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federal register

MONDAY, FEBRUARY 13, 1978

highlights

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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.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled 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.

federal register

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

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Interior/NPS—Immobilized, inoperable vehicles, Grand Canyon National Park 1792; 1–12–78
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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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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.

rules and regulations

[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.

EFFECTIVE DATE: February 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Preston Davis, Management Division, Office of Budget, Planning and Evaluation, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-5301.

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).

(xii) Implementation of the Uniform Relocation Assistance and Real Property Policies Act of 1970 (Pub. L. 91-646).

(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 41 CFR Subpart 1-1.6 and 41 CFR 4-1.601-1(a).

(ii) Promulgate Department schedule of fees and charges for reproductions, 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:

(i) 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 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.

(ii) 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 1-3.303; 1-6.1004).

(5) Exercise general responsibility and authority for all matters related to the administration of the Department's accounting and finance operations including:

(i) Financial administration, including accounting and related activities.

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

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

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

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

(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.

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

(13) 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.

(14) Exercise full Department-wide contracting and procurement authority for automatic 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.

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

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

(c) [Revoked and reserved.]

* * * * *

(f) [Revoked and reserved.]

* * * * *

Subpart J–Delegations of Authority by the Assistant Secretary for Administration

2. Section 2.76 and 2.79 are revoked and reserved and § 2.75 is revoked and the following substituted in lieu thereof:

§ 2.75 Director, Office of Operations and Finance.

(a) *Delegations.* Pursuant to § 2.25 (b) and (d), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Operations and Finance:

(1) Promulgate departmental policies, standards, techniques, and procedures, and represent the Department, in the following:

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

(ii) Socioeconomic programs relating to contracting, including Small Business, Labor Surplus Area Assistance, Labor Standards, and Disadvantaged Business Assistance: *Provided,* That with respect to Disadvantaged Business Assistance this delegation is limited to promulgating departmental policies, standards, techniques, and procedures, in consultation with the Director, Office of Equal Opportunity.

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

(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 disposition 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 (E.O. 11507).

(xi) Implementation of the Uniform Relocation Assistance and Real Property Policies Act of 1970 (Pub. L. 91-646).

(xii) 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 reproduction, offset composition, supply, telephone, telegraph, mail, automated mailing lists, excess property pool, space allocation, central Secretary's records, departmental administrative regulation and secretarial issuances, and related management support.

(3) Exercise the following special authorities:

(i) The Director, Office of Operations and Finance is designated as the Department's debarring officer, and authorized to perform the functions of 41 CFR Subpart 1-1.6 and 41 CFR Subpart 4-1.601-1(a).

(ii) Promulgation of Department schedule of fees and charges for reproductions, 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 certifications pursuant to 1 CFR Part 4.

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

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

(vi) Make determinations and findings authorizing use of negotiation in accordance with 41 U.S.C. 252(c)(11) for purchases and contracts for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test which will not require the expenditure of more than $25,000 (41 CFR 1-3.211; 1-3.303).

(vii) Coordinate collection of historical material for Presidential Libraries.

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

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

(4) Provide procurement, property management, space management, communications, messenger, paperwork management, and related services (with authority to take actions required by law or regulation to perform such services) for:

(i) The Secretary of Agriculture;

(ii) The general officers of the Department;

(iii) The offices and agencies reporting to the Assistance Secretary for Administration; and

(iv) Provide such of the above services, as may be agreed, for any other officers or agencies of the Department not included in subdivisions (i), (ii), or (iii) of this subparagraph.

(5) Exercise full Department-wide contracting and procurement authority for automatic 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.

(6) Provide support services normally furnished by the Office of Operations and Finance and needed by the Department in carrying out defense responsibilities.

(7) Exercise general responsibility and authority for all matters related to the administration of the Department's accounting and finance operations including:

(i) Financial administration, including accounting and related activities.

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

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

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

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

(11) 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.

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

(13) 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(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.

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

(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 not included 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 manufacture or 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.

(iii) 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.

(2) 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 1-3.303; 1-6.1004).

§ 2.76 [Revoked and reserved.]

§ 2.79 [Revoked and reserved.]

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.)

For Subpart C:

Dated: January 31, 1978.

BOB BERGLAND,
Secretary of Agriculture.

For Subpart J:

Dated: December 31, 1977.

JOAN S. WALLACE,
Assistant Secretary for Administration.

[FR Doc. 78-3955 Filed 2-10-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-CE-2-AD; Amdt. 39-3139]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 19, 23 and 24 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Beech 19, 23 and 24 series airplanes having manually operated wing flaps. The AD requires installation of a new improved wing flap control weld assembly on affected airplanes. This action will prevent possible unwanted retraction of the wing flaps which could have an adverse effect on aircraft controllability.

DATES: This amendment becomes effective February 20, 1978.

COMPLIANCE SCHEDULE—Required within the next 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Beechcraft Service Instructions No. 0940, applicable to this AD, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corp., Commercial Service Department, 9709 East Central, Wichita, Kans. 67201. A copy of the Service Instructions cited above are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo., 64106 and at Room 916, 800 Independence Avenue, Southeast, Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

William L. Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: There have been eight reports of Beech P/N 169-524024-37 wing flap control weld assemblies failing on Beech 19 and 23 series airplanes. Two of the failures resulted in unwanted in-flight retraction of wing flaps and one failure is suspected as being the cause of an accident. Failure of the wing flap control weld assembly can result in sudden and unexpected retraction of the wing flaps that may have an adverse effect on aircraft controllability. Subsequent to this investigation the manufacturer has determined that some P/N 169-524024-37 and -81 flap control weld assemblies may have welds with insufficient penetration which can cause the assemblies to be under strength. As a result, the manufacturer has issued Beechcraft Service Instructions No. 0940 recommending installation of a new improved P/N 169-524024-85 wing flap control weld assembly on certain Beech 19, 23 and 24 series airplanes having manually operated wing flaps. The FAA has concluded that wing flap control weld assemblies having welds with improper penetration is an unsafe condition that may exist on other airplanes of the same type

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 in all categories:

Model and serial numbers

23, A23, A23A, B23 and C23—M-1 through M-1979.

A23-19, 19A and B19—MB-1 through MB-866.

A23-24 and A24—MA-1 through MA-368.

A24R, B24R and C24R—MC-2 through MC-536.

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, FAA, Central Region.

This amendment becomes effective on February 20, 1978.

(Secs. 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. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).)

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

Issued in 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]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5904, 34-14445, 35-20404, IC-10112; S7-736]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 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 S7-736 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.

The Commission hereby issues Securities Act Release No. (33-5904, 34-14445, 35-20404, IC-10112; S7-736), Parts 231, 241 and 271 of Title 17, Chapter II of the Code of Federal Regulations as given below.

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 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 business of the company 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 disclosure of the remuneration received by officers and directors is important to informed voting and investment decisions. In particular, remuneration information is necessary for an informed assessment of management and is significant in maintaining public confidence in the corporate system. Of course, accurate and sufficiently detailed books and records are prerequisites 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 disclosure provisions, the anti-fraud provisions of the Securities Act of 1933 (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and the Securities Exchange Act of 1934 ("Exchange Act") may require registrants to present additional information about benefits received by officers and directors.[2] For example, the anti-fraud provisions may require disclosure 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 questions and responses set forth below. The following topics are addressed by these questions:

I. Remuneration Reporting Requirements

1. *Question.* For which persons must registrants report remuneration information?

