intensity. This incandescent source could be exchanged with an arc source in a very short time by simply unhooking the Xenon source from the yoke and replacing it with the filamentary unit. Other alternatives such as use of a variable density filter over the light source are also possible.

In this connection, it is noted that the report of the equipment subcommittee dated February 5, 1970 includes a comparison of the A-4 with the foreign article showing that “Dawn/Twilight * * * Sunrise/Set” is built in on the article and is optional on the A-4. If “Dawn/Twilight * * * Sunrise/Set” related to variability of the star field, Spitz is shown to have that feature.

4. In response to Question 8 of the applicant's initial submission the applicant stated that the dual optical projection of the foreign article's planet projectors assures that no occlusions will occur as “sometimes” happens with the single planet projection method. No other information on this feature was provided.

In the second submission (Docket No. 71-00255-00-66700), the applicant made no claims, in reply to Question 8 (or in any other part of the application), that a fully variable star field was needed for achievement of intended purposes or even facilitated the policy of which the applicant was advised in the DWOP of the initial submission.
ing struts. Spitz commented on Docket No. 71-00258-00-06700 (an application for duty-free entry of an identical foreign article involving, for all intents and purposes, identical issues) and in connection with the applicant’s feature alleged: That the number of projectors used is irrelevant; preservation of a comparable constant set of planet, sun and moon images is the relevant issue; that the Spitz A-4 planetarium was designed without heavy struts, thereby minimizing (and in most cases eliminating) shadows as the result of occultation; and finally that, based on observation of a similar foreign article (wherein it was noted that “at least 3 of the planet images disappeared during annual motion because one of the two bulbs per planet analog was evidently non-operative causing disappearance and unnatural shadows as a result of occultation”); “natural change in brilliance”) neither cause one of the two bulbs per planetarium to disappear during annual motion creates difficulty in the night sky and where to locate them” (similar to the response given in Question 7.b(3) and 4) can be and has been achieved with the A-4. It is further noted the applicant is willing in certain instances to sacrifice realism (for example, as a trade off: circular dots to represent stars and the use of the relatively inexpensive “but perhaps less satisfactory” incandescent light as opposed to Xenon light; Docket No. 72-00210-00-66700, the second submission, see especially the letter to the Director of the Strauberg Planetarium dated December 16, 1960).

Next the applicant alleged that the dual projector was needed in the Principles of Stellar Photography course at the Jacksonville Children’s Museum, Inc. (Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.) (specifications, text books, etc.) we find that the Spitz A-4 was of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used at the time the foreign article was ordered.

The four new-developed requirements listed in the third submission and in this submission, when taken together with this statement, do not provide a basis for justification of duty-free entry. Moreover, the National Bureau of Standards advised in its memorandum dated May 16, 1977, that it has taken into consideration the statements of the applicant and the attached documents for factual information therein and considers the applicant’s arguments for duty-free entry of the foreign article to be exhausted and insubstantial.

Based on the foregoing considerations, NBS advice etc., our own review of the attached materials, and other factual information in our possession (specifications, text books, etc.) we find that the Spitz A-4 was of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used at the time the foreign article was ordered.

The Spitz A-4 is subject to occasional occultation of planets from structural members; however, the planet cage is designed with small members to minimize the occultation. The (article) uses a system of two projectors per planet such that if one is occulted the other usually has a free line of projection. The applicant states that better effects of multiple planets at a time when it is necessary to stop annual motion creates difficulty in their relocation and thereby hampers effective teaching of astronomy. Thus the dual projector, in this instance, is found to be a convenience.

Finally, the applicant alleged that occultation of other planets at a time when it is necessary to stop annual motion creates difficulty in their relocation and thereby hampers effective teaching of astronomy. The dual projector, in this instance, is found to be a convenience. NASM advice etc., our own review of the attached materials, and other factual information in our possession (specifications, text books, etc.) we find that the Spitz A-4 was of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used at the time the foreign article was ordered.

In the third submission (73-00258-00-06700) and this fourth submission the material provided by the applicant relating to the issue of dual planet projectors is, for all intents and purposes, not significantly different (though a small amount of clarifying detail was provided in the latter submission). None of this material provides a basis for justification of duty-free entry.

First, the applicant alleges that the dual planet projectors of the article prevent the obscuration of planetary images by structural members of the instrument and therefore, present to the student a more realistic and accurate demonstration of the planetary motions. In its recommendation relating to the third submission, NASM emphasized that with respect to obscuration of planetary images, the foreign article (i.e., the MS-10) provides a more realistic presentation of planetary motion than the A-4. However, NASM

Richard M. Seppa,
Director, Statutory Import Programs Staff.

[FR Doc. 78-3865 Filed 2-10-78; 8:45 am]

SANDIA LABORATORIES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public
NOTICES

review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00295. Applicant: Sandia Laboratories, Kirtland AFB East Albuquerque, N. Mex. 87115. Article: TEA-100 CO2 Lasers and Accessories. Manufacturer: Lumonics Roch Ltd., Canada. Intended use of article: The article is intended to be used to study chemical processes crucial to the development of an economical atomic iodine laser. The atomic iodine laser utilizes expensive starting chemicals which are destroyed during operation of the laser. Experiments will be conducted which are aimed at finding techniques for regenerating starting chemicals from iodine laser byproducts.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Richard M. Seppa, Director, Statutory Import Programs Staff.)

[3510-25]

ST. JUDE'S CHILDREN'S RESEARCH HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00036. Applicant: St. Jude's Children's Research Hospital, 332 North Lauderdale, Memphis, Tenn. 38101. Article: LKB 8800A Ultramicrotome. Intended use of article: The article is intended to be used for studies of biological materials from humans, animals, fungi, bacteria, and viruses by investigators with widely divergent research interest from several different clinical and basic research laboratories in the hospital. Ultrastructural studies will be conducted in a wide variety of areas including:

1. Pathologic human tissues; normal and pathologic blood cells; normal and pathologic animal tissue; cyto- and histochemical location of enzymes and subcellular organelles localization in cells; subcellular changes in cells induced by changes in their biochemical environment, and membrane interactions with microfilaments, microtubules and virus particles.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Richard M. Seppa, Director, Statutory Import Programs Staff.)

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the National Bureau of Standards and the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicant’s intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-3868 Filed 2-10-78; 8:45 am]

[3510-25]

NOTICES

UNIVERSITY OF MINNESOTA, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 6, 1978.

Regulations (16 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6686C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00107. Applicant: University of Minnesota, Department of Otolaryngology, 2630 University Avenue SE., Minneapolis, Minn. 55414. Article: Electron Microscope, Model JEM-100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the ultrastructural study of the mammalian cochlea. Experiments to be conducted will involve characterization of ultrastructural changes in the cochlea following intense sound and ototoxic drugs. In addition, the article will be used for resident training in ultrastructural technique. Application received by Commissioner of Customs: January 26, 1978.

Docket No. 78-00108. Applicant: LDS Hospital (Intermountain Health Care Inc.), 325 8th Ave., Salt Lake City, Utah 84143. Article: Electron Microscope, Model JEM-100S with sheet film camera and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine various types of biological specimens principally, pathological tissues obtained from patients from biopsy or autopsy. Experiments to be conducted will include the following:

(1) Establishment of diagnosis in human diseases where light microscopy is inadequate, such as poorly differentiated tumors and renal diseases.

(2) Focus on the ultrastructural alterations occurring in the lungs of experimental animals and man with acute respiratory distress syndrome.

(3) Studies of the alterations of macrophage cell surface occurring during macrophage activation and participation in tumor killing.

The article may also be used as an educational tool for pathology residents and research fellows. Application received by Commissioner of Customs: January 26, 1978.

Docket No. 78-00111. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 980, Los Alamos, N. Mex. 87545. Article: Superconducting magnet, Polarized Target Cryostat and Accessories. Manufacturer: Cen Saclay, France. Intended use of article: The article will be used for a series of important and fundamental scattering experiments at the LAMPF medium-energy accelerator. In one experiment, a longitudinally polarized proton beam will be scattered from the longitudinally polarized protons from the target. In the second experiment, the polarization effect will be determined for the neutron—proton total sections at 25MeV. Application received by Commissioner of Customs: January 26, 1978.

Docket No. 78-00115. Applicant: Northeastern Ohio Universities College of Medicine, 4200 State Route 44, Rootstown, Ohio 44272. Article: NMR Spectrometer, Model JEOL-60 and Accessories. Manufacturer: Bruker, West Germany. Intended use of article: The article is intended to be used for studies of: (a) the molecular interactions between phospholipid bilayer membranes and proteins, (b) the effect of heat on phospholipid bilayer membranes, and (c) the interaction of bile acids, drugs, anesthetics, and carcinogens with phospholipid bilayer membranes. The interactions of model phospholipid membranes with added protein, drug, etc., will be determined by measuring the changes in molecular ordering of the fatty acid chains and the polar head groups, that occurs on incorporation of proteins into, or addition of drug, anesthetic, etc., to the membrane. The extent of molecular ordering of polar head groups in an aqueous multilayer dispersion of phospholipids is determined by measuring the C-1H quadrupole splitting multilayer dispersion prepared by selectively H-labelled phospholipids. The changes in the quadrupole splittings on interactions with proteins, drugs, carcinogens, etc., will be measured for a variety of positions in the phospholipid in order to give a complete description of the order profile for the molecule. Application received by Commissioner of Customs: January 27, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-3879 Filed 2-10-78; 8:45 am]

[3510-25]

UNIVERSITY OF MICHIGAN ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 6, 1978.

Regulations (16 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6686C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00111. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 980, Los Alamos, N. Mex. 87545. Article: Superconducting magnet, Polarized Target Cryostat and Accessories. Manufacturer: Cen Saclay, France. Intended use of article: The article will be used for a series of important and fundamental scattering experiments at the LAMPF medium-energy accelerator. In one experiment, a longitudinally polarized proton beam will be scattered from the longitudinally polarized protons from the target. In the second experiment, the polarization effect will be determined for the neutron—proton total sections at 25MeV. Application received by Commissioner of Customs: January 26, 1978.

Docket No. 78-00115. Applicant: Northeastern Ohio Universities College of Medicine, 4200 State Route 44, Rootstown, Ohio 44272. Article: NMR Spectrometer, Model JEOL-60 and Accessories. Manufacturer: Bruker, West Germany. Intended use of article: The article is intended to be used for studies of: (a) the molecular interactions between phospholipid bilayer membranes and proteins, (b) the effect of heat on phospholipid bilayer membranes, and (c) the interaction of bile acids, drugs, anesthetics, and carcinogens with phospholipid bilayer membranes. The interactions of model phospholipid membranes with added protein, drug, etc., will be determined by measuring the changes in molecular ordering of the fatty acid chains and the polar head groups, that occurs on incorporation of proteins into, or addition of drug, anesthetic, etc., to the membrane. The extent of molecular ordering of polar head groups in an aqueous multilayer dispersion of phospholipids is determined by measuring the C-1H quadrupole splitting multilayer dispersion prepared by selectively H-labelled phospholipids. The changes in the quadrupole splittings on interactions with proteins, drugs, carcinogens, etc., will be measured for a variety of positions in the phospholipid in order to give a complete description of the order profile for the molecule. Application received by Commissioner of Customs: January 27, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-3879 Filed 2-10-78; 8:45 am]

[3510-25]
Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6586C of the Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00101. Applicant: University of Michigan, Room 3014, Administration Building, Ann Arbor, Mich. 48109. Article: Electron Microscope, Model EM-400 HMG and Accessories. Manufacturer: Philips Electronics Instruments NVID. The Netherlands. Intended use of article: The article is intended to be used to study cells for research in modern cell biology, e.g., stages in the development of breast cancer, localization of hormone receptors in cells of the seminiferous tubules in the testis, localization of enzymes by cytochemistry at the electron microscope level in cells of the guinea pig corpus luteum, cyto-chemical localization of enzymes involved in ion transport in various transport epithelia, and fine structure of epidermal tissue cultures. In addition, the article will be used by graduate students as part of their training to become scientists. Application received by Commissioner of Customs: January 23, 1978.

Docket No. 78-00102. Applicant: University of Illinois at Chicago Circle, P.O. Box 4348, Chicago, Ill. 60607. Article: 69 MHz, Model WP-80 DS Spectrometer. Manufacturer: Bruker Scientific, West Germany. Intended use of article: The article is intended to be used for studies of nuclear magnetic phenomena in gases, liquids, solids, solutions, and biological systems. Variable temperature fourier-transform spectroscopy experiments will be conducted to: (a) probe intra- and intermolecular interactions, (b) determine the solution structure of the active site of an enzyme, (c) study the conformation of enzyme-inhibitor and enzyme-substrate complexes, (d) identify components of mixture of enzymes, and (e) determine the structure of newly synthesized organic compounds. The article will also be used by graduate students working under the direction of faculty using nmr spectroscopy as a research tool. Application received by Commissioner of Customs: January 23, 1978.

Docket No. 78-00103. Applicant: University of Florida, Department of Chemistry, 109 Leigh Hall, Gainesville, Fla. 32611. Article: JNM/FX-100 High Resolution Fourier Transform Multi-Nuclear Magnetic Resonance System, with accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research involving standard photon and carbon spectra for structure determination:

1. Investigation of whether certain carbonium ions are static bridge species or occur as an equilibrating mixture of two or more forms.
2. Investigation of the kinetics of the radioactive photolysis and thermal reversion.
3. Relaxation time measurements, particularly T\textsubscript{1}, to distinguish these mechanisms, and the measurement of the relaxator molecules, T\textsubscript{1}/T\textsubscript{2} studies to investigate molecular motions over a longer time scale than those affecting T\textsubscript{1}. Similarly the biochemical mechanisms of drug/dna complexes to DNA is under investigation; kinetic studies of drug/dna and dissociation will be facilitated by the auto-stacking capability of the article.
4. Determination of the stereochemistry of polymer end groups and interconversion rates of carbonanotamerons will be investigated using the auto-stacking and T\textsubscript{2} features.
5. T\textsubscript{2} measurements to determine the location of the metal atom in the metal complexes and the effects of UV irradiation in situ on various metal complexes will be tested.
6. The study of osmotic membranes using relaxation time measurements to follow the behavior of water molecules at the membrane.
7. The study of the kinetics of the sulfite ion cleavage of thiamine in the presence of other nucleophiles using the auto-stacking feature and to search for a sulfite ion adduct by measuring carbon T\textsubscript{2} measurements at the ring sites.
8. Synthesis of polymers by use of novel organic reactions, a study of the mechanisms of the polymerization reactions, and determination of the fundamental physical properties of the polymers.
9. Research devoted to the synthesis and synthetic use of novel heterocyclic systems.
10. The study of reversible and irreversible rearrangement processes in organometallic complexes at low concentrations.
11. Use of relaxation times of proton and carbon resonance as a probe of the transport of paramagnetic and quadrupolar ions.

Application received by Commissioner of Customs: January 23, 1978.

Docket No. 78-00104. Applicant: Valley Medical Center of Fresno, 445 South Cedar Avenue, Fresno, Calif. 93701. Article: LKB 2126-010 Ultratome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkt AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, primarily human tissues obtained at surgery or by autopsy. The tissues will be embedded in hardened epoxy resin blocks for sections for ultrastructural examination correlated with histologic and immunologic and regular light microscopic observations. The primary objective of the investigations will be the diagnosis and study of the pathogenesis of various disease processes. In addition, the article will be used in the training of physicians and histotechnologists in use and application of electron microscopy. Application received by Commissioner of Customs: January 23, 1978.
NOTICES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Richard M. Seppa, Director, Statutory Import Programs Staff.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

YALE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Richard M. Seppa, Director, Statutory Import Programs Staff.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
Notice is hereby given of a meeting of the Pacific Fishery Council’s Groundfish Advisory Subpanel, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-359), and the regulations thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued a Certificate of Exemption to Kjeld N. Jensen, 23 Water Street, Mattapoisett, Mass. 02739.

The Certificate of Exemption is available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.


ROLAND FINCH,
Acting Assistant Director
for Fisheries Management.

[FR Doc. 78-3893 Filed 2-10-78; 8:45 am]

Pre-ACT Endangered Species Products
Issuance of Certificate of Exemption

On December 19, 1977, notice was published in the Register that an application has been filed with the National Marine Fisheries Service by Francis L. Vincent of Westwood, Mass., for a Certificate of Exemption to engage in certain commercial activities with respect to his declared inventory of pre-Act endangered species products. Notice is hereby given that on January 20, 1978, as authorized by the provisions of the Endangered Species Act of 1973, as amended (Pub. L. 94-359), and the regulations thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued a Certificate of Exemption to Francis L. Vincent d.b.a. Vincent Associates, P.O. Box 294, 727, High Street, Westwood, Mass. 02090.

The Certificate of Exemption is available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.


ROLAND FINCH,
Acting Assistant Director
for Fisheries Management.

[FR Doc. 78-3939 Filed 2-10-78; 8:45 am]

[FR Doc. 78-3940 Filed 2-10-78; 8:45 am]

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 78-3912 Filed 2-10-78; 8:45 am]

Pre-ACT Endangered Species Products
Issuance of Certificate of Exemption

On December 12, 1977, notice was published in the Federal Register (42 FR 63565) that an application has been filed with the National Marine Fisheries Service by Francis L. Vincent of Mattapoisett, Mass., for a Certificate of Exemption to engage in certain commercial activities with respect to his declared inventory of pre-Act endangered species products. Notice is hereby given that on January 23, 1978, as authorized by the provisions of the Endangered Species Act of 1973, as amended (Pub. L. 94-359), and the regulations thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued a Certificate of Exemption to Kjeld N. Jensen, 23 Water Street, Mattapoisett, Mass. 02739.

The Certificate of Exemption is available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.


ROLAND FINCH,
Acting Assistant Director
for Fisheries Management.

[FR Doc. 78-3893 Filed 2-10-78; 8:45 am]

Office of the Secretary

Statement of Functions, Organization and Delegation of Authority

This order effective January 1, 1978 amends the material appearing at 42 FR 35672 of July 11, 1977.

Department Organization Order 25-5A, dated June 3, 1977, is hereby amended as shown below. The purpose of this amendment is to transfer the Executive Secretariat from the Office of Administration and Program Analysis to the Office of the Assistant Secretary for Economic Development (Sections 3 and 6).

1. In Section 3—“Office of the Assistant Secretary for Economic Development”: a. A new paragraph .03 is added to read as follows:

.03 The Executive Secretariat reports to the Assistant Secretary and shall receive all correspondence addressed to the Office of the Assistant Secretary, and assign it to the appropriate office for action; record controlled and non-controlled correspondence, maintain prompt follow-up of replies to insure that deadlines are met, maintain correspondence and policy files; and provide a selective reference service to files as requested by EDA officials.

b. Renumber paragraphs .03, .04 and .06 as paragraphs .04, .05 and .06, respectively.

2. In Section 6—“Office of Administration and Program Analysis,” in pen and ink, delete paragraph .07, “Executive Secretariat” from this section.

3. In pen and ink, delete “Executive Secretariat” from the organization chart (listed under the Office of Administration and Program Analysis).

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 78-3912 Filed 2-10-78; 8:45 am]
NOTICES

STATEMENT OF FUNCTIONS, ORGANIZATION AND DELEGATION OF AUTHORITY

This order effective January 13, 1978, amends the material appearing at 42 FR 35672 of July 11, 1977.

Department Organization Order 25-5A of June 3, 1977, is hereby further amended as shown below. The purpose of this amendment is to: (1) delete the requirement for the Administrator, NOAA to advise the Secretary before any final action is taken on the issuance of preliminary fishery management plans (subparagraph 3.01d.2.(f)), and the approval, disapproval, or issuance of a fishery management plan or amendment thereto (subparagraph 3.01d.2.(g)), (2) change the legal citation under which weather services are provided (subparagraph 3.01a.), and (3) add two new subparagraphs covering the performance of functions under the Central, Western, and Southern Pacific Development Act (3.01ff.) and the Whale Conservation and Protection Study Act (3.01gg.).

1. In Section 3, "delegation of authority": (a) In pen and ink delete subparagraphs 3.01d.2.(f) and 3.01d.2.(g) of this section, and (b) subparagraph 3.01a. is revised to read as follows:

"a. The functions in Title 15, Chapter 9, and in Title 49, sections 1351 and 1463, of the U.S. Code, which relate to the provision of weather services."

(c) The following subparagraphs 3.01ff. and 3.01gg. are added to read as follows:

"ff. The functions prescribed by the Central, Western, and Southern Pacific Fisheries Development Act (18 U.S.C. 758e through 758e–5).

"gg. The functions prescribed by the Whale Conservation and Protection Study Act (16 U.S.C. 917 through 917d)."

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

(FR Doc. 78-3909 Filed 2-16-78, 8:45 am)

STATEMENT OF FUNCTIONS, ORGANIZATION AND DELEGATION OF AUTHORITY


SECTION 1. Purpose. .01 This order prescribes the internal organization, management structure, and assignment of functions within the National Oceanic and Atmospheric Administration (NOAA). The scope of authority and functions of NOAA are set forth in Department Organization Order 25-5A.

.02 The purpose of this revision is to restructure the NOAA organization. Major changes include eliminating positions for the Associate Administrators for Marine Resources and for Environmental Monitoring and Prediction; establishing the position of Assistant Administrator for Policy and Planning; establishing the Office of Ocean Management; establishing positions for three new line managers—the Assistant Administrators for Fisheries, for Research and Development, and for Office of Oceanic and Atmospheric Services; placing the programs of the National Marine Fisheries Service under the Assistant Administrator for Fisheries; consolidating the programs of the Environmental Service, the National Ocean Survey, the Office of Sea Grant and the Office of Ocean Engineering under the Assistant Administrator for Research and Development; and consolidating the programs of the National Weather Service, the National Environmental Satellite Service, the National Ocean Survey and the Environmental Data Service under the Assistant Administrator for Oceanic and Atmospheric Services.

SECTION 2. Organization structure. The organization structure of NOAA shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document on file with the Office of the Federal Register.

.01 The Administrator of NOAA formulates policies and programs for achieving the objectives of NOAA and directs the execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating policies and programs and in managing NOAA.

.03 The Associate Administrator assists the Administrator and the Deputy Administrator in formulating policies and programs and in managing NOAA.

.04 The Office of Congressional Liaison shall coordinate contacts with the Congress, except for contacts with the Congressional Appropriations Committees on matters relating to appropriation requests and related budget matters. The activities of this Office shall be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Affairs, and of the NOAA General Counsel with respect to legislation.

.05 The Office of Public Affairs shall recommend objectives and policies relating to public affairs; plan and conduct an information and education campaign for the public, Congress, user groups, and employees; and provide direction to all public affairs activities within NOAA. These activities shall be carried out in collaboration with the Departmental Office of Communication.

.06 The Office of Naval Deputy shall assure coordination and joint planning with the Navy on programs of mutual organizational interest.

.07 The Office of NOAA Corps shall develop plans for the efficient utilization of the NOAA commissioned officers corps; develop and implement policies and procedures for the commissioning, training, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

Office of General Counsel. The Office of General Counsel shall provide legal services for all components of NOAA and shall be responsible for the preparation or review of all legislative proposals emanating from any component of NOAA, for the expression of NOAA's views as to the merits of proposed or pending legislation, and for statements concerning pending legislation to be made before committees of Congress. These activities shall be carried out in cooperation with the NOAA Office of Congressional Liaison.

Office of Policy and Planning. The Office of Policy and Planning, directed by the Assistant Administrator for Policy and Planning, shall provide staff advice on NOAA's objectives on program planning and on the development of policies of NOAA. The Office shall develop and recommend long-range policies and plans, including new program initiatives and modifications of policies and plans; conduct economic studies and operational analysis activities in support of the policy and planning functions; identify and make recommendations concerning major national and international policies and problems affecting NOAA's programs, and conduct or direct and coordinate studies and analyses to provide solutions thereto; and serve as the special problem solving and conceptual office on policy development matters of a direct concern to the Administrator. In addition, the Office shall develop policy and provide management and coordination for NOAA's marine min-
eral programs; and act as NOAA’s focal point in developing and coordinating these programs in relation to programs and requirements of other agencies, industry and other elements of the private sector.

Sec. 7. Office of Ocean Management. The Office of Ocean Management shall evaluate the impact of alternative uses for intensely used ocean and adjacent areas, and develop and recommend overall proposals that will result in optimum benefit for society. The Office shall direct and coordinate the assessment of the potential impacts of proposed human activities such as deepwater ports, offshore oil and gas development, power generation, ocean dumping, and recreation; administer the marine sanctuaries program; and make use, on a selective basis in coordination with the responsible offices, of other available mechanisms for expressing NOAA’s views on proposals for the use of ocean and adjacent areas.

Sec. 8. Office of Program Evaluation and Budget. The Office of Program Evaluation and Budget shall provide the Administrator with means and the management control over program and budget operations and program evaluations, and shall coordinate Management by Objective activities. This Office shall be the focal point for contacts with the Department and the Office of Management and Budget in these areas. The Office shall specifically be responsible for the planning and management of the annual NOAA program review; the consolidation and integration of program guidance developed by the Office Directors; the coordination and development of issue studies, Zero Based Budget material, and other supporting documentation required for budget cycle development of the NOAA budget; the allocation and budgetary control of funds; the review and monitoring of fiscal plan execution; the design and implementation of program impact and efficiency evaluations; and the coordination of Departmental and OMB requirements and reporting activities necessary to the operation of the Office. All contacts with the Congress on matters relating to appropriation requests and related budget matters shall be handled through the Departmental Office of Budget and Program Evaluation.

Sec. 9. Office of Fisheries. The Office of Fisheries, directed by the Assistant Administrator for Fisheries, who shall serve as the Director of the National Marine Fisheries Service, shall conduct an integrated program of management, research, and services related to the protection and rational use of living marine resources for their aesthetic, economic, and recreational value by the American people. The Office shall administer programs to determine the consequences of the naturally varying environment and human activities on living marine resources; to provide knowledge and services to foster their efficient and judicious use; and to achieve domestic and international management and protection of living marine resources. In the conduct of the above, the Office shall:

Establish national criteria and operational guidelines for fisheries management responsibilities associated with the State-Federal Fisheries Management Program; subject to the limitations in DOO 25-5A, approve and issue fishery management plans, permits to offshore domestic and foreign applicants; and provide interagency coordination of and assist NOAA’s nationwide enforcement activities as related to fisheries regulations.

Administer the Marine Mammal and Endangered Species Program; the administration of the Pribilof Islands; assist the native inhabitants of those islands; and manage the fur seal herds of the North Pacific Ocean.

Administer programs to assist the fishing industry, improve the quality and safety of fish and seafoods, and enhance the production, marketing, and consumer awareness and acceptability of fishery products. These programs shall include: (1) financial assistance to the industry, loan guarantees, loan insurance, and a capital construction fund; (2) research on utilization technology as it affects the harvesting, processing, and marketing of fishery resources and their use as human food; (3) consumer education and marketing to facilitate fishery development and stability in the marketing chain; (4) a national marketing system and preparation of market research reports; (5) integrated regional fisheries development programs, including aquaculture, designed to increase the market share of domestically produced seafoods; (6) information on foreign trade and other matters which may affect the commercial fishery; (7) a voluntary inspection and grading program for improving quality and safety of seafoods. Identify the needs for oceanic research or services which will improve the productivity and efficiency of the nation’s oceanic and atmospheric environment.

Adviser Administrator for Coastal Zone Management, directed by the Assistant Administrator for Coastal Zone Management, shall provide assistance programs consisting of loans, bond guarantees, planning grants, environmental grants and formula grants, each subject to specified conditions, for the purpose of meeting needs of States and local governments resulting from new or expanded energy activity in or affecting the coastal zone.

Develop NOAA policy, promulgate regulations, and implement procedures necessary for review and for development of coastal zone management programs and the execution of Federal consistency provisions which then come into force. Serve as focal point for Federal interagency coordination and Federal-State consultation efforts on matters relating to coastal zone management programs under the Coastal Zone Management Act of 1972, as amended. Serve as the Federal Government focal point regarding the consistency of Federal programs with regard to travel and traffic and the execution of Federal consistency provisions which then come into force. Serve as focal point for Federal interagency coordination and Federal-State consultation efforts on matters relating to coastal zone management programs under the Coastal Zone Management Act of 1972, as amended. Serve as focal point for Federal interagency coordination and Federal-State consultation efforts on matters relating to coastal zone management programs under the Coastal Zone Management Act of 1972, as amended.

Sec. 11. Office of Administration. The Office of Administration, directed by the Assistant Administrator for Administration, shall provide administrative and support services for all components of NOAA except for elements of such services that appropriate components are directed to provide for themselves, exercise functional supervision over such decentralized services, and provide advice and guidance to the Administrator on the utilization of NOAA resources. To carry out these responsibilities, the Office shall:

Administer programs in procurement and grants management; property and supply management; paper work management; records and files management; and administrative management; mail, messenger, and related office operations.
NOTICES

services; graphic services; safety; security; and management of the Department.

Conduct studies and provide analytical assistance to develop the organization and staffing structure and other management services within NOAA; provide management staff services in the application of advanced management principles and techniques; establish the NOAA management system for collecting, analyzing, presenting, and disseminating information on program status and performance; provide guidance and develop systems for measuring productivity and performance; emphasize overall management, planning, and coordination of NOAA's automatic data processing and telecommunications needs and facilities including serving as the focal point within NOAA for intra- and inter-agency matters, and the review and evaluation of proposals for automatic data processing and telecommunications requirements and systems; coordinate the Federal planning program for environmental telecommunications systems; and engage in research into advanced system concepts and applications to provide knowledge and the application of these concepts. The Office shall provide systems analysis and programming support to NOAA's executive and management organizations and to other NOAA functions as requested, and shall operate and provide automatic data processing facilities and systems and special software support for all NOAA components except where separate facilities are approved.

Administer a program of personnel management services including conducting recruitment, employment, classification and compensation, employee relations and assistance, affirmative action plans, upward mobility, and special programs for women, minorities, veterans, the handicapped, and cooperative students.

Provide centralized financial accounting and payroll for all components of NOAA determine needs of managers for accounting data, and maintain a financial reporting system to provide support to effective management of NOAA's financial resources.

As a Departmentwide responsibility, coordinate the requirements and the management and use of radio frequencies by all organizations outside of NOAA.

Provide centralized personnel services responsive to the requirements of the National Marine Fisheries Service Southwest Fisheries Center and Northwest and Alaska Fisheries Center, the National Ocean Survey Pacific Marine Center, and such other NOAA organizational units which can be accommodated by the current facilities. These services shall include personnel administration, finance, procurement and contracting, property management, motor vehicle pool operation, and office services.

Sec. 12. Office of Research and Development. The Office of Research and Development, directed by the Assistant Administrator for Research and Development, shall administer an integrated program of research, technology development, and transfer relating to the oceans, the Great Lakes, the United States' coastal waters, the lower and upper atmosphere and the space environment so as to increase understanding of the environment and human impact upon it, and thus provide the necessary basis for improved services. The Assistant Administrator for Research and Development shall serve as the principal advisor to the Administrator concerning research, technology, and engineering matters. To carry out these responsibilities, the Office shall:

Provide advice to the Administrator on NOAA's total research and technology development effort; and advise the Offices of Fisheries, Coastal Zone Management, and Ocean and Atmospheric Services on the research and technology development undertaken by the organizations to meet their special needs.

Serve as NOAA's focal point for coordination with the Office of Science and Technology Policy, the National Science Foundation, the Academy of Sciences; National Academy of Engineering; and other interagency groups; and international scientific bodies on matters affecting research and technology.

Discharge those coordinating and management functions for research and technology development which are assigned to NOAA for the Global Oceanographic Research Program, and others as may be assigned by the Administrator.

Provide focal point for NOAA's research activities in support of international environmental programs such as the United Nations Environment Program (UNEP), United Nations Interagency Oceanic and Atmospheric Commission, bilateral agreements with other nations, and such others as the Administrator may assign.

Serve as the focal point for the development and coordination of a coherent national climate program; manage those special purpose NOAA programs which are specifically designed to support the national climate program; coordinate those multi-purpose programs within NOAA and among other Federal agencies that make significant contributions to national climate program goals; and serve as the focal point for U.S. participation in the International Geophysical Year (IGY).

Conduct research to describe, understand, and improve the prediction of oceanic processes and phenomena, ocean-atmosphere interactions, and the environmental processes of coastal areas.

Conduct research on the physics and chemistry of the atmosphere. Conduct research on the dynamics and physics of geophysical fluid systems to describe, understand, and improve predictions of the state of the atmosphere and oceans, and their processes.

Develop techniques and maintain facilities to support the conduct of research and monitoring.

Measure and monitor the atmospheric composition for use in predicting and in validating trends in atmospheric conditions. Conduct research to describe, understand, and improve prediction of environmental processes in the Great Lakes and their watersheds.

Conduct research in the field of solar-terrestrial physics; provide monitoring and forecasting of the space environment; and improve techniques for forecasting of solar disturbances and their effects on the earth's environment.

Provide the research, and coordinate comprehensive programs of basic and applied research directed toward the solution of resource-use problems; develop and implement policies for health and restoration of selected near-coastal marine ecosystems; and plan and direct assessments of the primary environment concerning energy development along broad areas of the Outer Continental Shelf of the United States.

Develop policy, plans, and programs for NOAA's ocean engineering and instrumentation program and promote the development of technology to meet future needs of the marine environment. Implement an integrated program of research, technology development, and services related to ocean engineering, instrumentation and measurement standards, ocean buoy systems, and undersea and underwater systems; manage the NOAA diver program; and serve as a national focal point for transfer of knowledge related to civilian ocean engineering and development, and a mechanism for technology transfer from military and space fields.

Develop policy and plans for NOAA's association with the academic community and administer a program of grants and contracts for research and development aimed at the development, utilization, and management of the seas and the Great Lakes of the United States, including their resources.

Promote the transfer of research information and new technology to other components of NOAA and to other scientific organizations outside of NOAA.

Sec. 13. Office of Oceanic and Atmospheric Services. The Office of Oceanic and Atmospheric Services, directed by the Assistant Administrator for Oceanic and Atmospheric Services, shall administer programs to provide a wide variety of meteorologic, hydrologic, climatologic, map and chart, geodetic, and oceanographic data and services to government, industry, the scientific and engineering communities, and the general public. To carry out these programs, the Office shall:

Observe and report the meteorological, hydrologic, and ocean conditions of the United States, its possessions, and adjacent waters; issue forecasts and warnings of weather and climate, flood, and ocean conditions that affect the Nation's safety, welfare, and economy; develop the National Meteorologic, Hydrologic and Oceanic Service; promote the development of community preparedness programs; provide forecasts for domestic and international aviation and ship communications; and operate the International Tsunami Warning Service.

With appropriate support of other offices, act as the NOAA focal point for participation in international meteorologic, hydrologic, oceanic, and climatologic activities, including the international exchange of technology, participation in the World Meteorological Organization, the International Civil Aviation Organization, and other bodies as may be designated by the Assistant Administrator.

Operate the National Environmental Satellite System; develop new and improved
satellite techniques; increase the utilization of satellite data in environmental services; and manage and coordinate all operational satellite programs within NOAA and certain research-oriented satellite activities with the National Aeronautics and Space Administration and the Department of Defense.

Provide charts for the safety of marine and air navigation, a basic network of geodetic control, and basic geodetic, gravimetric, bathymetric, hydrographic, circulatory current and tidal data for engineering, scientific, commercial, industrial, and defense needs.

Acquire and disseminate global environmental data (marine, atmospheric, solid earth, and solar-terrestrial) and information tailored to meet the needs of users in commerce, industry, agriculture, the scientific and engineering community, the general public, and Federal, State, and local governments; provide experiment design, data management, and analysis support to national and international environmental programs; assess the impact of environmental fluctuations on food and energy, environmental quality, and telecommunications; manage and/or provide functional guidance for NOAA's scientific and technical publication and library activities; operate a network of specialized service centers, a liaison service, and a comprehensive data and information referral service; and operate related World Data Center A facilities and participate in other international data and information exchange programs.

Be responsible for and administer programs for NOAA support in time of civil emergencies, the conduct of post-disaster surveys designed to evaluate the effectiveness of NOAA's warning services, and the cooperation between NOAA and the Department of Defense in time of a declared national emergency.

Discharge the Federal Coordinating functions assigned to NOAA for meteorology, marine prediction services, geodetic surveys, operational satellite systems, and others that may be assigned by the Administrator.

In consultation with the Offices of Fisheries, Coastal Zone Management, Research and Development, design and execute service programs intended to meet the needs of these other elements of NOAA and their constituencies.

The Office shall be headed by a Controller who shall be responsible for providing technical direction, coordinating liaison and execution of financial management policies; performing cost studies as a basis for product pricing; formulating and executing and integrated budget, which includes revenue forecasts, expense and production budgets, cost standards, and programs for capital investment and financing; measuring performance against approved operating plans and standards; planning, developing, and implementing accounting procedures and systems; and measuring and reporting on the validity of the objectives of NTIS and on the effectiveness of its policies, organization structure and procedures in attaining these objectives.

The functions of the Office shall be carried out through its principal organizational elements as prescribed below:

- The Systems Analysis Staff develops systems and procedures to meet the needs of management as well as requirements for outside reporting; reviews and evaluates the effectiveness of financial and administrative systems and recommends improvements, as deemed necessary; researches, evaluates, and makes recommendations for increased effectiveness of NTIS policies, organization structure and internal operating procedures for accomplishing program objectives; and conducts research, analysis and user studies on NTIS product lines.

- The Accounting Division ensures appropriate accountability in accordance with the Budget and Accounting Procedures Act of 1950, as amended, which requires, in part, each agency to conform to the principles, standards and related requirements prescribed by the Comptroller General of the United States and the Department of Commerce (see 31 U.S.C. 65 et seq.); provides effective control over and accountability for all funds; property, and other assets for which NTIS is responsible; provides reliable accounting results to serve as a basis for preparing and supporting budget requests; and assists in the development of financial arrangements for NTIS' numerous interagency agreements.