Interpretive Response. The remuneration reporting provisions require registrants to report in various registration statements, annual reports, and proxy and information statements the amount of remuneration paid or to be paid by the registrant and its subsidiaries to the following persons:

(a) Each of the registrant's directors and each of its three highest paid officers (and other persons specified in the investment company reporting provisions) whose aggregate direct remuneration exceeded a certain amount specified in the disclosure form or rule; and

(b) All officers and directors (and certain persons specified in the investment company reporting provisions) as a group.[3]

2. *Question.* What is the term "remuneration" intended to include?

Interpretive Response. The term "remuneration" is intended to include both cash and non-cash forms of remuneration received by management, including the value of personal benefits.

3. *Question.* How should the remuneration information be presented?

Interpretive Response. Generally, the reporting provisions require separate disclosure of the following types of remuneration received by officers and directors or benefits which result in remuneration to such persons:

(a) Aggregate direct remuneration paid by the registrant and its subsidiaries during the registrant's last fiscal year;

(b) Annuity, pension or retirement benefits proposed to be paid by the registrant or any of its subsidiaries under any existing plan in the event of retirement at normal retirement date;

(c) Other remuneration payments proposed to be made in the future by the registrant or any of its subsidiaries pursuant to any existing plan or arrangement;

(d) Options granted to certain officers and directors; and

(e) Benefits received by certain persons as a result of transactions to which the registrant is a party.[4]

4. *Question.* What forms of remuneration is the term "direct remuneration" intended to encompass?

Interpretive Response. The term "direct remuneration" is intended to include all forms of remuneration, including personal benefits, except annuity, pension or retirement benefits, payments proposed to be made in the future, options and the interest of management in certain corporate transactions because these forms of remuneration are required to be reported under separate disclosure provisions.

II. General Disclosure Questions—Identification and Valuation

A. IDENTIFICATION

5. *Question.* What indirect benefits received by officers and directors should be considered by registrants in aggregating the forms of remuneration?

Interpretive Response. Registrants should analyze both those benefits conferred directly to officers and directors and those that may benefit such persons indirectly because they are provided to relatives and friends who do not perform services for the corporation or to any other persons upon the request of or on behalf of the officer or director.

6. *Question.* Do all benefits received by executives result in forms of remuneration which should be included in aggregate remuneration?

Interpretive Response. No. The value of those benefits received by management which are directly related to the performance of their job is not required to be included in aggregate remuneration.

B. VALUATION

7. *Question.* Once a registrant identifies a benefit as a form of remuneration, how should it be valued?

Interpretive Response. Registrants should value benefits on the basis of valuation methods which they believe are most reasonable. Alternative valuation methods include the following: (a) Cost to the company unless the cost to the company is disproportionate to the alternative cost of the benefit to the recipient, that is the amount the recipient would have had to pay to obtain the benefit himself; (b) apprais-

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[1] See the recently enacted amendments to section 13(b) of the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)), title I of Pub. L. No. 95-213 (Dec. 19, 1977) and section 31 of the Investment Company 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 requirements for registered investment companies.

[2] See Securities Act §§ 12(2), and 17(a); Exchange Act § 10(b) and Rules 10b-5 and 14a-9.

[3] See Securities Act Release No. 5856, footnotes 7-13. Hereinafter the persons as to which remuneration disclosure is required will be referred to as officers, directors, management or executives although remuneration information is required also for certain other persons by the investment company forms.

[4] The indebtedness to the registrant of officers, directors and certain other persons is required to be disclosed by another reporting provision.

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 himself; (d) the valuation assigned by the registrant or executive for tax purposes; 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 directors be described separately in documents which require disclosure of the remuneration received by management?

Interpretive Response. Personal benefits are not required to be described when their value is included in the aggregate remuneration reported, unless disclosure about the benefit is otherwise required by another reporting provision. For example, if an officer 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 pursuant to the provisions of the reporting requirements relating to indebtedness to the company of various persons.[3] The more general anti-fraud provisions, of course, may require additional information to be disclosed about personal benefits received or to be received by management.

9. *Question.* May a registrant describe a benefit in addition to including its value in the aggregate remuneration reported?

Interpretive Response. Yes.

10. *Question.* May a registrant exclude the value of some or all of the benefits from the reported aggregate remuneration and state an approximate or maximum value of such benefits in a footnote to the remuneration table?

Interpretive Response. Yes, provided this disclosure is not misleading.

11. *Question.* May a registrant describe the peronal benefits in a footnote 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 and exclude its value from reported remuneration whenever the dollar value of the benefit is not reasonably ascertainable or when a description of the benefit results in disclosure which is more meaningful to investors than the inclusion of an amount in aggregate remuneration, 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 describe a benefit?

Interpretive Response. The footnote should include a description of the benefit and, to the extent possible, information about its value and the basis for valuation. In addition, the footnote should state any other information as is reasonably necessary to apprise investors fully of what management is receiving.

IV. Types of Benefits Received by Management

A. Use of Company Property

13. *Question.* Is the use by management of company property such as cars, planes, apartments, houses, and other corporate assets a form of remuneration?

Interpretive Response. The use of corporate assets by officers or directors for reasons unrelated to the conduct of company business results in a form of remuneration to the executive. Where the assets are used in connection with job related matters, however, this usage would not result in remuneration to the executive. Where an executive uses an asset for both personal and business purposes, a value should be allocated to the personal use for remuneration reporting purposes.

Company Cars

14. *Question.* Is the use of a company owned car a form of remuneration?

Interpretive Response. The personal use of a company car is a form of remuneration to such executive.

15. *Question.* How should the personal use of a company's automobile be valued?

Interpretive Response. The Division would express no objection if the value of this benefit were a percentage of the cost to the company of leasing or owning the car based upon the amount of time an executive used the car for personal purposes or the number of miles the car was used for personal purposes.

16. *Question.* Is the use by management of a chauffeur-driven limousine a form of remuneration?

Interpretive Response. It depends upon the reason why the limousine is used. The use by an executive of a chauffeur-driven car in connection with job related matters does not result in a form of remuneration to the executive. If the executive uses the chauffeur-driven car time for personal reasons, however, this use of the car is a form of remuneration.

Company Plane

17. *Question.* Is the use of a company plan for commuting 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 receive a form of remuneration?

Interpretive Response. Yes.

19. *Question.* Should this benefit be valued for remuneration reporting purposes?

Interpretive Response. Although the corporation may have incurred little cost as a result of providing air transportation 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 company owned or leased apartments, houses, villas, lodges, etc. result in a form of reportable remuneration to management?

Interpretive Response. Whether or not the use by management of company 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 facilities in connection with entertaining business clients, transacting business or engaging in internal business related 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 transacted, 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 personal purposes, only the personal usage would result in a form of remuneration.

Valuation

21. *Question.* How should the personal use of company assets such as planes, apartments, houses, lodges, etc. be valued for remuneration reporting purposes?

Interpretive Response. The Division would express no objection if the personal use of company assets were valued using one of the following methods:

(a) Determining the recipient's cost if he had obtained the use of equivalent assets independently of the corporation; or

(b) Allocating a portion of the cost to the corporation of owning and maintaining the facility during a particular year on the basis of the time

[3] Item 7(e), Schedule 14A, 17 CFR 240.14a-101; Item 9(b), Form 10, 17 CFR 249.210; Items 18(b), Form 10-K, 17 CFR 249.310. See also Question 34.

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.

B. MEMBERSHIPS IN CLUBS AND PROFESSIONAL ASSOCIATIONS

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 raise 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. These plans or arrangements 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 up 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 status 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.

D. PAYMENTS FOR LIVING AND RELATED EXPENSES

LIVING EXPENSES

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 mainenance, 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 has been 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 or comfort of the executive, however, they result in remuneration to the recipent.

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 corportation 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 in-

Footnote continued on next page.

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 interst 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 of interest 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 will 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 borrwings, 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[7]

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 as a result of the loan; and

(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 executive from the company?

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 depending upon whether the company compensates the professional directly or indirectly for conferring the service.

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 his company does not result in any remuneration from the company 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.

Footnote continued from preceding page.

debtedness exceeded the lesser of $10,000 or 1 percent of the issuer's total assets. See, e.g., Item 7(e), Schedule 14A, 17 CFR 240.14a-101. If the loan results in remuneration to the executive because of its terms, the remuneration to the executive as a result of the loan should be included in aggregate remuneration and the loan should be described pursuant to the other provision.

[7] Disclosure of benefits received from third parties may be required pursuant to the reporting provision regarding transactions with management. See, e.g., Item 7(f), Schedule 14A, 17 CFR 240.14a-101.

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 remuneraton 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. 5856 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 bveen requested in Securities Act Release No. 5758 (November 2, 1976) (41 FR 49495) and Securities Exchange Act Release Nos. 13482 (April 28, 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]

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 78-53]

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.

EFFECTIVE DATE: February 21, 1978.

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 5515)

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 procedufe, 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 shipments 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.

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 in 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) also was requested so that the descriptive information would identify the extras applicable to each shipment.

Items 11 and 18 have been revised to specify that heat treating, inspection and testing, coating, chemical and other qualities 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 without 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:

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
19 U.S.C. 1481, 1482, 1484

SPECIAL SUMMARY STEEL INVOICE

(Prepare in Duplicate)

OMB APPROVAL 48-R0547

1. SELLER	2. DOCUMENT NO. / 3. INVOICE NO. AND DATE 4. REFERENCES	ADDITIONAL SPACE FOR EXTRAS SHOWN IN BOX 11.
5. CONSIGNEE	6. BUYER *(if other than consignee)* 7. ORIGIN OF GOODS	
8a. Date Price Terms Agreed / 8b. Currency Used / Exch. Rate (If fixed or agreed)	9. TERMS OF SALE, PAYMENTS AND DISCOUNTS	

10. ☐ If the production of these goods involved furnishing goods or services to the seller *(e.g., assists such as dies, molds, tools, engineering work)* and the value is not included in the invoice price, check box (10) and explain below.

12 DECLARATION OF SELLER/SHIPPER (OR AGENT)

I declare:

(A) ☐ If there are any rebates, drawbacks or bounties allowed upon the exportation of goods, I have checked box (A) and itemized separately below.

(B) ☐ 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.

I further declare that there is no other invoice differing from this one (unless otherwise described below) and that all statements contained in this invoice and declaration are true and correct.

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

11. CODE FOR OTHER EXTRAS*

e. Edging
f. Chemistry
g. Quality (commercial deep drawing)
h. Heat treating
i. Coating
j. Inspection and testing
k. Surface treatments
l. Other (specify)

22. PACKING COSTS	
23. DOMESTIC FREIGHT CHARGES	
24. OCEAN OR INTERNATIONAL FREIGHT	
25. INSURANCE COSTS	
26. OTHER COSTS *(Specify Below)*	

13. MARKS AND NUMBERS ON SHIPPING PACKAGES	14 AISI Category	15 DESCRIPTION OF GOODS (INCLUDE SPECIFICATIONS)	16. QUANTITY	17. BASE PRICE	18. EXTRAS a. WIDTH	b. LENGTH	c. CODE	OTHER* d. $	UNIT PRICE (g. HOME MARKET / h. INVOICE)	21 INVOICE TOTALS

Customs Form 5520 (2-7-78)

INSTRUCTIONS FOR PREPARATION OF SPECIAL SUMMARY STEEL INVOICE

(Required for all shipments of steel valued over $2,500)

NOTE.—Where this summary invoice covers several types of merchandise priced in different ways, each should be shown separately. Prepare in duplicate.

Sections 1-7, 8b, 9, 10, 12, 13, 16, and 19-26 may be completed in the same manner as the equivalent sections on Special Customs Invoice, Customs Form 5515.

Section 8A.—Date Price Terms Agreed: Show here the date on which the final sales price for this shipment was agreed.

Section 11.—Codes for Extras: This section refers to the additional price charged for extras (other than width and length which are provided for in 18a and 18b). The code(s) for the extras shown should be reflected in section 18c, and the amount for each extra should be shown in 18d. The extras listed are expressed in terms as now understood in the U.S. market.

Section 12B.—Declaration of Seller/Shipper: Complete and explain if any payment or other thing of value other than shown on this invoice has been or will be made or granted.

Section 14.—AISI Category: This column should be completed with the appropriate category number from the following list.

Section 15.—Description of Goods: In addition to the full description of goods as usually required on the Special Customs Invoice, steel specifications which this merchandise meets must be shown.

Section 17.—Base Price: Show here for each steel category the base price on which the total sales price was based.

Section 18.—Extras: Show here the charge for each category of any extra added to the base price. Use appropriate codes from section 11 where appropriate.

Category Number and Products

1—Ingots, blooms, billets, slabs, etc.
2—Wire rods.
3—Structural shapes—plain 3 inches and over.
4—Sheet piling.
5—Plates.
6—Rail and track accessories.
7—Wheels and axles.
8—Concrete reinforcing bars.
9—Bar shapes under 3 inches.
10—Bars—hot rolled—carbon.
11—Bars—hot rolled—alloy.
12—Bars—cold finished.
13—Hollow drill steel.
14—Welded pipe and tubing.
15—Other pipe and tubing.
16—Round and shaped wire.
17—Flat wire.
18—Bale ties.
19—Galvanized wire fencing.
20—Wire nails.
21—Barbed wire.
22—Black plate.
23—Tin plate.
24—Terne plate.
25—Sheets—hot rolled.
26—Sheets—cold rolled.
27—Sheets—coated (including galvanized).
28—Sheets—coated—alloy.
29—Strip—hot rolled.
30—Strip—cold rolled.
31—Strip—hot and cold rolled—alloy.
32—Sheets other—electric coated.

ADVANCED EFFECTIVE DATE

The trigger price mechanism is a critical element of the Comprehensive 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.)

DRAFTING 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 REGULATIONS

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. * * *

Section 141.82 is amended by adding a new paragraph (e) to read as follows:

§ 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 adding 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) The 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) Wheels and axles.
(H) Concrete reinforcing bars.
(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) Tin plate.
(X) Terne plate.
(Y) Sheets, hot rolled.
(Z) Sheets, cold rolled.
(AA) Sheets, coated including galvanized.
(BB) 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:

§ 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: * * *

* * * * *

(R.S. 251, as amended, sec. 407, 42 Stat. 18; secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759, 77A Stat. 14, Tariff Schedules of the United States (general headnote 11) (19 U.S.C. 66, 173, 1202, 1481, 1484, 1624).)

[FR Doc. 78-3890 Filed 2-10-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3875]

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The effective date of the most recent revision of the FIRM for the communities listed will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER. This listing supplements the previous lists under § 1915.4 of Title 24 of the Code of Federal Regulations, published at 42 FR 33203-33237 on June 29, 1977.

The entry reads as follows:

§ 1915.4 List of communities with detailed engineering data (FIRM's).