- The Budget Formulation Division develops procedures and schedules for timely preparation and review of all NTIS budgets, which includes revenue forecasts, expense and production budgets, cost standards, and programs for capital investment and financing; provides appropriate assistance to line managers in preparing budget estimates including, where appropriate, cost benefit analyses, trend data, unit cost information, and other analytical tools to promote the development of meaningful budgets; reviews and consolidates budgets, ensuring the availability of funds to cover planned expenditures and preparing presentations for formal approval by the NTIS executive body; assists in the development of financial arrangements for NTIS' numerous interagency agreements; and maintains and monitors NTIS staffing to provide maximum utilization for the authorized personnel ceiling to ensure the end-of-year ceiling is not exceeded.

- The Reporting Control and Analysis Division measures and reports performance against approved operating plans and standards, and reports and interprets the results of operations to all levels of management; performs studies of product costs, analyses of profitability by product line, studies of volume and price changes and the effects of reduction in costs, analyses of profitability by different product managers, objective analyses in support of forecasts to aid in management decision making, and develop alternative pricing mechanisms to aid management in realizing full cost recovery in the sale of products; controls the execution of the budget, and provides financial and quantitative data for internal management and control; and assists in the development of financial arrangements for NTIS' numerous interagency agreements.

2. The organization chart attached to this amendment supersedes the chart dated August 1, 1977. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 78-3910 Filed 2-10-78; 8:45 am]
OFFICE OF THE CONTROLLER

Statement of Functions, and Organization

This order effective December 28, 1977 supersedes the material appearing at 41 FR 36058 of August 28, 1976.

Section 1. Purpose. This order establishes, and prescribes the functions and organization of the Office of the Controller in order to provide departmental leadership and coordination for financial management policy and systems improvement. It also reflects the transfer of the functions previously assigned to the Office of Financial Systems Improvement. It also reflects the transfer of the functions and organization of the Administrative Systems Division of the Secretary Budget Staff, and the Management Services, the Office of the transfer of the functions previously assigned the Office of the Controller in order to provide Departmental financial and management systems to the new Office of the Controller.

Section 2. Status and time of authority. The Office of the Controller, a Departmental office, shall be headed by a Controller, who shall report and be responsible to the Assistant Secretary for Administration.

Section 3. Functions.

.01 The Controller shall be the adviser to, and representative of, the Assistant Secretary for Administration for financial management and control matters; shall provide leadership and coordination in setting Departmental financial and grants management policy and in the resolution of financial management issues and problems of a Departmental nature; and shall serve as adviser to other Department officials with respect to these matters.

.02 The Controller shall serve as Chairman of the Financial Operations and Practices Committee and shall serve as adviser to the Assistant Secretary for Administration as member of the Financial Management Committee.

.03 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary may prescribe, the office shall:

a. Perform, on a Departmentwide basis, financial management and financial systems management service functions, as specified in Section 4 of this order; provide accounting and related financial services to the Office of the Secretary, and, as may be designated by the Assistant Secretary for Administration, to particular operating units; and provide budgetary services for the Office of the Secretary and Practices Committee and shall
b. Exercise such authorities of the Assistant Secretary for Administration as are implicit in and essential to carry out the functions assigned by this order.

Section 4. Organization. Under the direction and supervision of the Controller, the functions of the Office shall be organized and carried out as provided below.

.01 The Operations Analysis Staff shall conduct analyses of financial management policies, practices, and information support mechanisms and shall manage task forces and special financial management studies; shall develop processes for utilizing budgetary and accounting output data to increase financial management effectiveness; shall serve as principal liaison on matters pertaining to financial management practices and the Controller's initiatives; and shall coordinate machine systems planning with the Office of ADP Management.

.02 The Finance Operations Division shall implement financial and accounting policies designated by the Controller with the advice of the Chief Accountant; provide accounting, payrolling, and related services for the Office of the Secretary, Regional Action Planning Commissions, and assigned operating units; be responsible for the consolidated billings of the Department; for preparation of consolidated accounting statements required of the Department, and for the Office's staff responsibility for Departmentwide policies and procedures on official travel; and provide accounting guidance and control for the Working Capital Fund of the Office of the Secretary, which responsibility shall consist of proposing accounting policies on operating the Fund, prescribing rules and procedures on use of the Fund, giving accounting management instructions to heads of Departmental offices responsible for services being financed through the Fund, and taking such actions as may be required to maintain liquidity of the Fund.

.03 The Accounting Standards Division, under the Chief Accountant, shall formulate standards applicable to accounting matters, the coordination and integration of all administrative systems of a financial nature, including those operating in an automatized environment and the development of unit costs for planning and controlling operations. The Division is also responsible for reviewing accounting systems design and financial systems implementation for approval; assisting in the improvement of accounting systems; coordinating accounting practices; and providing liaison with central agencies on accounting matters and on administrative systems matters. The Division is also responsible for budgeting and control of operating units on grants management matters and for coordination of the administration of grants.

.04 The Budget Operations Division shall be responsible for budget administration for the Office of the Secretary, including budget formulation and preparation and monitoring of operating budgets; shall administer the Office of the Secretary Working Capital Fund and Office of the Secretary trust funds (consisting of contributions from non-public sources and payments from private sources, and the special foreign currency and U.S. expositions programs); and shall develop, negotiate, and execute reimbursable agreements with the Executive Office of the President, other Departments and agencies, and the Departmental offices and operating units of Commerce with regard to services to be performed by or for the Office of the Secretary. The Division shall also advise the Controller on cash flow matters and conduct cash flow analysis and forecast as requested by the Financial Operations and Practices Committee.

Savings provision. The Assistant Secretary for Administration shall determine the schedule and quantity for the transfer of funds, positions, and employees, as required by this order.

GUY W. CHAMBERLIN, Jr., Acting Assistant Secretary for Administration.

OFFICE OF ORGANIZATION AND MANAGEMENT SERVICES

Statement of Functions and Organization

This order effective January 19, 1978 further amends the material appearing at 41 FR 50321 of November 15, 1976 and 42 FR 11863 of March 1, 1977.

Department Organization Order 20-7, dated November 1, 1976, is hereby further amended as shown below. The purpose of this amendment is to reflect the transfer of the functions and organization of the Administrative Systems Division to the newly established Office of the Controller.

1. In section 3—"Functions," in pen and ink, delete the words "financial systems management" from subparagraph .01a.

2. In section 4—"Organization," in pen and ink, delete paragraph .02 and renumber paragraph .03 as .02.

GUY W. CHAMBERLIN, Acting Assistant Secretary for Administration.

NOTICES
NOTICES

DEPARTMENT OF ENERGY

Economic Regulatory Administration

CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of January 20 through January 27, 1978

Notice is hereby given that during the week of January 20 through January 27, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 208, any person who will be aggrieved by the action sought in this case may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.


APPENDIX.—List of cases received by the Office of Administrative Review, Week of Jan. 20, 1978 through Jan. 27, 1978

<table>
<thead>
<tr>
<th>Date</th>
<th>Name and location of applicant</th>
<th>Case No.</th>
<th>Type of submission</th>
</tr>
</thead>
</table>

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
NOTICES

APPENDIX.—List of cases received by the Office of Administrative Review, Week of Jan. 20, 1978 through Jan. 27, 1978—Continued

<table>
<thead>
<tr>
<th>Date</th>
<th>Name and location of applicant</th>
<th>Case No.</th>
<th>Type of submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do</td>
<td>Southwestern Refining Co., Inc., Washington, D.C.</td>
<td>DEE-0483</td>
<td>Exception from the entitlements program (sec. 211.67).</td>
</tr>
</tbody>
</table>


Date       | Name and location of applicant | Case No. |
------------|--------------------------------|----------|
Jan. 23, 1978 | Arizona Fuels Corp., Salt Lake City, Utah | DNE-0024  |
Jan. 26, 1978 | Atlantic Richfield Co., Dallas, Tex. | FEI-4104  |
Jan. 27, 1978 | International Retail Corp., Aberdeen, Md. | FEI-4838  |

[3128-01]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Availability of Documents and Request for Comment on Proposed Approvals by the Secretary of Energy

AGENCY: Department of Energy.

ACTION: Notice of Availability of Documents and Request for Comment.

SUMMARY: A draft of a proposed clearance letter and recordkeeping guidelines with respect to U.S. oil company participation in the upcoming test of the International Energy Agency's international oil allocation system is being transmitted to the relevant government agencies for comment and is also being made available for public comment.

DATE: Written comments are to be submitted by February 21, 1978.

ADDRESS: Comments should be submitted to Box RT, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTAL INFORMATION:

Under section 252 of the Energy Policy and Conservation Act, the Administrator of the Federal Energy Administration (whose functions have now been transferred to the Secretary of energy pursuant to the Department Energy Organization Act) monitors the carrying out of Voluntary Agreements by U.S. companies and issues certain approvals with respect thereto. In this connection, U.S. companies who are members of the Voluntary Agreement will be requested to assist the International Energy Agency in conducting a test of the emergency allocation system beginning March 30, 1978. The Department of Energy staff, in cooperation with the staffs of the Department of State, the Department of Justice, and the Federal Trade Commission, has developed the various clearance documents which are being made available today. The first document is a draft letter of approval for U.S. companies participating in the test. The second document is the Guidelines for Recordkeeping which will be required. These Guidelines will apply existing DOE regulations contained in Title 10, CFR, Part 209, to the test. Amendments to the part 209 regulations are also being proposed in a separate filing. The proposed clearance letter is substantially similar to the clearance letter which was provided for the 1976 systems test. See 41 FR 41459 (September 22, 1976). However, the categories of data which may be exchanged have been more precisely drawn. The recordkeeping guidelines are also similar in substance to those issued in 1978. They have been totally revised in terms of format. In addition, several changes have been made based on experience of the U.S. Government in monitoring the last test.

DOE has determined that it would be useful in this test to evaluate utilization of a verbatim transcript for portions of the test. Accordingly, it is contemplated that a transcript will be taken of many of the group sessions.
NOTICES

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of December 5 through December 9, 1977

Notice is hereby given that during the week of December 5 through December 9, 1977, the decisions and orders summarily issued by the Information Access Officer in compliance with respect to appeals and applications for exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration, Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

Appeals

Atlantic Richfield Co., Los Angeles, Calif., DFC-0030, Freedom of Information

The Atlantic Richfield Company (Arco) appealed from a Decision and Order which the firm had submitted under the Freedom of Information Act (the Act). In its request, Arco sought the disclosure of documents relating to the FEA Transfer Pricing Program (10 CFR 212.84). In a partial response to the Arco request, the Information Access Officer released portions of a computer printout listing summaries of the price and volume of transactions in various crude oils which had been reported to the FEA. However, he deleted from this material the aggregate quantities and average prices for crude oils in months when three firms or less participated in the transactions. The deletions were made on the grounds that the release of these figures would disclose confidential commercial information which was exempt from mandatory disclosure under Section 552(d)(4) of the Act. In considering Arco's Appeal, the DOE determined that the information withheld from Arco which is traceable to individual disclosures of FEA, however, was exempt from disclosure since that information is confidential commercial and financial information which the public, would cause substantial harm to the competitive positions of the firms which had submitted that data to the FEA. However, the DOE held that the Information Access Officer erred in deleting aggregate quantities and average prices for those months in which three firms had reported transactions involving a particular type of crude oil. The DOE determined that the Information Access Officer must provide Arco the aggregate volume and average price information when three firms had transactions in a particular month unless (i) one of the three firms is a governmental entity or utility; or (ii) fewer than three firms actually lifted that particular type of crude oil in that particular month. The Arco Appeal was therefore denied in part and granted in part.

Champlin Petroleum Company, Fort Worth Tex., FEA-1113, Crude Oil

Champlin Petroleum Company appealed from a Decision and Order denying the firm's request for exception relief from the provisions of 10 CFR, Part 212, Subpart D. Champlin Petroleum Company, 5 FEA Par. 83,113 (March 31, 1977). Champlin had requested that it be permitted to sell at upper tier ceiling prices a portion of the crude oil produced and sold for the benefit of the working interest owners of Fault Block Units II, III and IV, located on the Wilmington Field, Long Beach, California. Relief was requested in order to permit the recoupment of the project cost of an investment for a water pollution control facility which the firm had constructed independently with an Order issued by the California Regional Water Quality Control Board. In the Decision and Order, the FEA found that Champlin had ample economic incentive to make the required investment in the absence of exception relief. In its Appeal, Champlin asserted that the FEA had failed to apply the methodology employed in previous cases in its analysis of the firm's future financial position. In considering the Appeal, the DOE determined that Champlin's contention was correct since the FEA, in projecting the revenues which the working interest owners will receive from the sale of crude oil in future years, had utilized ceiling prices which were substantially in excess of the current ceiling prices applicable to the sale of crude oil produced from Fault Block Units II, III and IV. The DOE found that in previous cases of a similar nature the FEA, in analyzing a firm's future financial position, instead utilized the current applicable selling prices or the most recently published ceiling price which would be available to the producer. Accordingly, the DOE determined that a new analysis should be conducted of Champlin's request for exception.

On the basis of this new analysis, the DOE determined that the incentive for crude oil pricing regulations there is little economic incentive for Champlin to make the investment in the water treatment facility and it is likely that Champlin will abandon its operations at Fault Block Units II, III and IV in the absence of exception relief. The DOE also determined that the reserves underlying each Fault Block Unit contain substantial quantities of crude oil which would not be recovered if the firm's operations were abandoned. On the basis of this determination, the DOE concluded that the investment would further important national policies, including the attainment of statutory water quality standards and the encouragement of domestic crude oil production, the DOE concluded that the application of the ceiling price rules to Champlin's operations resulted in a gross inequity which warranted exception relief.

Dasher-Harris Gas Co., Valdosta, Ga., FEA-299, Propane

The Dasher-Harris Gas Company appealed from a Decision and Order which the FEA issued to it on January 3, 1977, denying a request for an extension of the exception relief which had been granted to the firm on June 29, 1976. Dasher-Harris Gas Co., 3 FEA Par. 83,034 (January 3, 1977), 3 FEA Par. 83,258 (June 29, 1976). The June 29 De-
The FEA would have found that the firm was experiencing serious financial and operating difficulties which are attributable to this price disparity. The DOE determined that there was a significant disparity between its cost of propane and the comparable costs of its competitors, and that as a result it was experiencing a serious financial hardship. In denying this appeal, the FEA found that the firm had been purchasing substantial quantities of propane on the surplus market, and that consequently its costs of $1.48 cents higher than the average cost of its competitors. The FEA also found that the evidence in the record was not sufficient to establish with certainty that it was experiencing a financial hardship as a result of FEA regulatory requirements. Natrogas contended on appeal that the FEA erred in calculating the difference between its cost of propane and the cost to its competitors by including prices offered by suppliers which do not supply its area, and that these prices were properly included in the comparison since those suppliers did in fact sell propane to competitors of Natrogas. Nevertheless, the FEA determined that the average cost of propane to Natrogas' competitors, the FEA improperly excluded the prices charged by several other suppliers. Accordingly, the DOE conducted a new survey of suppliers in Natrogas' market area, which indicated that the cost disadvantage currently being experienced by Natrogas was not substantial and, in any event, was less than that found to exist in the Maralo Appeal. An alternative appeal was denied. However, it was also determined that new financial data submitted by Natrogas in connection with its present submission warranted a reconsideration of the findings made in the March 8 Decision. That data indicated that Natrogas’ markup had declined substantially over the years and was insufficient to meet the firm's necessary operating costs, and that consequently the firm was currently operating at a loss.

In the March 8 Decision, the FEA denied the firm's Application for Exception from the provisions of 10 CFR 211.9 and directed that the firm be assigned a lower-priced supplier of propane to replace its base period suppliers. The DOE determined that the firm had failed to demonstrate that there was a significant disparity between its cost of propane and the comparable costs of its competitors. Furthermore, the DOE noted that although Natrogas had sold crude oil at prices which exceeded the maximum permissible price levels computed pursuant to 6 CFR 150.359 and 10 CFR 211.9, the DOE had found that the firm's broad allegation that certain calculations were incorrect and inadequate records of his business transactions, the FEA could not make, on the basis of those records, a precise determination as to Smith's compliance with the applicable regulations and was accordingly compelled to calculate his selling prices and product costs on the basis of the available records and invoices. In considering the Appeal, the DOE determined that Smith did not present any material whatsoever which supported his broad allegation that certain calculations were incorrect. In addition, the DOE noted that although Smith had been given an opportunity during the appeal proceeding to show that he would experience a serious financial hardship as a result of the Remedial Order, he had failed to submit any financial material in support of the claim. The Smith Appeal was accordingly denied.

Texaco, Inc., White Plains, N.Y., DEA-0002, DEA-0003, DEA-0004, Aviation Jet Fuel

Texaco, Inc. filed Appeals from Assignment Orders which were issued to the firm on September 29, 1977 directing it to supply aircraft jet fuel to Continental Airlines, Inc. and Southwest Airlines, Inc. In considering Texaco's Appeal, the DOE determined that the September 26 Orders were inconsistent with the standards and principles for adjusting an airline's base period volume of aviation jet fuel which the FEA had established in an earlier Decision and Order. See Texaco, Inc., 6 FEA Par. 80,548 (September 9, 1977). Specifically, the Assignment Orders contained an erroneous finding that the approval of operating rights by the Civil Aeronautics Board or other appropriate authority is itself a "compelling situation" which justifies and is adjustment under 10 CFR 211.14(b)(4). Furthermore, none of the Orders reflected any consideration of the airlines' attempts to reduce daily flights on routes which had been designated as non-essential or to curtail service on routes which are duplicated by other airlines. Finally, the DOE held that consideration should also be given to the availability of other alternative sources of fuel including imported aviation fuel. On the basis of these considerations, the September 26 Assignment Orders were
reminded for further findings of fact and law.

REQUESTS FOR EXCEPTION

Bailer & Deshaw, Kawkawlin, Mich., FEE-4763, Crude Oil
Bailer & Deshaw (Bailer) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell at market prices the crude oil which it anticipates it will produce from two wells to be drilled on the Arbela Field located in Tuscola County, Michigan. In considering the Bailer application, the DOE found that a substantial investment is necessary to drill the two wells and purchase the equipment which is necessary to commence operations at the leases. The DOE further determined that the crude oil production estimates provided by the firm indicate that the investment would be uneconomic if the crude oil which will be produced from the wells prior to their qualification for stripper well status were to be sold at upper-tier ceiling prices. Moreover, the DOE determined that over 30,000 barrels of crude oil could be recovered to meet the nation’s energy requirements if the two wells are drilled. On the basis of these findings which are similar to those presented in a previous case, the DOE determined that exception relief should be granted to Bailer which would provide it with a sufficient economic return to undertake the capital investment project required to develop the two leases. See Minard Run Oil Co., Inc., FEA Par. 83, 119 (March 31, 1977). Based on the financial and operating data that the firm submitted, the DOE determined that if Bailer were permitted to sell all the crude oil produced from the two wells for the benefit of the working interest owners during the first year of production at stripper well prices, in its Application for Exception in which the firm requested that it be permitted to sell the crude oil produced from the Unit without regard to those provisions of the regulations which relate to unitized properties.

REQUESTS FOR STAY

Mid-Michigan Truck Service, Inc., Kalamazoo, Mich., DES-0155, Motor Gasoline
Mid-Michigan Truck Service, Inc. filed an Application for Stay of the provisions of 10 CFR 211.28 (the supplier substitution rule). If the request were approved the Gulf Oil Corporation would be required to continue furnishing Mid-Michigan with its base period use of motor gasoline directly, rather than through the Bestrom Oil Company, Gulf’s designated substitute supplier. In considering Mid-Michigan’s request for stay, the DOE concluded that the prior exception relief granted to Mid-Michigan, it is likely that the firm will prevail on the permits of its pending Application for Exception from Section 211.28. In addition, the DOE determined that the financial burden to Mid-Michigan of returning to the situation which existed prior to the approval of the exception relief is less than any burden which Gulf would incur if the stay were granted in order to maintain the status quo ante. Accordingly, Mid-Michigan’s request for stay was denied.

Union Oil Co. of California, Los Angeles, Calif., DES-0129, Motor Gasoline
The Union Oil Company of California filed an Application for Stay of the provisions of 10 CFR 212.83 pending a determination on the merits of an Application for Exception which it had filed. If its request were approved Union would be permitted to increase its maximum allowable selling price for motor gasoline in the County of Hawaii, State of Hawaii by two cents per gallon in order to reflect an increase in a County license tax on that product. Under the provisions of 10 CFR 212.83(xkxhIXEIV), Union is required to treat the County license tax as an increased nonproduct cost which it may recover only by applying that cost equally among all of its classes of customer throughout the United States on a firm-wide basis. In considering the Union Application, the DOE determined that Union had not yet clearly established the existence of a gross inequity by demonstrating that the effect of the regulation in question upon its customers differed in nature or degree from its effect on the customers of other refiners with respect to the County license tax increase or with respect to any other such local tax measure. Nor had Union demonstrated that the regulation interfered with its ability to charge a uniform rate for its product. The DOE further held that Union’s claim of irreparable injury, based on its present inability to recover some of its increased nonproduct costs due to market conditions, was speculative. The DOE also observed that if Union’s request for a temporary stay were granted and its exception request were denied, its customers in the County might be irreparably injured. The Union Application for Stay was therefore denied.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued Decision and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exception relief permits the firms involved to increase nonproduct costs due to the production of the gas plants listed below to reflect certain nonproduct cost increases:

<table>
<thead>
<tr>
<th>Company</th>
<th>Case No.</th>
<th>Plant</th>
<th>Location</th>
<th>Amount of price increase (per gallon)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlantic Richfield Co.</td>
<td>FEE-4701</td>
<td>Camargo</td>
<td>Dewey County, Okla</td>
<td>$0.0050</td>
</tr>
<tr>
<td></td>
<td>FEE-4702</td>
<td>Cirtenden</td>
<td>Winkler County, Tex</td>
<td>$0.0083</td>
</tr>
<tr>
<td></td>
<td>FEE-4703</td>
<td>Grand Chenier</td>
<td>Cameron Parish, La</td>
<td>$0.0086</td>
</tr>
<tr>
<td></td>
<td>FEE-4704</td>
<td>Indian Basin</td>
<td>Eddy County, N. Mex</td>
<td>$0.0091</td>
</tr>
<tr>
<td></td>
<td>FEE-4705</td>
<td>Mardoe</td>
<td>Bay County, Okla</td>
<td>$0.0097</td>
</tr>
<tr>
<td></td>
<td>FEE-4754</td>
<td>Ambrose</td>
<td>Kay County, Okla</td>
<td>$0.1090</td>
</tr>
<tr>
<td></td>
<td>FEE-4755</td>
<td>Canrick</td>
<td>Beaver County, Okla</td>
<td>$0.0094</td>
</tr>
<tr>
<td></td>
<td>FEE-4756</td>
<td>Corpusi Bat</td>
<td>San Patricco County, Tex</td>
<td>$0.009</td>
</tr>
<tr>
<td></td>
<td>FEE-4757</td>
<td>Diamond “M”</td>
<td>Scurry County, Okla</td>
<td>$0.0158</td>
</tr>
<tr>
<td></td>
<td>FEE-4758</td>
<td>Elmwood</td>
<td>Beaver County, Okla</td>
<td>$0.0158</td>
</tr>
<tr>
<td></td>
<td>FEE-4759</td>
<td>Fairway</td>
<td>Henderson County, Tex</td>
<td>$0.0158</td>
</tr>
<tr>
<td></td>
<td>FEE-4760</td>
<td>Indian Basin</td>
<td>Eddy County, N. Mex</td>
<td>$0.0059</td>
</tr>
<tr>
<td></td>
<td>FEE-4761</td>
<td>Mordock</td>
<td>oke County, Okla</td>
<td>$0.0083</td>
</tr>
<tr>
<td></td>
<td>FEE-4762</td>
<td>Roberta Ranch</td>
<td>Midland County, Tex</td>
<td>$0.0051</td>
</tr>
<tr>
<td></td>
<td>FEE-4763</td>
<td>West Seminole</td>
<td>Gaines County, Tex</td>
<td>$0.0174</td>
</tr>
<tr>
<td>Bible Petroleum Inc.</td>
<td>DZE-0047</td>
<td>Hennessee</td>
<td>Kinafsky County, Okla</td>
<td>$0.0232</td>
</tr>
<tr>
<td></td>
<td>DZE-0048</td>
<td>Newcastle</td>
<td>Orady County, Okla</td>
<td>$0.0228</td>
</tr>
<tr>
<td></td>
<td>DZE-0067</td>
<td>Freeestone</td>
<td>Freestone County, Tex</td>
<td>$0.1145</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
NOTICES

<table>
<thead>
<tr>
<th>Company</th>
<th>Case No.</th>
<th>Plant</th>
<th>Location</th>
<th>Amount of price increase (per gallon)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gulf Oil Corp</td>
<td>FEE-4612</td>
<td>Delhi</td>
<td>Richland Parish, La</td>
<td>.0159</td>
</tr>
<tr>
<td></td>
<td>FEE-4613</td>
<td>Elmwood</td>
<td>Beaver County, Okla</td>
<td>.0008</td>
</tr>
<tr>
<td></td>
<td>FEE-4614</td>
<td>Enid</td>
<td>Love County, Okla</td>
<td>.0062</td>
</tr>
<tr>
<td></td>
<td>FEE-4615</td>
<td>Picher</td>
<td>Atoka County, Okla</td>
<td>.0203</td>
</tr>
<tr>
<td></td>
<td>FEE-4617</td>
<td>Vian</td>
<td>Cameron Parish, La</td>
<td>.0024</td>
</tr>
<tr>
<td></td>
<td>FEE-4618</td>
<td>Vinita</td>
<td>Vernon Parish, La</td>
<td>.0096</td>
</tr>
<tr>
<td></td>
<td>FEE-4619</td>
<td>Wagoner</td>
<td>Plaquemines Parish, La</td>
<td>.0012</td>
</tr>
<tr>
<td></td>
<td>FEE-4639</td>
<td>North Port Neches</td>
<td>Ward County, Tex</td>
<td>.0077</td>
</tr>
<tr>
<td></td>
<td>FEE-4646</td>
<td>Wadell</td>
<td>Orange County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-4647</td>
<td>Walnut Bend</td>
<td>Grayson County, Tex</td>
<td>.0100</td>
</tr>
<tr>
<td></td>
<td>FEE-4652</td>
<td>Enid</td>
<td>Atoka County, Okla</td>
<td>.0024</td>
</tr>
<tr>
<td></td>
<td>FEE-4653</td>
<td>Picher</td>
<td>Atoka County, Okla</td>
<td>.0062</td>
</tr>
<tr>
<td></td>
<td>FEE-4655</td>
<td>Locust</td>
<td>Calcasieu Parish, La</td>
<td>.0200</td>
</tr>
<tr>
<td></td>
<td>FEE-4656</td>
<td>Monahan</td>
<td>Webster County, La</td>
<td>.0364</td>
</tr>
<tr>
<td></td>
<td>FEE-4657</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-4684</td>
<td>Enid</td>
<td>Love County, Okla</td>
<td>.0096</td>
</tr>
<tr>
<td></td>
<td>FEE-4685</td>
<td>Picher</td>
<td>Atoka County, Okla</td>
<td>.0118</td>
</tr>
<tr>
<td></td>
<td>FEE-4686</td>
<td>Locust</td>
<td>Calcasieu Parish, La</td>
<td>.0364</td>
</tr>
<tr>
<td></td>
<td>FEE-4687</td>
<td>Monahan</td>
<td>Webster County, La</td>
<td>.0154</td>
</tr>
<tr>
<td></td>
<td>FEE-4688</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-5011</td>
<td>Texas City</td>
<td>Ector County, Tex</td>
<td>.0123</td>
</tr>
<tr>
<td></td>
<td>FEE-5028</td>
<td>Enid</td>
<td>Love County, Okla</td>
<td>.0154</td>
</tr>
<tr>
<td></td>
<td>FEE-5029</td>
<td>Picher</td>
<td>Atoka County, Okla</td>
<td>.0227</td>
</tr>
<tr>
<td></td>
<td>FEE-5030</td>
<td>Locust</td>
<td>Calcasieu Parish, La</td>
<td>.0121</td>
</tr>
<tr>
<td></td>
<td>FEE-5081</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-5082</td>
<td>Monahan</td>
<td>Webster County, La</td>
<td>.0154</td>
</tr>
<tr>
<td></td>
<td>FEE-5083</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-5084</td>
<td>Monahan</td>
<td>Webster County, La</td>
<td>.0154</td>
</tr>
<tr>
<td></td>
<td>FEE-5085</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-5086</td>
<td>Monahan</td>
<td>Webster County, La</td>
<td>.0154</td>
</tr>
<tr>
<td></td>
<td>FEE-5087</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-5088</td>
<td>Monahan</td>
<td>Webster County, La</td>
<td>.0154</td>
</tr>
<tr>
<td></td>
<td>FEE-5089</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-5090</td>
<td>Monahan</td>
<td>Webster County, La</td>
<td>.0154</td>
</tr>
<tr>
<td></td>
<td>FEE-5091</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-5092</td>
<td>Monahan</td>
<td>Webster County, La</td>
<td>.0154</td>
</tr>
<tr>
<td></td>
<td>FEE-5093</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-5094</td>
<td>Monahan</td>
<td>Webster County, La</td>
<td>.0154</td>
</tr>
<tr>
<td></td>
<td>FEE-5095</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-5096</td>
<td>Monahan</td>
<td>Webster County, La</td>
<td>.0154</td>
</tr>
<tr>
<td></td>
<td>FEE-5097</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-5098</td>
<td>Monahan</td>
<td>Webster County, La</td>
<td>.0154</td>
</tr>
<tr>
<td></td>
<td>FEE-5099</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
<tr>
<td></td>
<td>FEE-6000</td>
<td>Sturms</td>
<td>Santa Barbara County, Calif</td>
<td>.0208</td>
</tr>
<tr>
<td></td>
<td>FEE-6001</td>
<td>Van</td>
<td>Van Zandt County, Tex</td>
<td>.0158</td>
</tr>
<tr>
<td></td>
<td>FEE-6002</td>
<td>Wadell</td>
<td>Grayson County, Tex</td>
<td>.0258</td>
</tr>
</tbody>
</table>

Summary Decisions

The following firms filed Applications for Stay of Remedial Orders which has been issued to them by the DOE. In considering the stay requests, the DOE referred to a recent Decision in Rickelson Oil and Gas Co., 6 FEA Par. 85,029 (August 24, 1977), in which it held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appeared that the public interest required immediate compliance with the Remedial Order. Since the record in these cases did not indicate that the public interest required immediate compliance with the Remedial Orders, the DOE granted the requests for stay pending consideration of the Appeals.

Charles W. Austin, Denver, Colo., DRS-0062
Eastern Oil Co., Tampa, Fla., DRS-0063
Franconia Propane Gas Co., Inc., Harleysville, Pa., DRS-0066
Pioneer Operations Co., Inc., Seminole, Okla., DRS-0039

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Lincoln Rock Corp., Ardmore, Okla., DEE-0234
Suburban Propane, Morris Township, N.J., DEE-0216

The following submission was dismissed on the grounds that the request is now moot:

Petrochemical Energy Group, Washington, D.C., FMR-0102

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW, Washington, D.C., 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.


Melvin Goldstein,
Director, Office of Administrative Review.

(3128-01)

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

January 23 Through January 27, 1978

Notice is hereby given that during the period January 23 through January 27, 1978, the Proposed Decisions.
and Orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 206, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of a Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice of issuance of a Proposed Decision and Order shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room 1032, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m. e.s.t., except federal holidays.


MELVIN GOLDSTEIN, Director, Office of Administrative Review.

PROPOSED DECISIONS AND ORDERS

Gas Engine & Compressor Service, Inc., Longview, Tex., FEE-4046, natural gas liquids

Gas Engine & Compressor Service, Inc., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart K. The exception request, if granted, would permit the firm, during the period September 1977 to the present, to charge prices for the natural gas liquids produced at its Freestone plant in excess of the levels permitted under Subpart K. On January 27, 1978, the DOE issued a Proposed Decision and Order that determined that Gas Engine & Compressor Service's request for partial exception relief be denied.

Gulf Oil Corp., Tulsa, Okla., DXE-0251, crude oil

Gulf Oil Corp. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart K. The exception request, if granted, would result in an exception relief which the FEA granted to Gulf in a previous Decision and Order granting Gulf exception relief which would permit Gulf to sell a portion of the crude oil which it produces from the Northwest Graylin “D” Sand Unit for the benefit of the working interest.

O'Meara Bros. LLC, Brookville, Okla., FFE-4732, crude oil

O'Meara Bros. filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would permit O'Meara to sell at upper tier ceiling price levels a portion of the crude oil which it produced from the Vinton Lease and Louisiana State Lease 2192 T 165, R 17E. On January 24, 1978, the DOE issued a Proposed Decision and Order which determined that the exception requests be granted.

Phillips Petroleum Co., Bartlesville, Okla., DEE-0346, crude oil

Phillips Petroleum Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Phillips to sell at upper tier ceiling prices the crude oil which it produces from the Bridge Lake Unit located in Summit County, Utah. On January 27, 1978, the DOE issued a Proposed Decision and Order which permits the firm to sell at upper tier ceiling prices 4.15 percent of the crude oil produced from the Unit for the benefit of the working interest.

Texas Pacific Oil Co., Inc., Dallas, Tex., DXE-0235, crude oil

Texas Pacific Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would increase the amount of exception relief granted to Texas Pacific on April 29, 1977 by permitting the firm to sell at upper tier ceiling prices additional quantities of the crude oil produced from the Lagrange 4300' reservoir of the O. L. Wilson Lease, located in Adams County, Miss. On January 25, 1978, the DOE issued a Proposed Decision and Order which determined that the Texas Pacific exception request be granted.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exception relief permits the firms involved to increase the prices of the production of the natural gas listed below to reflect certain nonproduct cost increases:

<table>
<thead>
<tr>
<th>Company</th>
<th>Case No.</th>
<th>Plant</th>
<th>Location</th>
<th>Amount of price increase (per gallon)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Crude</td>
<td>FEE-0505</td>
<td>Dayton</td>
<td>Liberty County, Tex.</td>
<td>$0.0139</td>
</tr>
<tr>
<td>DEE-0631</td>
<td></td>
<td>Grand Chenier</td>
<td>Cameron Parish, La.</td>
<td>$0.0374</td>
</tr>
<tr>
<td>DEE-0932</td>
<td></td>
<td>Hamlin</td>
<td>Fisher County, Tex.</td>
<td>$0.0119</td>
</tr>
<tr>
<td>DEE-0923</td>
<td></td>
<td>Salt Creek</td>
<td>Kent County, Tex.</td>
<td>$0.0716</td>
</tr>
<tr>
<td>DEE-1037</td>
<td></td>
<td>Abilene</td>
<td>Hardin County, Tex.</td>
<td>$0.0146</td>
</tr>
<tr>
<td>DEE-1971</td>
<td></td>
<td>Spring</td>
<td>Campbell County, Wyo.</td>
<td>$0.2156</td>
</tr>
<tr>
<td>DEE-0034</td>
<td></td>
<td>Pleasan Creek</td>
<td>Rio Blanco County, Colo.</td>
<td>(1)</td>
</tr>
<tr>
<td>DEE-0035</td>
<td></td>
<td>Mobile</td>
<td>Wheeler County, Tex.</td>
<td>$0.0415</td>
</tr>
<tr>
<td>DEE-0036</td>
<td></td>
<td>Box-Eldridge/Tuscola</td>
<td>Taylor and Callahan,</td>
<td>$0.0255</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Counties, Tex.</td>
<td></td>
</tr>
</tbody>
</table>

Denied.

[FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978]
Economic Regulatory Administration

EMERGENCY ELECTRIC ENERGY AND FUEL ALLOCATION AUTHORITIES

A. Notice of Delegation

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Announcement of Delegations of Authority.

SUMMARY: The Administrator of the Economic Regulatory Administration (ERA) hereby gives notice of delegations of authority under § 202(c) of the Federal Power Act (16 U.S.C. § 824a(c)) to order the "temporary connection of facilities and transfer of electricity," and under § 2(d) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) (15 U.S.C. §792 et seq.), by rule or by order to "allocate coal to any person to the extent necessary to carry out the purposes of this Act."

This notice advises the public that these delegations have been made, describes the pertinent scope of authorities associated with each of these delegations and identifies relevant offices in the ERA for submission of filings.

SUPPLEMENTARY INFORMATION:

I. Background

The authorities contained in § 202(c) of the Federal Power Act and in § 2(d) of ESECA were delegated by the Secretary of Energy to the Administrator of the Economic Regulatory Administration. This delegation of authorities was previously published in the FEDERAL REGISTER on November 29, 1977 (42 FR 60725-27). The Administrator of the Economic Regulatory Administration has further delegated his authorities under section 202(c) of the Federal Power Act to the Assistant Administrator for Utility Systems and under Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319), as amended, to the Assistant Administrator for Fuels Regulation.

II. Electrical Interconnections

As a result of the above referenced delegation, the Assistant Administrator for Utility Systems, ERA, administers the following pertinent statutory authorities under Federal Power Act to the Assistant Administrator for Utility Systems and under Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319), as amended, to the Assistant Administrator for Fuels Regulation.

III. Coal Allocation

As a result of the above referenced delegation, the Assistant Administrator for Fuels Regulation, ERA, administers the following pertinent statutory authorities in regard to the emergency allocation of coal under the ESECA statute:

1. "The [DOE] may, by * * * order, allocate to * * * extent necessary to carry out the purposes of this act." (15 U.S.C. 792(d));

2. "The purposes of this Act are (1) to provide for a means to assist in meeting the essential needs of the United States for fuels * * *" (15 U.S.C. 791).

The pertinent coal allocation regulations for the implementation of these authorities are contained in 10 CFR §§309.1-309.5 and 10 CFR §§303.50-303.61.

Application for an order to allocate coal pursuant to Section 2(d) of the Energy Supply and Environmental Coordination Act of 1974 should be filed attention:

Mr. Jerry Pfeiffer, Deputy Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy, 202-254-9655.

NOTICES

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of October 1, 1977 and October 31, 1977.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.


DAVID J. BARDIN,
Administrator, Economic Regulatory Administration, Department of Energy.
NOTICES

number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202-755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: 30, January 1978.

PETER L. COOK,
Acting Director,
Federal Activities.
## APPENDIX I

<table>
<thead>
<tr>
<th>IDENTIFYING NUMBER</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA-COE-A34008-IA:</td>
<td>FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, MISSISSIPPI RIVER BASIN, RED RIVER BACKSWAMP AREA, BURLINGTON BAYOU, LOUISIANA</td>
</tr>
<tr>
<td>D-COE-G06008-NY:</td>
<td>BUCKINGHAM POINT GENERATING STATION, WATERTOWN, NEW YORK</td>
</tr>
<tr>
<td>D-COE-D32008-VA:</td>
<td>JARVIS CREEK NAVIGATION PROJECT, NORTHAMPTON COUNTY, VIRGINIA</td>
</tr>
<tr>
<td>ES-COE-D39002-00:</td>
<td>ATLANTIC INTRACOASTAL WATERWAY BRIDGES, VIRGINIA AND NORTH CAROLINA</td>
</tr>
<tr>
<td>D-COE-L34008-DC:</td>
<td>DAINAH LAKE, ANDERSON COUNTY, SOUTH CAROLINA</td>
</tr>
<tr>
<td>D-COE-P35018-IN:</td>
<td>OPERATIONS AND MAINTENANCE, MICHIGAN CITY HARBOR, FOUNTAINTOWN AND LAVON COUNTY, INDIANA</td>
</tr>
<tr>
<td>D-COE-G32008-TX:</td>
<td>GULF INTRACOASTAL WATERWAY, TEXAS SECTION, MAIN CHANNEL AND TRIBUTARIES, TEXAS</td>
</tr>
<tr>
<td>D-COE-G39004-00:</td>
<td>ARKANSAS AND RED RIVER BASIN CIVIC PROGRAM, TEXAS, OKLAHOMA, AND KANSAS</td>
</tr>
<tr>
<td>D-COE-I36027-KS:</td>
<td>HARRY'S LOCAL FLOOD PROTECTION PROJECT, HANOVER COUNTY, KANSAS</td>
</tr>
<tr>
<td>D-COE-K85011-CA:</td>
<td>DUNAVY CAVES PROPOSED SUBDIVISION, PLOMOAN, CONTRA COSTA COUNTY, CALIFORNIA</td>
</tr>
<tr>
<td>D-AFS-G65025-AR:</td>
<td>MAMMASEE-SALINE UNIT PLAN, QUACHITA NATIONAL FOREST, HOT SPRINGS, ARKANSAS</td>
</tr>
<tr>
<td>D-AFS-G65027-NM:</td>
<td>GILA NATIONAL FOREST, ALBUQUERQUE, NEW MEXICO</td>
</tr>
<tr>
<td>D-DPE-H100024-CA:</td>
<td>SOUTHEAST CHICKASAW STATE, WATERSHED AND RECREATION PLAN, ALABAMA</td>
</tr>
<tr>
<td>D-SCS-C60557-LA:</td>
<td>LAKE CHARLES WATERSHED, ASCENSION, ASSIMETION, AND IBERVILLE PARISHES, LOUISIANA</td>
</tr>
<tr>
<td>D-SCS-K36023-AZ:</td>
<td>ROOSEVELT WATERSHED DISTRICT, FLOODWAY, PINAL AND MARICOPA COUNTIES, ARIZONA</td>
</tr>
<tr>
<td>D-DPE-K10002-AS:</td>
<td>BURIED TRENCH CONSTRUCTION AND TEST PROJECT, YUMA COUNTY, ARIZONA</td>
</tr>
<tr>
<td>D-BLU-A02113-AR:</td>
<td>WESTERN GULF, KODIAK, OIL AND GAS LEASE SALE NO. 48, OUTER CONTINENTAL SHELF (CCS), ALASKA</td>
</tr>
<tr>
<td>D-DFS-G61021-GA:</td>
<td>CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA</td>
</tr>
<tr>
<td>D-NPS-K10017-CA:</td>
<td>GENERAL MANAGEMENT PLAN, Lassen Volcanic National Park, CALIFORNIA</td>
</tr>
<tr>
<td>D-BOR-G85000-PA:</td>
<td>PINE CREEK STATE AND NATIONA SCENIC RIVER, LICKOMING COUNTY, PENNSYLVANIA</td>
</tr>
<tr>
<td>D-COD-U50002-00:</td>
<td>CALHOUN STREET BRIDGE ACROSS THE DELAWARE RIVER, TRENTON, NEW JERSEY TO MORTONSVILLE, PENNSYLVANIA</td>
</tr>
</tbody>
</table>

**NOTES**

**SOURCE FOR NUMBER OF COPIES OF COMMENTS**
- A: 1
- B: 2
- C: 3
- D: 4
- E: 5
- F: 6
- G: 7
- H: 8
- I: 9
- J: 10

**DEPARTMENT OF DEFENSE**
- B: 11
- C: 12
- D: 13
- E: 14
- F: 15
- G: 16
- H: 17
- I: 18
- J: 19

**DEPARTMENT OF TRANSPORTATION**
- A: 20
- B: 21
- C: 22
- D: 23
- E: 24
- F: 25
- G: 26
- H: 27
- I: 28
- J: 29

**DEPARTMENT OF INTERIOR**
- A: 30
- B: 31
- C: 32
- D: 33
- E: 34
- F: 35
- G: 36
- H: 37
- I: 38
- J: 39

**DEPARTMENT OF AGRICULTURE**
- A: 40
- B: 41
- C: 42
- D: 43
- E: 44
- F: 45
- G: 46
- H: 47
- I: 48
- J: 49

**FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978**
<table>
<thead>
<tr>
<th>NOTICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROJECT/PROJECT</th>
<th>TITLE</th>
<th>NATURE OF COMMENTS</th>
<th>SOURCE FOR COPIES OF COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>D-FHA-K51011-PT</td>
<td>YAP DISTRICT AIRPORT, TRUST TERRITORY</td>
<td>LO2</td>
<td>J</td>
</tr>
<tr>
<td>D-FHA-A40433-FL</td>
<td>I-275, FORMALLY I-75, ST. PETERSBURG, PINELLAS COUNTY, FLORIDA (FHWA-FLA-EIS-71-05-DS)</td>
<td>ER2</td>
<td>E</td>
</tr>
<tr>
<td>D-FHA-A40026-R1</td>
<td>WOONSOCKET INDUSTRIAL HIGHWAY, RHODE ISLAND</td>
<td>LO2</td>
<td>B</td>
</tr>
<tr>
<td>D-FAA-K50110-FL</td>
<td>I-275, SKYWAY, MANATEE, HILLSBOROUGH AND PINELLAS COUNTIES, FLORIDA (FHWA-FLA-EIS-77-02-D)</td>
<td>ER2</td>
<td>E</td>
</tr>
<tr>
<td>D-FAA-K50112-CT</td>
<td>TN-15, Pulaski to Tarpley Cemetery, Giles County, Tennessee (FHWA-TN-EIS-77-04-D)</td>
<td>LO2</td>
<td>E</td>
</tr>
<tr>
<td>D-FAA-K50116-TX</td>
<td>FM 1604 AND I-10, BEAUFORT COUNTY, FLORIDA</td>
<td>ER2</td>
<td>G</td>
</tr>
<tr>
<td>D-FAA-K50118-IA</td>
<td>LA-255, EAST BATON ROUGE PARISH, LOUISIANA</td>
<td>LO1</td>
<td>G</td>
</tr>
<tr>
<td>D-FAA-K50119-IA</td>
<td>I-380, BLACK HAWK, LEVITON, BENTON, AND BUCHANAN COUNTIES, IOWA (FHWA-IA-EIS-77-03-DS)</td>
<td>ER2</td>
<td>H</td>
</tr>
<tr>
<td>D-FAA-K50120-IA</td>
<td>CORRIDORS C AND D, RAIL RELOCATION AND CONSOLIDATION, LINCOLN, LANCASHER COUNTY, NEBRASKA (FHWA-NEB-EIS-77-04-D)</td>
<td>ER2</td>
<td>H</td>
</tr>
<tr>
<td>D-FAA-K50121-IA</td>
<td>KS-12, JOHNSON COUNTY, KANSAS (FHWA-KS-EIS-77-01-D)</td>
<td>LO1</td>
<td>H</td>
</tr>
<tr>
<td>D-FAA-K50122-IA</td>
<td>EVANSTON STREETS, EVANSTON, URBANA COUNTY, ILLINOIS</td>
<td>LO2</td>
<td>I</td>
</tr>
<tr>
<td>D-FAA-K50123-IA</td>
<td>RIVERSIDE GREEN AND RIVERSIDE HILLS, SUBDIVISION COLUMBUS, FRANKLIN COUNTY, OHIO</td>
<td>LO2</td>
<td>F</td>
</tr>
<tr>
<td>D-FAA-K50124-IA</td>
<td>FOX TRAILS DEVELOPMENT, McHENVY COUNTY, ILLINOIS</td>
<td>LO2</td>
<td>F</td>
</tr>
<tr>
<td>D-FAA-K50125-IA</td>
<td>DELLE TERRE DEVELOPMENT, LEPLACE, ST. JOHN THE BAPTIST PARISH, LOUISIANA</td>
<td>ER2</td>
<td>G</td>
</tr>
<tr>
<td>D-FAA-K50126-IA</td>
<td>FAIRMONT PARK SUBDIVISION, HARRIS COUNTY, TEXAS</td>
<td>LO1</td>
<td>G</td>
</tr>
<tr>
<td>D-FAA-K50127-IA</td>
<td>NORTH FOREST SUBDIVISION, MONTGOMERY COUNTY, TEXAS</td>
<td>LO1</td>
<td>G</td>
</tr>
<tr>
<td>D-FAA-K50128-IA</td>
<td>CHERRYWOOD SUBDIVISION, HARRIS COUNTY, TEXAS</td>
<td>LO1</td>
<td>G</td>
</tr>
<tr>
<td>D-FAA-K50129-IA</td>
<td>BAY TREE VILLAGE SUBDIVISION, HARRIS COUNTY, TEXAS</td>
<td>LO1</td>
<td>G</td>
</tr>
<tr>
<td>D-FAA-K50130-IA</td>
<td>WOODLAND OAKS SUBDIVISION, HARRIS COUNTY, TEXAS</td>
<td>LO1</td>
<td>G</td>
</tr>
<tr>
<td>D-FAA-K50131-IA</td>
<td>DISPOSITION OF LONEGUN LAKE, CYPRESS, DOUGLAS COUNTY, NEBRASKA</td>
<td>LO1</td>
<td>H</td>
</tr>
<tr>
<td>D-FAA-K50132-IA</td>
<td>TOOLE CITY, WEST SEWER TRUNK LINE, TOOLE, UTAH</td>
<td>LO2</td>
<td>I</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
<table>
<thead>
<tr>
<th>IDENTIFYING NUMBER</th>
<th>TITLE</th>
<th>GENERAL NATURE OF COMMENTS</th>
<th>SOURCE FOR COPIES OF COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>D-HUD-K50008-CA</td>
<td>SWEETWATER, AVACADO AND COTTONWOOD VILLAGES, RESIDENTIAL DEVELOPMENT OF PUNCI, SAN DIEGO AREA, CALIFORNIA</td>
<td>101</td>
<td>J</td>
</tr>
<tr>
<td>D-HUD-K5012-CA</td>
<td>OAK PARK DEVELOPMENT, VENTURA COUNTY, CALIFORNIA</td>
<td>3</td>
<td>J</td>
</tr>
<tr>
<td>D-HUD-L5008-VA</td>
<td>PROPOSED PLAT OF MEGAN HEIGHTS, KITSAP COUNTY, WASHINGTON</td>
<td>L82</td>
<td>K</td>
</tr>
<tr>
<td>D-ICC-E53003-MS</td>
<td>THE SOUTHERN MISSISSIPPI TRANSPORTATION COMPANY, APPLICATION TO CONSTRUCT AND OPERATE, HARRISON COUNTY, MISSISSIPPI</td>
<td>D2</td>
<td>L</td>
</tr>
<tr>
<td>D-ICC-F53005-00</td>
<td>LOUISVILLE AND NASHVILLE RAILROAD, GRAND TRUNK WESTERN RAILROAD, COOK COUNTY, ILLINOIS AND LAKE COUNTY, INDIANA, FINANCE DOCKET NO. 27972</td>
<td>D2</td>
<td>F</td>
</tr>
<tr>
<td>D-NAS-A12034-00</td>
<td>SPACE SHUTTLE PROGRAM</td>
<td>101</td>
<td>A</td>
</tr>
<tr>
<td>D-PCC-A99140-00</td>
<td>INTRODUCTION OF WHITE AMUR INTO CANAL ZONE WATERS TO CONTROL AQUATIC WEEDS</td>
<td>102</td>
<td>A</td>
</tr>
<tr>
<td>D-VAD-K69004-CA</td>
<td>VETERANS ADMINISTRATION NATIONAL CEMETRY, RIVERSIDE, CALIFORNIA</td>
<td>101</td>
<td>J</td>
</tr>
<tr>
<td>D-NRC-C06069-NY</td>
<td>SELECTION OF PREFERRED CLOSED-CYCLE COOLING SYSTEM, INDIAN POINT NO. 3, NEW YORK</td>
<td>102</td>
<td>C</td>
</tr>
<tr>
<td>D-DRB-C99005-NJ</td>
<td>PROPOSED BULK CHEMICAL STORAGE AND DISTRIBUTION FACILITY, BORDENTOWN TOWNSHIP, BURLINGTON COUNTY, NEW YORK</td>
<td>102</td>
<td>C</td>
</tr>
</tbody>
</table>

1/ EPA’S REVIEW OF THE DEIS ADDRESSED ITSELF SOLELY TO THE QUALITY OF INFORMATION IN THE STATEMENT AND NOT THE ENVIRONMENTAL SUITABILITY OF THE PROPOSAL SINCE THIS SALE HAS BEEN POSTPONED AND A NEW EIS WILL BE FORTHCOMING.
DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originating Federal agency provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.
### APPENDIX III

**FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN OCTOBER 1, 1977 AND OCTOBER 31, 1977**

<table>
<thead>
<tr>
<th>IDENTIFYING NUMBER</th>
<th>TITLE</th>
<th>GENERAL NATURE OF COMMENTS</th>
<th>SOURCE FOR COPIES OF COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>CORPS OF ENGINEERS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F-COE-K36005-00</td>
<td>WEST POINT LAKE, CHATTANOOGA RIVER, ALABAMA AND GEORGIA</td>
<td>EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, EPA RECOMMENDED A COMPREHENSIVE PROGRAM OF OXYGEN DATA COLLECTION BE IMPLEMENTED.</td>
<td>E</td>
</tr>
<tr>
<td>F-COE-236013-CA</td>
<td>VALUET CREEK PROJECT, CONTRA COSTA COUNTY, CALIFORNIA</td>
<td>EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.</td>
<td>J</td>
</tr>
<tr>
<td>DEPARTMENT OF AGRICULTURE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F-APS-265059-MT</td>
<td>HISTON PARK LAND MANAGEMENT PLAN, MEDICINE BOW NATIONAL FOREST, CARSON COUNTY, WYOMING</td>
<td>EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.</td>
<td>I</td>
</tr>
<tr>
<td>F-APS-265064-MT</td>
<td>PINNAN-FORTUNE-ALFALI PLANNING UNIT, LAND MANAGEMENT PLAN, RIOYALIA NATIONAL FOREST, MONTANA</td>
<td>EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.</td>
<td>I</td>
</tr>
<tr>
<td>F-APS-265018-CA</td>
<td>MOHAK LAND MANAGEMENT PLAN, TAHOE AND PLUMAS NATIONAL FORESTS, SIERRA COUNTY, CALIFORNIA</td>
<td>EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.</td>
<td>J</td>
</tr>
<tr>
<td>DEPARTMENT OF DEFENSE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F-USA-214006-00</td>
<td>PART 1, PILOT CONTAMINATION OPERATIONS, ROCKY MOUNTAIN ARSENAL, ADAMS COUNTY, COLORADO</td>
<td>EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. THE PROJECT IS ONE OF THE INITIAL STEPS IN THE EVENTUAL CONTROL OF A SERIOUS WATER POLLUTION PROBLEM STEMMING FROM ROCKY MOUNTAIN ARSENAL. EPA REQUESTED THE INTERIM FINDINGS AND REPORTS BE MADE AVAILABLE TO THE STATE ADVISORY TASK FORCE FOR ANALYSIS.</td>
<td>I</td>
</tr>
<tr>
<td>DEPARTMENT OF INTERIOR</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F-BLM-202106-00</td>
<td>1977 OUTER CONTINENTAL SHELF (OCS), OIL AND GAS LEASE SALE NO. 42, OFFSHORE NORTH ATLANTIC STATES</td>
<td>EPA CONTINUES TO HAVE ENVIRONMENTAL RESERVATIONS ON THE PROPOSED PROJECT AND IS CONCERNED REGARDING THE LACK OF DATA INTEGRATION OR SUBSTANTIATED IMPACT PROJECTION. EPA BELIEVES THAT A PROPERLY FORMULATED RISK ANALYSIS MODEL IS ESSENTIAL TO AN EFFECTIVE EVALUATION OF IMPACT OF OIL AND GAS DEVELOPMENT ON GEORGES BANK RENEWABLE RESOURCES.</td>
<td>A</td>
</tr>
<tr>
<td>F-BLM-217000-UT</td>
<td>ALUNITE PROJECT, BEAVER COUNTY, UTAH</td>
<td>EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, RECENT CHANGES TO THE CLEAN AIR ACT AMENDMENTS REDUCE ALLOWABLE INCREMENTS FOR CLASS III, WHICH WILL MAKE IT IMPOSSIBLE FOR THIS FACILITY AS PLANNED TO MEET PSD REGULATIONS. EPA EXPECTS THE COMPANY TO REVISE OPERATION TO MEET THESE NEW STANDARDS.</td>
<td>I</td>
</tr>
<tr>
<td>DEPARTMENT OF TRANSPORTATION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F-FAA-251861-FA</td>
<td>RUNWAY 28 EXTENSION, JIMMY STEWART AIRPORT, INDIANA COUNTY, PENNSYLVANIA</td>
<td>EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.</td>
<td>D</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
NOTICES

IDENTIFYING NUMBER  TITLE  GENERAL NATURE OF COMMENTS  SOURCE FOR COPIES OF COMMENTS

F-PFA-P51006-MI: HILLSDALE MUNICIPAL AIRPORT, HILLSDALE, HILLSDALE COUNTY, MICHIGAN  EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.  P

F-PFA-K51001-OA: WHITTIER AIRPORT, LOS ANGELES COUNTY, CALIFORNIA  EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.  J

F-PFW-C40027-00: SOUTHERN TIER EXPRESSWAY, HILLSDALE, NEW YORK TO ERIE, PENNSYLVANIA, CATTARAUGUS AND CHAUTAUQUA COUNTIES, NEW YORK  EPA’S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, EPA REQUESTED THAT FHA INCORPORATE CERTAIN CONDITIONS INTO THE NECESSARY CORPS PERMIT.  C

F-PFW-F40081-IN: WEST STREET, I-65 TO I-70, INDIANAPOLIS, MARION COUNTY, INDIANA  EPA’S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.  F

F-PFW-H40044-KS: WIDENING KS-70 KANSAS CITY, WYANDOTTE COUNTY, KANSAS  EPA'S COMMENTS ON THE FINAL STATEMENT CONTINUE TO EXPRESS ENVIRONMENTAL RESERVATIONS WITH THE EXPECTED ADVERSE NOISE LEVELS ASSOCIATED WITH THE WIDENING OF INTERSTATE 70 IN KANSAS CITY, KANSAS. NOISE LEVELS GREATER THAN LA10 70 DBA WOULD IMPACT APPROXIMATELY 103 HOMES, TWO MOTELS, ONE CHURCH AND ONE FUNERAL HOME.  H

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

F-ERD-A00123-WA: HIGH PERFORMANCE FUEL LABORATORY HANFORD RESERVATION, RICHLAND, BENTON COUNTY, WASHINGTON  EPA WAS PARTICULARLY PLEASED WITH THE COMPLETE AND THOROUGH FASHION IN WHICH ERDA RESPONDED TO THE COMMENTS AND SUGGESTIONS MADE IN EPA’S COMMENT LETTER ON THE DRAFT ENVIRONMENTAL STATEMENT. EPA REQUESTED THAT ERDA PROVIDE IT WITH ITS THOUGHTS ON THE IMPLICATIONS OF THE PRESIDENT’S DECISION TO INDEFINITELY DEFER CONSTRUCTION OF THE CLINCH RIVER LMFB AND TO PURSUE NON-PLUTONIUM BASED FBR FUEL CYCLES FOR THE OBJECTIVES, DESIGN AND OPERATION OF THE HPFL AND OTHER FBR RESEARCH FACILITIES SUCH AS THE PROPOSED SAFETY RESEARCH FACILITIES AT THE INDO-AMERICAN ENGINEERING LABORATORY.  A

FEDERAL ENERGY ADMINISTRATION

F-PGA-03002-KY: CENTRAL ROCK MINE, STRATEGIC PETROLEUM RESERVE, PAVEY COUNTY, KENTUCKY  EPA’S REVIEW OF THE FINAL EIS INDICATES THE FPC WAS UNRESPONSIVE TO COMMENTS MADE BY EPA ON THE DRAFT EIS. FURTHERMORE, EPA IS CONCERNED REGARDING THE ABSENCE OF SUBSTANTIVE INFORMATION CONCERNING THE SITING OF THE ING TERMINAL.  B

F-SEA-G30051: STRATEGIC PETROLEUM RESERVE, WEEKS ISLAND MINE, IBERIA COUNTY, LOUISIANA  EPA'S REVIEW OF THE FINAL EIS INDICATES THE FPC WAS UNRESPONSIVE TO COMMENTS MADE BY EPA ON THE DRAFT EIS. FURTHERMORE, EPA IS CONCERNED REGARDING THE ABSENCE OF SUBSTANTIVE INFORMATION CONCERNING THE SITING OF THE ING TERMINAL.  E

FEDERAL POWER COMMISSION

F-SEA-03002-00: TENNECO ATLANTIC PIPELINE COMPANY PROJECT (TAPCO), CANADA AND MAINE  EPA’S REVIEW OF THE FINAL EIS INDICATES THE FPC WAS UNRESPONSIVE TO COMMENTS MADE BY EPA ON THE DRAFT EIS. FURTHERMORE, EPA IS CONCERNED REGARDING THE ABSENCE OF SUBSTANTIVE INFORMATION CONCERNING THE SITING OF THE ING TERMINAL.  B

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

F-HUD-C85010-PH: FUNDO CHO II DEVELOPMENT, FONCE, PUERTO RICO  EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.  C

F-HUD-085012-PA: INDUSTRIAL PARK URBAN RENEWAL PROJECT, WILKES BARRE, PENNSYLVANIA  EPA’S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.  D

F-HUD-D85013-VA: NEWINGTON FOREST DEVELOPMENT, FAIRFAX COUNTY, VIRGINIA  EPA’S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.  D

F-HUD-85012-CO: BELLERHAVEN AND VISTA GRANDE TERRACE CLEAR VIEW ESTATES PLANNED DEVELOPMENTS, COLORADO  EPA’S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.  I

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
INTERSTATE COMMERCE COMMISSION

P-ICC-A93041-00: TRANSPORTATION OF RADIOACTIVE MATERIALS BY RAIL.

While this document was a significant improvement over the draft statement, EPA expressed its concern with the comprehensiveness of the data upon which a portion of the accident model was based, the relatively high annual individual dose of certain railroad employees, and the use of a health effects model not in accordance with the EPA health effects model.

APPENDIX IV

FINAL ENVIRONMENTAL IMPACT STATEMENTS WHICH WERE REVIEWED AND NOT COMMENTED ON BETWEEN OCTOBER 1, 1977 AND OCTOBER 31, 1977

<table>
<thead>
<tr>
<th>IDENTIFYING NUMBER</th>
<th>TITLE</th>
<th>SOURCE OF REVIEW</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT OF AGRICULTURE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P-APS-E65020-SC: Francis Marion National Forest, Berkeley and Charleston Counties, South Carolina</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>P-APS-G65018-IA: Management of Vernon Unit, Kisatchie National Forest, Louisiana</td>
<td>G</td>
<td></td>
</tr>
<tr>
<td>P-APS-G65020-AH: Tiat Unit, Ouachita National Forest, McCurtain County, Arkansas</td>
<td>G</td>
<td></td>
</tr>
<tr>
<td>P-APS-H65066-AP: Holtet Planning Unit, Kootenai National Forest, Lincoln County, Montana</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>FS-Rea-J08003-WY: 115KV Transmission Line, Tetons to Jackson, Teton County, Wyoming</td>
<td>I</td>
<td></td>
</tr>
</tbody>
</table>

DEPARTMENT OF COMMERCE

<table>
<thead>
<tr>
<th>IDENTIFYING NUMBER</th>
<th>TITLE</th>
<th>SOURCE OF REVIEW</th>
</tr>
</thead>
<tbody>
<tr>
<td>FS-NWA-891001-00: Preliminary Management Plan for Atlantic Herring, Northwestern Atlantic</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>FS-NWA-891002-00: Preliminary Management Plan for Other Finfish, Northwestern Atlantic</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>FS-NWA-891003-00: Preliminary Management Plan for Squid, Northwestern Atlantic</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>FS-NWA-891004-00: Preliminary Management Plan for Hake, Northwestern Atlantic</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>FS-NWA-891005-00: Preliminary Management Plan for Hake, Northwestern Atlantic</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>DEPARTMENT OF DEFENSE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>F-OR-A00007-GO: DISPOSAL OF CHEMICAL AGENT IDENTIFICATION SETS, ROCKY MOUNTAIN ARSENAL, COLORADO</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT OF INTERIOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-BOR-A00000-GO: PROPOSED OREGON NATIONAL HISTORIC TRAIL</td>
</tr>
<tr>
<td>F-NPS-A00016-GO: CEDAR BREAKS PROPOSED WILDERNESS CLASSIFICATION, GARFIELD COUNTY, UTAH</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT OF TRANSPORTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-FRA-G00007-GO: NC-127, HICKORY, CATAWBA COUNTY, NORTH CAROLINA (FRA-NC-EIS-76-00-F)</td>
</tr>
<tr>
<td>F-FRA-E00008-GO: US 25, HENDERSONVILLE ROAD, I-40 TO BLUE RIDGE PARKWAY, RUTHERFORD COUNTY, NORTH CAROLINA (FRA-NC-EIS-76-09-F)</td>
</tr>
<tr>
<td>F-FRA-A00056-GO: TX-40, US 83 TO ALAMO ROAD, GRAY AND WHEELER COUNTIES, TEXAS</td>
</tr>
<tr>
<td>F-FRA-100002-BB: NE-133, 96TH STREET, OMAHA, DOUGLAS COUNTY, NEBRASKA</td>
</tr>
<tr>
<td>F-FRA-L00037-GO: SOUTH UNIT, ASTORIA AND CAMP RILEA SECTION, OREGON COAST HIGHWAY, US 101, CLATSOP COUNTY, (FRA-OR-EIS-76-01-DF)</td>
</tr>
<tr>
<td>F-FRA-L00040-GO: GOULD STREET CONNECTION, POCKETT, BANNICK COUNTY, IDAHO (FRA-IDA-EIS-76-04-F)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-ERD-A00000-GO: WASTE MANAGEMENT OPERATIONS AT THE SAVANNAH RIVER PLANT, Aiken County, South Carolina</td>
</tr>
<tr>
<td>F-ERD-A00029-GO: NEVADA TEST SITE, TESTING ACTIVITIES, Nye County, Nevada</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FEDERAL ENERGY ADMINISTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-FEA-G00008-GO: STRATEGIC PETROLEUM RESERVE, KEER MINE, VAN ZANDT COUNTY, TEXAS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-HUD-G00006-GO: WOODLAND TRAILS SUBDIVISION, HARRIS COUNTY, TEXAS</td>
</tr>
<tr>
<td>F-HUD-G00028-GO: HUNTERS GLEN SUBDIVISION, FORT BEND COUNTY, TEXAS</td>
</tr>
<tr>
<td>F-HUD-G00035-GO: SOMMERALL SUBDIVISION, HARRIS COUNTY, TEXAS</td>
</tr>
<tr>
<td>F-HUD-G00037-GO: MISSION BEND SECTIONS 5, 6 AND 8 SUBDIVISION, HARRIS AND FORT BEND COUNTIES, TEXAS</td>
</tr>
<tr>
<td>F-HUD-G00040-GO: SHERWOOD TRAILS SUBDIVISION, HARRIS COUNTY, TEXAS</td>
</tr>
<tr>
<td>F-HUD-G00044-GO: INWOOD NORTH SUBDIVISION, HARRIS COUNTY, TEXAS</td>
</tr>
<tr>
<td>F-HUD-G00048-AR: WEST SIDE SEWER, PINE BLUFF, JEFFERSON COUNTY, ARKANSAS</td>
</tr>
<tr>
<td>F-HUD-G00049-GO: KATASCOITA SUBDIVISION, HARRIS COUNTY, TEXAS</td>
</tr>
<tr>
<td>F-HUD-G00052-GO: KENSICK SUBDIVISION, HARRIS COUNTY, TEXAS</td>
</tr>
<tr>
<td>F-HUD-J24000-CD: SLOAN LAKE SANITARY SEWER IMPROVEMENT PROJECT, DENVER, COLORADO</td>
</tr>
<tr>
<td>F-HUD-J24000-GO: SHILICH HILLS SPokane, Washington (HUD-R10-EIS-77-1F)</td>
</tr>
<tr>
<td>IDENTIFY NO.</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>R-NQA-A90031-00</td>
</tr>
<tr>
<td>A-IGS-A02118-00</td>
</tr>
<tr>
<td>R-IGS-A02119-00</td>
</tr>
</tbody>
</table>
NOTICES

FEDERAL COMMUNICATIONS COMMISSION

IMPLICATIONS OF THE TELEPHONE INDUSTRY'S PRIMARY INSTRUMENT CONCEPT

In the matter of implications of the telephone industry's Primary Instrument Concept, FCC Docket No. 78-36.

1. On October 3, 1977, Congressman Louis Van Doze, of Pennsylvania, submitted a letter (Appendix A) requesting further inquiry into whether the telephone industry is presenting an unjustified departure from the Carterfone decision. Also submitted was a letter (Appendix B) providing the basis for that view.

2. We have received a large number of legal, procedural, policy, economic, technical, and other issues raised in these correspondence which are not covered in the Carterfone decision. We will treat herein the Industry's Primary Instrument Concept and the procedures adopted in implementing that concept.

3. This time, and in view of the various correspondence received, we believe it may be useful for all concerned parties to set forth more fully the background of this proceeding, some of the legal and procedural issues it raises, and the procedures we intend to follow in making a rapid resolution of these issues.

I. BACKGROUND

4. On June 27, 1968, the Commission issued its Carterfone decision holding that, consistent with the's Commissioner's decision of the U.S. Court of Appeals for the District of Columbia Circuit, subscribers to telephone services have a right to use that service in any manner privately beneficial if not publicly detrimental, and that telephone companies subject to our jurisdiction must allow subscribers to connect privately owned equipment to the telephone network unless it were demonstrated that such connection would be publicly detrimental.

5. On November 5, 1975, following lengthy rulemaking proceedings conducted with the assistance of a Federal-State Joint Board, the Commission concluded that adequate network protection could be provided by means other than the required use of carrier-provided connecting arrangements, and adopted rules establishing standards for protective circuitry for all terminal equipment and an FCC registration program to ensure compliance with such standards. Initially, this program was limited to data and ancillary devices, thus continuing the requirement that all new main station telephones, since January 1, 1969, be publicly detrimental. As we further explained in Mebane, this broad principle applies to customer terminal equipment used as a replacement for telephone system equipment. Pursuant to the Carterfone decision and telephone industry tariffs and practices adopted in implementing that decision, telephone service subscribers have indeed enjoyed the right of providing their own terminal equipment, including main station telephones, for over 10 years, since January 1, 1969. However, connection of such equipment to the network was initially permitted only through a telephone company-provided "connecting arrangement", allegedly required to protect the network from technical harm.

6. On June 27, 1968, the Commission also held that a Customer-Provided Main Station Telephone (CPMST) must allow subscribers to continue using their own terminal equipment, including main station telephones, in the same manner subject to our jurisdiction must allow subscribers to connect privately owned equipment to the telephone network unless it were demonstrated that such connection would be publicly detrimental, and that telephone companies subject to our jurisdiction must allow subscribers to connect privately owned equipment to the telephone network unless it were demonstrated that such connection would be publicly detrimental.

7. The Carterfone decision was initially permitted only through a telephone company-provided "connecting arrangement", allegedly required to protect the network from technical harm. Initially, this program was limited to data and ancillary devices, thus continuing the requirement that all new main station telephones, since January 1, 1969. However, connection of such equipment to the network was initially permitted only through a telephone company-provided "connecting arrangement", allegedly required to protect the network from technical harm.

8. Pursuant to the Carterfone decision and telephone industry tariffs and practices adopted in implementing that decision, telephone service subscribers have indeed enjoyed the right of providing their own terminal equipment, including main station telephones, for over 10 years, since January 1, 1969. However, connection of such equipment to the network was initially permitted only through a telephone company-provided "connecting arrangement", allegedly required to protect the network from technical harm.

9. Initially, this program was limited to data and ancillary devices, thus continuing the requirement that all new main station telephones, since January 1, 1969. However, connection of such equipment to the network was initially permitted only through a telephone company-provided "connecting arrangement", allegedly required to protect the network from technical harm.

10. Pursuant to the Carterfone decision and telephone industry tariffs and practices adopted in implementing that decision, telephone service subscribers have indeed enjoyed the right of providing their own terminal equipment, including main station telephones, for over 10 years, since January 1, 1969. However, connection of such equipment to the network was initially permitted only through a telephone company-provided "connecting arrangement", allegedly required to protect the network from technical harm.

11. Initially, this program was limited to data and ancillary devices, thus continuing the requirement that all new main station telephones, since January 1, 1969. However, connection of such equipment to the network was initially permitted only through a telephone company-provided "connecting arrangement", allegedly required to protect the network from technical harm.

12. Pursuant to the Carterfone decision and telephone industry tariffs and practices adopted in implementing that decision, telephone service subscribers have indeed enjoyed the right of providing their own terminal equipment, including main station telephones, for over 10 years, since January 1, 1969. However, connection of such equipment to the network was initially permitted only through a telephone company-provided "connecting arrangement", allegedly required to protect the network from technical harm.

13. Initially, this program was limited to data and ancillary devices, thus continuing the requirement that all new main station telephones, since January 1, 1969. However, connection of such equipment to the network was initially permitted only through a telephone company-provided "connecting arrangement", allegedly required to protect the network from technical harm.
key telephone systems could only be connected to the network via company-provided connection arrangements. On March 18, 1976, after further proceedings, the Commission expanded the scope of its registration program to include those telephone arrangements, but not the telephone company-imposed requirements that customer-provided equipment could only be connected via company-provided connecting arrangements. Neither of these latter decisions, of course, dealt with the inherent right of the subscriber to provide and connect his own terminal equipment, since that issue was decided affirmatively in the Carterfone line of cases consistent with the court's ruling in Carterfone.

6. The Commission's decisions allowing carriers to substitute for carrier-provided connecting arrangements and establishing the FCC registration program as a substitute therefore were appealed to the U.S. Court of Appeals for the Third Circuit. Appendix B included the North Carolina Utilities Commission, AT&T, U.S. Independent Telephone Association, United Telephone System & Continental Telephone Corp. Pending action on this appeal, the Court stayed the program except for customer-provided data and ancillary devices. On March 22, 1977, the Court of Appeals affirmed the Commission's actions in all respects. However, pending modifications for certiorari the Court continued its stay order. On October 3, 1977, the Supreme Court denied certiorari, thereby terminating the stay order. On October 17, 1977, upon issuance of the Court's formal mandate, the FCC registration program became effective by operation of law. Accordingly, telephone subscribers who have the right under Carterfone to provide and interconnect their own equipment must now, without the necessity of using carrier-supplied connecting arrangements, provide such equipment is registered pursuant to, or "grandfathered" by, the Commission's rules and the telephone company has been properly notified.

7. Viewed against this background, the "Primary Instrument Concept" appears to raise a variety of legal, procedural, and substantive issues. The November 1, 1977, letter from the telephone industry and its associations styles the concept as a proposed amendment to the Commission's rules, specifically Part 68, to modify the FCC Registration Program. However, this amendment to Part 68 may now do so without the necessity under Part 68 of the Rules. However, as the primary instrument concept is characterized as being "transitional", in the sense that it would be subject to review by the FCC or the Congress in 7-10 years.

8. It is our tentative understanding, based on appendixes A and B and subject to the questions indicated below, that the telephone industry is proposing that subscribers to "single-line" telephone services— but not including "multi-line" and "data services"—would be required to lease, as part of basic telephone service, one piece of equipment. This equipment would not apply to single-line data services provided via standard data jacks or to multi-line service, but would apply to data services provided via standard voice jacks to single line voice-grade service (Appendix B). The charges for a standard telephone (500 type set) and its main station telephone must be connected during construction of basic telephone service. For an additional charge, the telephone company would provide an optional instrument to the subscriber. This requirement must be connected during telephone company testing (Appendix B). All other consumer-premises equipment used as an adjunct to basic telephone service may be obtained from any source, provided that the equipment complies with the Commission's registration program and the subscriber pays the carrier a monthly charge to cover the costs of inside wiring and "other requirements." The primary instrument concept is characterized as being "transitional", in the sense that it would be subject to review by the FCC or the Congress in 7-10 years.