State	County	Community	Community No.	Effective date
Alabama	Escambia	City of Atmore	010071B	June 24, 1977.
Do	Lauderdale	City of Florence	010140B	May 2, 1977.
Do	Butler	City of Georgiana	010018B	July 15, 1977.
Do	Mobile	Mobile County	015008B	June 3, 1977.
Do	Coffee	Town of New Brockton	010238A	July 22, 1977.
Do	Covington	Town of River Falls	010054B	July 8, 1977.
Arizona	Pinal	City of Casa Grange	040080A	Aug. 1, 1977.
Do	Mohave	City of Kingman	040060B	Aug. 15, 1977.
Do	Yuma	Town of Parker	040100C	July 10, 1977.
Arkansas	Lafayette	City of Bradley	050114B	June 28, 1977
Do	Saline	City of Bryant	050308A	Do.
Do	Jefferson	City of Redfield	050282A	Aug. 26, 1977.
Do	Bradley	City of Warren	050022B	Aug. 9, 1977.
California	Shasta	City of Anderson	060359B	Sept. 1, 1977.
Do	Marin	City of Belvedere	060129B	May 2, 1977.
Do	San Diego	City of Carlsbad	060285A	June 14, 1977.
Do	do	City of El Cajon	060289B	Sept. 15 1977.
Do	Contra Costa	City of El Cerrito	065027B	June 1, 1977.
Do	Orange	City of Fullerton	060219B	July 18, 1977.
Do	Alameda	City of Livermore	060008A	July 5, 1977.
Do	San Mateo	City of San Carlos	060327B	Sept. 1, 1977.
Do	Contra Costa	City of San Pablo	060036B	Aug. 1, 1977.
Do	Marin	City of Tiburon	060430A	May 16, 1977.
Do	San Bernadino	City of Victorville	065068A	Aug. 5, 1977.
Colorado	Alamosa	City of Alamosa	080010A	Sept. 15, 1977.
Do	Arapahoe	Arapahoe County	080011A	Aug. 15, 1977.
Do	do	City of Englewood	085074C	June 24,1977.
Do	Jefferson	City of Lakewood	085075A	July 1, 1977.
Do	Las Animas	Las Animas County	080105A	Sept. 1, 1977.
Do	Boulder	City of Longmont	080027A	July 5, 1977.
Do	Jefferson	City of Wheat Ridge	085079A	July 22, 1977.
Connecticut	Hartford	Town of Avon	090021A	May 16, 1977.
Do	New Haven	Town of Bethany	090144A	Aug. 23, 1977.
Do	Hartford	City of Bloomfield	090122A	Aug. 15, 1977.
Do	Fairfield	City of Danbury	090004A	May 2, 1977.
Do	New Haven	City of Derby	090075A	Sept. 15, 1977.
Do	Hartford	Town of Farmington	090029A	Aug. 15, 1977.
Do	Fairfield	Town of Greenwich	090008A	Sept. 30, 1977.
Do	do	Town of Canaan	090010A	May 16, 1977.
Do	New London	City of New London	090100A	May 2, 1977.
Do	Hartford	Town of Simsbury	090035A	May 16, 1977.
Do	do	Town of Wethersfield	090040A	May 2, 1977.
Delaware	Kent	Town of Clayton	100005B	June 1, 1977.
Do	do	City of Harrington	100010B	Do.
Do	Kent and Sussex	City of Milford	100042B	Do.
Do	Kent	Town of Smyrna	100017C	Do.
Do	New Castle	City of Wilmington	100028B	May 2, 1977.
Florida	Pinellas	Town of Belleair Bluffs	125088A	Aug. 13, 1977.
Do	Brevard	City of Cape Canaveral	125094C	May 20, 1977.
Do	Charlotte	Charlotte County	120061B	Aug. 5, 1977.
Do	Brevard	City of Cocoa Beach	125097C	May 20, 1977.
Do	Broward	City of Cooper City	120032A	June 1, 1977.
Do	Volusia	City of Daytona Beach	125099B	May 27, 1977.
Do	do	City of Daytona Beach Shores.	125100C	Do.
Do	Escambia	Escambia County	120080A	Sept. 30, 1977.
Do	Palm Beach	Village of Golf	120201B	Aug. 26, 1977.
Do	do	Town of Greenacres	120203B	Do.
Do	Santa Rosa	City of Gulf Breeze	120275B	Sept. 1, 1977.
Do	Palm Beach	Town of Haverhill	120205B	Aug. 26, 1977.
Do	Bay	City of Lynn Haven	120009B	June 1, 1977.
Do	do	Town of Mexico Beach	120010B	July 18, 1977.
Do	Santa Rosa	City of Milton	120276A	June 1, 1977.
Do	Volusia	City of New Smyrna	125132A	May 27, 1977.
Do	Okaloosa	Okaloosa County	120173B	July 1, 1977.
Do	Volusia	City of Ormond Beach	125136B	May 27, 1977.
Do	Bay	City of Panama City	120012B	July 18, 1977.
Do	do	City of Panama City Beach.	120013B	June 1, 1977.
Do	Escambia	City of Pensacola	120082B	Sept. 15, 1977.
Do	Pinellas	Pinellas County	125139B	July 8, 1977.
Do	do	City of Pinellas Park	120251B	Aug. 15, 1977.
Do	Broward	City of Plantation	120054B	Sept. 15, 1977.
Do	Volusia	City of Port Orange	120313A	May 16, 1977.
Do	Palm Beach	Village of Royal Palm Beach.	120225B	Aug. 26, 1977.
Do	do	City of South Bay	120226B	Do.