9. The objectives of the telephone industry in proposing the primary instrument concept are stated to be:

(a) To make one serving entity responsible and accountable for providing complete basic telephone service for single line voice subscribers;
(b) To assure continuity of such telephone service;
(c) To facilitate testing, both static and functional;
(d) To serve as a reference set to allow the customer to independently diagnose trouble responsibility;
(e) To permit telephone customers to effect prompt repair of malfunctioning equipment without interruption of basic telephone service; and
(f) To permit orderly introduction of technological innovations in the network.

III. ISSUES CONCERNING PRIMARY INSTRUMENT CONCEPT

10. In order to determine whether or not the public interest would be served by implementation of the primary instrument concept as a matter of Federal policy, it is of course necessary first to determine whether the public interest requires that the stated objectives be achieved, and if so whether the primary instrument concept is both a necessary and sufficient means of achieving those objectives as compared with alternative means. Moreover, it must be determined whether or not the public interest objectives that would be adversely affected by implementation of this concept, and if so whether there are alternative concepts or means which would better satisfy the overall public interest. Finally, it is necessary to determine whether the primary instrument concept is consistent with established legal principles, statutes, and judicial rulings. In the following sections we have identified a number of specific issues raised by this proposal upon which the views of interested parties are solicited. While we find it necessary to ask these questions in order to evaluate the primary instrument proposal, we stress that we have not prejudged any of the issues set forth below.

A. SOCIAL AND CONSUMER RIGHTS QUESTIONS

A1. Carterfone. The Primary Instrument Concept has been presented as a proposed modification of the Commission's registration program embodied in Part 68 of the Rules. However, as...
noted, the apparent effect of this proposal, if adopted, would be to prohibit subscribers to single-line telephone service from providing their own primary instruments8 under any circumstances and regardless of the absence of harm to the telephone network. Therefore, it appears to constitute a modification of the underlying principle in the Carterfone line of cases,8 which establishes the consumer's basic right to connect any and all types of terminal equipment, including primary instruments, to the telephone network unless there is a sufficient showing of public detriment. This gives rise to several legal and procedural issues:

A1.1 Would the Commission have legal authority to modify the Carterfone principle in view of our holdings that the subscriber has a statutory right under the Communications Act not to be subjected to tariff or other restrictions which indiscriminately bar connection of customer-provided equipment without regard to harm?

A1.2 If so, what type of showing of new or changed facts or circumstances is required to effect such a change in view of our holdings that the subscriber has a statutory right under Section 201(b) of the Communications Act not to be subjected to restrictions which indiscriminately bar interconnection of customer-provided equipment without regard to harm, and that blanket tariff restrictions of this nature are unlawful under Sections 201(b) and 202(a) of the Act?

A1.3 Assuming that such action would not exceed the Commission's authority, what type of procedures should the Commission adopt if modification of Carterfone is in fact required?

A1.4 To what extent, if any, can the record developed in Docket No. 1528 be used as a basis for such a proceeding, considering that Docket No. 1528 was conducted on the basis that customers' rights established in Carterfone were under review therein?

A2. Anti-trust. The primary instrument concept appears to give rise to questions of consistency with the policies underlying the anti-trust laws:

A2.1 Is the primary instrument proposal consistent with the anti-trust policy against unreasonable tie-ins so far as it would require:

(a) A single-line subscriber, as a condition of obtaining telephone service from the carrier, to pay also for a carrier-owned terminal device?

(b) A subscriber who elects to take an optional instrument from the carrier to pay also for a standard instrument, that the subscriber may not receive, as a condition to obtaining the carrier's telephone service?

(c) A subscriber who chooses to use only the optional equipment at all times except during telephone company testing, to obtain and pay for a carrier's primary instrument as a condition to receiving the carrier's telephone service?

A2.2 Would adoption of a primary instrument requirement by the Commission immunize the telephone companies from anti-trust suits involving tie-in questions?

A2.3 Would the lack of a credit allowance for nonprovision of the standard instrument encourage subscribers selecting optional equipment to take the standard instrument as well, and thereby have an anti-competitive effect on the independent suppliers of extension sets?

A2.4 Would the primary instrument proposal have the effect of allowing the telephone companies to retain or enhance their control over the provision of main station telephone sets or to dominate the market for all telephone sets?

A2.5 What evidence is there that the telephone set market has the economic characteristics of a natural monopoly?

A2.6 What percentage of the total telephone set market does the main station market now constitute?

A2.7 What share of main station sets is currently owned by the telephone carriers?

A2.8 In the absence of the primary instrument concept, what is the forecast for the total market for main station sets for each of the next seven years, and what would be the independent supplier share of such market in terms of numbers of telephone sets? (*Please set forth the forecasting method, including assumptions and calculations.)

A2.9 In the absence of the primary instrument concept, what is the forecast for the total extension market for each of the next seven years, and what would be the independent supplier share of that market in terms of numbers of telephone sets? (*See above.)

A2.10 Assuming adoption of the primary instrument concept, what would be the market forecasts for main stations and extensions, delineated as in A2.6 and A2.7 above?

A2.11 Would the primary instrument concept have the effect of allocating the terminal equipment market so that telephone companies would become monopoly suppliers of primary instrument sets to business and independent suppliers and telephone carriers would compete in the provision of any additional terminal equipment to single-line subscribers as well as in the provision of all terminal equipment to multi-line, data and private line subscribers?

A2.12 Would adoption of a primary instrument requirement by the Commission affect any pending anti-trust suits against the telephone companies? If so please list.

A3. Effect on state actions. It is our understanding that the New York Public Service Commission has recently decided that customer ownership of main stations is feasible and proper (see Appendix C hereto), and presently has pending a proceeding on customer-provision of inside wiring.

A3.1 In light of the Telerent Leasing and Comtronics cases,8 what effect would the primary instrument concept, if adopted by the Commission, have on state actions or proceedings in the area of main stations and/or inside wiring?

R. CONSUMER RIGHTS

As noted, under present regulatory policies and industry practices, all telephone service subscribers have the option of obtaining end-to-end service, including the provision of all terminal equipment, from the serving telephone company, or of seeking alternative sources of supply and maintenance for their own consumer-premises equipment. The primary instrument concept would delete the latter option for residential and business subscribers to single-line telephone services, and mandate instead that all such subscribers must take, as part of the basic service offering, a carrier-provided and maintained "primary" instrument. This change in policy appears to be predicated, at least in part, on the view that such subscribers are less sophisticated than the typical multi-line service subscriber, and less likely to assure that their equipment is in proper working order. To determine the validity of these claims, the following information is requested:

8We use the term "primary instrument" as defined in the industry proposal.

*Hush-a-Phone, Carterfone, Mebane, supra, Telerent Leasing v. Puerto Rico Telephone Company, 57 FCC 2d 1202 (1976, aff'd v. FCC, 553 P. 2d 694 (1st Cir., 1977)).
B1. What demographic or other evidence would support the proposition that residential and business subscribers in single-line and multi-line telephone services are either typically or in selected cases (a) less sophisticated than multi-line subscribers and (b) less likely to ensure that their equipment is in proper working order?

B2. What is a reasonable estimate of the number and class of subscribers who are believed to be either unwilling or unable to assure that their equipment is in proper working order and how is that estimate derived?

B3. What is the number of such subscribers who would not be expected to elect to take end-to-end service and maintainence from the serving telephone company, absent any mandatory requirement of such action?

B4. What is the public interest justification for the primary instrument proposal?

B5. Would the proposed requirement that single-line residential and business subscribers obtain the primary instrument from the carrier, while multi-line and data subscribers need not, constitute an unjust or unreasonable discrimination in violation of Section 202(a) of the Act?

B6. Would it be unjust or unreasonable to require a single-line subscriber, who elects to take an optional instrument from the carrier in lieu of a standard instrument, to pay also for a standard instrument that he does not receive or require?

What is the current practice under applicable tariffs with respect to credit allowances where a single-line subscriber provides:

(a) His own main station?
(b) His own extension station?

B7. Would it be unjust or unreasonable to require a single-line subscriber, who chooses to use all customer-provided terminal equipment, to pay the full charge for a carrier-supplied multi-line instrument that he is required to use only during telephone company testing?

B7.1 How often does telephone company testing occur for the average single-line?

B7.2 Could such telephone company testing be accomplished by means less costly to the single-line subscriber than the full charge for a carrier-supplied primary instrument? (See also Question D2 below.)

B8. Would it be unjust or unreasonable under the primary instrument concept to combine the charges for service, a standard instrument, and maintenance in the basic service rate?

B8.1 Would unbundling of the charges for service, standard instruments and maintenance be necessary or appropriate to ensure that subscribers are not required to pay for terminal equipment and maintenance which they do not receive?

B8.2 Would unbundling be necessary or appropriate to permit the proper performance of costs in the justness and reasonableness of rates?

B8.3 Should single-line subscribers have the option of purchasing primary instruments from the carrier, and paying for carrier maintenance if desired?

B9. The illustrative tariff in the primary instrument proposal would require all inside wiring to be done by the carrier. However, the proposal contemplates that in the event of customer wiring the carrier could "provide inside wiring to a designated, primary jack into which the customer could plug any one of the telephones on his premises."

B9.1 Would it be unjust or unreasonable to require carrier inside wiring for customer-provided extensions, and the payment of a monthly charge therefor, if the customer desires only a primary jack?

C. ECONOMIC

Proponents of the primary instrument concept claim that it will produce a number of economic benefits for both the telephone industry. Special emphasis has been placed on the potential role of this concept as a "transitional" arrangement which would permit telephone companies to adjust their inventories, accounting systems, pricing practices, etc., so as to minimize adverse economic consequences which allegedly will result if consumers substitute their own primary station equipment for that presently supplied by the serving telephone company. Preliminary comments seem to indicate that other parties may disagree with this assessment. We shall expect parties responding to this Inquiry to demonstrate with much greater specificity and documentation their views regarding both the benefits and costs of this concept for consumers, telephone companies, and independent equipment suppliers. Moreover, we note that under current accounting rules and practices, telephone instruments removed from service may be retained in the Station Appuratus Account (Account 231), until such time as the equipment is fully depreciated. That portion of Account 231 attributable to interstate services through current separations procedures is allowed in the carrier's rate base for the purposes of interstate rate-making and division of revenues. Given these circumstances, please respond to the following:

C1. What are the projected economic effects upon the telephone company for the calendar year 1978 under the following scenarios for the substitution of customer-owned instruments for carrier-supplied main stations by single-line residential subscribers (assume entire loss incurred at the beginning of 1978):

C1.1 5-10% of the carrier-owned stations.

C1.2 25% of the carrier-owned stations.

C1.3 50% of carrier-owned stations.

C1.4 100% of carrier-owned stations.

C1.5 The most likely loss anticipated by the company on the basis of market studies.

The economic effects to be calculated must include at least the following:

(a) Change in local and toll service revenues and revenue requirements.

(b) Change in rate of return on combined operations (state and interstate).

(c) Monthly upward rate pressure per subscriber (magnitude and percentage).

Document the methodology of all computations as well as the specific nature of any underlying assumptions. In particular the following should be thoroughly documented:

(a) The accounting treatment of the replaced instrument—whether it will be retired or remain in Account 231.

(b) The imputed un-bundled revenue requirement of the replaced instrument.

(c) The computation of any toll service revenue changes and (for those companies which settle upon the basis of cost separations studies) the changes in the state and interstate amounts of affected plant and expense accounts.

(d) For instruments not retired: The length of time they will be allowed to remain in rate base Account 100.

The treatment of depreciation maintenance, and tax expense, and the subsequent impact upon total expenses.

The impact upon common expenses.

(e) For instruments which are retired: The specific retirement policy including salvage.

The impact upon depreciation, maintenance, and tax expenses.

The impact upon common expenses.

C2. What are the projected economic effects upon the telephone company where the equipment substitution is by single-line business subscribers under the scenarios set forth in Question C1 above?

C3. What accounting procedures or other safeguards would be necessary to ensure that all proper costs of optional carrier-supplied equipment are fully reflected in the rate charged?

C4. Should standard instruments, which are paid for but not received by subscribers choosing optional carrier equipment, be treated as property in use or not in use for accounting purposes?
D. TECHNICAL/OPERATIONAL ISSUES

D1. End-to-End Service. It has been suggested that one basis for adopting the Primary Instrument Concept is that this would permit the serving telephone companies to have end-to-end responsibility for continuity of basic telephone service for single-line voice subscribers, presumably for both calling and called parties. In order to evaluate this claim, it is first necessary to determine the extent to which end-to-end service continuity is presently assured, and the manner and extent to which this would be modified under the Primary Instrument Concept.

D1.1 It is our understanding that substantial numbers of single-line telephone subscribers are presently served by all plug-and-jack installations. It is therefore necessary to disconnect all items of terminal equipment, including main or primary stations, when he does not desire to place or receive calls.

(a) How many single-line subscribers presently have plug and jack installations?

(b) What is a reasonable estimate as to how many single-line subscribers would have plug and jack installations within the next seven years?

(c) To what extent is end-to-end responsibility for continuity of service presently assured under this practice?

(d) Would the subscriber's right of disconnection be continued under the primary instrument concept?

(e) How would the primary instrument concept modify the extent to which end-to-end responsibility for continuity of service is presently assured under plug-and-jack installation?

D1.2 Customer-provided terminal equipment, including main stations, has been permitted since the post-Carterfone tariffs filed in 1969, and the connecting arrangement required during most of this period were designed only to protect the telephone network from technical harm and not to assure the functioning of the terminal device.

(a) To what extent is end-to-end responsibility for service continuity assured in the case of customer-provided main stations, calling and/or called, connected via connecting arrangements?

(b) What problems arose during this period regarding end-to-end responsibility for continuity of service where customer-provided instruments were involved?

(c) How would the primary instrument concept modify the extent to which end-to-end responsibility for continuity of service was assured under the connecting arrangements required?

(d) Would single-line subscribers, calling and/or called, be permitted to use their own registered terminal equipment in lieu of carrier supplied primary instruments at all times except during telephone company testing?

(e) Could single-line subscribers make or receive calls involving terminal equipment at the other end which was not carrier supplied, according to the primary instrument concept, such as extension telephones and multi-line equipment?

(f) Would a malfunctioning extension telephone interfere with end-to-end continuity of service in any failure modes and, if so, which ones?

D1.3 It is our understanding that a percentage of the calls originating or terminating on the facilities of private or specialized carrier systems or on the private line facilities of telephone carriers go "off-network" via the switched public telephone network. The primary instrument proposal does not purport to apply to private line services of the telephone carriers and would, of course, be inapplicable to terminal equipment used with private or specialized carrier systems.

(a) To what extent is end-to-end responsibility for continuity of service presently assured where the single-line subscriber makes/receives a call and the other party is using independently supplied terminal equipment in conjunction with private line facilities?

(b) How would the primary instrument concept modify the extent to which end-to-end responsibility for continuity of service is presently assured in the above instances?

D2. Testing. It has been suggested that another basis for adopting the Primary Instrument Concept would be to facilitate telephone company testing, both static and functional, of subscriber loop service. In order to determine whether a carrier-supplied terminal device is both a necessary and sufficient condition for assurance of the continuity of subscriber loop service, we must first ascertain how telephone company testing is now performed and what alternative devices and/or test procedures are available.

D2.1 What are each of the specific static and dynamic tests that are now performed when a customer reports malfunctioning telephone service to the carrier? For each such test, please indicate the following:

(a) What action is performed by the carrier and what action is performed by the customer?

(b) What parameters or functions are evaluated quantitatively and what parameters or functions are evaluated qualitatively or in terms of perceived functions (e.g., customer lifts handset, and does not receive dial tone, a qualitative test of off-hook impedance/resistance)?

(c) What parameters or functions are evaluated using central office testing equipment and what parameters or functions are evaluated in conjunction with the terminal equipment at the customer premises?

(d) Which of these parameters or functions could not be evaluated if the customer were instructed to unplug all terminal equipment at the premises?

(e) Which of these parameters or functions could not be evaluated if the customer were instructed to unplug all terminal equipment at the premises, and then plug in a known termination impedance or resistance (e.g., a 400 ohm resistor)?

(f) Would the answers to the above questions be any different if the customer currently has a carrier-supplied voice "connecting arrangement" and no other carrier-supplied equipment connected to the line or loop on which trouble is reported?

D2.2 What "testing device" does the primary instrument proposal contemplate in giving examples of tests which could not be performed by a testing device in lieu of a primary instrument?

D2.3 Could noise on the line, cross talk and transmission quality be measured or evaluated at the central office regardless of the supplier of the main station?

D2.4 To what extent could the subscriber perform the same testing functions with a customer-provided instrument in conjunction with central office testing that could be performed with a carrier supplied instrument?

(a) Is there any technical distinction between a main station and an extension telephone?

(b) To what extent would primary and extension instruments be identical regardless of the supplier?

D2.5 If the primary instrument requirement is construed to apply to multiple single lines entering a single premise, would one carrier-supplied terminal device be sufficient for testing purposes?

D2.6 To what extent would the following alternatives to a carrier-supplied primary instrument satisfy one or more concerns expressed in the testing rationale for the primary instrument?

(a) An electrical network permanently connected in parallel with each telephone line to provide a known termination impedance when all equipment is unplugged (e.g., a simple resistor, a resistor in series with a capacitor).

(b) A test network connected in parallel with each telephone line testing to provide a known termination impedance. (This network could be implemented on a testing plug which the customer can be instructed to plug in during testing, or could be automatically connected through a central-office originated test signal.)

(c) A carrier-provided ringer or bell required to be permanently connected to each telephone line, both to provide
a known termination impedance and to provide a known annunciation indicator of an incoming call. (Please explain why this approach has been abandoned in the past.)

(d) Automatic testing apparatus at the central office which routinely, or at customer request, verifies proper electrical conditions on the telephone line. (Examples of such equipment which presently are in use include equipment which detects unauthorized equipment, and signal power monitoring equipment associated with central offices and with multiplex systems.)

(e) Fault isolation equipment built into the central office or accessible at a dialable telephone number to alleviate testing problems. (Such equipment is currently used by telephone company personnel to evaluate dial and ringer functions of carrier-provided instruments; presumably this could be made available to customers, on a compensatory basis, to allow for functional testing.)

D3. Customer Diagnosis of Trouble. A related basis for the proposed primary instrument requirement is that it would serve as a reference set to allow the customer to independently diagnose trouble responsibility.

D3.1 Does this rationale have any applicability to single-line subscribers with only one telephone set?

D3.2 To what extent would the single-line subscriber who owns more than one telephone set have a similar reference set capability?

D3.3 One of the reasons given in the industry proposal for not applying the primary instrument concept to multi-line subscribers is "because he can interchange terminal equipment between telephone lines and isolate problems to the line or the equipment." Could a single-line subscriber who owns more than one telephone set ascertain, either by himself or in conjunction with central office testing, whether one of his sets or the line was malfunctioning?

D3.4 What is the likelihood that a single-line subscriber with more than one customer-provided telephone set would experience malfunctioning in all his telephone sets at the same time?

D3.5 Is there any basis, technical or from experience, for assuming that a carrier-supplied telephone set would malfunction less often than a set obtained by the customer from an independent equipment supplier?

D3.6 The industry proposal suggests that it is not necessary to apply the primary instrument requirement to data service users because customer-provided data systems are equipped with "elaborate diagnostic capabilities."

(a) Would all terminal devices capable of use with a data jack have such capabilities (for example, terminal devices used for low speed data)?

(b) Would all terminal devices capable of use with a data jack have both the static and dynamic functional test capabilities of a primary instrument?

(c) What is the extent of malfunctioning equipment. The industry proposal further indicates that one of the purposes of the proposed primary instrument requirement is to permit and encourage customers to effect prompt repair of malfunctioning equipment without interruption of basic telephone service.

D4.1 What is the average interval between repair calls for carrier-supplied main stations and extension sets?

(a) for business subscribers?

(b) for residential subscribers?

D4.2 How could an interruption of basic telephone service be avoided where a single-line subscriber has only one telephone set, carrier supplied, and that set malfunctions?

D4.3 Could a single-line subscriber who owns multiple telephone sets repair one malfunctioning set without interruption of his basic telephone service?

D4.4 What, additional incentives, beyond what is presently the case, would the primary instrument provide to encourage customers to have malfunctioning equipment repaired?

D4.5 The Commission recognized in Docket No. 19528 that business subscribers have a strong incentive to avoid interruption in telephone service. What is the basis for the assumption in the industry proposal that multi-line and data service subscribers are more likely than single-line business subscribers to promptly repair malfunctioning terminal equipment?

D5. Technical Innovation. One of the stated bases for the primary instrument proposal is to permit the orderly introduction of technological innovations in the network.

D5.1 To what extent do the carriers presently control technological innovation in terminal devices?

D5.2 Under the primary instrument concept to what extent would the carriers control technological innovation in terminal devices?

D5.3 To what extent must technological innovation in the network be compatible with the continued use of existing terminal equipment?

D5.4 Is it reasonable to anticipate that there is likely to be any substantial technological innovation in the network which would be compatible with the continued use of existing carrier-supplied terminal devices but not with the continued use of existing independently supplied terminal devices?

D5.5 Could the orderly introduction of technological innovations in the network be achieved by putting independent terminal suppliers on early notice of pending innovations, such as at the same time that suppliers to the carriers are notified of planned innovations in the network? Would the notice requirements of §68.106 of the rules be sufficient for this purpose?

D6. Restoration of Service in Emergencies. The industry proposal indicates that the primary instrument concept would assure prompt restoration of basic service in emergency situations.

D6.1 How would the primary instrument proposal afford any greater assurance of basic service in emergency situations than is presently the case?

D7. Operational. D7.1 In the industry response to the Subcommittee staff questions it is stated that optional instruments may provide service features in addition to the equivalent minimum capabilities of standard instruments.

(a) What are the current minimum capabilities of a standard instrument?

(b) Are the present capabilities of a standard instrument subject to change or augmentation by additional service features?

(c) If so, what changes in the capability of standard instruments or additional service features are anticipated within the near future?

(d) What additional service features are presently available in optional instruments?

(e) What new service features are anticipated for optional instruments in the near future?

(f) Whether or not the primary instrument concept is adopted, carrier-supplied primary instruments would be subject to the outcome of Docket No. 20328 (the "Computer Inquiry"). If the primary instrument concept were adopted, should the capabilities of carrier-supplied primary instruments be subject to the outcome of Docket No. 20328?

(g) If so, what should be the nature of such regulation?

(h) Should the Commission prescribe standards for carrier-supplied primary instruments? For example, it is our understanding that not all main stations supplied by telephone carriers are compatible with equipment used by a substantial number of those subscribers who have impaired hearing. If the primary instrument concept were to be approved, should the Commission prescribe uniform standards in this area?

D7.2 In the industry response to the Subcommittee staff questions it is stated that the distinction between basic telephone service and data service...
vice depends on the kind of jack used. Thus, data equipment connected via standard data jacks would not be included in the primary instrument concept, whereas data equipment connected via standard voice jacks would be included.

(a) Should any distinction between basic telephone service and terminal devices, on the one hand, and data services and terminal devices, on the other, depend upon and be consistent with the outcome of the proceedings in Docket No. 20828 (the "Computer Inquiry")?

(b) Would the primary instrument concept prejudice the Commission's consideration in Docket No. 20828 of issues and proposals by parties relating to carrier-supplied terminal equipment?

E. DURATION OF THE PROPOSED REQUIREMENT

The primary instrument proposal is advanced as a transitional measure, to be re-evaluated in 7-10 years.

E1. It has been suggested that the primary instrument concept would afford an economic transition in light of the registration program. In light of the answers to Questions C1 and C2 above, what would be the economic difference to the telephone companies between no primary instrument requirement and a primary instrument requirement of seven years duration?

E2. It has been further suggested that the primary instrument concept would permit the telephone companies to adjust their operation to minimize the operational impact on subscribers.

E2.1 Have there been any complaints on customer provided main stations in the last seven years?

E2.2 If so, how many and of what nature?

E3. It has been suggested that the primary instrument concept would permit the telephone companies to evaluate new technology in the provision of basic telephone service. What new technology within the next 7-10 years is anticipated that might affect the primary instrument concept?

E4. How would the concerns underlying the primary instrument proposal be met at the end of any transition period?

E5. If the primary instrument concept were adopted, should there be a "sunset" provision that the requirement would automatically expire after a certain time period?

E6. How would the primary instrument concept affect single-line subscribers who have purchased telephone sets from telephone companies?

E7. Should there be a "grandfather" provision for such telephone sets?

F. CLARIFICATION

Some aspects of the primary instrument proposal need clarification to enable responsive public comment and full consideration of the proposal. While telephone industry responses to the Subcommittee staff questions has been helpful in clarifying some areas, several ambiguities remain.

F1.1 How should the term "multi-line" be defined? Is the primary instrument proposal intended to apply to multiple single lines entering a single premise, not terminated in a telephone or PBX system? For example:

(a) Would the proposal include multiple line terminated on multiple single line telephone?

(b) Would two lines terminated on a single telephone with a turn button (e.g., a 510 set) be included in the proposed requirement?

(c) Would the proposed requirement apply to multiple lines entering on a so-called "convenience key telephone" with no common equipment?

(d) How would a subscriber treat a subscriber who has another line to a secretarial service on the premises?

(e) Would the proposed requirement apply to multiple lines entering a single premise, some terminated on a key or PBX system and some terminated otherwise (e.g., on single line instruments or instruments used solely for data or for voice and data)?

(f) Would the proposed requirement apply to specialized network services which do not offer both origination or reception of telephone calls, for example:

WATS services?

One-way trunks and loops?

Extended area outgoing-only lines?

F3.1 What "other requirements" does the industry proposal need clarification as to whether the industry proposal, we believe that the comment and reply procedures specified in paragraph 16 below will afford all interested persons an opportunity to express their views on the primary instrument proposal.

F3.2 CBEMA further asserts that the proponents of the primary instrument concept should be required to clarify and document their proposal prior to any proceeding in order to permit meaningful comments by interested persons. While the questions set forth above are to some extent indicative of ambiguities in the telephone industry's proposal, we believe that the comment and reply procedures specified in paragraph 16 below will afford all interested persons an opportunity to express their views on the primary instrument proposal.

12. CBEMA further asserts that the proponents of the primary instrument concept should be required to clarify and document their proposal prior to any proceeding in order to permit meaningful comments by interested persons. While the questions set forth above are to some extent indicative of ambiguities in the telephone industry's proposal, we believe that the comment and reply procedures specified in paragraph 16 below will afford all interested persons an opportunity to express their views on the primary instrument proposal.

13. With respect to the request by the telephone industry that we proceed immediately with proposed rule making looking toward adoption of the suggested rule amendments attached to its order, we believe that such action would be premature. The precise nature and full implications of the primary instrument concept are presently unknown and require clarification before we would be in a position to make any preliminary determination as to whether the industry proposal,
or some variation thereof, offers sufficient promise of public benefit to warrant a proposed rule making. The primary instrument proposal potentially would have widespread and important ramifications for the public, and these may vary according to the extent and manner in which the proposal and the manner in which it might be implemented. Moreover, some aspects of the industry proposal appear to raise questions of lawfulness which should be examined before any policy determination, even of a preliminary nature, could appropriately be made. We will pursue this matter expeditiously to the extent consonant with the thorough exploration that is essential to a sound public interest decision. If rule making is found warranted at the conclusion of this Inquiry, the groundwork laid in this proceeding should serve to shorten the rule making procedure.

14. Finally, we note that the primary instrument concept has been recently addressed by the New York Public Service Commission (NYPSC) in its Opinion No. 77-17 issued on October 25, 1977. The portion of the NYPSC Opinion dealing with the primary instrument concept is appended hereto (Appendix C) for the convenience of those commenting.

V. INQUIRY PROCEDURES

15. This inquiry is instituted pursuant to the authority contained in sections 2(a), 3 (a) and (b), 4 (f) and (j), 201(b), 202(a), 218, 219(a), 403, 409(e), 412, and 602 of the Communications Act.

16. Interested persons may file comments on or before March 28, 1978 and reply comments on or before May 9, 1978. Interested persons who are unable to make meaningful comments pending further clarification by the telephone industry may defer their participation until the reply comment stage. Upon consideration of the reply comments the Commission may, by further order, provide an opportunity for additional comments if we conclude that further procedures are necessary to or would assist our determinations.

17. Pursuant to the applicable procedures set forth in Section 1.51 of the Commission's rules, an original and 9 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C. In reaching its determinations in this proceeding, the Commission may also take into account other relevant material.

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
originating calls to a defined local calling area, for receiving incoming calls, and for access to the local exchange. Such service includes central office switching and the access line from the telephone company central office up to and including the primary instrument components and facilities.

4.0 Rate and Tariff Considerations

4.1 Basic Telephone Service.

Under the Primary Instrument Concept, the basic service rate includes a standard instrument.

4.2 Optional Instruments.

The customer has the option of substituting for the standard instrument another item of telephone company provided terminal equipment, provided said substitute has, at a minimum, capabilities equivalent to the primary instrument. All optional instruments, i.e., other than the standard instrument, will be provided at rates recognizing their relevant costs.

4.3 In situations where the customer elects to use an optional instrument as the primary instrument:

4.3.1 If the customer chooses the optional instrument, no credit allowance will apply for the non-provision of the standard instrument.

4.3.2 Where a customer chooses the optional instrument as a primary instrument may elect to have the telephone company provide them the standard instrument. These pricing concepts are illustrated further in a hypothetical tariff, Attachment B, and through illustrative examples of tariff applications, Attachment C.

5.0 The FCC Registration Program Divides Service Responsibility

The FCC Registration Program fragments the responsibility for basic telephone service. Under Part 68 of the Rules, basic telephone service consists of two parts: (1) The network, which is made up of switching and transmission facilities. If any of these parts malfunction, service to one or more subscribers may be affected and therefore must be corrected by the responsible party.

6.0 Assurance of a Basic Service Compatible with the Telephone Equipment

6.1 Static electrical tests are done remotely by the telephone company for the purpose of testing electrical integrity of the pair of wires from the central office to the ringing in the telephones. Static tests are not tests of the actual ability of the telephone to interact with the telephone network. Only dynamic tests, which require the presence of a reference set, can determine if the total service is functioning properly. Attachment D contains additional details on typical telephone service repair and testing procedures.

6.2 The primary telephone instrument not only provides for recognizable terminations but also for functional tests, the result of which eliminates the potential for countless unnecessary repair visits annually. For example, an unrecognizable termination in a connection with a trouble report test on a good access line would appear from the test results as “open line” rather than “Test OK.” And an unnecessary dispatch would be made. Each year approximately 15 to 20 percent of over 60 million Customer Trouble Reports are disconnected by the customer.

7.3 There have been several proposals that a test device would eliminate this need for a primary instrument. Tests that are performed using a testing device are static and can only check for faults on a pair of wires (grounds, open lines, moisture problems, etc.). A test device does not test the functional tests for noise on the line, cross talk, proper signaling, transmission quality, etc., which are necessary to determine if a customer has working telephone service respectable on the access line, it also (a) allows remote functional tests of signaling, transmission, etc., (b) avoids false dispatches, (c) provides a means for customers to diagnose certain kinds of repair responsibility without outside assistance, and (d) maintains the telephone service, not just the access line.

7.4 Thus, a Telephone Company provided primary instrument at the customer’s premises not only minimizes ambiguities in the results of remote (wire test) and (b) on the access line, it also (a) allows remote functional tests of signaling, transmission, etc., (b) avoids false dispatches, (c) provides a means for customers to diagnose certain kinds of repair responsibility without outside assistance, and (d) maintains the telephone service, not just the access line.

7.5 The Telephone Industry is of the view that the telephone companies should provide all inside wiring.

8.0 Inside Wire Under the Primary Instrument Concept.

8.1 The basic reason for the industry’s position on this issue can perhaps best be expressed by a direct quote from the FCC’s Second Report and Order released March 18, 1976, in Docket 19528, which states:

“Wiring is passive. It cannot, of itself, generate any signals. It can, however, become connected with earth ground or power lines and thus create a condition, such as floods or other natural disasters, since the telephone company would have responsibility for the restoration of all the components of basic service.

8.2 Even though it is not recommended by the Telephone Industry or allowed under the FCC Registration Program, if customers were eventually allowed to provide their own wiring beyond the primary instrument outlet, the Primary Instrument Concept would continue to be a viable concept. In such cases the telephone company would provide the inside wiring to a designated, primary jack into which the customer could plug any one of the telephones on his premises. If a trouble was experienced with the service, the customer could diagnose the problem by disconnecting all his own equipment and connecting the telephone company primary instrument to the primary jack. If the telephone company instrument works, the trouble would be in the customer provided equipment.

* * * * *

The only known exception is the Rochester Telephone Company which operates entirely in the state of New York. Rochester operates less than one-half of one percent of the telephones in the United States.
ATTACHMENT A

THE PRIMARY INSTRUMENT CONCEPT WILL NOT APPLY TO MULTI-LINE VOICE AND DATA SERVICE

The assurance of a viable end-to-end service with the ability to transmit and receive information, rather than limiting such assurance solely to the integrity of the line facility, is as important to the multi-line customer as it is to the single-line customer. But, by the very nature of the business environment and the fact that the customer has multiple lines, the customer inherently has the capability to use another line if one line should fail. Also, the business communications environment has historically recognized the need for back-up in case of total system failures. Currently, PBXs are equipped to provide, at the customer’s option, a transfer arrangement, on which one or more of the telephones can be connected to a separate line. This allows the making or receiving of telephone calls to the independent of the function of the PBX in case of PBX failure.

Although the Primary Instrument Concept is beneficial for isolating troubles for single-line service, it is not necessary for multi-line service. The multi-line customer or his repair agent inherently has this diagnostic ability without the need for a telephone company primary instrument because he can interchange terminal equipment between telephone lines and isolate problems to the line or the equipment. In addition, business customers with multi-line service rely heavily on their telephones for business purposes, are more sophisticated, and generally assure that their equipment is in proper working order. Because of this, there is less necessity to stimulate the business customer to properly maintain or repair malfunctioning telephones. Also, business equipment vendors have an incentive to assure basic compatibility with the telephone company facilities, proper installation of complex communication equipment, and provide standard terminations recognizable to the telephone company because they generally are responsible for the maintenance of the equipment they install.

The Primary Instrument Concept does not apply to data services for many of the same reasons indicated above for multi-line service. In addition, many customer-provided data systems are equipped with elaborate diagnostic capabilities.

ATTACHMENT B

THE TELEPHONE CO.

"ILLUSTRATIVE" GENERAL EXCHANGE TARIFF

SECTION ——

3. BASIC TELEPHONE SERVICE

3.1 General.

(1) Basic telephone service is telephone service for single line business and residence customers which provides its users with the capability for originating calls to all customers within the local calling area, for receiving incoming calls, for access to and from the toll network and includes appropriate maintenance.

(2) Basic telephone service includes central office switching and access line facilities from the telephone company central office up to and including the primary instrument (currently a 500 Type instrument) on the customer’s premises.

(3) Customers may elect to substitute an optional instrument for the standard instrument as long as the substitute has, at the minimum, capabilities equivalent to the primary instrument. Charges as they appear in Section 3.4 of this Tariff will apply for these optional instruments. There will be no credit allowance for non-provision of the standard instrument.

(4) Where the customer elects to have the telephone company provide an instrument other than the standard instrument as the primary instrument, the customer can elect to take the standard instrument subject to applicable service connection charges.

(5) There is no monthly charge for the standard instrument as it is included in the rate for basic telephone service.

3.2 Wiring and jacks.

The telephone company shall provide the necessary wiring and jack outlets on the customer's premises for connection of the telephone instrument to be used with Basic Exchange Telephone Service. The telephone company shall also provide additional wiring and jack outlets ordered by the subscriber for use in connecting additional telephone company provided terminal equipment or subscriber provided terminal equipment that may be connected under Part 68 of the FCC Rules and Regulations. Charges for wiring and jack outlets are set forth in Section —— of the tariff.

3.3 Statewide rate schedules.

The following statewide schedule of rates is applicable to Basic Telephone Service:

<table>
<thead>
<tr>
<th>Rate group</th>
<th>Main stations plus PBX trunks</th>
<th>Residence 1-PTY.</th>
<th>2-PTY.</th>
<th>4-PTY.</th>
<th>Business 1-PTY.</th>
<th>2-PTY.</th>
<th>4-PTY.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0 to 1,000</td>
<td>4.50</td>
<td>4.30</td>
<td>3.90</td>
<td>12.15</td>
<td>10.55</td>
<td>9.60</td>
</tr>
<tr>
<td>2</td>
<td>1,001 to 2,000</td>
<td>5.15</td>
<td>4.90</td>
<td>4.50</td>
<td>12.90</td>
<td>11.10</td>
<td>10.70</td>
</tr>
<tr>
<td>3</td>
<td>2,001 to 5,600</td>
<td>5.65</td>
<td>5.40</td>
<td>5.00</td>
<td>12.15</td>
<td>11.30</td>
<td>11.00</td>
</tr>
<tr>
<td>4</td>
<td>2,001 to 6,000</td>
<td>5.65</td>
<td>5.40</td>
<td>5.00</td>
<td>12.15</td>
<td>11.30</td>
<td>11.00</td>
</tr>
<tr>
<td>5</td>
<td>6,001 to 12,000</td>
<td>6.00</td>
<td>5.80</td>
<td>5.40</td>
<td>14.75</td>
<td>13.00</td>
<td>12.60</td>
</tr>
<tr>
<td>6</td>
<td>5,601 to 8,000</td>
<td>6.45</td>
<td>6.20</td>
<td>5.80</td>
<td>18.50</td>
<td>16.00</td>
<td>14.60</td>
</tr>
<tr>
<td>7</td>
<td>8,001 to 11,200</td>
<td>6.75</td>
<td>6.50</td>
<td>6.10</td>
<td>18.50</td>
<td>16.00</td>
<td>14.60</td>
</tr>
<tr>
<td>8</td>
<td>11,201 to 16,000</td>
<td>7.20</td>
<td>6.90</td>
<td>6.50</td>
<td>17.60</td>
<td>15.20</td>
<td>13.90</td>
</tr>
<tr>
<td>9</td>
<td>16,001 and over</td>
<td>7.60</td>
<td>7.40</td>
<td>7.00</td>
<td>18.50</td>
<td>16.00</td>
<td>14.90</td>
</tr>
</tbody>
</table>

*For tone signaling service an additional line charge applies: Residence $1; business $1.50.

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
3.4 Telephone Instruments

The monthly instrument rates in this section of the tariff apply in addition to service connection charges set forth in section—.

3.4.1 Standard Types (No Nonrecurring Charges)

**Monthly rate (hypothetical)**

(a) When used as a primary instrument, included as part of basic service; 
(b) When used as an extension (except as specified in section 3.1.4), rates under 3.4.2 apply.

**3.4.2 Other Telephone Instruments (No Nonrecurring Charges)**

### Dial Pulse Signaling

- **Standard set**: $0.70
- **Princess**: $1.15
- **Outdoor set**: $1.00
- **Candlestick**: $2.75
- **Chestphone**: $3.00
- **Cradlephone**: $2.75
- **Compact**: $1.35
- **Cradlephone**: etc.

### Touchtone Signaling

- **Standard set**: $0.80
- **Trimline**: $2.00
- **Princess**: $1.90
- **Outdoor set**: $3.75
- **Candlestick**: $2.75
- **Chestphone**: $3.00
- **Cradlephone**: $2.75
- **Compact**: $1.35
- **Cradlephone**: etc.

---

**ILLUSTRATIVE APPLICATIONS OF TARIFF TO DETERMINE MONTHLY RECURRING CHARGES**

**Basic Exchange Rates from Section Paragraph 3.3**

**Station Instrument Rates from Section Paragraph 3.4**

**SITUATIONS**

**MONTHLY CHARGES**

<table>
<thead>
<tr>
<th>Situation</th>
<th>Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subscriber in Rate Group 1 wants:</td>
<td></td>
</tr>
<tr>
<td>- Residential 1 Party Service with the standard instrument</td>
<td>$4.90</td>
</tr>
<tr>
<td>Subscriber in Rate Group 1 wants:</td>
<td></td>
</tr>
<tr>
<td>- Residential 1 Party Service with the standard instrument</td>
<td>$4.60</td>
</tr>
<tr>
<td>- An additional 500-Type Telephone</td>
<td>$0.70 + $0.50 *</td>
</tr>
<tr>
<td>- A Chestphone</td>
<td>$2.85 + $0.50 *</td>
</tr>
<tr>
<td>Subscriber in Rate Group 1 wants:</td>
<td>$8.45 + $1.00 = $9.45</td>
</tr>
<tr>
<td>- Residential 1 Party Service with the standard instrument</td>
<td>$4.90</td>
</tr>
<tr>
<td>- An additional 500-Type set</td>
<td>$0.70 + $0.50 *</td>
</tr>
<tr>
<td>- A Trimline</td>
<td>$1.85 + $0.50 *</td>
</tr>
<tr>
<td>Subscriber in Rate Group 10 wants:</td>
<td>$7.45 + $1.00 = $8.45</td>
</tr>
<tr>
<td>- Residential 2 Party Service with the standard instrument</td>
<td>$6.45</td>
</tr>
<tr>
<td>- An additional 500-Type set</td>
<td>$0.70 + $0.50 *</td>
</tr>
<tr>
<td>- A Candlestick Telephone</td>
<td>$2.50 + $0.50 *</td>
</tr>
<tr>
<td>Subscriber in Rate Group 10 wants:</td>
<td>$9.65 + $1.00 = $10.65</td>
</tr>
<tr>
<td>- Business 1 Party Service with the standard instrument</td>
<td>$18.50</td>
</tr>
<tr>
<td>- Two Dial-In Handset Instruments w/o lights</td>
<td>$1.90ea. = $3.80 + $1.50 *</td>
</tr>
<tr>
<td>- Two Dial-In Handset Instruments w/ lights</td>
<td>$22.30 + $1.50 = $23.80</td>
</tr>
</tbody>
</table>

---

**Extension telephones, whether provided by the telephone company or the customer, may be subject to an extension service charge to cover the costs of inside wiring and other requirements in addition to the monthly telephone instrument rate. For this illustration a residential charge of $0.50 per month per instrument and a business service charge of $0.75 per month per instrument applies.**
Telephone company provides all wiring

If a customer has both telephone company and customer-owned instruments and experiences difficulty receiving dial tone when he lifts the telephone handset of the customer-owned equipment, the problem could be caused by either a malfunction in his own equipment or the telephone company facilities. Each owned set is connected to the primary jack until it is verified whether or not the owned sets are functioning properly. With the primary instrument the customer can identify whose equipment is at fault. The step-by-step process would proceed as follows:

Leaving the primary instrument connected, he would disconnect the instruments he owns and attempt to make a call with the primary instrument. If he can successfully complete the call, he can assume that the basic functionality of the instrument is working and that the trouble is in his equipment. If he cannot make a successful call with the primary instrument, he would report the problem to the telephone company for repair.

Wiring provided by telephone company and customer

If the customer is allowed to provide his own inside wiring, the Primary Instrument Concept is still necessary for trouble diagnosis. This is illustrated in the following hypothetical example:

Trouble on a service with customer-provided inside wiring could be caused by the telephone, a fault in the inside wire, or the telephone network. To determine if the telephone company’s responsibility, the customer would disconnect all of his owned telephones and inside wiring, leaving the primary instrument connected to the primary jack. If the primary instrument worked without any of the customer provided equipment connected, the problem is somewhere in the customer’s equipment. To determine where, the customer could follow this step-by-step approach:

First, disconnect the primary instrument and, one at a time, reconnect each of his telephones into the primary jack and make a functional test. By reconnecting, in turn, each customer-provided inside wire and associated jack and using a functional test with the primary instrument, the particular portion of the inside wire with the trouble condition could be determined. If any one of them does not work with the primary jack, then it can be assumed to be defective and should be repaired. If all of the telephones worked, the problem is somewhere in the customer-provided inside wiring and not in the telephones. An appropriate repairperson could then be summoned. While the defective wire was being repaired, service would continue through the primary jack and telephone company wiring.

Telephone company testing

In today’s repair service bureau operation, after the customer contacts a service attendant and reports the type of trouble being experienced, dial a call, my bell doesn’t ring, the phone is dead, etc.), initially static tests are made on the access line to the customer’s premise, and on a portion of the central office equipment associated with the customer’s line. In order to perform static tests, the access line must have a terminal or connection at the test center, i.e., will cause a meter to react in a prescribed manner. This reaction on the test meter enables the testperson to determine whether trouble exists somewhere on the access line or customer’s portion of the service. This is possible because the test meter readings from measurements of an access line with an instrument connected to it are different from measurements on an unterminated line. Telephone company supplied instruments are connected in such a way that the access line characteristics which permit this difference to be easily identified by the tester. Therefore, the presence of the primary instrument provides a safeguard for the service to enable static tests of the access line. Results of the access line test allow the telephone company to determine if there is electrical continuity to the customer’s premises. If the access line test indication shows a fault and the customer has some of his own equipment in service, the customer would be contacted and requested to disconnect his equipment from the line. (The customer normally leaves a contact number if he re-ports the trouble from a location other than his home.) Then a second test of the line is made with the customer’s equipment disconnected. A comparison of these static tests with and without the customer’s equipment would determine if the fault is in the portion of the service supplied by the telephone company or the customer. If there is continuity to the customer’s premises, the tester will call the customer and interactively perform further diagnosis involving functional tests using the telephone instrument. Comparison of the functional tests results with only the customer’s telephone connected to the line with only the primary instrument connected will determine which equipment is in trouble. If the trouble is in the telephone company equipment, the case is not closed until the customer is called back to confirm that the service is now functioning properly (e.g., the phone rings properly, the main and transmission are satisfactory and that the line (service) is free of any noise).

To determine causes of troubles that are identified as being between the customer’s premises and the central office, just as a telephone instrument is necessary to make a functional test from the customer’s premises, the repairman uses a portable telephone instrument to make functional tests at various points, e.g., at the point where the customer’s line connects to the pole, at various locations on the outside plant cable, etc. When the trouble reappeared, he would then know the trouble existed in the portion of the service between the previous test point and the current test point, and he would proceed to fix the problem now that it was isolated.
6. Will the P.I. always be plug equipped/jack connected per Part 68 of the FCC Rules?

No, except for those covered under the grandfather provision of Part 68 of the FCC's Rules.

7. Will the telephone company customer premises equipment become subject to Part 68 of the FCC's Rules?

Yes, grandfather provision of Part 68 of the FCC's Rules.

8. Will the "optional" instruments be registered?

See answer to question 7. (a).

(c) Will other terminal equipment be registered?

All equipment will be registered per Part 68 of the FCC's rules.

9. The reference in Paragraph 2 to a "standard" instrument is understood to mean a P.I. which per the illustrative tariff is a 500 type telephone instrument. Is this correct?

Yes, the basic set offered by the telephone company tariff is the 500 type set (rotary or touchtone dial). See also, answer to question 3.

10. Is it correct that "optional instruments" which can be substituted for the P.I. are only telephone (voice) instruments, as called for in Paragraph 3.4.3 of the Illustrative Tariff?

No. Optional instruments may provide service features in addition to those provided by a P.I. See also, answer to question 4. (a).

(b) For instance, a data device, even if it has capabilities equivalent to a P.I. could not be considered an optional instrument.

Data equipment connected via the standard data jacks specified in Part 68 of the FCC's Rules or connected to multi-line service, is not included in PIC. However, data equipment connected via the standard voice jacks specified in Part 68 of the FCC's Rules and connected to single line service, is included in PIC. Such equipment could qualify as an optional instrument under PIC if it provides capabilities equivalent to the basic set. See also, answer to question 3.

11. Would or could not, the same operational benefits and testing capabilities of the P.I. be realizable if the P.I. was at the customers option, either telephone company provided as described or a customer provided instrument meeting the registration requirements of Part 68 and containing the minimum capabilities as specified by the telephone company for a P.I.? No, Part 68 does not require telephone instruments to operate functionally in the manner necessary to meet quality service standards on an ongoing basis. As to testing, a static test could be performed if Part 68 required that an identifiable termination be made part of the telephone instrument. However, this would not permit the functional tests that are necessary to assure working telephone service.

12. The FCC Rules at Section 68.106, Notification to Telephone Company, require that the customer give prior notice to the telephone company of the FCC Registration Number and Ringer Equivalence. If the subscriber provided the PI, which was registered, in conformance with the notification requirements of the FCC Part 68 Rules, would not this provide a "recognizable termination"?

See answer to question 10.

13. What is the definition of "single-line" service; and what are examples?

The term "single-line" as used in the P.I. paper is defined as that class of exchange service offered to residence and business customers in which one central office voice grade access line and at least one non-key telephone instrument is provided by the telephone company at the customer's premises.

Examples: Basic telephone service to residences (non-party line). Basic telephone service to business premises (non-party line), such as bakeries, barber shops, etc., where one access line and at least one telephone set is provided.

14. What is the definition of "multi-line" service; and what are examples?

The term "multi-line" as used in the P.I. paper is defined as that class of exchange service offered to residence and business customers in which central office access lines are provided to the customer's premises to connect PBX systems, key systems, ACO systems, etc.

Examples: C.O. lines terminating in key systems. PBX trunks.

15. For the purposes of the PIC, what is the classification of:

(a) Two telephone lines on the same premises, but not connected for access by a single instrument?

Two single line services requiring two primary instruments.

(b) A single telephone line that has only equipment used for data transmission?

See answer to question 9. (c).

(c) A single telephone line that with a terminal or terminals usable for data transmission and voice transmission but it is clear that the data use predominates, for example, where the handset is integrated into, a W.E. model 103 system?

See answer to question 9. (b).

(d) A single telephone line that has terminal equipment usable for data or voice transmission, but it is not clear that the data use predominates?

See answer to question 9. (b).

(e) A single telephone line that has terminal equipment usable for data or voice transmission, but it is clear that data transmission is only occasional?

See answer to question 9. (b).

16. If such alternate data-voice applications or multi-line data applications would come under the PIC?

(a) What provision would be made to provide an FCC standard data interface (transparent) for transmission of either customer or carrier provided data equipment behind the P.I.?

See answer to question 9. (b).

(b) Whether the provision be made (for example, elimination of the primary instrument and the data equipment)?

All the wiring configurations specified in the FCC's Rules Part 68, Subpart F will be provided.

(c) Would additional charges (such as an optional instrument without credit for the standard instrument) be required to obtain the control feature discussed in subparagraph (b)?

The tariff rate, according to local tariff, will apply for additional features, e.g., an exclusion key between the primary instrument and the data equipment.

17. In many data applications a data auxiliary set is used in conjunction with the data set (terminal) to provide voice coordination, testing, etc. Features. Is it correct to assume that the DAS instrument when provided as part of a data application is likewise exempted from the PIC?

It is difficult to answer this question precisely because of the several possible wiring configurations of combinations of data modems and auxiliary sets, etc. The connection is exempt from PIC if connected through data jacks specified in Part 68 of the FCC's Rules or if a multi-line service. See also answer to question 9. (b).

18. A voice capability and a data capability are sometimes combined into a single terminal instrument:

(a) Is this permissible under the PIC?

See answer to question 9. (b).

(b) If it is possible:

How does an instrument connect to the transmission services?

See answer to question 9. (b).

(ii) Can the customer provide such an instrument?

See answer to question 9. (b).

(iii) What would the customer-provided and carrier-provided instrument connect to the transmission service in the same manner?

See answer to question 9. (b).

(iv) Would the rate for the carrier device be based on all costs, without a credit for the cost of the PI not provided?

Yes, if the primary instrument applies. See also answer to question 11. (c)

19. How would charges be based (computed) for services which are excluded from the PIC concept (i.e., multi-line voice and single and multi-line data)? Provide sample tariff for such services.

This question is not relevant to the PIC and therefore is not applicable.

20. Would standard data jacks, as specified in the paragraph of the FCC Rules governing the Equipment Registration Program, be provided for single and multi-line services for connection of data equipment provided by customer or carriers?

Yes, to the extent provided in the Rules.

21. It is generally recognized that the telephone industry introduces changes in the network on a carefully planned basis. Consideration is given the interworkings of the independent telephone companies and available transmission and services of existing plant investment. Provisions are made to permit old and new technologies to co-exist for protracted periods. In the last sentence of paragraph 1.3 and Section 6.0, Paragraph 4 addresses the introduction of new technology in the network being facilitated by a telephone company provided instrument:

(a) Does this reflect any changes in philosophy regarding the introduction of new technology as it might affect basic telephone services?

The introduction of the PIC does not reflect any changes in the philosophy of introducing new technology.
NOTICES

(b) Are there any changes presently under consideration which would affect the basic telephone instrument? We are not aware of any changes presently being considered that would affect the basic telephone instrument's ability to be used as a primary instrument. However, that technology will not result in a redesign or modification of the basic instrument.

(c) Assuming a change was planned which would require changes or modification to the primary instrument or customer-provided equipment, what steps would be taken to ensure timely dissemination of information to basic telephone service subscribers and manufacturers of customer-provided equipment? If technology should require modification to the primary instrument or to customer-provided equipment, notification to customers would be made as required in Part 68, Subpart B, §68.110 of the FCC's Rules and regulations.

The application may be inspected at the offices of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 21, 1978.


GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-3952 Filed 2-10-78; 8:45 am]

[6210-01]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Franklin National Assurance Co., Phoenix, Ariz. Notice of the application was published in the Columbus Dispatch, a newspaper circulated in Columbus, Ohio, and on November 29, 1977, in the Record Reporter, a newspaper circulated in Phoenix, Ariz.

Applicant states that the proposed subsidiary would engage in the activity of acting as a dewarrier of credit life and credit accident and health insurance directly related to extensions of credit by Bancohio Corp. and its subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether concentration of the proposed bank can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or possibly adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence and reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 5, 1978.


GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-3953 Filed 2-10-78; 8:45 am]

[6210-01]

NATIONAL BANCSHARES CORP. OF TEXAS

Acquisition of Bank

National Bancshares Corp. of Texas, San Antonio, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Northwest Bank of Commerce National Association, San Antonio, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas, by persons wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be reviewed by the Board no later than March 5, 1978.


GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-3954 Filed 2-10-78; 8:45 am]

[6210-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on February 7, 1978. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time, GAO has to review the proposed requests, comments are invited (in triplicate) to be received on or before March 3, 1978, and should be addressed to Mr. John M. Loveland, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuurt of the Regulatory Reports Review Staff, 202-275-3532.

INTERSTATE COMMERCE COMMISSION

The Interstate Commerce Commission (ICC) requests clearance of revisions to Form OP-OR-B, Application for Motor Carrier Certificate or Permit; Form OP-OR-11, Application for Brokerage License; Form OP-FF-10, Application for Freight Forwarder Permit, and Form OP-WC-26, Application for Water Carrier Certificate or Permit. Changes to the application forms are made necessary by recent procedural revisions adopted formally by the Commission.

In Ex Parte No. 55 (Sub. No. 25), decided December 1, 1977, the ICC...
adopted final rules which require each applicant to submit, in addition to that information previously called for, (1) a current balance sheet and income statement, (2) a list delineating equipment and pertinent terminal locations, (3) a brief statement concerning the feasibility of the proposed operation, and (4) a certification of familiarity with applicable safety regulations. Additionally, each applicant for motor contract carrier authority (Form OP-OR-9) must describe how its proposed service qualifies as contract carriage under section 203(a)(15) of the Interstate Commerce Act. Each supporting witness must include in its certification of support (1) a brief description of the transportation services currently employed and (2) the extent to which the proposed service, if authorized, would be used. These rules are intended to (1) eliminate the necessity for further evidentiary submissions and to expedite issuance of operating authorities.

In Ex Parte No. MC-100 (Sub. No. 2), decided January 9, 1978, the Commission adopted mandatory style changes. The principal change effected by this order is the use of two-letter State abbreviations similar to those currently employed by the Postal Service. The purpose of this change and other major changes (abbreviations) required by the order was to economize on the length of caption summaries thereby saving applicants additional time and expense.

The ICC estimates that Form OP-OR-9 will be filed by approximately 16,000-18,000 applicants annually and preparation time for the form will average 10 hours; Form OP-FF-10 will be filed by approximately 750-1,500 applicants annually and preparation time will average 10 hours; Form OP-OR-11 will be filed by approximately 750-1,500 applicants annually and preparation time will average 10 hours; and Form OP-WC-20 will be filed by approximately 750-1,500 applicants and preparation time will average 10 hours. The Commission states that each application may lead to a formal proceeding before the Commission.

**Norman F. Heyl,**
*Regulatory Reports Review Officer.*

**[FR Doc. 78-3951 Filed 2-10-78; 8:45 am]**

### [4110-35]

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**Health Care Financing Administration**

**MEDICAL ASSISTANCE PROGRAMS**

**Revocation of Supplement D of Handbook of Public Assistance Administration**

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

**ACTION:** Final notice.

**SUMMARY:** This final notice revokes Handbook of Public Assistance Administration Supplement D, applicable to the medical assistance program under Title XIX of the Social Security Act. Material in Supplement D has been superseded or has become outdated; consequently, it no longer represents official HEW policy.

**EFFECTIVE DATE:** February 13, 1978.

**FOR FURTHER INFORMATION CONTACT:**

**SUPPLEMENTARY INFORMATION:** Notice of proposed revocation of Handbook of Public Assistance Administration Supplement D, was published on July 28, 1977, in the Federal Register (42 FR 37849), Supplement D contains certain requirements, interpretations, informational materials, and instructions for the administration of the medical assistance program under Title XIX of the Social Security Act (Medicaid).

On August 11, 1975 (40 FR 33697), Parts I, II, and III, and Supplements A, B, and C of the Handbook were revoked. All material in those parts and supplements had been either superseded by regulations published in 45 CFR Chapter II, reissued as instructions or interpretations, or outdated by statutory revisions.

Supplement D was not revoked at that time because of one provision which was still in effect and had not been superseded or reissued. Section D-5840, Pooled Funds, of Part D-5800, Federal Financial Participation in Medical Assistance Programs, allowed a public assistance agency to establish, maintain, and operate a pooled fund for medical care. The States that used a pooled fund have since closed them; the last as of September 30, 1976.

**DISCUSSION OF COMMENTS**

Comments on the notice were received from one legal services corpora-

**FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978**

_PDF Document_
NOTICES

Seattle, Wash.
Tuesday, March 14, 9:30 a.m. to 5:30 p.m., Room 380, Federal Building, 915 Second Avenue.

The format for each of the three meetings will be the same: HEW will present the key issues covered in the draft of the Report, e.g., the characteristics of the day care market; the characteristics of existing Federal, State, and local regulations of the day care market; the effects of the FIDCR on cost, the child, and the family; and the alternative Federal roles in the regulation of day care which may be deemed appropriate. The presentation will be followed by a discussion by the panelists representing persons and organizations interested in day care. Time will be allowed in the afternoon session for questions and comments from the general public.

THE APPROPRIATENESS REPORT

Section 2002a(9) of Title XX of the Social Security Act directed the Secretary of Health, Education, and Welfare to submit to Congress “an evaluation of the appropriateness of the requirements imposed by (FIDCR), together with any recommendations he may have for modification of these requirements.” Submission of this report must precede any new modification of the FIDCR by HEW.

Following its submission to Congress, copies of the Report will be available on request from the Office of Planning and Evaluation, Room 416-E, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

For further information on the meetings contact Mr. William Prosser, Room 416-E, or Dorothy Sortor Stimpson, Room 415-F, Office of Planning and Evaluation, Hubert Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.


HENRY AARON,
Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare.

[PR Doc. 78-3941 Filed 2-10-78; 8:45 am]

SUMMARY: The Secretary is delegating to the appropriate Assistant Secretaries of the Department of Housing and Urban Development the responsibility and authority with respect to the urban homesteading program pursuant to provisions of the Housing and Community Development Act of 1974.

EFFECTIVE DATE: September 15, 1977.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: Pursuant to Title VIII, section 810 of the Housing and Community Development Act of 1974, the Department of Housing and Urban Development has administered an “Urban Homesteading Demonstration Program” on a demonstration basis. The experience and accomplishments attained by the Department in the demonstration program have led the Secretary to change urban homesteading activities from a demonstration to a nationwide, operating program to be made available to all qualifying localities.

To effect this change, this delegation of authority confers upon the appropriate Assistant Secretaries of the Department of Housing and Urban Development the power and authority of the Secretary with respect to the urban homesteading program, pursuant to Title VIII, section 810 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301). Accordingly, the Secretary delegates authority as follows:

Section A. Authority delegated. The Assistant Secretary for Community Planning and Development shall exercise the power and authority of the Secretary with respect to the urban homesteading program pursuant to section 810 (b), (c), (d), and (e) of the Housing and Community Development Act of 1974. The Assistant Secretary for Housing shall exercise the power and authority of the Secretary with respect to the urban homesteading program pursuant to section 810 (a), (f), and (g) of the Housing and Community Development Act of 1974.

Sec. B. Authority excepted. There is excepted from the authority delegated under section A the power to sue and be sued.

Sec. C. Authority to redelegate. The Assistant Secretary for Community Planning and Development is authorized to redelegate to employees of the Department any of the authority delegated to him under section A, except rules and regulations and not excepted under section B. The Assistant Secretary for Housing is authorized to redelegate.
LEGISLATIVE DELEGATION

legate to employees of the Department any of the authority delegated to him under section A and not excepted under section B of this delegation.

(See 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)


PATRICIA ROBERTS HARRIS,
Secretary, Department of Housing and Urban Development.

[FR Doc. 78-3887 Filed 2-10-78; 8:45 am]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CONFEDERATED TRIBES OF THE SILETZ
RESERVATION

Election of Interim Council

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

Pursuant to Pub. L. 95-195, notice is hereby given that on Saturday, February 18, 1978, qualified Siletz tribal voters will elect a nine-member Siletz Interim Council. Voting will take place between the hours of 10 a.m. and 7 p.m. The polling place will be located at the Siletz Grange Hall, Siletz, Ore.

Qualified voters unable to vote in person may vote by absentee ballot. Written requests for absentee ballots must be received no later than 4:30 p.m., February 8, 1978, by the Area Director, Vincent Little, Portland Area Office, Bureau of Indian Affairs, P.O. Box 3785, 1425, Northeast Irving, Portland, Ore. 97268, Attention: Tribal Operations. Qualified voters may also obtain absentee ballots by presenting themselves in the Office of the Area Director no later than 4:30 p.m., February 8, 1978.

In order to be counted, all absentee ballots must be received in the Office of the Area Director, Portland Area Office, no later than 4:30 p.m. on February 17, 1978.

FORREST J. GERARD,
Assistant Secretary, Indian Affairs.

[FR Doc. 78-4021 Filed 2-10-78 8:45 am]

NOTICES

ALASKA

Filings of Regional Selections Pursuant to Section 14(h)(1) Alaska Native Claims Settlement Act

On June 29, 1976, Doyon, Ltd. filed applications, as amended, under the provisions of section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (83 Stat. 688, 43 U.S.C. 1601), for certain lands in interior Alaska. The lands described below are, as of the date of filing and subject to valid existing rights, segregated from all forms of appropriation under the public land laws.

UMIAT MERIDIAN (PROJECTED)

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Description</th>
<th>Approximate acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-22562</td>
<td>T. 15 S., R. 30 E.: sec. 3, W½</td>
<td>320</td>
</tr>
<tr>
<td>F-22563</td>
<td>T. 15 S., R. 30 E.: sec. 10, W½</td>
<td>320</td>
</tr>
<tr>
<td>F-22565</td>
<td>T. 15 S., R. 29 E.: sec. 1, 12, W½</td>
<td>1,280</td>
</tr>
<tr>
<td>F-22566</td>
<td>T. 15 S., R. 28 E.: sec. 28, W½</td>
<td>960</td>
</tr>
<tr>
<td>F-22597</td>
<td>T. 15 S., R. 27 E.: sec. 32, W½</td>
<td>640</td>
</tr>
<tr>
<td>F-22600</td>
<td>T. 14 S., R. 29 E.: sec. 34, E½</td>
<td>40</td>
</tr>
<tr>
<td>F-22601</td>
<td>T. 14 S., R. 27 E.: sec. 27, W½</td>
<td>40</td>
</tr>
<tr>
<td>F-22602</td>
<td>T. 14 S., R. 29 E.: sec. 25, W½</td>
<td>40</td>
</tr>
<tr>
<td>F-22603</td>
<td>T. 14 S., R. 28 E.: sec. 26, W½</td>
<td>40</td>
</tr>
<tr>
<td>F-22604</td>
<td>T. 14 S., R. 27 E.: sec. 32, W½</td>
<td>40</td>
</tr>
<tr>
<td>F-22605</td>
<td>T. 13 S., R. 35 E.: sec. 20, NE¼</td>
<td>40</td>
</tr>
<tr>
<td>F-22635</td>
<td>T. 13 S., R. 37 E.: sec. 24, E½</td>
<td>1,552</td>
</tr>
<tr>
<td>F-22636</td>
<td>T. 12 S., R. 35 E.: sec. 32, NE¼</td>
<td>160</td>
</tr>
<tr>
<td>F-22637</td>
<td>T. 12 S., R. 43 E.: all</td>
<td>22,996</td>
</tr>
<tr>
<td>F-22641</td>
<td>T. 9 S., R. 36 E.: sec. 34, E½</td>
<td>160</td>
</tr>
<tr>
<td>F-22642</td>
<td>T. 10 S., R. 47 E.: sec. 33, SE¼</td>
<td>160</td>
</tr>
</tbody>
</table>

In accordance with Departmental regulation 43 CFR 2663.5(h), notice of these selections is being published once in the Fairbanks Daily News Miner, and once a week, for three (3) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands selected may file their protest with the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501. All protests must be filed on or before March 15, 1978.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-3856 Filed 2-9-78; 8:45 am]

NEW ORLEANS: OUTER CONTINENTAL SHELF OFFICE

Availability of Outer Continental Shelf Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following OCS official protraction diagrams, last approved or revised on the dates indicated, are on file and available, for information only, in the New Orleans Outer Continental Shelf Office, Bureau of Land Management, New Orleans, La. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic source for the description of mineral and oil and gas lease offers in the geographic areas they represent.

OUTER CONTINENTAL SHELF OFFICIAL
PROTRACTION DIAGRAMS

<table>
<thead>
<tr>
<th>Description</th>
<th>Latest approval or revision date</th>
</tr>
</thead>
</table>

*Changes in CPR notations are not considered as revisions.*

2. Copies of these protraction diagrams may be purchased for $2 each from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 841, Hale Boggs Federal Building, 500 Camp Street, New Orleans, La. 70130. Checks or money orders should be made payable to the Bureau of Land Management.

3. In 42 FR 4906, dated January 28, 1977, as corrected in 42 FR 6646, dated February 3, 1977, there was published a composite list of all official protraction diagrams then covering the Gulf of Mexico OCS. In 42 FR 14184, dated March 15, 1977, there was published a composite list of all official protraction diagrams then covering the Atlantic OCS off the coasts of North Carolina, South Carolina, Georgia, and Florida. These two lists, when taken in connection with the list set out above, constitute a complete list of all official protraction diagrams now covering said areas.

JOHN L. RANKIN,
Manager, New Orleans Outer Continental Shelf Office.

[FR Doc. 78-3906 Filed 2-9-78; 8:45 am]

WYOMING

Order Providing for Opening of Public Lands


1. In exchanges of lands made under the provisions of section 8 of the Act from June 28, 1934, as amended; 43 U.S.C. 315g (1970), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 78 W.,
NOTICES

Golden Gate National Recreation Area Advisory Commission

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the History Areas Committee of the National Park System Advisory Board will be held on Friday, March 10, 1978, commencing at 9 a.m. in Room 8068, at the Department of the Interior, 18th and C Streets NW., Washington, D.C. Minutes of the meeting will be available for public inspection 8 to 10 weeks after the meeting in Room 3013, Interior Building, Washington, D.C. Following the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935. The History Areas Committee considers, and advises on, matters relating to the eligibility of sites being proposed for designation as national historic landmarks, and on proposals for the establishment of historic units of the National Park System.

The purpose of this meeting is to consider potential national historic landmarks studied under the National Survey of Historic Sites and Buildings as follows:


2. A segment of the subtheme “Architecture.”

3. Special studies of the following properties:
   - b) Central of Georgia Railroad Shops, Savannah, Ga.
   - c) Falls of the Chattahoochee Hydroelectric Development, Columbus, Ga.
   - d) Jackson Ward Historic District, Richmond, Va.
   - e) Toltec Mounds Site, vicinity of Scott, Ark.
   - f) Soapstone Ridge, vicinity of Atlanta, Ga.
   - g) Indian Knoll, vicinity of Paradise, Ky.

The formal recommendations of the Committee will be made to the National Park System Advisory Board at its meeting on April 17-19 in Washington, D.C. No formal action of the Secretary of the Interior will be sought until after the Advisory Board has considered the recommendations of its History Areas Committee and acted thereon.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Robert M. Landau, Assistant for Advisory Boards and Commissions, National Park Service, Washington, D.C. at 202-343-8983.

Minutes of the meeting will be available for public inspection 8 to 10 weeks after the meeting in Room 3013, Interior Building, Washington, D.C.


[FR Doc. 78-3872 Filed 2-10-78; 8:45 am]

[FR Doc. 78-3901 Filed 2-10-78; 8:45 am]
NOTICES

[4310-70]

OVERSIGHT COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Oversight Committee of the National Park System Advisory Board will be held on Thursday, March 9, 1978, commencing at 10:30 a.m. in Room 3119 at the Department of the Interior, 18th and C Streets NW., Washington, D.C.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935.

The purpose of the meeting of the Oversight Committee is to consider items to be recommended to the Director of the National Park Service for inclusion on the agenda of the regular business meeting of the Advisory Board to be held on April 17-19 in Washington, D.C.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the committee a written statement concerning the matters to be discussed.


Minutes of the meeting will be available for public inspection 8 to 10 weeks after the meeting in Room 3013, Interior Building, Washington, D.C.

ROBERT M. LANDAU,
Assistant for Advisory Boards and Commissions, National Park Service.


[FR Doc. 78-3871 Filed 2-10-78; 8:45 am]

[7020-20]

INTERNATIONAL TRADE COMMISSION

CERTAIN SOFT-SIDED LUGGAGE

Order Deferring Consideration of Complaint

A complaint was filed with the U.S. International Trade Commission on December 27, 1977, and amendments were filed on January 13, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of American Luggage Works, Inc., 91 Main Street, Warren, R.I. 02885. The complaint, as amended, alleges that unfair methods of competition and unfair acts exist in the importation of certain soft-sided luggage into the United States or in their sale by reason of the alleged coverage of such articles by U.S. Trademark Reg. No. 1,039,677 and the passing off of such luggage as luggage of American Luggage Works, Inc. The complaint, as amended, alleges that such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated in the United States.

Complainant filed a petition on December 12, 1977, with the Commissioner of Customs under section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) based upon its U.S. Trademark Reg. No. 1,039,677, which is also the subject of the complaint filed with the Commission. Section 526 makes it unlawful to import into the United States merchandise of foreign manufacture if it bears a trademark owned by a U.S. citizen or corporation without written consent of the owner of the trademark.

Having considered the complaint, as amended, the U.S. International Trade Commission on February 7, 1978, ordered, that the parallel proceedings pending before the Commissioner of Customs constitute exceptional circumstances within the meaning of section 210.12 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, April 27, 1976), warranting deferral of consideration of whether to institute an investigation pursuant to section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). Consideration therefore is deferred for two months from the date of this order.

By order of the Commission.

Issued: February 8, 1978.

KENNETH MASON, Secretary.

[FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978]
holds an effective certificate of registration issued by the Drug Enforcement Administration ("DEA"), authorizing the company to handle Schedule II controlled substances. Western Fher makes no sales of phenmetrazine to retail pharmacies or similar retail outlets.

Ciba-Geigy distributes phenmetrazine to retail pharmacies only through wholesale drug outlets. Some direct sales are made by Boehringer to private and nonprofit hospitals and clinics; city, county, and state hospitals and clinics; and federal government facilities. Some phenmetrazine is also distributed as samples to requesting physicians.

On September 23, 1976, the Administrator of DEA proposed an initial 1977 aggregate production quota for the basic class phenmetrazine in the amount of 2,126,000 g. (2,126 kg.). This proposal was published in the Federal Register (41 FR 42665 (September 29, 1976)). On October 29, 1976, pursuant to the applicable provisions of the Act and its implementing administrative regulations, as well as in accordance with the Administrative Procedure Act, Western Fher and Boehringer, jointly and through their counsel, Arnold & Porter, submitted objections, a request for an explanation and a request for hearing in response to the initial proposed 1977 aggregate production quota for the basic class phenmetrazine.

On November 4, 1976, the then Acting Administrator of DEA established an interim 1977 aggregate production quota for phenmetrazine, 2,126 kg., and informed Ciba-Geigy of its 1977 procurement quota for phenmetrazine, 2,952 kg. Both companies were advised that these quotas were subject to adjustment. Between November 11, 1976, and April 25, 1977, a number of meetings and discussions took place during which representatives of DEA and counsel from Arnold & Porter, by then also representing Ciba-Geigy, exchanged views and information concerning the interim 1977 quotas for phenmetrazine. During this process, Arnold & Porter (respondents' counsel) submitted additional written comments in support of the arguments of Western Fher, Boehringer and Ciba-Geigy (respondents).

On April 25, 1977, the Administrator of DEA proposed that the 1977 aggregate production quota for phenmetrazine be established at 2,900,000 g. (2,900 kg.). This proposal was published in the Federal Register (42 FR 21860 (April 29, 1977)).

On May 31, 1977, respondents, through their counsel, submitted objections and a request for hearing with respect to: "the proposed final 1977 aggregate phenmetrazine production quota"; "the proposed final 1977 individual phenmetrazine manufacturing quota for Western Fher"; and "the proposed final 1977 phenmetrazine procurement quota for Ciba-Geigy."

On June 15, 1977, the Administrative Law Judge (ALJ) submitted a proposed 1977 aggregate production quota for phenmetrazine in the amount of 2,900,000 g. (2,900 kg.). This final order was published in the Federal Register (42 FR 36570 (July 15, 1977)).

On September 23, 1977, the Administrator of DEA published in the Federal Register a notice that the hearing in this matter would be held at 9:30 a.m. on October 3, 1977, in the hearing Room, Room No. 1210, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. The Administrative Law Judge heard testimony and received documentary evidence in this matter on October 3, 4, 5, 6, 7, 25, 26, and 27, 1977.

On September 20, 1977, the Administrative Law Judge issued a prehearing ruling in this matter, pursuant to 21 CFR 1316.55, in which he set forth the issues as follows:

A. Whether the 1977 aggregate production quota for the basic class phenmetrazine, presently established at 2,900,000 grams, in terms of anhydrous base (42 FR 36570 (July 15, 1977); 42 FR 21860 (April 29, 1977)), reasonably satisfies the requirements of 21 U.S.C. 826: in light of an alleged situation of continued, chronic and widespread diversion of this substance into illicit channels; in view of the legislative history of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.); and upon consideration of the Congressional findings and declarations made therein (21 U.S.C. 801);

B. Whether the 1977 individual manufacturing quota issued to Western Fher Laboratories, a division of Western Fher Corporation, Ltd., for the basic class phenmetrazine, presently established at 2,900,000 grams, in terms of anhydrous base, reasonably satisfies the requirements of 21 U.S.C. 826: in light of an alleged situation of continued, chronic and widespread diversion of this substance into illicit channels; in view of the legislative history of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.); and upon consideration of the Congressional findings and declarations made therein (21 U.S.C. 801);

C. Whether the 1977 procurement quota issued to Ciba-Geigy Corporations, presently established at 2,900,000 grams, in terms of anhydrous base, reasonably satisfies the requirements of 21 U.S.C. 826: in light of an alleged situation of continued, chronic and widespread diversion of this substance into illicit channels; in view of the legislative history of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.); and upon consideration of the Congressional findings and declarations made therein (21 U.S.C. 801);

D. Can the DEA demonstrate that the proposed 1977 quotas for phenmetrazine provide for the estimated medical needs of the United States and for the establishment and maintenance of reserve stocks as required by law?