State	County	Community	Community No.	Effective date
Florida	Pinellas	City of St. Petersburg	125148A	June 10, 1977.
Do	Indian River	City of Vero Beach	120124A	Sept. 30, 1977.
Do	Volusia	Volusia County	125155B	July 1, 1977.
Georgia	Cook	City of Adel	130060A	Sept. 1, 1977.
Do	Dougherty	City of Albany	130075B	Aug. 15, 1977.
Do	DeKalb	City of Chamblee	130066B	Sept. 15, 1977.
Do	Muscogee	City of Columbus	135158B	July 1, 1977.
Do	Dekalb	City of Doraville	130069B	Sept. 1, 1977.
Do	Clayton and Fulton.	City of Forest Park	130042B	May 16, 1977.
Do	Thomas	City of Thomasville	130170B	Do.
Iowa	Dubuque	City of Epworth	190576A	July 12, 1977.
Do	Buchanon	City of Independence	190031B	May 16, 1977.
Do	Johnson	City of Iowa City	190171A	May 2, 1977.
Do	Cass	City of Lewis	190347B	Aug. 26, 1977.
Do	Harrison	City of Missouri Valley	190147B	Aug. 1, 1977.
Do	Scott	Scott County	190239	June 1, 1977.
Idaho	Bonneville	City of Ucon	160194A	Aug. 26, 1977.
Illinois	Lake and Cook	Village of Deerfield	170361B	Sept. 30, 1977.
Do	Stephenson	City of Freeport	170640A	May 16, 1977.
Do	Henry	City of Geneseo	170284C	Do.
Do	Jersey	City of Grafton	170314B	Sept. 30, 1977.
Do	Cook	Village of Homewood	170109B	Aug. 15, 1977.
Do	DuPage	City of Wood Dale	170224B	Sept. 30, 1977.
Indiana	Jefferson	City of Madison	180107B	Do.
Do	Marshall	City of Plymouth	180164B	Sept. 15, 1977.
Kansas	Wyandotte and Johnson.	City of Lake Quivera	200166C	July 26, 1977.
Do	Johnson	City of Leawood	200167B	Sept. 30, 1977.
Do	do	City of Lenexa	200168B	Aug. 1, 1977.
Do	do	City of Overland Park	200174A	Sept. 30, 1977.
Kentucky	Logan	City of Lewisburg	210149B	June 17, 1977.
Louisiana	W. Baton Rouge Parish.	Village of Addis	220240B	Aug. 15, 1977.
Do	Bossier Parish	Town of Benton	220032B	July 26, 1977.
Do	W. Baton Rouge Parish.	Town of Brusly	220241B	Aug. 15, 1977.
Do	Tangipahoa Parish.	Town of Independence	220209B	July 5, 1977.
Do	Avoyelles Parish.	Town of Mansura	220255A	June 25, 1977.
Do	Madison Parish	Village of Mound	220124A	July 12, 1977.
Do	Iberville Parish	City of Plaquemine	220086B	Aug. 26, 1977.
Do	W. Feliciana Parish.	Town of St. Francisville	220246B	May 2, 1977.
Do	Tensas Parish	Town of St. Joseph	220217B	Aug. 26, 1977.
Do	Tangipahoa Parish.	Village of Tickfaw	220214B	June 28, 1977.
Do	Tensas Parish	Town of Waterproof	220218B	June 21, 1977.
Maine	Oxford	Town of Mexico	230095A	Aug. 15, 1977.
Maryland	Carroll	Town of Sykesville	240016B	Sept. 30, 1977.
Do	do	Town of Union Bridge	240017B	Aug. 1, 1977.
Do	Washington	Town of Williamsport	240077B	June 10, 1977.
Massachusetts	Plymouth	Town of Abington	250259B	Sept. 30, 1977.
Do	Worcester	Town of Blackstone	250295A	Do
Do	Norfolk	Town of Brookline	250234A	May 2, 1977.
Do	Bristol	Town of Dartmouth	250051A	Aug. 15, 1977.
Do	Plymouth	Town of Duxbury	250263A	May 2, 1977.
Do	Barnstable	City of Falmouth	255211C	Sept. 30, 1977.
Do	Bristol	Town of Rehoboth	250062B	Sept 1, 1977.
Do	Essex	Town of Salisbury	250103B	June 24, 1977.
Do	Plymouth	Town of Scituate	250282A	Sept. 30, 1977.
Do	Hampden	Town of West Springfield	250155A	Do
Do	Middlesex	Town of Tewksbury	250218A	July 18, 1977.
Do	Barnstable	Town of Yarmouth	250015A	May 2, 1977.
Michigan	Iosco	City of E. Tawas	260100B	Sept. 30, 1977.
Do	Delta	City of Escanaba	260061B	Sept. 1, 1977.
Do	do	City of Gladstone	260267B	Sept. 15, 1977.
Do	Emmet	City of Harbor Springs	260272B	May 16, 1977.
Do	Monroe	Township of LaSalle	260148B	Aug. 15, 1977.
Do	do	City of Monroe	260153A	June 15, 1977.
Do	Muskegon	City of Muskegon	260161B	June 1, 1977.
Do	do	Township of Muskegon	260163B	Aug. 1, 1977.
Do	do	City of N. Muskegon	260164A	May 16, 1977.
Do	Menominee	City of Stephenson	260139B	Do.
Do	Leelanau	Village of Sutton Bay	260283B	June 1, 1977.
Minnesota	Brown	Brown County	270034	Aug. 15, 1977.
Do	Dakota	City of Burnsville	270102B	Sept. 1, 1977.
Do	Hennepin	City of Champlin	270153A	July 18, 1977.
Do	Stearns	City of Cold Spring	270444B	Aug. 1, 1977.
Do	Polk	City of Crookston	270364C	Sept. 1, 1977.
Do	do	City of E. Grand Fork	275236B	Sept. 15, 1977.
Do	Sherburne	City of Elk River	270436B	May 2, 1977.
Do	Lyon	City of Marshall	270258B	Sept. 30, 1977.
Do	Clay	City of Moorhead	275244B	May 27, 1977.
Do	Kanabec	City of Mora	270216B	Sept. 1, 1977.
Do	Nicollet	City of North Mankato	275245D	June 17, 1977.
Do	Hennepin	City of Robbinsdale	270181B	Aug. 1, 1977.
Do	do	City of St. Louis Park	270184A	June 1, 1977.
Mississippi	Lincoln	City of Brookhaven	280107A	July 18, 1977.
Do	Jones	City of Ellisville	280091B	Sept. 30, 1977.
Do	do	City of Laurel	280092B	Sept. 15, 1977.
Missouri	Clark	City of Alexandria	290080A	May 2, 1977.

State	County	Community	Community No.	Effective date
Missouri	St. Louis	Village of Bel-Nor	290332A	Aug. 26, 1977.
Do	Pike	City of Bowling Green	290288B	May 2, 1977.
Do	St. Louis	City of Brentwood	290338A	May 16, 1977.
Do	Clay	Village of Claycomo	290089B	Aug. 1, 1977.
Do	St. Louis	City of Clayton	290341E	July 22, 1977.
Do	do	Village of Cool Valley	290342B	May 16, 1977.
Do	do	City of Crestwood	290343A	May 2, 1977.
Do	Jefferson	City of Crystal City	290189B	Sept. 1, 1977.
Do	Lincoln	City of Elsberry	290209B	May 2, 1977.
Do	Shannon	City of Eminence	290418B	July 18, 1977.
Do	St. Louis	City of Eureka	290349B	July 5, 1977.
Do	Clay	Village of Glenaire	290092B	Sept. 15, 1977.
Do	Texas	City of Houston	290440B	July 18, 1977.
Do	Marion	Marion County	290222	May 16, 1977.
Do	Randolph	City of Moberly	290305A	June 1, 1977.
Do	Clay	City of Pleasant Valley	290100A	July 18, 1977.
Do	do	Village of Randolph	290102A	Do.
Do	St. Louis	City of Richmond Heights	290380	May 16, 1977.
Do	Platte	City of Riverside	290296A	Sept. 30, 1977.
Do	St. Louis	City of Rock Hill	290382A	May 16, 1977.
Do	Phelps	City of Rolla	290285B	Sept. 30, 1977.
Do	Buchanon	City of St. Joseph	290043B	Do.
Do	Ste. Genevieve	City of St. Mary's	290326B	Sept. 15, 1977.
Do	do	City of Ste. Genevieve	290325A	Sept. 30, 1977.
Do	St. Louis	City of Sunset Hills	290387A	Sept. 1, 1977.
Do	do	City of Times Beach	290388A	Sept. 15, 1977.
Montana	Cascade	City of Great Falls	300010B	Sept. 30, 1977.
Nebraska	Gage	City of Beatrice	310091A	Do.
Do	do	Village of Cortland	310264A	Aug. 26, 1977.
Do	Merrick	Village of Silver Creek	310150A	Do.
New Jersey	Bergen	Borough of Bergenfield	340020A	June 1, 1977.
Do	Essex	Town of Bloomfield	340178A	Aug. 15, 1977.
Do	Ocean	Township of Brick	345285B	June 10, 1977.
Do	Burlington	City of Burlington	345287B	July 29, 1977.
Do	do	Township of Delran	340094A	May 2, 1977.
Do	Hudson	Borough of E. Newark	340219B	Sept. 30, 1977.
Do	do	Town of Harrison	340221A	Do.
Do	Middlesex	Borough of Highland Park.	340263A	June 1, 1977.
	Bergen	Borough of Ho Ho Kus	340044A	Do.
Do	Ocean	Township of Lacey	340376A	Sept. 1, 1977.
Do	Monmouth	Township of Manalapan	340308A	Sept. 15, 1977.
Do	Ocean	Borough of Mantoloking	340383A	Sept. 30, 1977.
Do	Essex	Township of Maplewood	340186A	Aug. 15, 1977.
Do	Bergen	Borough of Maywood	3400050	Do.
Do	Cape May	Township of Middle	340154B	May 16, 1977.
Do	Bergen	Borough of Midland Park.	340051A	Sept. 30, 1977.
Do				
Do	Monmouth	Borough of Monmouth Beach.	340315A	May 16, 1977.
Do	Essex	City of Montclair	340188A	Sept. 15, 1977.
Do	Bergen	Borough of Saddle River	340073A	May 15, 1977.
Do	Union	Township of Scotch Plains.	340474A	Sept. 30, 1977.
Do	Essex	Village of S. Orange	340194A	July 18, 1977.
Do	Bergen	Borough of Upper Saddle River.	340077A	Sept. 15, 1977.
Do	Essex	Town of West Orange	340197A	May 2, 1977.
Do	Bergen	Township of Wyckoff	340084A	Aug. 1, 1977.
New Mexico	DonaAna	City of LasCruces	355332B	May 6, 1977.
New York	Suffolk	Village of Amityville	360788A	Sept. 1, 1977.
Do	do	Village of Babylon	369791B	Aug. 1, 1977.
Do	Steuben	Village of Bath	360767C	Aug. 15, 1977.
Do	Broome	City of Binghamton	360038C	June 1, 1977.
Do	Cayuga	Village of Cayuga	360107B	July 5, 1977.
Do	Erie	Town of Cheektowaga	360231B	Do.
Do	do	Town of Collins	360234B	May 16, 1977.
Do	Broome	Town of Conklin	360042B	Do.
Do	Erie	Town of Elma	360239A	June 1, 1977.
Do	do	Town of Evans	360240B	Sept. 30, 1977.
Do	Cattaraugus and Erie.	Village of Gowanda	360075A	June 1, 1977.
Do	Monroe	Village of Honeoye Falls	360421B	Sept. 30, 1977.
Do	Broome	Village of Johnson City	360047B	Do.
Do	do	Town of Kirkwood	360048A	June 1, 1977.
Do	Westchester	Village of Larchmont	360915A	Sept. 1, 1977.
Do	Sullivan	Village of Liberty	360824B	Sept. 30, 1977.
Do	Suffolk	Village of Lindenhurst	360798B	Aug. 15, 1977.
Do	Ontario	Village of Naples	360603B	Sept. 30, 1977.
Do	Suffolk	Village of North Haven	360800A	Do.
Do	Oswego	City of Oswego	360656B	May 16, 1977.
Do	Tioga	Town of Owego	360839B	June 15, 1977.
Do	do	Village of Owego	360840A	May 16, 1977.
Do	Steuben	Village of Painted Post	360779C	Sept. 30, 1977.
Do	Wyoming	Village of Perry	361025B	July 15, 1977.
Do	Broome	Village of Port Dickinson	360053C	May 2, 1977.
Do	Steuben	Town of Pulteney	360780B	Sept. 30, 1977.
Do	Suffolk	Village of Quogue	360806B	May 16, 1977.
Do	Lewis	Village of Turin	361355B	July 1, 1977.

State	County	Community	Community No.	Effective date
New York	Broome	Town of Vestal	360057B	July 5, 1977.
North Carolina	Carteret	Town of Beaufort	375346B	Aug. 12, 1977.
Do	Beaufort	Town of Belhaven	370015A	May 16, 1977.
Do	Chowan	Town of Edenton	370062B	Sept. 15, 1977.
Do	Halifax	Town of Hobgood	370116B	July 1, 1977.
Do	Rockingham	Town of Mayodan	370208A	July 18, 1977.
Do	Pender	Town of Surf City	370186B	May 2, 1977.
Do	do	Town of Topsail Beach	370187B	Sept. 30, 1977.
Do	Bertie	Town of Windsor	370019B	July 18, 1977.
North Dakota	Grand Forks	City of Grand Forks	385365A	Sept. 30, 1977.
Do	McHenry	City of Velva	380051B	Aug. 15, 1977.
Ohio	Erie	Village of Bay View	390595B	Sept. 15, 1977.
Do	Greene	City of Bellbrook	390194B	June 1, 1977.
Do	Butler	City of Hamilton	390039B	July 15, 1977.
Do	Ottawa	City of Port Clinton	390434B	Sept. 30, 1977.
Do	Ottawa	Village of Put-In-Bay	390600B	Sept. 30, 1977.
Do	Erie	City of Sandusky	390156B	July 5, 1977.
Do	Lucas	City of Sylvania	390364B	Do.
Do	Trumbull	City of Warren	390541A	Aug. 1, 1977.
Do	Mahoning and Trumbull.	City of Youngstown	390373B	July 18, 1977.
Oklahoma	Washington	Town of Copan	400361A	July 26, 1977.
Do	Hughes	Town of Dustin	460371A	June 28, 1977.
Oregon	Morrow	City of Irrigon	410177B	Aug. 26, 1977.
Do	Grant	City of John Day	410077B	Sept. 15, 1977.
Do	Douglas	City of Roseburg	410067B	June 1, 1977.
Do	Malheur	City of Vale	410153B	Aug. 26, 1977.
Pennsylvania	Montgomery	Township of Abington	420695B	Sept. 30, 1977.
Do	Berks	Township of Amity	420124A	July 18, 1977.
Do	Perry	Borough of Blain	420747B	June 24, 1977.
Do	Schuylkill	Township of Blythe	420767B	June 15, 1977.
Do	Bucks	Township of Bridgeton	420182B	Sept. 30, 1977.
Do	Delaware	Borough of Clifton Heights.	420407A	May 16, 1977.
Do	Indiana	Borough of Clymer	420498B	Sept. 15, 1977.
Do	Delaware	Borough of Colwyn	420409B	May 2, 1977.
Do	Schuylkill	Borough of Cressona	420769B	Aug. 1, 1977.
Do	Montour	Borough of Danville	420714A	May 2, 1977.
Do	Delaware	Borough of Darby	420411B	July 18, 1977.
Do	Dauphin	Township of Derry	420375B	Sept. 30, 1977.
Do	Berks	Township of Douglass	420131B	Aug. 15, 1977.
Do	do	Township of Earl	420132B	July 18, 1977.
Do	Chester	Township of East Goshen	420277B	July 5, 1977.
Do	Montgomery	Township E. Norriton	420950B	Sept. 30, 1977.
Do	Carbon	Township of East Penn	421013A	June 15, 1977.
Do	Bucks	Township of East Rockhill.	420187A	Aug. 1, 1977.
Do	Delaware	Township of Edgmont	420414B	Sept. 1, 1977.
Do	Lehigh	Borough of Emmaus	420588A	Do.
Do	Luzerne	Borough of Exeter	420605B	May 16, 1977.
Do	Delaware	Borough of Folcroft	420415	Aug. 1, 1977.
Do	Northampton	Borough of Freemansburg	420721B	Sept. 1, 1977.
Do	Carbon	Township of Franklin	421014B	Aug. 1, 1977.
Do	Cameron	Township of Gibson	421130B	Sept. 1, 1977.
Do	Schuylkill	Borough of Gilberton	421007B	May 2, 1977.
Do	Delaware	Borough of Glenolden	420416	Aug. 26, 1977.
Do	Mercer	Borough of Grove City	420675B	Sept. 30, 1977.
Do	Cameron	Township of Grove	421128B	July 18, 1977.
Do	Northampton	Township of Hanover	420722A	Aug. 1, 1977.
Do	Luzerne	do	420608A	May 16, 1977.
Do	Montgomery	Borough of Hatboro	420697B	June 15, 1977.
Do	Delaware	Township of Haverford	420417A	July 5, 1977.
Do	Indiana	Borough of Homer City	420500C	Sept. 30, 1977.
Do	Bucks	Borough of Hulmeville	420190A	Do.
Do	Luzerne	Township of Jenkins	420611B	May 16, 1977.
Do	Carbon	Borough of Jim Thorpe	420249A	Aug. 15, 1977.
Do	Luzerne	Borough of Kingston	420612A	June 1, 1977.
Do	Mifflin	Borough of Kistler	420686A	Sept. 15, 1977.
Do	Berks	Borough of Kutztown	420136A	May 2, 1977.
Do	Schuylkill	Borough of Landingville	420774B	Aug. 15, 1977.
Do	Berks	Borough of Leesport	420138B	May 16, 1977.
Do	Carbon	Borough of Lehighton	420251B	Sept. 15, 1977.
Do	McKean	Township of Liberty	420668B	Sept. 1, 1977.
Do	Cumberland	Township of Lower Allen	421016B	Sept. 30, 1977.
Do	Berks	Township of Lower Alsace	420140A	July 5, 1977.
Do	Montgomery	Township of Lower Frederick.	420952B	Sept. 30, 1977.
Do	Lycoming	Township of Loyalsock	421040B	May 16, 1977.
Do	Westmoreland	Borough of Manor	420886B	Sept. 1, 1977.
Do	Huntingdon	Borough of Mapleton	420487B	July 5, 1977.
Do	Delaware	Township of Maple	420420A	Sept. 1, 1977.
Do	Perry	Borough of Marysville	420751B	May 16, 1977.
Do	Erie	Borough of McKean	422416A	Sept. 30, 1977.
Do	Allehgeny	Borough of Mckees Rocks.	420052B	May 16, 1977.
Do	Crawford	City of Meadville	420351B	June 1, 1977.
Do	Lycoming	Borough of Montoursville.	420648A	Aug. 15, 1977.
Do	Bucks	Borough of Morrisville	420194C	Sept. 30, 1977.
Do	Westmoreland	Township of Mount Pleasant.	420888B	July 18, 1977.