E. Are reduced 1977 quotas warranted to prevent diversion of phenmetrazine from legitimate channels?

1. Has DEA accurately represented the degree of alleged phenmetrazine abuse and diversion?

2. Can the alleged abuse and diversion of phenmetrazine be appreciably reduced by drastic supply reduction?

3. Is supply reduction more effective in combating abuse than alternative methods of control?

4. By what method did DEA compute its proposed 1977 quotas for phenmetrazine, in the event does this method fulfill the statutory requirements?" (ALJ-8, pp. 1-3.)

DEA and the Respondents, through agreement of counsel, submitted to the Administrative Law Judge prior to the hearing a document entitled Joint Stipulations of Fact consisting of fifty-eight numbered paragraphs which address subject matter relevant to this record. The Administrative Law Judge designated this document as ALJ-10.

Proposed Findings of Fact and Conclusions of Law were filed with the Administrative Law Judge by the parties.

The Administrator adopts the Administrative Law Judge's Findings of Fact, with editorial modifications, as set forth hereafter.

**FINDINGS OF FACT**

**PHENMETRAZINE HYDROCHLORIDE**

1. Phenmetrazine is classified by the DEA as a Schedule II controlled substance.

2. Phenmetrazine was originally classified under the Act as a Schedule III controlled substance.

3. On April 20, 1971, the Bureau of Narcotics and Dangerous Drugs recommended that phenmetrazine be moved from Schedule III to Schedule II and that change was accomplished by Federal Register notice dated October 18, 1971, and published on October 28, 1971.

4. Under the applicable statutory provisions, a Schedule II controlled substance is one which has a currently accepted medical use in treatment in the United States for a currently accepted medical use with severe restrictions but has a high potential for abuse which could lead to severe psychological or physical dependence.

5. Phenmetrazine, as Preludin, is approved by the Food and Drug Administration (FDA) for use in treatment of simple exogenous obesity in conjunction with dietary management.

6. Preludin is not indicated for use in treatment for any other condition.

7. Exogenous obesity in a given individual is the result of excessive caloric intake by that individual. It is not the result of conditions such as hormonal disorders.

8. Preludin produces a tolerance in individuals to whom it is administered. If tolerance occurs, administration of Preludin should be discontinued.

9. It is generally accepted that Preludin is useful only as a short-term adjunct to a regimen of diet control. By "short term" is usually meant a period of about eight to twelve weeks. This period should be used to inculcate principles of good dietary control. At the end of this period, the physician should generally discontinue the Preludin.

**QUOTAS**

10. Pursuant to the Act and authority delegated by the Attorney General of the United States, DEA establishes individual procurement, individual manufacturing, and aggregate production quotas for Schedule I and Schedule II controlled substances.

11. The aggregate production quota establishes the maximum net amount of the basic generic class of a controlled substance which legally may be manufactured by all bulk manufacturers of the drug in the United States.

12. An individual manufacturing quota establishes the maximum amount of the basic generic class which may be produced by each firm that synthesizes or manufactures bulk quantities of the basic substance from raw materials.

13. A procurement quota establishes the maximum amount of the basic generic class which may be procured by each finished dosage form manufacturer from bulk manufacturers or to limit the production of the drug.

14. Since Western Herl is the sole manufacturer of phenmetrazine in bulk form, the aggregate production quota for this drug has been equal to the individual production quota assigned to Western Herl in 1975, 1976, and 1977.

15. It is the general policy of DEA to set initial manufacturing and procurement quotas during the year prior to the year for which the quotas are set, and then to adjust these quotas during the year on the basis of the actual sales of the distributor for the year prior to the quota year, and the inventory of the quota applicant at the beginning of the quota year, including the inventory of a primary distributor if one exists.

16. The purpose of quotas under the Act is to limit the production and distribution of those controlled substances with the highest degree of abuse potential, those in Schedules I and II, to that quantity of each of such substances which is needed for legitimate medical and scientific purposes.

17. DEA considers the quota setting mechanism to be an integral part of its closed distribution system.

18. The actual calculations which form the basis of all quotas established by DEA are made by members of the staff of DEA's Office of Compliance and Regulatory Affairs.

**DEA'S REGULATORY SYSTEM**

19. The Office of Compliance and Regulatory Affairs performs a variety of functions under the Act's regulatory provisions: (a) The setting of quotas; (b) the coordination of administrative activities relative to the scheduling of substances; (c) the maintenance of DEA's system of annual registration of all manufacturers, distributors, and dispensers of controlled substances; (d) the coordination of DEA's system of field investigations, conducted on a cyclical basis at the manufacturer-distributor level, and on a complaint basis at the retail level, of legitimate handlers of controlled substances; and (e) the monitoring, by computer, of the production and distribution of Schedule I and II controlled substances and Schedule III narcotics from their manufacture to their distribution to the retail level.

20. The mission of the Office of Compliance and Regulatory Affairs is to maintain a closed distribution system to prevent the diversion of lawfully manufactured or imported controlled substances from legitimate commercial channels to illicit channels.

21. DEA's Office of Enforcement cooperates with the Office of Compliance and Regulatory Affairs in criminal investigations of DEA registrants, the fact that there are over 500,000 DEA registrants at the retail level (pharmacies, physicians, etc.) of the distribution system.

22. State and local law enforcement agencies are better suited to conduct criminal investigations into instances of diversion (through forged prescriptions and/or prescriptions issued promiscuously or for a nonmedical purpose) of controlled substances at the retail level than is DEA, due in part to the fact that there are over 500,000 DEA registrants at the retail level.

23. DEA has executed memoranda of understanding with forty-five states and the District of Columbia in which DEA has agreed to assume primary responsibility for policing manufacturers and distributors and the individual state agencies have agreed to assume primary responsibility for policing the retail level.

**DIVERSION AND ABUSE OF PHENMETRAZINE**

24. In November 1976, Senator Gaylord Nelson of Wisconsin, Chairman of the Subcommittee on Monopoly of the Select Committee on Small Business, United States Senate, presided over five days of hearings on the safety and efficacy of anti-obesity drugs such as phenmetrazine.

25. During the five days of hearings before Senator Nelson's subcommittee, recognized authorities in the fields of drug abuse research and drug law enforcement gave testimony concerning the serious nature and the wide extent of abuse and diversion of antiobesity drugs, such as phenmetrazine, within the United States. Witnesses noted a limited supply of the drug in treatment (indicated for short-term use in the treatment of obesity, in conjunction with dietary restrictions of caloric intake) in comparison with the
demonstrated abuse associated with them. 27. In October, 1976, Mr. Kenneth A. Durrin, Acting Director of DEA's Office of Narcotics, directed DEA field offices to conduct a survey with reference to the nature and extent of abuse and diversion in the United States associated with phenmetrazine. The primary purpose of the DEA field survey relative to the subject of phenmetrazine abuse and diversion was to develop up-to-date data for the hearings before Senator Nelson's subcommittee.

29. On October 29, 1976, Mr. Durrin transmitted a memorandum to the Administrator of DEA, entitled "Limited Preludin Survey," which indicated that Preludin was a popular "street drug" in five of DEA's twelve domestic regions.

30. In January 1977, Mr. Durrin requested that DEA field units provide to the Office of Compliance and Regulation additional information with reference to the abuse and diversion of phenmetrazine.

31. As of late April 1977, Mr. Durrin had received virtually all of the data requested from DEA's field offices with reference to the abuse and diversion of phenmetrazine; this data was later collated by DEA headquarters' personnel and put into a volume entitled "National Phenmetrazine Survey."

32. Based upon the limited survey on phenmetrazine abuse and diversion which had been performed in the autumn of 1976, as well as upon the field reports with reference to this subject which were later collated into the "National Phenmetrazine Survey," Mr. Durrin concluded in late April, 1977 that there was "widespread abuse and diversion of phenmetrazine in several parts of the United States."

33. The "National Phenmetrazine Survey" contains information indicating that the diversion of phenmetrazine from the legitimate distribution system into illicit channels has become a significant problem in the following DEA domestic regions: III, IV, VI, VII, VIII, X, and XI.

34. Mr. Durrin testified that, in assessing the abuse of phenmetrazine in connection with establishing the phenmetrazine quotas for 1977, members of his staff took into consideration information on phenmetrazine which was contained in the volume entitled "Pilot Test of an Epidemiological Technique for Detecting Abused Substances in Drug Using Populations: Final Report."

35. Dr. Carl Chambers, co-author of the volume entitled "Pilot Test of an Epidemiological Technique for Detecting Abused Substances in Drug Using Populations: Final Report," testified that approximately fifteen percent of the drug abusers interviewed during the research underlying his study of drug abuse epidemiology by violators in the non-medical use of phenmetrazine.

36. This study indicated that the manner in which these drug abusers had first come into contact with phenmetrazine varied: peers providing it to them; pharmacists providing it to them via prescription; members of their family providing it to them; or street drug dealers providing it to them.

37. The results of this study indicated that phenmetrazine abuse had the characteristics of an epidemic ("contagious transmission") of the nonmedical use of the drug from one abuser to another in three of the nine cities studied: Des Moines, Iowa; Kansas City, Kans.; and Washington, D.C.

38. This study also indicated that phenmetrazine abuse had become endemic, i.e., stable, in its characteristics in the area studied: engaged: Atlantic City, N.J.; Greensboro, N.C.; Phoenix, Ariz.; and San Francisco, Calif.

39. Dr. Chambers had encountered individuals using Preludin in combination with, or concurrently with, heroin in Des Moines, Iowa; Kansas City, Kans. and Miami, Fla.

40. Mr. Durrin testified that, in assessing the degree of diversion of phenmetrazine in connection with establishing the phenmetrazine quotas for 1977, members of his staff took into consideration information which indicated that wide-ranging, sophisticated criminal enterprises were involved in the diversion of phenmetrazine.

41. Det. William E. Larman, Narcotics Branch, Morals Division of the District of Columbia Metropolitan Police Department described the characteristics of several elaborate criminal enterprises, engaged in criminal enterprises based in the District of Columbia, which were designed to divert large quantities of phenmetrazine, as Preludin, from the licit distribution system into the illicit traffic in the District of Columbia.

42. Groups of individuals will travel from Washington, D.C. to another metropolitan area to obtain Preludin; these groups, each financed by a single organizer and usually including in their number at least as overweight females, have ranged from New York, New York to Miami, Florida, and as far west as Alabama.

43. These groups of overweight females systematically seek out corruptible physicians who will provide them with a quantity of prescriptions, all undated, for Preludin.

44. These individuals then attempt to locate pharmacies which will fill more than one Preludin prescription at a time for a given individual, and when successful, they use these pharmacies as sources to obtain the Preludin to transport back to the District of Columbia.

45. The average duration of this kind of criminal expedition to any one metropolitan area is three or four days.

46. Profits flowing to the organizer from this criminal enterprise have been very handsome.

47. There are at least five major violators located in Washington, D.C., who are managing criminal enterprises, such as that described in the foregoing paragraphs.

48. The "street price" for one Preludin 75 mg. Enduret in Washington, D.C., fluctuates between $8 and $12, if one were to buy it from a pusher.

49. The price paid by pushers to their sources for bulk quantities of Preludin 75 mg. Endurets is $5 per dosage unit.

50. Preludin is second only to heroin as a source of abuse in the District of Columbia.

51. The most popular manner in which drug abusers in Washington, D.C. use Preludin is to crush the dosage form, mix it in water along with a quantity of heroin, and then to inject the liquid intravenously through a syringe.

52. Over the last three years, the trend of phenmetrazine abuse among arrestees at the Washington, D.C., Superior Court Lock-Up has been similar to the trend of heroin abuse within that same population.

53. Data from the results of the urinalysis of individuals admitted to the Washington, D.C., Superior Court Lock-Up from 1974 through June 1977 indicate that the abuse of phenmetrazine, as measured by positive urinalysis, increased sharply in 1973, declined slightly thereafter, then leveled off to a rate of between six to nine percent positive per testing.

54. Phenmetrazine diversion and abuse is not a localized phenomenon.

55. An admitted abuser and illegal distributor of phenmetrazine, Witness Number Ten, appeared anonymously and testified that phenmetrazine, as Preludin, is widely available in his home city of Houston, Texas.

56. Witness Number Ten indicated that the "street price" for one Preludin 75 mg. Enduret in Houston, Texas ranges from $8 to $10, if one were to buy it from a pusher.

57. Witness Number Ten, during the height of his abuse of Preludin, administered Preludin to himself intravenously, at the rate of ten 75 mg. Endurets on each occasion, eight to twelve occasions a day.

58. Witness Number Ten indicated that he currently obtains Preludin either from a pharmacist pursuant to a prescription or from a "street" source.
59. The price Witness Number Ten pays to a physician in exchange for an illicit prescription for one hundred 75 mg. Preludin Endurets has ranged from $50 to $100.

60. Witness Number Ten pays $75 to his supplying pharmacist in exchange for one hundred 75 mg. Preludin Endurets.

61. During the period that Witness Number Ten was using approximately one hundred 75 mg. Preludin Endurets a day for his own use, he supported the cost of his abuse by selling large quantities of Preludin to others.

62. Witness Number Ten, over the last four or five years, has obtained prescriptions for Preludin for non-medical purposes from between fifty and sixty physicians.

63. Witness Number Ten has obtained Preludin in Austin, Dallas, Houston, and San Antonio, Texas; Las Vegas, Nevada; Homer and New Orleans, Louisiana; New York, New York; Los Angeles, California and from Mexico.

64. Witness Number Ten is acquainted with at least one hundred other individuals who abuse Preludin, usually by administering it intravenously.

PHENMETRAZINE INVENTORIES AT THE WHOLESALE-RETAIL LEVEL

65. In connection with the establishment of the 1977 quotas for phenmetrazine, the Office of Compliance and Regulatory Affairs sought to obtain, and did receive, current information with reference to the distribution and dispensing of phenmetrazine.

66. This Office concluded that inventories at the wholesaler-retailer level of the distribution system in 1976 were not kept.

67. While wholesalers experienced intermittent periods of unavailability of Preludin from Boehringer in 1976, ninety-six percent of those drug stores normally stocked Preludin and parent inventories of the product when queried in a survey performed in the last ten days of November, 1976.

68. There have been occasions in the recent past when, for one reason or another, a number of Schedule II substances have become unavailable at the retail level, resulting in situations wherein a patient has been unable to obtain Schedule II substance pursuant to a valid prescription or a physician has been unable to dispense that substance to his patients in the course of bona fide medical practice.

69. DEA has not received a single complaint from a physician or a patient with reference to any instance of unavailability of Preludin at the retail level. Boehringer has received one such complaint, from a patient.

70. Despite one complaint from a pharmacist indicating his inability to fill prescriptions for Preludin due to unavailability of the product.

71. In connection with the process of determining the 1977 quotas for phenmetrazine DEA compared Boehringer's reported sales of phenmetrazine in 1976 and IMS-America's National Prescription Audit (NPA) statistical estimate of the quantity of phenmetrazine dispensed in 1976 pursuant to supposedly valid prescriptions at retail pharmacies in the United States.

72. The NPA is an audit designed to measure the volume in activity found in retail pharmacies in the United States. A panel of 800 pharmacies is sampled out of the total universe of between 49,000 and 50,000 pharmacies, and data regarding prescriptions is collected from the panel and analyzed by IMS-America. The results of that analysis are included in reports describing size, trends and volume within a given market.

73. The NPA does not include the following in its data base: pharmacies located in Alaska, Hawaii or Puerto Rico; hospital pharmacies; discount houses with pharmacies; food store pharmacies; health maintenance organization pharmacies; clinic pharmacies; mail order pharmacies; nursing home pharmacies; and pharmacies located in Federal or state government installations.

74. For 1976, the statistical reliability factor at the ninety-five percent confidence level applicable to the NPA's total kilogram estimate for all dosage units of phenmetrazine dispensed at the retail pharmacy level is +7.6 percent.

75. In determining Ciba-Geigy's phenmetrazine procurement quota for 1975 and 1976, DEA had also compared Boehringer's reported sales of phenmetrazine during each of the preceding years (1974 and 1975) and the NPA estimates of the quantity of phenmetrazine dispensed in each of those years by prescription at retail pharmacies in the United States.

76. Because of the nature of the diversion of Preludin, largely through forged prescriptions or prescriptions promiscuously issued by doctors, NPA estimates of actual dispensing by prescription at retail pharmacies in the United States undoubtedly include large quantities of Preludin which are being diverted. That is to say, all of the Preludin being dispensed by retail pharmacies according to NPA estimates is not being dispensed lawfully, i.e., for bona fide medical purposes.

77. The following chart shows the comparison between Boehringer's sales of phenmetrazine and the original NPA estimates of phenmetrazine dispensed at retail pharmacies for the years indicated, with all figures expressed in kilograms of anhydrous base:

<table>
<thead>
<tr>
<th>Year</th>
<th>NPA as percent of Boehringer's sales</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>3,940 2,458 374 86.8</td>
</tr>
<tr>
<td>1974</td>
<td>3,316 2,473.8 642 74.6</td>
</tr>
<tr>
<td>1975</td>
<td>3,197 2,490.6 607 79.1</td>
</tr>
<tr>
<td>1976</td>
<td>3,453 2,493.3 1,015 70.6</td>
</tr>
</tbody>
</table>

*The numbers in the column labeled "NPA" for the years 1974, 1975, and 1976, as supplied to DEA from IMS-America on February 7, 1977 (G-15), were assumed to be correct when Mr. Durrin and his staff made the comparison between Boehringer's sales and NPA data for those years.

78. Upon making this comparison of Boehringer's sales and NPA estimates, Mr. Durrin concluded that the difference (representing the amount by which Boehringer's sales were in excess of NPA estimates) could only have come from an inordinate inventory build-up within the wholesaler-retailer portion of the distribution system or into the illicit market for phenmetrazine.

79. Given the information contained in R-21, R-23 and R-24, indicating periodic shortages at the distributor level, it seems unlikely that there has been inordinate inventory build-up.

80. There is very little legitimate distribution or dispensing of Preludin at the retail or consumer level other than through retail pharmacies of the type included in the NPA estimates.

DETERMINATION OF THE 1977 PHENMETRAZINE QUOTAS

81. For the quota years 1975, 1976, and 1977, DEA used a standard formula, without variations or adjustments, for determining most Schedule II procurement quotas.

82. The first step in the standard procurement quota formula is to estimate the quota applicant's sales for the quota year on the basis of the number of Schedule II sales used to fill prescriptions in retail pharmacies in the United States.

83. Testing this formula with the actual data for 1973, 1974, 1975, and 1976, DEA established that the number of units of phenmetrazine sold in 1973 was approximately the same as the number of units for 1974. The number of units sold in 1975 was approximately 7.6 percent greater than those sold in 1974. The number of units sold in 1976 was approximately 20 percent greater than those sold in 1975.

84. For the purposes of determining the 1977 procurement quotas, DEA used the standard formula, without variations or adjustments, for determining the amounts of phenmetrazine to be furnished to each applicant for the 1977 procurement quotas.
company’s sales for the preceding year and the FDA estimate of percentage change in legitimate utilization for the quota year.

83. The second step in the standard procurement quota formula is to multiply the estimated quota year sales figure by 1.5 to allow for a fifty percent inventory reserve.

84. The final step in the standard procurement quota formula is to subtract the amount of the controlled substance inventory held by the applicant at the beginning of the quota year, including the inventory of a primary distributor if one exists.

85. For the quota years 1975, 1976, and 1977, DEA has used a standard formula for determining most Schedule II individual manufacturing quotas.

86. The first step in the standard manufacturing quota formula is to ascertain the projected procurement quotas to be fulfilled by the manufacturer, which constitute the manufacturer’s estimated domestic sales for the quota year.

87. The second step in the standard manufacturing quota formula is to multiply the manufacturer’s estimated sale by 1.5 to allow for a fifty percent inventory reserve, and then to add an amount equal to projected exports for the quota year.

88. The third step in the standard manufacturing quota formula is to subtract the amount of controlled substance inventory which the manufacturer has on hand at the beginning of the quota year. The resulting figure represents the individual manufacturing quota for that quota year.

89. The DEA standard formulae for computing procurement quotas and individual manufacturing quotas were not used in calculating the 1977 quotas for phenmetrazine.

90. The standard DEA procurement quota formula also was not utilized by DEA in determining Ciba-Geigy’s 1975 and 1976 phenmetrazine procurement quota in 1975 and 1976. The standard formula was modified in those years by subtracting from the figure arrived at through that formula, a figure representing the difference between Boehringer’s reported sales during the preceding year and the NPA statistical estimate of the quantity of phenmetrazine dispensed by prescription at retail pharmacies in the United States.

91. The standard DEA manufacturing quota formula, without variation or adjustment, was initially applied to Western Fher with respect to its phenmetrazine manufacturing quota for 1975 and 1976.

92. An ad hoc formula was used in calculating Ciba-Geigy’s initial 1977 procurement quota for phenmetrazine to put the brakes on what DEA has concluded to be a spiraling production and distribution of Preludin in order to meet an artificial demand for the product, i.e., an illicit demand. 83. The process of determining the 1977 quotas applicable to the basic class phenmetrazine theoretically available to the public during 1977 was based upon the following calculation: 12,832 kg. (dealer-to-dealer sales) + 908 kg. (combined inventories of Ciba-Geigy and Boehringer as of December 31, 1976) – 8,924 kg. (1977 DEA procurement quota) – 2,952 kg. (aggregate inventory allowance, the theoretical total availability figure for Western Fher during 1977) = 4,848 kg. (1977 DEA-estimated initial aggregate procurement quota for phenmetrazine).

93. The process of determining the 1977 procurement quota for phenmetrazine, DEA first calculated the amount of phenmetrazine that Boehringer should have sold in 1976; this was based upon the premise that, of the total amount of phenmetrazine theoretically available to Ciba-Geigy and Boehringer in any year, one-third is intended as an inventory reserve while the remaining two-thirds are intended to be available for sale to their customers.

94. By letter dated March 31, 1976, FDA advised DEA that legitimate utilization of phenmetrazine in 1976 could be expected to be one percent higher than in 1976.

95. In making its determinations with reference to the scientific and medical needs of the United States for controlled substances such as phenmetrazine in any given year, FDA does not take into account in any way the amount of such substances which has been or may be diverted from licit to illicit channels.

96. By letter dated March 31, 1976, FDA had advised DEA that legitimate utilization of phenmetrazine in 1976 could be expected to be the same as that for 1975.

97. Boehringer’s sales of phenmetrazine in 1976 were 3,453 kg., as compared to its 1975 sales of phenmetrazine of 3,157 kg.

98. In performing the calculation of Ciba-Geigy’s initial 1977 procurement quota for phenmetrazine, DEA first calculated the amount of phenmetrazine that Boehringer should have sold in 1976; this was based upon the premise that, of the total amount of phenmetrazine theoretically available to Ciba-Geigy and Boehringer in any year, one-third is intended as an inventory reserve while the remaining two-thirds are intended to be available for sale to their customers.

99. The total availability of phenmetrazine to Ciba-Geigy and Boehringer, 4,384 kg. in 1976, represents the sum of Ciba-Geigy’s 1976 procurement quota for phenmetrazine (the maximum amount of phenmetrazine which could be procured by Ciba-Geigy in 1976) and the combined December 31, 1975, inventories of phenmetrazine at Ciba-Geigy and Boehringer, as illustrated by the following calculation:


100. Two-thirds of that total availability for 1976 is the amount which Boehringer should have sold in 1976, 2,923 kg.:

4,384 kg. \times \frac{2}{3} = 2,923 kg. (total availability of phenmetrazine to Ciba-Geigy and Boehringer in 1976).

101. To determine the estimated legitimate medical and scientific needs of the United States for phenmetrazine in 1977, DEA added one percent (in accordance with FDA’s estimate of legitimate utilization of phenmetrazine in 1977) to the amount which Boehringer should have sold in 1976:

2,923 kg. + 29 kg. = 2,952 kg. (DEA’s estimate of legitimate medical and scientific needs of the United States for phenmetrazine in 1977).

102. By letter dated November 5, 1976, Ciba-Geigy was informed by DEA that its initial phenmetrazine procurement quota for 1977 would be 2,952 kg.

103. The first step in the development of Western Fher’s 1977 initial manufacturing quota was the ascertainment of Ciba-Geigy’s 1977 procurement quota of 2,952 kg.

104. After addition of the fifty percent inventory allowance, the theoretical total availability figure for Western Fher was 4,428 kg.

105. The third step in the development of Western Fher’s 1977 initial manufacturing quota was to subtract from the total availability figure (4,428 kg.) DEA’s estimate of Western Fher’s December 31, 1976, closing inventory.

106. In carrying out the third step in the formula, DEA made an error in the amount of 526 kg. Because Western Fher’s estimated year-end inventory was erroneously calculated as 2,302 kg. rather than 1,776 kg., the initial phenmetrazine manufacturing quota was set at 2,126 kg. rather than the correct figure of 2,652 kg.

107. By Federal Register notice dated September 29, 1976, DEA proposed an initial aggregate phenmetrazine production quota (i.e., Western Fher’s individual manufacturing quota) of 2,126 kg.

108. The previously described, unsatisfactorily high level of abuse and diversion of phenmetrazine in the United States was a factor within the process of determining the proposed final 1977 quotas applicable to phenmetrazine at the procurement and bulk manufacturing levels.

109. Confronted by this unacceptable level of abuse and diversion of phenmetrazine, DEA decided that it would not authorize any increased bulk production of phenmetrazine which would provide for any additional amount of phenmetrazine to be used for the purpose of manufacturing additional dosage forms of phenmetrazine during 1977 beyond the 2,952 kg. procurement quota already authorized to Ciba-Geigy.

110. Under the proposed final 1977 phenmetrazine procurement quota, the maximum amount of phenmetrazine theoretically available to Boehringer and Ciba-Geigy in 1977 would be the factor of Ciba-Geigy’s procurement quota (2,952 kg.) and the combined 1976 year-end inventories of Boehringer and Ciba-Geigy (576 kg.) or 3,528 kg.

111. The first step in the calculation of Western Fher’s final 1977 manufactu
turing quota were identical to those stated in findings 103 and 104, as illustrating the following:
2,952 kg. (Ciba-Geigy's 1977 procurement quota) \*1.5 = 4,428 kg. (theoretical total 1977 availability for Western Fher).

112. From the total availability figure, DEA subtracted Western Fher's actual reported December 31, 1976, inventory, as illustrated by the following:
4,428 kg. (theoretical total 1977 availability for Western Fher) - 1,421.6 kg. = 3,006.4 kg. (Western Fher's inventory as of December 31, 1976).

113. The Administrator of DEA, mindful of the data concerning the large amount of abuse and diversion associated with phenmetrazine in the United States, thereafter adjusted Western Fher's 1977 individual manufacturing quota downward from 3,006.4 kg. to 2,900 kg.

114. By Federal Register notice dated April 29, 1977, DEA proposed a revised aggregate phenmetrazine production quota of 2,800 kg. (i.e., Western Fher's revised 1977 manufacturing quota).

115. This quota was made final by Federal Register notice dated July 15, 1977.

116. The foregoing methods of determining procurement, individual manufacturing and aggregate production quotas for 1977 were not unique to phenmetrazine. Another Schedule II substance, amphetamine, has been presented DEA with similar diversion and abuse problems. DEA employed similar methods to arrive at the quotas for amphetamine for 1977 as it did for phenmetrazine.

Within his detailed discussion of this matter, the Administrative Law Judge made certain conclusions of law, which the Administrator hereby adopts with editorial modifications and incorporates into this final order in pertinent part as set forth hereafter.

CONCLUSIONS OF LAW AND DISCUSSION

This case is concerned with three quotas affecting the production of phenmetrazine in 1977—the procurement quota for Ciba-Geigy, the sole registered dosage form manufacturer in the U.S.; the individual manufacturing quota for Western Fher; and the total or aggregate production quota for the country and the individual manufacturing quota for Western Fher will be identical.

The Act provides (21 U.S.C. 826(a)) that the total or aggregate production quota be set in an amount sufficient “to provide for the estimated medical, scientific, research, and industrial needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks.”

The Act also provides (21 U.S.C. 825(c)(2)) in fixing individual manufacturing quotas, “the manufacturer’s estimated disposal, inventory, and other requirements for the calendar year” are to be determined. It also provides that in making those determinations, “the manufacturer’s current rate of disposal, the trend of the national disposal rate during the preceding calendar year, the manufacturer’s production cycle and inventory position, the economic availability of raw materials, yield and stability problems, emergencies such as strikes and fires, and other factors” are to be considered.

The evidence in this record makes it abundantly clear that DEA has carefully considered all of the factors specified in the Act. The evidence in this record makes it abundantly clear that DEA has made the required determinations and has set the subject quotas after full consideration and in the exercise of sound discretion, in all respects but one.

DEA’s own regulations in pertinent part provide, at 21 CFR 1308.34(a):

“For the purpose of determining individual manufacturing quotas * * * each registered manufacturer of a lawfully manufactured controlled substance shall be allocated as part of such quota an amount sufficient to maintain an inventory equal to:

(1) For current manufacturers, 50 percent of his average net disposal for the current calendar year and the last preceding calendar year, * * *”

It is apparent from testimony that such an inventory allowance was not provided for Western Fher by the individual manufacturer's production quota set for it for 1977.

Regulations promulgated by a Government agency, not contrary to any statute, have the force and effect of law and are binding on everyone, including the agency itself and its personnel. In the instant case, Western Fher must be permitted the full amount of the inventory allowance provided for by DEA’s own regulations.

In all other respects however, the three quotas were arrived at in a lawful manner and need not be changed.

Respondents rely on the reliability of some of the data pertaining to the extent of phenmetrazine abuse and diversion which DEA considered in setting the quotas. But the law does not require absolute certainty before a regulatory agency can act. All that is required is a reasonable effort to ascertain the relevant facts and an intelligent exercise of discretion in applying them, avoiding arbitrariness and capriciousness. DEA has acted in this manner, except for the inventory allowance discussed above.

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978

Throughout Respondents’ brief the concepts of market demand for their product, and legitimate medical need for the product, are confused. Market demand and medical need are not necessarily identical, and the preponderance of the evidence in this record establishes that they are not identical with respect to phenmetrazine. There is far more market demand than there is legitimate medical need.

DEA is required by the Act to permit manufacture of sufficient quantities of phenmetrazine to meet the legitimate medical need. The preponderance of the evidence establishes that DEA has taken reasonable steps to do so. There is no evidence in this record establishing that the quotas set by DEA have been so low that the legitimate medical need could not be met.

DEA is not required to permit all market demand to be satisfied. In fact, the agency is required to take steps to prevent the illegitimate portion of that demand from being met. To the extent that such steps may have affected these quotas, the preponderance of the evidence shows that they are reasonable and not arbitrary or capricious, with the one exception noted above.

It cannot be said that DEA has acted any less reasonably in treating phenmetrazine in a manner different from the way in which other substances were treated. The preponderance of the evidence is to the effect that one other Schedule II substance, amphetamine, presents problems similar to the Schedule II substance phenmetrazine. The evidence shows that the 1977 quotas for both these substances have been determined by following similar formulas.

In the instant case DEA has, indeed, departed from prior standards and formulas with respect to phenmetrazine. But it is clearly doing so pursuant to a reasoned analysis based on carefully weighed facts. There are no internal inconsistencies, and there has been no failure clearly to articulate the new standard and formulae being applied. The testimony of both Mr. Dunn and Dr. Fish demonstrates that DEA took a "hard look at the problem areas" and has "set forth with clarity grounds of reasoned decision." See Greater Boston Television Corp. v. F.C.C., 444 F. 2d 841, 852-53 (D.C. Cir. 1970). Nothing more appears to be required.

The issues, as set forth by the Administrative Law Judge, should therefore be answered as follows:

A. Yes, with the one modification indicated above.
B. Yes, with the one modification indicated above.
C. Yes.
D. Yes, to the extent required.
E. Yes.
F. Yes, to the extent required.
G. Yes, to a reasonable extent.
H. Yes, to a significant extent.
I. Yes, need only be effective, it need not be more effective.
F. Yes. See Findings 89-116, above.

DECESSION

Under the authority vested in the Attorney General under 21 U.S.C. § 826 and delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, the Administrator hereby orders that such adjustments be made during calendar year 1978 as necessary to ensure that Western Fher receives within its quota such amount as may be necessary to include provision for the inventory allowance required by 21 CFR 1303.24(a). This has already been accomplished within the calculation of the 1978 interim aggregate production quota for phenmetrazine (42 FR 61900 (December 7, 1977)), wherein any deficiencies in inventory at Western Fher as projected for December 31, 1977, and caused by the lack of a full inventory allowance within the 1977 quota, have been corrected in accordance with the procedures set forth in 21 CFR 1303.23(a) and 1303.24(a).

In all other respects, it is hereby ordered that the three subject quotas remain unchanged.


PETER B. BENINGER, Administrator, Drug Enforcement Administration. [FR Doc. 78-3959 Filed 2-10-78; 8:45 am]

NOTICES

[6820-35]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

Applications


The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996d, as amended, Pub. L. 95-222 (December 28, 1977), and 1307(b). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. DNA Peoples Legal Services in Window Rock, Ariz. to serve the Indian population on or near the Hope Reservation in Arizona.

2. Colorado Rural Legal Services in Denver, Colo. to serve the Indian population on or near the Mountain Ute and Southern Ute Reservations in Colorado.

3. Zuni Legal Services in Zuni, N. Mex. to serve the Indian population in the Pueblos of Nambe, Picuris, Pojoaque, San Ildefonso, San Juan, Santa Clara, Taos, Tesuque, Cochiti, Isleta, Jemez, Sandia, San Felipe, Santa Ana, Santo Domingo, and Zia in New Mexico.


Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colo. 80202.

THOMAS EHRKICH, President.

[FR Doc. 78-3933 Filed 2-10-78; 8:45 am]

[6820-35]

GRANTS AND CONTRACTS

Applications


The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996d, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contractor or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Maricopa County Legal Aid Society in Phoenix, Ariz. to serve Yavapai and Mojave Counties.

2. Southern New Mexico Legal Services in Las Cruces, N. Mex. to serve Chaves and Eddy Counties.

3. Zuni Legal Services in Zuni, N. Mex. to serve the Indian population in the Pueblos of Nambe, Picuris, Pojoaque, San Ildefonso, San Juan, Santa Clara, Taos, Tesuque, Cochiti, Isleta, Jemez, Sandia, San Felipe, Santa Ana, Santo Domingo, and Zia in New Mexico.


Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colo. 80202.

THOMAS EHRKICH, President.

[FR Doc. 78-3934 Filed 2-10-78; 8:45 am]

[6820]

GRANTS AND CONTRACTS

Applications


The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996d, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contractor or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

1. DNA Peoples Legal Services in Window Rock, Ariz. to serve the Indian population on or near the Hope Reservation in Arizona.

2. Colorado Rural Legal Services in Denver, Colo. to serve the Indian population on or near the Mountain Ute and Southern Ute Reservations in Colorado.

3. Zuni Legal Services in Zuni, N. Mex. to serve the Indian population in the Pueblos of Nambe, Picuris, Pojoaque, San Ildefonso, San Juan, Santa Clara, Taos, Tesuque, Cochiti, Isleta, Jemez, Sandia, San Felipe, Santa Ana, Santo Domingo, and Zia in New Mexico.


Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colo. 80202.

THOMAS EHRKICH, President.

[FR Doc. 78-3935 Filed 2-10-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
NOTICES

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue SW., Washington, D.C. 20546.
(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.
(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, Calif. 93523.
(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.
(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, Tex. 77058.
(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.
(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23665.
(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, Ohio 44135.
(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.
(j) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.
(k) Jet Propulsion Laboratory (Building 180, Room 600) 4800 Oak Grove Drive, Pasadena, Calif. 91103.
(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.
(m) Governor’s Council on Environmental Quality (Room 11, Natural Resources Building, North and 4th Streets), Baton Rouge, La. 70804.

THOMAS EHRLICH,
President.

[FR Doc. 78-3936 Filed 2-10-78; 8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[FR Doc. 78-3848 Filed 2-10-78; 8:45 am]

(Fed Register, Vol. 43, No. 30—Monday, February 13, 1978)
NOTICES

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting


Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-483, as amended), notice is hereby given that a meeting of the Public Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in the first floor conference room, from 9 a.m. to 5:30 p.m. on March 3, 1978.

The purpose of the meeting is to review Public Programs applications for museums and historical organizations projects submitted to the National Endowment for the Humanities for projects beginning after June 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 Chairman’s Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b)(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.

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting


Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended,) notice is hereby given that a meeting of the Public Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting


Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended,) notice is hereby given that a meeting of the Public Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting


Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended,) notice is hereby given that a meeting of the Public Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting


Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended,) notice is hereby given that a meeting of the Public Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting


Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended,) notice is hereby given that a meeting of the Public Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.
NOTICES

DEPARTMENT OF AGRICULTURE


COMMUNITY SERVICES ADMINISTRATION

Application for Recognition of a CAA Certification, (attorney) OEO 370, annually, CAA attorney’s certification, 1,300 responses, 1,500 hours, Lowry, R. L., 395-3772.

U.S. CIVIL SERVICE COMMISSION

APPLICATION FOR RECOGNITION OF A COMMUNITY ACTION AGENCY

Alabama Power Co., Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

February 6, 1978.

Notice is hereby given that Alabama Power Co. (“Alabama”), 600 North 18th Street, Birmingham, Ala. 35291, a public-utility subsidiary company of the Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (“Act”), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $100,000,000 principal amount of its first mortgage bonds of a new series having a term of not less than 5 nor more than 30 years. Alabama will determine and give notice to prospective bidders of the term of the new bonds not less than 72 hours prior to the time of bidding. The interest rate of the bonds and the price, exclusive of accrued interest, to be paid to Alabama, which will be not less than 98 percent nor more than 101 1/2 percent of the principal amount thereof, will be determined by competitive bidding. It is stated that Alabama proposes to sell the bonds by amendment that such proposed sale be excepted from the competitive bidding requirements of Rule 50 should circumstances develop which, in the opinion of Alabama’s management, justify such exception in the best interest of Alabama and its investors and consumers.