State	County	Community	Community No.	Effective date
Pennsylvania	Huntingdon	Borough of Mount Union	420489B	Do.
Do	Berks	Township of Muhlenberg	420144B	Sept. 1, 1977.
Do	Lebanon	Borough of Myerstown	420575A	July 5, 1977.
Do	Bucks	Township of New Britain	420987B	Sept. 30, 1977.
Do	Schuylkill	Borough of New Philadelphia.	420779B	Aug. 15, 1977.
Do	Cumberland	Borough of Newbury	422405A	June 24, 1977.
Do	Montgomery	Borough of North Wales	420704	Sept. 30, 1977.
Do	York	Borough of North York	420933B	May 2, 1977.
Do	Delaware	Borough of Norwood	420425	Aug. 26, 1977.
Do	Venango	City of Oil City	420837B	July 5, 1977.
Do	Berks	Township of Ontelaunee	420966C	June 1, 1977.
Do	Delaware	Borough of Parkside	420426B	July 5, 1977.
Do	Luzerne	City of Pittston	420620B	May 2, 1977.
Do	do	Township of Plains	420621B	May 16, 1977.
Do	Northumberland	Township of Point	421026B	May 2, 1977.
Do	Montgomery	Borough of Pottstown	420705B	Sept. 30, 1977.
Do	Schuylkill	City of Pottsville	420785B	July 5, 1977.
Do	Luzerne	Borough of Pringle	420624B	May 2, 1977.
Do	Bucks	Borough of Quakertown	420200A	July 5, 1977.
Do	Delaware	Township of Radnor	420428B	Aug. 1, 1977.
Do	Blair	Borough of Roaring Spring.	420163B	Sept. 1, 1977.
Do	Berks	Township of Robeson	420146B	July 18, 1977.
Do	do	Borough of Shillington	420148B	Aug. 1, 1977.
Do	Dauphin	Township of South Hanover.	420395A	May 2, 1977.
Do	York	Township of Spring Garden.	420937B	June 15, 1977.
Do	Northumberland	City of Sunbury	420743B	July 18, 1977.
Do	Westmoreland	Borough of Sutersville	420902B	Aug. 1, 1977.
Do	Delaware	Borough of Swarthmore	420435A	May 16, 1977.
Do	Luzerne	Borough of Swoyersville	420627	June 15, 1977.
Do	Berks	Borough of Temple	420153A	July 18, 1977.
Do	Delaware	Borough of Trainer	420437A	Sept. 30, 1977.
Do	Okanogan	Town of Twisp	530124B	July 18, 1977.
Do	Northumberland	Township of Upper Augusta.	420745B	May 16, 1977.
Do	Delaware	Township of Upper Chichester.	420439B	Do.
Do	do	Township of Upper Providence.	420441B	June 15, 1977.
Do	Lehigh	Township of Upper Saucon.	420594B	July 15, 1977.
Do	Chester	Township of Westtown	420294A	June 1, 1977.
Do	do	Borough of West Chester	420292B	July 5, 1977.
Do	Crawford	Township of West Mead	420356C	June 15, 1977.
Do	Westmoreland	Borough of West Newton	420906B	July 18, 1977.
Do	Montgomery	Township of West Norriton.	420711B	Sept. 30, 1977.
Do	Chester	Township of West Whiteland.	420295B	May 2, 1977.
Do	Luzerne	Borough of West Wyoming.	420629B	July 22, 1977.
Do	do	Borough of White Haven	420630A	Aug. 1, 1977.
Do	do	City of Wilkes-Barre	420631B	Sept. 30, 1977.
Do	Bucks	Borough of Yardley	420210B	Aug. 1, 1977.
Do	York	City of York	420945B	June 15, 1977.
Rhode Island	Newport	Town of Tiverton	440012A	May 2, 1977.
South Carolina	Lexington	Town of Batesburg	450130B	June 10, 1977.
Do	Beaufort	City of Beaufort	450026B	May 2, 1977.
Do	do	Beaufort County	450025	Sept. 30, 1977.
Do	Colleton	Town of Edisto Beach	455414B	June 17, 1977.
Do	Horry	City of Myrtle Beach	450109A	July 5, 1977.
Do	Lexington	Town of Swansea	450139B	June 10, 1977.
South Dakota	Butte	City of Belle Fourche	460012B	June 1, 1977.
Do	Meade	City of Sturgis	460055C	Do.
Tennessee	Anderson	Town of Clinton	470001B	July 18, 1977.
Do	Maury	City of Columbia	475423B	June 3, 1977.
Do	Carter	City of Elizabethton	475425A	May 20, 1977.
Do	Marion	Town of Jasper	475429B	June 10, 1977.
Do	Cannon	Town of Woodbury	470021B	Sept. 1, 1977.
Texas	Brazoria	City of Angleton	480064B	June 10, 1977.
Do	Tarrant	City of Bedford	480585A	July 18, 1977.
Do	Brazoria	Town of Bonney	481300B	June 10, 1977.
Do	Montague	City of Bowie	480481B	Aug. 2, 1977.
Do	Brazoria	Brazoria County	485458B	June 10, 1977.
Do	Johnson and Tarrant.	City of Burleson	485459D	June 24, 1977.
Do	Montgomery	City of Conroe	480484B	May 16, 1977.
Do	Wise	City of Decatur	480678B	Aug. 16, 1977.
Do	Hidalgo	City of Edinburg	480338B	May 2, 1977.
Do	Galveston	Galveston County	485470B	June 24, 1977.
Do	do	Village of Jamaica Beach	481271B	Do.
Do	do	City of League City	485488B	June 17, 1977.
Do	Bexar	City of Leon Valley	480042B	June 1, 1977.
Do	do	City of Live Oak	480043B	May 16, 1977.
Do	Bowie	City of Nash	480058B	June 21, 1977.
Do	Gonzalas	City of Nixon	481114A	Aug. 26, 1977.
Do	Brazoria	Village of Quintana	481301B	June 10, 1977.
Do	Aransas	City of Rockport	485504C	Sept. 9, 1977.
Do	Tom Greene	City of San Angelo	480623B	May 16, 1977.
Do	Fannin	City of Savoy	480813A	Aug. 26, 1977.