The new bonds will be issued under the indenture dated as of January 1, 1942, between Alabama and Chemical Bank, as trustee, as hereinafter supplemented by various indentures supplemental thereto and as to be further supplemented by a supplemental indenture to be dated as of March 1, 1978. The bonds will be redeemable, at the option of Alabama, in whole or in part any time prior to maturity. The supplemental indenture will include a prohibition, for a period of not more than 5 years, against refunding the bonds, directly or indirectly, with funds borrowed at a lower effective interest cost.

Alabama intends to use the proceeds from the sale of the new bonds, along with other funds, in financing its 1978 construction costs, estimated at November 18, 1977, to be $494,390,900, in paying a portion of notes payable incurred for such purpose, and in retiring $10,345,000 principal amount of first mortgage bonds.

The fees and expenses to be incurred in connection with the proposed transaction are to be filed by amendment. It is stated that the issuance and sale of the new bonds have been expressly authorized by the Alabama Public Service Commission or any other State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 8, 1978, 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 fact or law raised by said 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. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the
Act, or the Commission may grant ex-
emption from such rules as provided in
Rules 20(a) and 100 thereof or take
such other action as it may deem ap-
propriate. Persons who request a hear-
ing or advice as to whether a hearing
is ordered will receive any notices or
orders issued in this matter, including
the date of the hearing (if ordered)
and any postponements thereof.

For the Commission, by the Division
of Corporate Regulation, pursuant to
delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 73-3913 Filed 2-10-78; 8:45 am]

[8010-01]

(Release No. 34-14435; File No. SR-Amex-
70-3)

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule
Change

Pursuant to section 19(b)(1) of the Securities
L. No. 94-29, 16 (June 4, 1978), notice is hereby
given that on January 19, 1978, the above-mentioned self-regula-
tory organization filed with the Secu-
rities and Exchange Commission a
proposed rule change as follows:

EXCHANGE'S STATEMENT OF TERMS OF
SUBSTANCE OF THE PROPOSED RULE
CHANGE

The American Stock Exchange, Inc.
("Amex") proposes to amend
Exchange Rules 927 and 928. The texts
of the proposed amendments are set
forth below (brackets indicate dele-
tions).

Transactions With Issuers

Rule 927. No member or member or-
ganization shall accept an order for
the account of any corporation which
is the issuer of an underlying stock for
the account of any affiliate of such cor-
poration) for the sale (writing) of a
call option contract with respect to
that underlying stock.

Commentary

[01] For the purposes of this Rule,
the term "affiliate" shall have the
meaning specified in SEC Rule 405
under the Securities Act of 1933.

Before accepting any order for the
sale (writing) of a call option contract
from any person who is an officer, di-
rector or substantial shareholder of
a corporation which is the issuer of the
underlying stock covered by such
option contract, or from any person
who directly, or indirectly through
one or more intermediaries may con-
trol, be controlled by or be under
common control with such corpo-
ration, the member or member organi-
ization should take steps to determine
whether such person would be deemed
an "affiliate" of such corporation pur-
suant to the provisions of the Securi-
ties Act of 1933 and the rules of the
SEC promulgated thereunder.]

[Restricted Stock]

[Rule 928. Shares of an underlying
stock which may not be sold by the
holder thereof except upon registra-
tion of the Securities Act of 1933 or
pursuant to SEC rules promulgated
under the Securities Act of 1933,
cannot be accepted by a member or
member organization for the purpose
of covering put option contracts or
satisfying the margin requirements
in respect thereof, and may not be
delivered pursuant to the exercise of
a put option contract or for the purpose
of satisfying an exercise notice
assigned in respect of a call option
contract.]

EXCHANGE'S STATEMENT OF BASIS AND
PURPOSE

The purpose of the proposed changes is to amend the rules of the
Amex to reflect recent SEC action
concerning transactions in exchange-
traded options by affiliates of issuers
and holders of restricted securities.
(See SEC Release No. 32-5898, Decem-
ber 20, 1977.)

Rule 927, adopted at the outset of
the Amex's options program, prohibits
the acceptance by any Exchange
member of an order for the sale (writ-
ing) of a call option contract relating
to underlying stock if the order is for
the account of the issuer of such stock
or an affiliate of the issuer.

The Rule recognizes that the sale of
a call option may involve a solicitation
of orders to buy the underlying se-
curities and that, in the absence of an
effective registration statement and
prospectus, a member firm could viola-
tate Federal securities laws if it ac-
cepts orders from an issuer for the
sale of call options relating to its secu-
rifies. Since the Amex was aware that
the SEC staff held the view that a so-
lcitation was also involved if an affili-
ate sought to sell a call option relating
to his corporation's shares, Rule 927
was made applicable to orders of affili-
ates as well as issuers.

In its recent release, the SEC an-
nounced that it had conducted a
review of the procedures involved in
trading listed options and the exer-
cise procedures in connection with
such trading) and considered matters
relating to the writing of exchange-
traded call options on securities sub-
ject to resale provisions of SEC
Rules 144 and 145. In part, the Re-
lease noted that because the mechan-
ics of selling call options upon na-
tional exchanges are similar to those in-
volved in the sale on an exchange of
other exchange-traded call options
should not be deemed under Rule
144(f) as a solicitation for the pur-
chase of the underlying securities.

In light of the SEC's current posi-
tion, the Amex proposes to amend
Rule 927 to limit the scope of the rule
to orders for the sale of call options
entered by or for the account of the
issuer of the underlying securities.

Exchange Rule 928 currently pro-
hibits Amex members from accepting
stock which may only be sold either
upon registration or pursuant to SEC
rules (restricted stock) to: (i) Cover a
short call position, (ii) satisfy margin
requirements in connection with such
position, or (iii) deliver or receive pur-
tant to the exercise of a put or call
option. In consideration of the recent
SEC release discussed above, the
Amex proposes to delete Rule 928 in
order to facilitate the acceptance of
permissible options orders by member
firms and, where appropriate, to
permit margining of such options on a
covered basis with "restricted stock."

The basis for the proposed rule
change is found in section 6(b)(5) of
the Securities Exchange Act of 1934
(the "1934 Act") as amended, which
provides, in pertinent part, that the
rules of the Exchange be designed to
promote just and equitable principles
of trade and protect investors and the
public interest.

No comments were received from
members, participants or others in
connection with these proposed rule
changes.

The proposed rule changes will not
impose any burden on competition;
rather, it will eliminate a potential
competitive disadvantage between the
Amex and any other options exchange
which never adopted rules similar to
present Amex Rules 927 and 928.

On or before March 20, 1978, or
within such longer period: (i) As the
Commission may designate, up to 90
days of such date if it finds such
longer period to be appropriate and
publishes its reasons for so finding,
or (ii) as to which the above-mentioned
self-regulatory organization consents,
the Commission will:

(a) By order approve such proposed rule change,
or
(b) Institute proceedings to deter-
mine whether the proposed rule
change should be disapproved. Inter-
ested persons are invited to submit
written data, views and argu-
ments concerning the foregoing. Per-
sions desiring to make written submis-
sions should file six copies thereof
with the Secretary of the Commission.
Securities and Exchange Commission,
Washington, D.C. 20549.

Copies of the filing with respect to
the foregoing and of all written sub-
missions will be available for inspec-
tion and copying in the Public Refer-
ence Room 1100 L Street NW., Wash-

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
NOTICES

CSW states that of the total $1,090,255,000 CSW consolidated estimated capital expenditures for the 2 years, 1977 and 1978, CP&L accounts for $437,288,000, PSE (consolidated) for $382,985,000, SWEPSCO for $333,096,000, and West Texas Utilities Company for $368,866,000. CSW states that the estimated 1978 capital expenditures for CP&L and SWEPSCO are as follows:

<table>
<thead>
<tr>
<th>CP&amp;L</th>
<th>SWEPSCO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generation</td>
<td>$315,951,000</td>
</tr>
<tr>
<td>Transmission</td>
<td>37,454,000</td>
</tr>
<tr>
<td>Distribution</td>
<td>58,283,000</td>
</tr>
<tr>
<td>Fuel exploration and development</td>
<td>30,572,000</td>
</tr>
<tr>
<td>Other</td>
<td>13,194,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>455,454,000</strong></td>
</tr>
</tbody>
</table>

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at approximately $105,000,000, $90,000,000, and $110,000,000 of borrowings by CSW expected to be outstanding at the time of sale. It is stated that the fees and expenses to be incurred by the successful bidders for the additional shares are estimated at $25,500, including $23,000 in legal counsel fees.

WSW further proposes to use towards the payment of capital expenditures. Such expenditures are estimated as follows:

CSW consolidated

<table>
<thead>
<tr>
<th>1977</th>
<th>1978</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generation</td>
<td>$214,232,000</td>
</tr>
<tr>
<td>Transmission</td>
<td>44,838,000</td>
</tr>
<tr>
<td>Distribution and other plant</td>
<td>22,882,000</td>
</tr>
<tr>
<td>Fuel exploration and development</td>
<td>8,192,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>269,931,000</strong></td>
</tr>
</tbody>
</table>

CSW subsidiary, Public Service Co. of Oklahoma, such contribution being previously authorized by Commission order on January 10, 1978 (HCAR No. 20380), and the remainder, together with funds received from such subsidiaries in payment of their borrowings from CSW, to pay approximately $60,000,000 of an estimated $110,000,000 of borrowings by CSW expected to be outstanding at the time of sale.

CSW states that it has outstanding short-term borrowings of $83,325,000 at December 31, 1977. CSW anticipates that the additional shares would be issued and sold on or about March 7, 1978, and that the capital contributions would also be made in March 1978.

CSW states that the proceeds of the foregoing short-term borrowings and capital contributions have been or will be used towards the payment of capital expenditures. Such expenditures are estimated as follows:

CSW consolidated

<table>
<thead>
<tr>
<th>1977</th>
<th>1978</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generation</td>
<td>$315,951,000</td>
</tr>
<tr>
<td>Transmission</td>
<td>37,454,000</td>
</tr>
<tr>
<td>Distribution</td>
<td>58,283,000</td>
</tr>
<tr>
<td>Fuel exploration and development</td>
<td>30,572,000</td>
</tr>
<tr>
<td>Other</td>
<td>13,194,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>455,454,000</strong></td>
</tr>
</tbody>
</table>

WSW further proposes to use towards the payment of capital expenditures. Such expenditures are estimated as follows:

CSW consolidated

<table>
<thead>
<tr>
<th>1977</th>
<th>1978</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generation</td>
<td>$214,232,000</td>
</tr>
<tr>
<td>Transmission</td>
<td>44,838,000</td>
</tr>
<tr>
<td>Distribution and other plant</td>
<td>22,882,000</td>
</tr>
<tr>
<td>Fuel exploration and development</td>
<td>8,192,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>269,931,000</strong></td>
</tr>
</tbody>
</table>

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at approximately $105,000,000, $90,000,000, and $110,000,000 of borrowings by CSW expected to be outstanding at the time of sale.

CSW states that it has outstanding short-term borrowings of $83,325,000 at December 31, 1977. CSW anticipates that the additional shares would be issued and sold on or about March 7, 1978, and that the capital contributions would also be made in March 1978.

CSW states that the proceeds of the foregoing short-term borrowings and capital contributions have been or will be used towards the payment of capital expenditures. Such expenditures are estimated as follows:

CSW consolidated

<table>
<thead>
<tr>
<th>1977</th>
<th>1978</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generation</td>
<td>$315,951,000</td>
</tr>
<tr>
<td>Transmission</td>
<td>37,454,000</td>
</tr>
<tr>
<td>Distribution</td>
<td>58,283,000</td>
</tr>
<tr>
<td>Fuel exploration and development</td>
<td>30,572,000</td>
</tr>
<tr>
<td>Other</td>
<td>13,194,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>455,454,000</strong></td>
</tr>
</tbody>
</table>

It is further given that any interested person may, not later than February 28, 1978, 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 fact or law raised by said application-declaration, as amended, 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. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration may be amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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 Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.


[FR Doc. 78-3922 Filed 2-10-78; 8:45 am]

CENTRAL & SOUTH WEST CORP., ET AL.

Proposed Issuance and Sale of Holding Company Common Stock and of Proposed Capital Contributions to Two Subsidiary Operating Companies.

February 6, 1978.

In the matter of Central & South West Corp., P.O. Box 1631, Wilming­ton, Del. 19899; Central Power & Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403; Southwestern Electric Power Co., P.O. Box 21106, Shreveport, La. 71156.

Notice is hereby given that Central & South West Corp. ("CSW"), a registered holding company and two of its subsidiary operating companies, Central Power & Light Co. ("CP&L") and Southwestern Electric Power Co. ("SWEPSCO"), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Utility Holding Company Act of 1935 ("Act") designating section 6(a), 7, 9, 10, and 12(f) of the Act and Rules 43, 45, and 50, promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

CSW proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, 7,000,000 shares of its authorized and unissued common stock, par value $3.50 per share (the "additional shares"). CSW further proposes to make capital contributions to two of its electric utility subsidiaries, CP&L and SWEPSCO, in the amounts of $30,000,000 and $15,000,000, respectively.

CSW states that the net proceeds to be derived by it from the sale of the additional shares, estimated at approximately $105,000,000, $90,000,000, and $85,000,000, will be used to make the capital contributions to CP&L and SWEPSCO and a contribution of $45,000,000 to a third
In July 1972, Christiana and E.I. du Pont de Nemours & Co. ("Du Pont") filed a joint application, pursuant to sections 17(b), 17(d), and 6(c) of the Act, and Rule 17d-1 thereunder, for an order of the Commission permitting a proposed merger of Christiana and Du Pont. On December 13, 1974, the Commission issued an order granting that application (Investment Company Act Release No. 8016), and such Commission order was affirmed by the Supreme Court of the United States on June 17, 1977.

Christiana states that on October 17, 1977, the holders of Christiana common stock approved the proposed merger by a vote of 11,160,285 shares in favor, with 1,364 shares opposed, and the holders of Du Pont common stock approved the proposed merger by a vote of 37,816,355 shares in favor, with 247,912 shares opposed. Christiana asserts that in addition to its preferred stock, of which there were on that date 11,710,103 shares outstanding, on the basis of preferred stock having a redemption value of $120 per share, plus accumulated dividends, and subject to redemption at $120 per share on any dividend payment date. Holders of Christiana preferred stock have no voting rights except as expressly provided by law. Christiana states that on June 30, 1977, the aggregate net asset value of its common stock, of which there were on that date 11,710,103 shares outstanding, on the basis of preferred stock having a redemption value of $120 a share, was $1,556,468,160, and that the net asset value per share of its common stock was $135.48.

Christiana states that on October 17, 1977, Christiana and Du Pont filed a properly executed and acknowledged agreement of merger ("agreement"), in accordance with the provisions of the general corporation law of Delaware, and that the merger became effective and Christiana's corporate existence ceased at the close of business on that date.

The agreement provided for the acquisition by Du Pont of all of the assets of Christiana (consisting principally of Du Pont common stock), and for the conversion of Christiana capital stock into Du Pont common stock. According to the application, on October 17, 1977, shares of Christiana capital stock became shares of Du Pont common stock in an amount determined by applying conversion formulas specified in the agreement. According to the application, the number of shares of Du Pont common stock resulting from the agreement is 1.123 shares of Du Pont common stock, plus rights to additional Du Pont common stock, if any, to be issued in connection with an unlisted tax refund claim of Christiana, and (2) the holders of Christiana preferred stock to receive $120 per share, the redemption price of their stock, subject to adjustment by the Trust Company of Wilmington Trust Co. ("Trust Company"), Wilmington, Del., a certificate representing all shares of Du Pont common stock to be issued in the merger (excluding shares applicable to shares of Christiana preferred stock for which demands for appraisal have been made). Applicant states that former shareholders of Christiana may obtain a certificate or certificates representing shares of Du Pont common stock to which such holders are entitled under the merger, together with the proceeds of any fractional shares sold and, in the case of Christiana preferred stock, the cash payment for accrued dividends, by surrendering to the Trust Company their certificate or certificates representing capital stock of Christiana. Applicant asserts that until so surrendered, certificates for shares of Christiana capital stock shall be deemed for all purposes to represent the ownership of the number of shares of Du Pont common stock into which such shares of Christiana capital stock are converted by reason of the merger.

Section 8(d) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than February 24, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the 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 shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request or notice shall be furnished to the Trust Company 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 the application will be issued as of course following good cause shown. 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.

[PR Doc. 78-3926 Filed 2-10-78; 8:45 am]

8010-01

[Reel. No. 20401; 70-6107]

COLUMBIA GAS SYSTEM, INC., ET AL.

Proposed Allocation of Consolidated Tax Liabilities


Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary companies named above have filed a joint declaration, and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the joint declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated February 18, 1976 (HCAR No. 19393), the Commission authorized Columbia to allocate the system's consolidated federal income tax liability for the years 1975 and 1976 by a method other than prescribed by Rule 45(b)(6).

Columbia and its subsidiaries now seek the Commission's authorization...
under Rule 45(a) for the taxable years 1977 and 1978.

The major part of the exploration and development activities within the Columbia system are centered in Columbia's nonutility subsidiaries, Columbia Gas Development U.S. Ltd. ("Development U.S.") and Columbia Gas Development of Canada, Ltd. ("Development Canada"). Due to the expanded exploration and development programs in the Canadian system, the major part of the exploration and development activities. In general, the declaration seeks authorization to allocate consolidated taxes in a manner which would initially remit the consolidated tax savings arising from their exploration and development activities.

To overcome the claimed inequities resulting from a strict adherence to the tax allocation provisions of Rule 45(b)(6), certain deviations therefrom are proposed as follows:

1. For the years 1977 and 1978, Columbia, while computing the system's consolidated tax liabilities in the usual manner, will for purposes of assessing liability among the individual companies of the system add back the reduction in such tax liabilities generated from any tax losses of Development U.S. and Development Canada resulting from their exploration and development activities.

2. The consolidated taxes as so adjusted will then be apportioned among the individual companies having taxable income. The cash difference between the adjusted consolidated tax liability and the actual consolidated tax liability will be remitted by Columbia to Development U.S. and Development Canada in proportion to their respective tax losses, if any, incurred in 1977 and 1978 for use in further exploration and development work.

3. In future years, when Development U.S. or Development Canada have net taxable income they, or either of them, may be entitled to tax credits as a result of the loss carry-back or carry-over provisions of section 122 of the Internal Revenue Code of 1954 in order to comply with the separate return limitations required by Rule (b)(6). To the extent that these companies receive tax benefits pursuant to paragraphs 1 or 2 above, such benefits will be applied to reduce any tax credits in future years to which either of these companies might otherwise be entitled under the separate return limitations of Rule 45(b)(6).

4. Subject to paragraph 3, in no event will the tax allocated to any subsidiary company of Columbia exceed the amount of tax of such company based upon the amount of tax thereupon computed as if such company has always filed its tax return on a separate return basis.

Under the proposals set forth above, the actual consolidated tax liabilities of the system will not change. What will change is the allocation of that tax among the members of the group so that any tax credits remitted to the exploration companies would be matched by an equal aggregate reduction in the tax liability of other members of the group having taxable income. Nevertheless, under the proposed method of allocation, the resulting tax allocation to each of the Columbia subsidiaries having taxable income, other than this Commission exceed the amount of tax of such company based upon the amount of tax thereupon computed as if such company has always filed its tax return on a separate return basis.

Declarants request permission to file charges for services by Columbia Gas System Service Corp. estimated at $5,300. Notice is further given that any interested person may, no later than March 1, 1978, 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 fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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 Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS, Secretary.

[FED Register, Vol. 43, No. 30—Monday, February 13, 1978]
NOTICES

5. The Applicant has no public shareholders.

6. The Applicant’s securities are not publicly traded.

In the absence of an exemption, Applicant would be required to file a report on Form 10-K for the fiscal year ended December 31, 1977, as required by the provisions of section 15(d). Applicant believes that the granting of the exemption would not be inconsistent with any public interest or the protection of any investors.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the Offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than February 27, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request and the issues of fact and law raised by the application which he desires to controvert.

At any time after that date, an order granting the application may be issued upon request or upon the Commission’s own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3927 Filed 2-10-78; 8:45 am]

5010-07

[Release No. 34-14440; File No. SR-DTC-78-1]

DEPOSITORY TRUST CO.

Self-Regulatory Organizations: Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1976) notice is hereby given that on January 11, 1978, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change involves enhancements to the Institutional Delivery (ID) System which would provide institutions with an additional day to acknowledge ID System transactions and broker-dealers with an additional day to submit trade data for processing by the ID System.

The purpose of the proposed rule change is to increase the number of transactions acknowledged in DTC’s Institutional Delivery (ID) System by extending the time for an institution to affirm an ID confirmation. The proposed rule change would provide institutions with an additional day to acknowledge ID transactions and broker-dealers with an additional day to submit trade data for processing by the ID System.

The proposed rule change would carry out the purposes of section 17A of the Securities Exchange Act of 1934 by increasing the number of transactions acknowledged in the ID System between broker-dealers and their institutional customers and thereby facilitating the prompt and accurate clearance and settlement of securities transactions.

In discussions with Participants utilizing the ID System, Participants request that DTC extend the time for an institution to affirm an ID confirmation so that the number of transactions acknowledged could be increased.

All Participants have been notified of the proposed rule change by the DTC Important Notice attached as Exhibit 2 to DTC’s filing on Form 19b-4A, File No. SR-DTC-78-1.

DTC perceives no burden on competition by reason of the proposed rule change.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW, Washington, D.C. Copies

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
NOTICES

Notification of [Decision] Final Disposition of Complaint

Sec. 19 [Both t] The Complainant, [and] the Respondent, and the member of the Association with whom the Respondent is presently an associated person (as defined in Article I, Section 3(f) of the By-Laws of the Corporation) shall be promptly notified of, and be sent a copy of, any written decision rendered by the Board of Governors under Sections 16, 17 or 18 hereof or by a District Business Conduct Committee under Sections 11, 12 or 13 hereof if said decision is the final disposition by the Association of the complaint against Respondent. The member of the Association with whom the Respondent is presently an associated person shall be promptly notified of any application for review to the Securities and Exchange Commission made by the Respondent pursuant to Section 20 hereof and Section 19(d) of the Securities Exchange Act of 1934.

NASD's Statement of Purpose of Proposed Rule Change

The proposed amendments to Sections 6 and 19 of the Association's Code of Procedure for Handling Trade Practice Complaints result from the belief of the Association's Board of Governors that under current procedures, an employer-member is not formally advised of a complaint filed against an associated person by one of the Association's District Business Conduct Committees. In particular, this has been a problem where the associated person has changed employers after the alleged transgression but before a formal complaint has been filed since there would then be no practical way in which the new employer would have actual or constructive knowledge of the pending action. Neither the associated person's Form U-4 (Uniform Agent Application Form) nor activities of the Association's examining staff would signal any potential problems at that point in time. The Board of Governors feels that an employer-member has the duty to adequately supervise its associated persons and, therefore, should be advised of pending actions so that it might adjust its supervision accordingly.

Also, the Board is concerned that its procedures faithfully comply with the statutory mandate to be fair to those accused of violating the Association's rules. While the Board recognizes the decision to terminate an employment relationship is normally between the employer and the associated person, it believes that until a matter has been properly adjudicated and becomes final, allegations in a complaint should not in any way affect the continuation of the employment relationship. Rather, depending on the nature and seriousness of the charge, the employer may in fact increase his supervision of that particular associated person on an appropriate manner. The Board also believes it is not fair to the associated person nor his employer to advise an employer of a complaint without advising him of its final disposition.

The proposed amendments will specifically accomplish the following:

Section 6

This proposed amendment will require a District Business Conduct Committee issuing a disciplinary complaint to provide a copy of that complaint to the member of the Association with whom the respondent presently is an associated person. The purpose of the proposed amendment is to provide members with notice of pending actions against associated persons so that they might properly adjust their supervision where appropriate.

Section 19

This proposed amendment will add language which will advise a member of the final disposition of a complaint brought against an associated person. The purpose of this amendment is to protect the rights of the associated person by allowing the member to have knowledge of charges which are dismissed or reduced and to further assist the member in his ability to adjust his supervision according to the nature and seriousness of the findings.

NASD's Statement of Basis Under the Act for Proposed Rule Change

Section 15A(b)(8) provides that the rules of a registered securities association be "designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade * * * and, in general, to protect investors and the public interest.* * *" Section 15A(b)(8) provides that the rules of a registered securities association "provide a fair procedure for the disciplining of * * * persons associated with members * * *." Pursuant to these statutory directives, the Association has adopted Section 27 of its Rules of Fair Practice which imposes upon members extensive responsibilities in the area of supervision of associated persons and a Code of Procedure for Handling Trade Practice

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
Complaints which provides a comprehensive and fair procedure for the disciplining of members and persons associated with members.

**NASD's Statement as to Comments Received from Members, Participants or Others on the Proposed Rule Change**

Considering the complexity of the issues and serious nature of the personal and public policy factors involved, the Board determined to transmit a Notice to Members requesting comments from members and associated persons on a proposed amendment to Section 6 of the Association's Code of Procedure for handling Trade Practice Complaints.

Nineteen comment letters were received of which eleven supported the proposal in its entirety, three supported the proposal as providing for more extensive notification of employers, one supported the proposal in part believing that privacy rights were protected, two supported the objective of the proposal but proposed a different method of attaining the objective; one posed certain problems regarding NTSE Rule 351 and questioned whether the responsibility of an employer to supervise more closely should be increased, and one was totally opposed to the proposal as violating due process and proper judicial type procedures.

Based on the comments received, the proposed amendment to Section 6 was modified by making it clear that all associated persons would fall within its scope and new amendments to Section 19 were proposed which would provide members with information about the final disposition of complaints involving associated persons.

**NOTICES**

**Federal Register, VOL. 43, NO. 30—Monday, February 13, 1978**

**U.S.C. 78b(d)(1), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on January 30, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed amendment of a proposed rule change, designated as Amendment No. 1 to File No. SR-NYSE-77-24, as follows:**

**Statement of the Terms of Substance of an Amendment to Proposed Rule Change**

The instant amendment supplements a proposed rule change (File No. SR-NYSE-77-24) which the New York Stock Exchange, Inc. ("NYSE") filed with the Commission on August 26, 1977. Notice of the original proposal, including a statement of terms of substance, was published for public comment on September 9, 1977 (42 FR 45401) (Release No. 34-13919 (September 7, 1977)).

The August 26, 1977, submission proposed new Rule 103A to provide a non-disciplinary mechanism whereby the NYSE's Market Performance Committee ("MPC") could cancel a member's listing or suspension of its listing for one or more issues and commence a proceeding to reallocate any such issue, after provision of notice and opportunity for a hearing to the affected member. Paragraph .10 of proposed Rule 103A stipulates minimum standards of acceptable specialist performance which are defined by reference to scores achieved on the NYSE's quarterly evaluation of specialists by means of its Specialist Performance Evaluation Questionnaire ("SPEQ"). Failure to meet any of these minimum performance criteria could trigger action by the MPC under proposed NYSE Rule 103A.

**Amendment No. 1 to File No. SR-NYSE-77-24 does not contain any modification of the text of proposed NYSE Rule 103A. Rather, the Exchange has supplemented its earlier responses in Form 19b-4A to the following areas respecting its proposed rule: purpose, statutory basis, comments received, and burden on competition.**

**Summary of the NYSE's Amended Statement of Purpose of the Proposed Rule Change**

The NYSE clarifies how the contemplated procedure under Rule 103A would operate as a non-disciplinary mechanism to effect the eventual reallocation of specialty stocks grounded upon a finding of substandard specialist performance. To accomplish this, NYSE details the following: (1) the content and computation of performance ratings from the SPEQ; (2) selection of participants for the quarterly surveys; (3) staff procedures for reviewing completed SPEQ's, communicating SPEQ scores to specialists and

---

1 In respect to the suggestion that the proposal be strengthened by utilizing Form U-4 and a series of letters advising the associated person of his responsibility to update that from in regard to related questions, the Board indicated that it was in favor of the proposal but would also provide for even more extensive notification of employers, one supported the proposal in part believing that privacy rights were protected, two supported the objective of the proposal but proposed a different method of attaining the objective; one posed certain problems regarding NTSE Rule 351 and questioned whether the responsibility of an employer to supervise more closely should be increased, and one was totally opposed to the proposal as violating due process and proper judicial type procedures.

Based on the comments received, the proposed amendment to Section 6 was modified by making it clear that all associated persons would fall within its scope and new amendments to Section 19 were proposed which would provide members with information about the final disposition of complaints involving associated persons.

**Statement of the Terms of Substance of an Amendment to Proposed Rule Change**

The instant amendment supplements a proposed rule change (File No. SR-NYSE-77-24) which the New York Stock Exchange, Inc. ("NYSE") filed with the Commission on August 26, 1977. Notice of the original proposal, including a statement of terms of substance, was published for public comment on September 9, 1977 (42 FR 45401) (Release No. 34-13919 (September 7, 1977)).

The August 26, 1977, submission proposed new Rule 103A to provide a non-disciplinary mechanism whereby the NYSE's Market Performance Committee ("MPC") could cancel a member's listing or suspension of its listing for one or more issues and commence a proceeding to reallocate any such issue, after provision of notice and opportunity for a hearing to the affected member. Paragraph .10 of proposed Rule 103A stipulates minimum standards of acceptable specialist performance which are defined by reference to scores achieved on the NYSE's quarterly evaluation of specialists by means of its Specialist Performance Evaluation Questionnaire ("SPEQ"). Failure to meet any of these minimum performance criteria could trigger action by the MPC under proposed NYSE Rule 103A.

**Amendment No. 1 to File No. SR-NYSE-77-24 does not contain any modification of the text of proposed NYSE Rule 103A. Rather, the Exchange has supplemented its earlier responses in Form 19b-4A to the following areas respecting its proposed rule: purpose, statutory basis, comments received, and burden on competition.**

**Summary of the NYSE's Amended Statement of Purpose of the Proposed Rule Change**

The NYSE clarifies how the contemplated procedure under Rule 103A would operate as a non-disciplinary mechanism to effect the eventual reallocation of specialty stocks grounded upon a finding of substandard specialist performance. To accomplish this, NYSE details the following: (1) the content and computation of performance ratings from the SPEQ; (2) selection of participants for the quarterly surveys; (3) staff procedures for reviewing completed SPEQ's, communicating SPEQ scores to specialists and
meeting with specialists whose performance is deemed to require improve­
ment by virtue of substandard scores; hence­
mance is deemed to require improve­
ment with specialists whose perfor­
ance due in part to the constantly

(1) the process for selecting indi­
vidual securities as to which a proceed­
ing under proposed Rule 103A might be initiated. In addition, the NYSE re­
iterates that a specialist whose stock may be put up for reallocation subse­
quently to a proceeding under the pro­
posed rule would not be prohibited from reapplying for assignment of such an issue through the NYSE's stock allocation procedure or from reg­
istering to act as a competing specialist in the issue.

BASIS UNDER THE ACT FOR PROPOSED
RULE CHANGE

Proposed new Rules 103A and
103A.10 will provide a method for the Exchange to renew the competition for registration in a stock through reallocation procedures and provide a means for the Exchange to improve the quality of its marketplace and, thus, to remain competitive with other market centers. The rules represent the culmination of years of effort, study and experience in developing a fair and acceptable method of upgrad­ing market quality through perfor­

measures of market characterization
for many years as an aid in monitoring market activity. However, no purely statistically generated number can accu­rately measure specialist performance due in part to the constantly changing character of the marketplace. Experience has shown that the best measure of specialist performance is the evaluation by their “customers”. Moreover, the SPEQ is far from being a “popularity poll” as the expe­
riences illustrate. This is supported by the fact that SPEQ results for specialist organizations have proven to be very consistent from quarter to quarter, when a spe­
cialist organization changes its floor location so that an entirely new mix of floor brokers complete the SPEQ; and when special questionnaires are con­ducted of a particular specialist orga­nization by the 40 or 50 largest com­mission firms on the NYSE. In the latter regard, the grades a specialist organization achieves when a special questionnaire of the 40 or 50 largest firms is conducted are very consistent with the SPEQ grades the organization achieved on a regular, quarterly

With regard to the concern ex­
pressed that specialists might be evalu­ated by their competitors, experience with the SPEQ has not shown that this is a problem. Had this com­petitive aspect been a problem, the SPEQ grades of specialist organiza­tions offering larger commission dis­
counts, either floor brokerage or retail, should have been impacted. This, however, is statistically without basis.

BURDEN ON COMPETITION

The proposed rule change does not impose any burden on competition. On the contrary, it provides a procedure to renew the competition for a stock through reallocation, and it provides a procedure whereby the Exchange may maintain and improve the quality of its marketplace and thus remain com­petitive with other market centers.

On or before March 20, 1978, or
within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve the amended proposed rule change, or
(B) Institute proceedings to deter­mine whether the amended proposal should be disapproved.

Interested persons are invited to submit written data, views and argu­ments concerning the foregoing. Per­sons desiring to make written submis­sions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1501 Pennsylvania Ave. Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-men­tioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 6, 1978.

For the Commission by the Division of Market Regulation, pursuant to dele­gated authority.

GEORGE A. FITZSIMMONS,
Secretary.


[FR Doc. 78-3919 Filed 2-10-78; 8:45 am]

[8010-01]

(Release No. 34-14437; File No. SR-NYSE-
78-21)

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule
Change

1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

New York Stock Exchange's ("NYSE") Statement of the Terms of Substance of the Proposed Rule Change

The rule provides for a transfer and leasing fee of $1,000 or five percent of the purchase price or the price of the most recent contracted membership sale (as applicable), whichever is greater, up to a maximum amount of $5,000. The text of the rule is attached as Exhibit I-A.

Purpose of Proposed Rule Change

The purpose of the rule change is to reduce the current transfer fee charged new members who acquire an equity membership through purchase or transfer of a membership in view of the current market price of such membership; adopt a fee for a new member who leases a membership; and provide for a uniform fee for all purchases, transfers, or leases so that any disparity in fees would not serve as an inducement for acquiring any one particular means of membership. The proposed fee is $1,000 or five percent of the purchase price or the price of the most recent contracted membership sale (as applicable), whichever is greater, up to a maximum amount of $5,000.

Basis Under the Act

The basis under the Act for the proposed rule change is section 6(b)(2) and section 6(b)(4).

(i) Is inapplicable.

(ii) The reduction of transfer fees will enhance the ability of any registered broker or dealer or natural person associated therewith to become a member.

(iii) Is inapplicable.

(iv) The fee will apply equally to all members having an equity interest in the Exchange and lessees of such equity members.

(v) Is inapplicable.

(vi) Is inapplicable.

(vii) Is inapplicable.

(viii) Is inapplicable.

Comments Received From Members, Participants, or Others

No comments were solicited or received with respect to the subject rule change.

Burden on Competition

None.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 6, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS, Secretary.


Exhibit I-A


Rule 301.27 as amended

Proposed Transfer or Lease of Membership

...27 Payments to be made on day of approval of transfer or lease and payments to be made prior to admission to membership.—On the day on which the application of a member to transfer a membership described in Section 1(a) of Article IX of the Constitution is scheduled to be considered, the proposed member (hereinafter referred to as a "new member") must deposit with the Exchange the balance of the purchase price of his membership, [an initiation fee of $7,500 to the Exchange (Art. IX, Sec. 4 ¶ 1404)] and pay to the Exchange an initial contribution to the Gratitude Fund of $15 (Art. XVI, Sec. 1 ¶ 1781), [and the unexpired portion of the transferor's dues for the current quarter (Art. X, Sec. 4 ¶ 1454)], and an initiation fee for the transfer of such membership which shall be determined as follows, notwithstanding the provisions of Section 6 of Article IX:

(i) in the event that the new member shall have purchased such membership through a membership auction facility furnished by the Exchange the initiation fee for the transfer of the membership shall be the greater of $1,000 or five percent of the purchase price paid for the membership, up to a maximum amount of $5,000;

(ii) in the event that:

(a) a member (hereinafter referred to as "outgoing member") whose membership shall be transferred to a new member shall have had a contractual obligation to transfer the membership to such person as may be designated by a member organization of which the outgoing member then shall be either a partner or an officer therein, (b) said contractual obligation shall have been entered into at the same time as the outgoing membership shall have acquired said membership, and

(iii) the Exchange at the time said contractual obligation shall have been entered into shall have in writing approved or consented to the entering into of said obligation, and

(iv) the membership of the outgoing member shall in satisfaction of such obligation be transferred to the new member pursuant to such a designation, and the new members shall have substantially the same relationship to and financial interest in the member organization as the outgoing member had, and

(v) the new member shall have a contractual obligation to the same member organization to transfer the membership of the new member to such person as may be designated by the member organization, which obligation shall be upon substantially the same terms and conditions of said contractual obligation of the outgoing member to the member organization.

then the initiation fee for the transfer of the membership shall be the greater of (i) or (ii).

On the day on which an application for a membership described in Section 2 of Article IX of the Constitution is scheduled to be considered, the proposed member shall pay to the Exchange an initiation fee for the leasing of a membership described in Section 1(a) of Article IX which shall be the...
greater of $1,000 or five percent of the purchase price at which the most recent contracted sale of a membership occurred through the auction facility prior to the date on which notice of such new member is posted, up to a maximum amount of $5,000, and the unexpired portion of the lessee's dues for the then current quarter, provided, however, that no initiation fee shall be required upon the renewal of a lease agreement between the lessor and the lessee. Upon the termination of the lease agreement, the lessor shall pay the lessee the unexpired portion of the dues for the then current quarter.

[FOR Docket 78-3924 Filed 2-10-78; 8:45 am]

[SHEARSON APPRECIATION FUND, INC. AND THE SHEARSON CAPITAL FUND, INC.

Filing of Application To Exempt a Proposed Merger

FEBRUARY 1, 1978.

Notice is hereby given that The Shearson Appreciation Fund, Inc. ("Appreciation"), and The Shearson Capital Fund, Inc. ("Capital") (collectively, "Applicants"), 505 Park Avenue, New York, N.Y. 10022, both open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), filed an application on October 17, 1977, and amendments thereto on December 19, 1977, and on January 23, 1978, for an order, pursuant to section 17(b) of the act, exempting from the provisions of section 17(a) of the act a proposed merger of Capital into Appreciation, pursuant to section 17(d) of the act and Rule 17d-1 thereunder, permitting Shearson Management Inc., ("Management"), to pay certain expenses incurred by Applicants in the proposed merger. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants represent that, on September 30, 1977, the total net assets of Appreciation were $8,437,927, and those of Capital were $1,485,593. They state that the Applicants both have long-term capital appreciation as their investment objective, and that they generally invest in similar types of securities.

Applicants state that they have the same investment adviser, Management which is wholly-owned by Shearson Hayden Stone, Inc., which may be used by Applicants as a broker. Applicants further state that they have the same directors and officers, and that three of those officers are officers or directors of Management and two of Applicants' officers are also officers of Shearson Hayden Stone, Inc.

Capital proposes to merge into Appreciation, with Appreciation to be the surviving fund. As the effective date of such merger, the outstanding shares of Capital's outstanding common stock will be sold immediately after the close of business on the day next preceding the effective date of the merger. Applicants do not anticipate that any of Capital's stock will be purchased without a sales charge, a sales charge of 8.5 percent is applicable to single purchases of less than 10,000 Appreciation shares, and that such 8.5 percent sales charge would apply for all single purchases of less than 10,000 shares of the surviving fund. No adjustments to the net asset value of either Applicants' shares will be made to compensate for any potential Federal income tax impact on the stockholders of Capital or Appreciation which might result from differences in each Applicants' present capital loss carryovers because, Applicants assert, utilization of such carryovers is contingent on the future uncertainty of capital gains. Shearson and Capital have tax loss carry forwards of approximately $762,000 and Capital has a net unrealized appreciation of $126,000.

Applicants represent that the merger is subject to several contingencies, including approval by the shareholders of both Applicants, the receipt of all necessary orders and approvals under the Act and under the securities laws generally, and the receipt of opinion of counsel that the transaction will constitute a tax-free reorganization. Dissenting shareholders of the Applicants will have appraisal rights in connection with the merger but they will have the right to have their shares redeemed at current net asset value in accordance with the act.

Applicants state that Management receives fees for its services from the Applicants at an annual rate of 1/4 of 1 percent of the first $200 million of each Applicant's average daily net assets, except that (1) if the management fee and associated expenses (exclusive of brokerage commissions, interest and taxes) exceed 1.5 percent of the first $30 million of each Applicant's average daily net assets (or 1/4 of such assets in excess of $30 million) the management fee shall be reduced by such excess, and (2) if all such other expenses (exclusive of brokerage commissions, interest, taxes and extraordinary expenses) exceed 2 percent of each Applicant's average daily net assets, such excess expenses shall be borne absolutely by Management, even if such expenses exceed Management's fee during any given fiscal year.

The application states that for its fiscal year ended March 31, 1977, the ratio of Capital's expenses to net assets would have been 2.2 percent; but that, since by contract the management fee must be reduced by the amount by which it brings the expense ratio over 1.5 percent, Management returned its total fee of $9,473 which resulted in an actual expense ratio of 1.7 percent after reimbursement.

[FR Doc. 78-3924 Filed 2-10-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978

NOTICES
cants estimate that, in the event that Applicants merge, the expense ratio (excluding non-recurring merger costs) for the surviving fund would decrease to about 1.3 percent, which was the level experienced by Appreciation during 1976. Applicants observe that Management's income may be increased as a result of the merger because the surviving fund's expense ratio is not expected to exceed 1.5 percent, and that, although Management received no fee from Capital during the fiscal year ending March 31, 1977, it would have received additional fees of $8,473 if the merger had been effective during that year.

Applicants represent that they have agreed with Management that the $40,000 estimated total expense of the merger will be borne as follows: Appreciation will pay the estimated costs of its annual meeting had the merger not been considered, and directors fees for meetings dealing with the merger (approximately $5,300); Capital will pay an amount computed on the same basis (approximately $1,700); and Management will pay the remaining costs up to a maximum of $20,000. They state that the estimated $13,000 of costs in excess of that total will be borne by Capital because, they assert, Capital derives the most benefit as between the two funds.

Section 17(a) of the Act provides, in part, that "it is unlawful for an affiliated person of a registered investment company, or any affiliated person of such a person, knowingly to sell to such registered investment company any security or other property. Section 2(a)(3) of the Act provides, in part, that "an affiliated person of another person means any person directly or indirectly controlling, controlled by, or under common control with, such other person, or an officer or director of such person or a substantial shareholder of such person." Federal Regulations promulgated under the Act have construed "common control" to mean control, joint control, or significant influence over the policies of a person. Thus, a person would be considered affiliated with another if common control exists over their policies. Managers or agents of either person are considered "affiliated persons" of both. The statement from the applicants that the merger will be "consistent with the policies of the Applicants and the general purposes of the act." implies that the merger is consistent with the policies and purposes of the Act of 1940. Section 17(d) of the Act and rule 17d-1 thereunder prohibit, in part, any affiliated person of a registered investment company, as a person, through its position or influence, to affect any transaction in which such investment company is a joint participant, unless an application has been filed with the Commission and has been granted by order. In passing upon such applications, the Commission will consider whether the participation of such registered company in such arrangement, on the basis proposed, is consistent with the provisions of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants. Applicants have requested an order pursuant to Section 17(b) of the Act and Rule 17d-1 thereunder to permit Management to pay certain of the expenses incurred by Applicants in the proposed merger. Applicants and Management submit that the cost-sharing arrangements, telephone and other expenses and the fair to the parties and are the result of negotiations between the non-interested directors of each Applicant and Management, after taking into account the relative benefits to each Party.

Notice is further given that any interested person may, not later than February 24, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter. Any such request should be addressed to the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS, Secretary.

[FR Doc. 78-39221 Filed 2-10-78; 8:45 am]

[8010-01]

SOUTHWESTERN ELECTRIC POWER CO.

Proposed Modification of Existing Credit Agreement Between Bank and Utility Company

FEBRUARY 6, 1978.

Notice is hereby given that Southwestern Electric Power Co. ("SWECO"), P.O. Box 21106, Shreveport, Louisiana 71156, and electric utility subsidiary of Central and South West Corp. ("CSW"), a registered holding company, has filed a post-effectual amendment to its declaration as amended, previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ('“Act") designating sections 6 and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, as further amended by said post-effectual amendment, which is summarized below, for a complete statement of the proposed transaction. By Commission order dated August 9, 1977 (HCAR No. 20135), SWECO was authorized to enter into a Credit Agreement (the "Agreement") with Bank of America National Trust & Savings Association (the "Bank") in essence establishing an acceptance line of credit ("acceptance credit") for SWECO with the Bank to provide a source for financing SWECO's periodic acquisition of coal for its Welsh Power Plant pending the collection of revenues from customers reimbursing SWECO for the cost of the coal and certain transportation charges. The acceptance credit was made available in a maximum amount of $5,000,000 and the Agreement also extended to SWECO an "advance credit" in a maximum amount of $500,000 to permit it to borrow the amount of the
NOTICES

Bank's discount and commission. In any event, the maximum aggregate principal amount outstanding of the two credits was not to exceed $8,000,000.

SWEPCO has now filed a post-effective amendment in this proceeding seeking authorization to effect certain changes in the Agreement. SW

SWEPCO has now filed a post-effective amendment in this proceeding seeking authorization to effect certain changes in the Agreement. SWEPCO proposes to: (a) increase the amount of lines of credit available to finance coal and transportation and storage costs for its Flint Creek Power Plant as well as for its Welsh Power Plant; and (d) to change the date to which drafts will be accepted by the Bank from June 1, 1978, to December 31, 1978. SWEPCO further proposes to amend the Agreement to permit it to finance the cost of coal inventory initially purchased by it for cash without utilizing the line of credit under the Agreement, provided that the total loan obligation under the amended Agreement do not exceed $15,000,000 and to enable it to, in effect, extend the due date of any loan under the Agreement so long as the total loan obligation for any single coal purchase invoice is not outstanding for longer than 270 days. SWEPCO states that, other than as set out above, no substantive change will be made in the terms of the Agreement.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $5,500. It is stated that the Arkansas Public Service Commission has jurisdiction with respect to the creation of a security interest in coal at the Flint Creek Power Plant. It is further stated that no other state commission and no federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction.

Notice is further given that any interested person may, not later than March 3, 1978, 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 fact or law raised by said declaration, as amended by said post-effective amendment, 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. A copy of such request should be served personally or by registered or certified mail, return receipt requested, at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment, or as it may be further amend-
ed, may be permitted to become effective as provided in Rule 23 of the General Rules of Regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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 post amend-

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 78-3916 Filed 2-10-78; 8:45 am] 8[010-01]

TIGER OIL INTERNATIONAL, INC.
Suspension of Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Tiger Oil International, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors:

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 11:15 a.m. (EST) on February 3, 1978, through February 12, 1978.

By the Commission.

George A. Fitzsimmons,
Secretary.

[F R Doc. 78-3917 Filed 2-10-78; 8:45 am]

[9410-59]

DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
(Docket No. EX76-1; Notice 3)

JET INDUSTRIES, INC.
Petition for Temporary Exemption From Motor Vehicle Safety Standards

Jet Industries, Inc., of Austin, Tex., has applied for a 2-year extension of NHTSA Exemption No. 78-1, from compliance with certain safety standards on the basis that exemption would facilitate the development and field evaluation of a low-emission motor vehicle. The previous exemption (41 FR 7545 expiring on January 1, 1978.

Since 1975 Jet has imported the Subaru 360 van, manufactured by Fuji Heavy Industries of Japan. The vehicle is not marketed in the United States and therefore is not certified as conforming to the Federal motor vehicle safety standards. Upon arrival in the United States these vehicles have had their gasoline-powered engines replaced with electric motors substituted. Thus far 56 vehicles have been sold under the existing exemption. The following is a list of Federal standards or portions thereof for which continued exemption is requested:

No. 101 Control Location, Identification, and Illumination. Section 4.3—Control identification for headlamps, hazard warning, and windshield wiper switches will not be directly illuminated; ambient light is provided by light from adjoining gauges.

No. 103 Windshield Defroasting and Defogging Systems. Vehicle is furnished with systems but petitioner is unsure of performance requirements and test data. Field experience in British Columbia and Connecticut indicates that the "system provides ice and fog free windshields within the limits of the existing standards".

No. 104 Windshield Wiping and Washing Systems. Wiping system has one speed only, with a frequency of 50 cycles per minute.

No. 108 Lamps, Reflective Devices, and Associated Equipment. Petitioner believes that stop, tail, turn signal, and side marker lamps are not of a size required by the standard.

No. 206 Door Locks and Door Retention Components. "Only limited tests as prescribed have been made at the time."

The company seeks no extension of its exemption from Standard Nos. 119 and 207 as compliance has been achieved.

Jet has been selected by the former Energy Research and Development Administration to participate in the Department of Energy's electric and hybrid vehicle development program and will incorporate the knowledge gained from its recent research and experience in developing and supplying the vehicles under this grant.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for temporary exemption by Jet Industries. Comments should refer to the docket number and be submitted to: Docket
NOTICES 6193

Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted. All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Issued on February 2, 1978.

ELWOOD T. DRIVER,
Acting Associate Administrator
for Rulemaking.

[FR Doc. 78-3950 Filed 2-10-78; 8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

February 8, 1978.

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 106674 (Sub-No. 226), Schilli Motor Lines, Inc., is assigned for continued hearing on March 20, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 119677 (Sub-No. 382), Robertson Tank Lines, Inc., is assigned for continued hearing on April 11, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 121496 (Sub-No. 3), Cango Corp., is now assigned for continued hearing on April 11, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 128270 (Sub-No. 27), Rediehs Interstate, Inc., now assigned February 15, 1978, at Dallas, Tex., is canceled and application dismissed.

MC 113855 (Sub-No. 376), International Transport Inc., now assigned February 22, 1978, at Omaha, Nebr., is canceled and application dismissed.

MC 142766 (Sub-No. 7), White Tiger Transportation, Inc., now assigned February 7, 1978, is canceled and transferred to modified hearing.

MC 87909 (Sub-No. 27), Arrow Motor Freight Lines, Inc., now assigned March 8, 1978, at Chicago, Ill., is canceled and application dismissed.

MC 67121 (Sub-No. 7), Harp Transportation Line, now assigned February 22, 1978, at Denver, Colo., is postponed indefinitely.


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

(FR Doc. 78-3948 Filed 2-10-78; 8:45 am)

FOURTH SECTION APPLICATIONS FOR RELIEF

February 8, 1978.

These applications for long-and short-haul relief have been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43501, Erie Western Railway Co. No. 2, rates on grain, from stations on its line in Indiana, and Chicago, Ill., to Chicago, Ill., and Decatur, Ind., in its tariff 6, ICC 6, to become effective March 7, 1978. Grounds for relief—carrier competition.

FSA No. 43502, Southwestern Freight Bureau, Agent's No. B-728, rates on carbonic acid (pheno1), from Allemannia, La., and points in Texas, to Marietta, Ohio, in supers. 406 and 322 to its tariffs 38-D and 355-C, ICC 5044 and 5062, respectively, to become effective March 8, 1978. Grounds for relief—market competition.

By the Commission.

H. G. HOMME, Jr.
Acting Secretary.

(FR Doc. 78-3947 Filed 2-10-78; 8:45 am)

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representatives, or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77320, filed September 26, 1977. Transferee: CHIBNEY DISTRIBUTORS, INC., 300 Old Indian Head Road, Kings Park, N.Y. 11754. Transferor: Muhlenhaupt Movers, Inc., P.O. Box 238, Northport, N.Y. 11768. Applicant's representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, N.Y. 11743. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 110071 (Sub-No. 1), issued May 4, 1964, as follows: Household goods between points in Suffolk County, N.Y., on the one hand, and, on the other, points in New York, Connecticut, Maine, New Jersey, Pennsylvania, Maryland, Delaware, Rhode Island, Vermont, New Hampshire and District of Columbia. Transferee presently operates as a carrier under Certificate No. MC 124904 (Sub-Nos. 1, 2, & 5). Transferee does not seek section 210a(b) temporary authority.

H. G. HOMME, Jr.
Acting Secretary.

(FR Doc. 78-3944 Filed 2-10-78; 8:45 am)
NOTICES

ENVIRONMENTAL IMPACTS AND REASONABLE ALTERNATIVES

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

(FR Doc. 78-3946 Filed 2-10-78; 8:45 am)

PASSENGER FARES—ROCKLAND COACHES, INC.

[Investigation Docket No. 36775]

PASSENGER FARES—MANHATTAN TRANSIT CO.

[Investigation Docket No. 36775]

PASSENGER FARES—HUDSON TRANSIT LINES


The Interstate Commerce Commission hereby gives notice that its section of Energy and Environment has concluded that the proposed intercity commuter bus passenger fare increases between New York, N.Y., and adjacent counties in northern New Jersey and New York, if approved by the Commerce Commission, Office of Proceedings, Washington, D.C. 20423, on or before February 28, 1978. As proposed actions, both individually and cumulatively, would be minimal and, based on past experience, only temporarily in duration. If diversion occurs, the environment will be negligibly impacted. The actions, however, are contrary to the policies and plans of state and local officials which call for the expanded use of bus transportation to New York City. This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 28, 1978. It should be emphasized that the environmental threshold assessment survey represented a review of the environmental issues in the proceedings and does not purport to resolve the issue of whether the involved fare increases are just and reasonable. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to: Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-77-1, filed: November 2, 1977. Applicant: HELEN MAY POLK, d.b.a. POLK'S CONSIGNMENT PARCEL SERVICE, 24 South Main, Willits, Calif. 95490.

B-77-7, filed: November 1, 1977. Applicant: BEKINS MOVING & STOR-AGE CO., a California corporation, 777 Flower Street, Glendale, Calif. 91201. Applicant representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015. “Restriction: Initiation of operations subject to applicant's requesting negotiation of compromise cancellation of all property operations in excess of household goods outstanding in licenses MC 12081 and Sub No. 4.”


B-78-6, filed: January 23, 1978. Applicant: ROBCO TRANSPORTATION, INC., d.b.a. REGULATED TRANSPORTATION BROKERS, 4333 Park Avenue, Des Moines, Iowa 50265. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55344.

By the Commission.

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

(FR Doc. 78-3945 Filed 2-10-78; 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

Items
Civil Aeronautics Board 18, 16, 17
Consumer Product Safety Commission 1
Commodity Futures Trading Commission 2, 3
Federal Deposit Insurance Corporation 13, 14
Federal Energy Regulatory Commission 4
Federal Home Loan Bank Board 5
Federal Reserve System 6
Inter-American Foundation 7
Nuclear Regulatory Commission 8, 9
Occupational Safety and Health Review Commission 10
Securities and Exchange Commission 11, 12

6351-01

1 CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: February 16, 1978, 10 a.m.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the Public.

Matters to be considered:
- Carcinogenic Hazard Program: The special task force on CPSC's carcinogenic hazard program will brief the Commission.

FOR ADDITIONAL INFORMATION:
Sheldon D. Butts, Assistant Secretary, Office of the Secretary, 1111 18th Street NW., Washington, D.C. 20207, Suite 500, Telephone 202-634-7700.

[6351-01]

2 COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 a.m. February 14, 1978.


STATUS: Closed.

Matters to be considered:
- Enforcement matter regarding delivery positions.

CONTACT PERSON FOR MORE INFORMATION:
Jane Stuckey, 254-6314.

[8-322-78 Filed 2-9-78; 8:35 am]

[6351-01] 3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m. February 14, 1978.

PLACE: 2033 K Street, Washington, D.C. 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:
- 25% Liquidation Rule.
- Review of March Commission Calendar.

CONTACT PERSON FOR MORE INFORMATION:
Jane Stuckey 254-6314.

[8-323-78 Filed 2-9-78; 9:35 am]

[6740-02]

4 FEDERAL ENERGY REGULATORY COMMISSION.


PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 8, 1978, 10 a.m., continued February 9, 1978, 10 a.m.

CHANGE IN MEETING: "Pending Civil Litigation" has been added. This portion of the meeting will be closed.

KENNETH F. PLUM, Secretary.

[6-331-78 Filed 2-9-78; 2:22 pm]

[6720-01] 5

FEDERAL HOME LOAN BANK BOARD


PLACE: 1700 G Street, NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

[6210-01] 6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.


CHANGES IN THE MEETING:
- The open meeting on Monday, February 13, 1978 has been cancelled.

The open items have been rescheduled for 10 a.m., Wednesday, February 15, 1978. The closed items, previously announced for Wednesday, will be considered at the conclusion of the open discussion.

In addition to the open items, previously announced, the Board will also consider: Proposed guide to conduct for directors of Federal Reserve Banks and regulation to be issued, pursuant to 18
U.S.C. 208, regarding specific actions by such directors. This matter was originally announced for a meeting on February 6, 1978.

CONTACT PERSON FOR MORE INFORMATION:
Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3304.

THEODORE ALLISON, Secretary of the Board.
FEBRUARY 9, 1978.
[S-332-78 Filed 2-9-78; 2:22 pm]

[7025-01] 7

INTER-AMERICAN FOUNDATION.
TIME AND DATE: 6:30 p.m.-10 p.m.
PLACE: Board Room, Inter-American Foundation, 1515 Wilson Boulevard, Rosslyn, Va. 22209.
STATUS: Open.

MATTERS TO BE CONSIDERED: (1) 1978 Learning Process; (2) Appropriations Committee submission; (3) Orientation of New Board Members.

CONTACT PERSON FOR MORE INFORMATION:
Helen S. May, 841-3810.
[S-326-78 Filed 2-9-78; 9:35 am]

[7590-01] 8

NUCLEAR REGULATORY COMMISSION.
TIME AND DATE: Cancellations.
PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.
STATUS: Open/Closed.

MATTERS TO BE CONSIDERED: (1) Chairman Williams and Commissioner Loomis, Evans, Pollack, and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

[S-329-78 Filed 2-9-78; 2:22 pm]

[8010-01] 12

SECURITIES AND EXCHANGE COMMISSION.
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be printed.
PREVIOUSLY ANNOUNCED TIME AND DATE: Wednesday, February 8, 1977, 10 a.m.
STATUS: Closed Meeting.
PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING: The following item will not be considered by the Commission at the closed meeting on February 8, 1977, at 10 a.m.: Regulatory matters arising from or bearing enforcement implications.

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

[S-330-78 Filed 2-9-78; 2:22 pm]

[6714-01] 13

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.
TIME AND DATE: 2:30 p.m., February 16, 1978.
PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.
STATUS: Open.

MATTERS TO BE CONSIDERED:

SUNSHINE ACT MEETINGS

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.
STATUS: Open.

MATTERS TO BE CONSIDERED: Wednesday, February 8: 2:30 p.m. Discussion of FOIA appeals for EICSB (McTieman). Report and certain OGC documents. By unanimous vote on February 8, 1978 the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.197(a) of the Commission's Rules that Commission business requires that this agenda item be held in open session on less than one week's notice to the public. The item had been announced as a closed meeting.

CONTACT PERSON FOR MORE INFORMATION:
Walter Magee, 202-634-1410.

WALTER MAGEE, Office of the Secretary.
[S-338-78 Filed 2-9-78; 11:36 am]

[7600-01] 10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.
TIME AND DATE: 10 a.m., February 17, 1978.
PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.
STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

Chairman Williams and Commissioner Loomis, Evans, Pollack, and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

[S-328-78 Filed 2-9-78; 9:35 am]

[8010-01] 11

SECURITIES AND EXCHANGE COMMISSION.
PREVIOUSLY ANNOUNCED TIME AND DATE: Wednesday, February 8, 1977, 10 a.m.
STATUS: Open meeting.
PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING: The following item will not be considered by the Commission at the open meeting on February 8, 1977, at 10 a.m.: Consideration of the issuance of a release which announces the withdrawal on a prospective basis of a prior interpretation concerning the term "single employer" used in section 3(a)(2) of the Securities Act of 1933, with respect to purposes of exemption from registration for interests in certain employee benefits plans.

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

[S-329-78 Filed 2-9-78; 2:22 pm]
DISPOSITION OF MINUTES OF PREVIOUS MEETINGS

APPLICATIONS FOR FEDERAL DEPOSIT INSURANCE

Community Bank of Marshall, a proposed new bank to be located at the northwest corner of West College and Miami Streets, Marshall Mo., for Federal deposit insurance, Torn and Country Bank, a proposed new bank to be located at 150 Harbin Drive, Stephenville, Tex., for Federal deposit insurance.

APPLICATIONS FOR CONSENT TO ESTABLISH BRANCHES

Mechanics and Farmers Savings Bank of Bridgeport, Bridgeport, Conn., for consent to establish a branch on the corner of Valley Drive and West Putnam Avenue, Greenwich, Conn.

Orange Savings Bank, Livingston, N.J., for consent to establish a branch at Route 57 and Allan Road (Mansfield Plaza Shopping Center), Mansfield Township, N.J.

Provident Savings Bank, Jersey City, N.J., for consent to establish a branch at Route 130 and Dutch Neck Road, East Windsor Township, N.J.

Request for an extension of time in which to establish a branch

The Arizona Bank, Phoenix, Ariz., for an extension of time to August 1, 1978 in which to establish a branch at Southern Avenue and Longmore Drive, Mesa, Ariz.

Recommendation regarding liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets

Case No. 43,384-1-Birmingham Bloomfield Bank, Birmingham, Mich.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities

Schall, Boudreau & Gore, San Francisco, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Fenske, Bronson & McKinnon, San Francisco, Calif., in connection with the liquidation of First State Bank of Northern California, San Leandro, Calif.

Hager, Fenske & Corron, Wilmington, Del., in connection with the liquidation of assets acquired from Farmers Bank of the State of Delaware, Dover, Del.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the receivership of American Bank & Trust Company, New York, N.Y.

McGreevy, Hays & Handler, New York, N.Y., in connection with the receivership of Franklin National Bank, New York, N.Y.

Talbott & Hyzna, Jersey, N.J., in connection with the liquidation of Franklin National Bank, New York, N.Y.

Squire, Sanders & Dempsey, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.


Recommendations with respect to the amendment of corporation rules and regulations

Memorandum and resolution recommending the publication for comment of a proposed amendment to Part 239 of the Corporation's rules and regulations, entitled "Interest on Deposits," to allow prearranged automatic transfers from savings accounts to checking accounts.

Memorandum and resolution recommending the publication for comment of a proposed new Part 344 of the corporation's rules and regulations, to be entitled "Reconciliation and Confirmation Requirements for Securities Transactions, Arizona.

Resolution creating a new standing committee of the Corporation, to be entitled the "Budget and Management Committee" Resolutions delegating authority with respect to the Corporation's Manning Table and its Budget of Administrative Expenses

Reports of committees and officers

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding his transmission of "no significant effect" comments to the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-828-4446.

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION

TIME AND DATE: 2 p.m., February 16, 1978.

PLACE: Room 6135, FDIC Building, 550 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

APPLICATIONS FOR CONSENT TO ESTABLISH BRANCHES

McMillan & Co., Banker, Livingston, Ala., for consent to establish a branch at 582 Fourth Avenue, York, Ala.

Commercial Bank & Trust Co., Griffin, Ga., for consent to establish a branch at 1448 Highway 16 West, Griffin, Ga.

The Medina County Bank, Medina, Ohio, for consent to establish a branch at 920 North Court Street, Medina, Ohio.

APPLICATION FOR CONSENT TO EXERCISE LIMITED TRUST POWERS

Pennyville Citizens Bank, Hopkinville, Ky., for consent to exercise limited trust powers, namely, to exercise the powers of executor and administrator, trustee, guardian, committee, agent, custodian, corporate trustee, corporate agent, and other fiduciary capacity (unspecified).

APPLICATION FOR CONSENT TO MERGER

The Park Avenue Bank, Valdosta, Ga., an insured State nonmember bank, for consent to merge under its charter and title with Investors of Georgia, Inc., Valdosta, Ga., a noninsured financial company.

APPLICATION FOR CONSENT TO MERGE AND ESTABLISH A BRANCH

Bank of Versailles, Versailles, Ind., an insured State nonmember bank, for consent to merge under its charter and title with the Commonwealth State Bank, Cross Plains, Ind., also an insured State nonmember bank, and for consent to establish the sole office of the Cross Plains State Bank as a branch of the resultant bank.

Requests pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offenses involving dishonesty or a breach of trust as directors, officers, or employees of insured banks

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c) (6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets

Case No. 43,338-L (amended)—International City Bank and Trust Co., New Orleans, La.

Case No. 43,360-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,365-L—The Bank of Bloomfield, Bloomfield, N.J.

Case No. 43,368-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,371-L—Franklin National Bank, New York, N.Y.

Case No. 43,373-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,374-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,379-SR—Sharpstown State Bank, Houston, Tex.

Case No. 43,381-NR—San Francisco National Bank, San Francisco, Calif.

Case No. 43,382-L—Franklin National Bank, New York, N.Y.


Case No. 43,386-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,387-L—Birmingham Bloomfield Bank, Birmingham, Mich.


Case No. 43,389-L—East Coast Bank and Trust Co., Atlanta, Ga.

Case No. 43,390-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,392-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,393-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,394-NR—United States National Bank, San Diego, Calif.

Case No. 43,395-L—Farmers Bank of the State of Delaware, Dover, Del.

Case No. 43,396-L—First State Bank of Hudson County, Jersey City, N.J.

Case No. 43,399-L—State Bank of Clearing, Chicago, Ill.

Memorandum re: United States National Bank, in Receivership, San Diego, Calif.

Memorandum re: American City Bank & Trust Co., National Association, in Liquidation, Milwaukee, Wis.

Memorandum and resolution proposing the approval of an "Insider Disclosure Agreement" in connection with the Corporation's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets.
SUNSHINE ACT MEETINGS

February 6. The Board must act by February 14. Therefore, unless the Board wishes to consider the proposal on relatively short notice on February 9 either a special meeting will have to be scheduled or the matter will have to be handled by notation. Accordingly, the following Members have voted that agency business requires the addition of this item to the agenda of February 9, 1978, and that no earlier announcement of this addition was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O’Melia
Member, Elizabeth E. Bailey

It now appears that staff coordination of the recommendation on this item cannot be completed in time for submission of recommendation to the Board in time for the scheduled meeting. If the Board is to suspend the proposed rules, such action must be taken no later than February 14. Therefore, a special meeting may be required on this item. Accordingly, the following Members have voted that agency business requires the deletion of this item to the agenda of February 9, 1978 and that no earlier announcement of this deletion was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O’Melia
Member, Elizabeth E. Bailey

[6320-01] 17

[6320-01] 15

NOTICE OF DELETION AND ADDITION OF ITEMS OF THE FEBRUARY 9, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m.—February 9, 1978.


STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Delta’s complaint was received after the Board’s staff had submitted their list of items for the February 9, calendar. TWA’s answer was received on Rule 39 of the Board’s Rules of Practice certain information contained in that letter and to withhold its motion. On February 2, 1978, counsel for Nationwide provided each Member of the Board with documents which requested Board review of staff action in a closed session on an expedited basis. On February 6, 1978, counsel for Nationwide provided each Member with a “Supplement” to Nationwide’s February 2, 1978 documents. Since ordinarily the Board’s staff responses to charter filings are made publicly available as a matter of course, and so that Nationwide and the public can have the benefit of prompt Board determination of Nationwide’s requests, the following Members have voted that agency business requires the addition of this item to the Board’s open meeting agenda on February 9, 1978 and that no earlier announcement of the addition was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Richard J. O’Melia
Member, Elizabeth E. Bailey

[S-335-78 Filed 2-9-78; 2:15 pm]
DEPARTMENT OF TRANSPORTATION
Coast Guard

LIGHTS TO BE DISPLAYED ON PIPELINES
Proposed Requirement
PROPOSED RULES

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to require that pipelines, whether attached to dredges or disengaged from dredges, display at night a row of flashing yellow lights not more than 12 feet nor less than four feet above the water. The regulations currently require pipelines attached to dredges to display a row of amber lights not more than 12 feet nor less than eight feet above the water. These changes are being proposed because of the limited effectiveness of the existing lights and because pipelines disengaged from dredges are not under the existing requirements. Changing the characteristic of the yellow lights from fixed to flashing is intended to make it easier for the lights to be distinguished against most backgrounds. Reducing the lower height limit is intended to give the dredge operators more flexibility in placing the row of lights so that in areas of heavy recreational boating traffic the lights can be placed at a height closer to the level of the line of vision of the person operating the boat. The change in terminology from amber to yellow is consistent with the International Regulations for Preventing Collisions at Sea, 1972.

DATE: Comments must be received on or before March 30, 1978.

ADDRESS: Comments should be submitted to Commandant (G-CMC/81), Coast Guard, Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his name and address, identify this notice (CGD 73-216) and the specific section of the proposal to which his comment applies, and give the reasons for his comments. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be announced in a later notice in the Federal Register if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: CDR David L. Parr, Project Manager, Office of Marine Environment and Systems, and Mr. Stephen D. Jackson, Project Attorney, Office of Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

Because of the background lighting in many dredge operating areas, it is often difficult to visually distinguish fixed amber lights on the pipelines. Requiring that these lights be flashing should make it easier for the mariner to see them. Terminology has been changed from amber to yellow to distinguish lights on pipelines from the International Regulations for Preventing Collisions at Sea, 1972.

Recreational boaters have had problems in the past identifying the lights as lights on a pipeline since the lights can be much higher than the boats. This proposal does not require that the lights be lowered to four feet above the water but it does allow the dredge operator to lower them. This may be desirable when the pipeline is in an area of heavy recreational boating traffic.

The existing regulations for pipelines apply only to pipelines attached to dredges. The proposed amendments would add new sections to apply to pipelines when they are disengaged from dredges at night. There have been incidents where a dredge has left the pipeline floating or supported on trestles at night with no lights. A few vessels have run into these unlighted pipelines resulting in injury to the passengers and damage to the vessels. The adoption of this proposal is expected to improve the ability of mariners operating at night to detect and properly identify floating dredge pipelines, thereby, contributing to an increase in navigation safety on U.S. inland waters.

The original notice of this proposed rulemaking appeared in the September 19, 1974, issue of the Federal Register (39 FR 33709). That document posed flashing lights and a lower height above water for the lights.

Comments received supported the proposal but requested that pipelines disengaged from dredges also be included in the requirements. These requests have merit but to incorporate pipelines disengaged from dredges in the final rule exceeded the scope of the notice; therefore, this second notice is being published.

In consideration of the foregoing it is proposed to amend Subchapters D, E, and P of Chapter I of Title 33 CFR as follows:

PART 80—PILOT RULES FOR INLAND WATERS

1. By revising § 80.23 to read as follows:

§ 80.23 Lights to be displayed on pipelines attached to dredges.

(a) Dredges must display on pipelines attached to them, when the pipelines are floating or supported on trestles, the following lights as required in §80.23 (a)(1) and (a)(2):

(1) One row of flashing yellow lights. The lights must be—(i) Flashing from 50 to 70 times per minute; (ii) visible all around the horizon; (iii) not less than four and not more than 12 feet above the water; (iv) approximately equally spaced; and (v) not more than 30 feet apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipelines location and direction.

(2) Two red lights on the shore or discharge end of the pipeline. The lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline attached to the dredge is opened at night for the passage of vessels, the pipeline must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

(4 CFR 1.46(b).)

2. By adding a new § 80.23a as follows:

§ 80.23a Lights to be displayed on pipelines that are disengaged from dredges.

(a) If pipelines disengage from pipelines and the pipelines remain either floating or supported on trestles, the dredges must:

(1) Display the lights on the pipeline as required in §80.23 (a)(1) and (a)(2); and

(2) Display two red lights on the end that has been disengaged from the dredge. The lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978
PART 90—PILOT RULES FOR THE GREAT LAKES

3. By revising §90.27 to read as follows:

§90.27 Lights to be displayed on pipelines attached to dredges.

(a) Dredges must display on pipelines attached to them, when the pipelines are floating or supported on trestles, the following lights at night:

(1) One row of flashing yellow lights. The lights must be—(i) Flashing from 50 to 70 times per minute; (ii) visible all around the horizon; (iii) not less than four and not more than 12 feet above the water; (iv) approximately equally spaced; and (v) not more than 30 feet apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's location and direction.

(2) Two red lights on the shore or discharge end of the pipeline. The lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline disengaged from the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

(14 U.S.C. 85, as amended; 80 Stat. 937, as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

§90.27a Lights to be displayed on pipelines that are disengaged from dredges.

(a) If dredges disengage from pipelines and the pipelines remain either floating or supported on trestles, the dredge must—

(1) Display the lights on the pipelines as required in §90.27 (a)(1) and (a)(2); and

(2) Display two red lights on the end that has been disengaged from the dredge. The lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline attached to the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

(See 4, 62 Stat. 250, as amended (33 U.S.C. 335); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

6. By adding a new §95.57a as follows:

§95.57a Lights to be displayed on pipelines that are disengaged from dredges.

(a) If dredges disengage from pipelines and the pipelines remain either floating or supported on trestles, the dredges must—

(1) Display the lights on the pipeline as required in §95.57 (a)(1) and (a)(2); and

(2) Display two red lights on the end that has been disengaged from the dredge. The lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline attached to the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

(14 U.S.C. 85, as amended; 80 Stat. 937, as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

PART 95—PILOT RULES FOR WESTERN RIVERS

5. By revising §95.57 to read as follows:

§95.57 Lights to be displayed on pipelines attached to dredges.

(a) Dredges must display on pipelines attached to them, when the pipelines are floating or supported on trestles, the following lights at night:

(1) One row of flashing yellow lights. The lights must be—(i) Flashing from 50 to 70 times per minute; (ii) visible all around the horizon; (iii) not less than four and not more than 12 feet above the water; (iv) approximately equally spaced; and (v) not more than 30 feet apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's location and direction.

(2) Two red lights on the shore or discharge end of the pipeline. The lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline disengaged from the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

(49 U.S.C. 1655(b); 49 CFR 1.46(b).)

Note.—The Coast Guard has determined that his document does not contain a major proposal requiring preparation of an Infla- tion Impact Statement under Executive Order 11821 and OMB Circular A-107.


O.W. SILVER, Commandant, U.S. Coast Guard

PROPOSED RULES

[FR Doc. 78-3958 Filed 2-10-78; 8:45 am]
Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

**HERBERT HOOVER**

- 1929: $13.30
- 1930: $16.00

**HARRY S. TRUMAN**

- 1945: $11.75
- 1946: $10.80
- 1947: $11.15
- 1948: $15.95
- 1949: $11.00
- 1950: $13.85
- 1951: $12.65
- 1952-53: $18.45

**Dwight D. Eisenhower**

- 1953: $14.60
- 1954: $17.20
- 1955: $14.50
- 1956: $17.30
- 1957: $14.50
- 1958: $14.70
- 1959: $14.95
- 1960-61: $16.65

**John F. Kennedy**

- 1961: $14.35
- 1962: $15.55
- 1963: $15.35

**Lyndon B. Johnson**

- 1963-64 (Book I): $15.00
- 1963-64 (Book II): $15.25
- 1965 (Book I): $12.25
- 1965 (Book II): $12.35
- 1966 (Book I): $13.30
- 1966 (Book II): $12.80
- 1966-69 (Book I): $14.05
- 1966-69 (Book II): $14.05
- 1967 (Book I): $12.65
- 1967 (Book II): $11.60
- 1968-69 (Book I): $14.05
- 1968-69 (Book II): $12.80
- 1969 (Book I): $14.35
- 1969 (Book II): $12.65
- 1970: $14.70
- 1971: $14.95
- 1972: $16.65
- 1973: $16.50
- 1974: $12.30

**Richard Nixon**

- 1969: $17.15
- 1970: $18.30
- 1971: $18.85
- 1972: $18.85
- 1973: $16.50
- 1974: $12.30
- 1975: $16.00

**Gerald R. Ford**

- 1974: $16.00

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402