State	County	Community	Community No.	Effective date
Texas	Bexar, Comal, and Guadalupe.	City of Schertz	480269B	Sept. 15, 1977.
Do	Erath	City of Stephenville	480220B	July 5, 1977.
Do	Brazoria	Village of Surfside Beach	481266B	June 10, 1977.
Do	Bexar	City of Universal City	480049B	May 16, 1977.
Do	Harris	City of Webster	485516A	June 10, 1977.
Do	Bexar	City of Windcrest	480689A	Aug. 15, 1977.
Vermont	Washington	Town of Warren	500121B	Sept. 1, 1977.
Virginia	Fairfax	Town of Clifton	510186A	May 2, 1977.
Do	Independent City.	City of Emporia	510047A	Sept. 30, 1977.
Do	do	City of Newport News	510103A	May 2, 1977.
Do	do	City of Poquoson	510183B	May 16, 1977.
Washington	Okanogan	Town of Brewster	530275A	Sept. 1, 1977.
Do	do	Town of Conconully	530118A	Sept. 30, 1977.
Do	do	City of Okanogan	530119B	Do
Do	do	Town of Oroville	530121B	Do.
Do	King	City of Seattle	530089A	July 19, 1977.
Do	Whatcom	Whatcom County	530198	Sept. 30, 1977.
West Virginia	Ohio	Village of Bethlehem	540275	Aug. 26, 1977.
Do	Mingo	Town of Gilbert	540135B	May 2, 1977.
Do	Jackson	City of Ripley	540064B	Sept. 1, 1977.
Wisconsin	Ashland	City of Ashland	550005B	Sept. 30, 1977.
Do	Milwaukee and Ozaukee.	Village of Bayside	550270B	June 15, 1977.
Do	Green Lake and Waushara.	City of Berlin	550166B	Sept. 30, 1977.
Do	Wood	Village of Biron	555545A	May 27, 1977.
Do	Chippewa	City of Chippewa Falls	550044	Sept. 1, 1977.
Do	Pepin	City of Durand	550320B	June 1, 1977.
Do	Eau Claire and Chippewa.	City of Eau Claire	550128A	Do
Do	Buffalo	City of Fountain	555555B	Aug. 5, 1977.
Do	Milwaukee	Village of Fox Point	550274B	May 16, 1977.
Do	do	City of Franklin	550273A	Sept. 30, 1977.
Do	Waupaca	Village of Fremont	550496B	June 15, 1977.
Do	Brown	City of Green Bay	550022B	Sept. 30, 1977.
Do	Winnebago	City of Oshkosh	550511B	May 16, 1977.
Do	Outagamie	Outagamie County	550302A	Sept. 30, 1977.
Do	Ozaukee	Ozaukee County	550310	May 16, 1977.
Do	Wood	City of Wisconsin Rapids	555587B	July 22, 1977.
Wyoming	Natrona	City of Casper	560037B	Sept. 15, 1977.
Do	Laramie	City of Cheyenne	560030B	Sept. 30, 1977.01

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[4210-01]

[Docket No. FI-2402]

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.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final 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, 202-755-5581 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 Bethlehem, Lehigh and Northampton Counties, 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, 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:

Source of flooding	Location	Elevation in feet, above mean sea level
Lehigh River	Freemansburg Rd	224
	Minsi Trail	231
	New St	235
	Hill to Hill Bridge	237
	8th Avenue (extended).	239
	Upstream corporate limit.	243
Monocacy Creek	Lehigh St	237
	Broad St	238
	Union Blvd	239
	Fairview St. (extended).	240
	Eaton Ave	243
	Illicks Mill Rd	257
	L. & N.E. RR. Bridge.	270
	Bridle Path Rd	281
	Macada Rd	285
	Center St	292
	Road Bridge	302
	Township Line Rd.	306
Saucon Creek	ConRail Bridge	226
	Shimersville Rd	228
	Hellertown Rd	232
	Park Bridge	238
	Dam	242
	Silvex Rd	248
	High St	254
	Friedensville Rd	276

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 R.S.C. 2001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[4210-01]

[Docket No. FI-2588]

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.

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 Greenville, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Greenville, are available for review at City Hall, Greenville, N.C.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Greenville, 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 (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, 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:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Tar River	Greenville Blvd. NE[1].	21
	North Green St.[1]	23
Green Mill Run	5th St.[1]	21
	Elm St.	29
	14th St.	35
	Evans St.	38
	Memorial Dr.[1]	49
	SR 1135	60
North Fork Green Mill Run.	N. & S. RR[1]	63
	SR 1203[1]	68
Fornes Run	14th St.	39
	South Elm St.[1]	53
Parkers Creek and Laterial No. 1.	SR 1530	23
	North Green St.	24
Parkers Creek and Laterial No. 2.	NC 30	23
	North Green St.	24
Hardeen Creek	N. & S. RR[1]	24
Bells Branch	Oxford Rd.	20
	N. & S. RR[1]	47
	York Rd.	56
Reedy Branch	10th St.[1]	21
	South Wright Rd.	36
	N. & S. RR[1]	63
Meeting House Branch.	N. & S. RR[1]	33
	King George Rd.	37

[1]Downstream side.

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

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3522 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-2834]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Grand Strand Flood District, Horry County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Grand Strand Flood District, Horry County, S.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for 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 Flood 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.

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, and the Administrator has resolved the appeals represented 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:

Source of Flooding	Location	Elevation in feet above mean sea level
Atlantic Ocean.	5th Ave	13
	Old Conway Highway	13
	Shore Dr	13
	Kings Rd	13
	Beach Dr	13
	Waccamaw Dr	14
	Ocean Blvd	14

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 R.S.C. 2001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3536 Filed 2-10-78; 8:45 am]

[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 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 Independent City of Bedford, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the independent city of Bedford, Va., are available for review at the Bedford Municipal Building in the Front Hall, 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 Independent City of Bedford, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet above mean sea level
Johns Creek...	Downstream Corporate Limits.	818
	At 1st tributary	823
	At 2d tributary	845
	At Town Branch	862
	At Va. Route 297	862
Unnamed Tributary to Little Otter River.	Elks Private Drive	861
	Downstream of Norfolk & Western Rd..	862
	Macon R	892
	Va. Route 297	898

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

Issued: November 29, 1977.

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 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 Keating, McKean County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Keating, McKean County, Pa., are available for review in the meeting room, Keating Township Municipal Building, Route 446, East Smethport, Pa.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Keating, McKean County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of Flooding	Location	Elevation in feet, above mean sea level
Potato Creek.....	Intersection of northern corporate limit of Smethport and Potato Creek.	1,467
	U.S. Route 6 Bridge.	1,469.5
	Intersection of southern corporate limit of Smethport and Potato Creek.	1,474.5
Miller Brook	Confluence with Potato Creek.	1,471
	Abandoned railroad bridge.	1,473
	Upstream of Route 46 Culvert.	1,505

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[4210-01]

[Docket No. FI-2988]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Derry, Westmoreland 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 Derry, 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Derry, Westmoreland County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Derry, Westmoreland County, Pa., are available for review at the Borough Municipal Building, 620 North Chestnut Street, Derry, Pa.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Derry, Westmoreland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of Flooding	Location	Elevation in feet, above mean sea level
McGee Run	Upstream corporate limits.	1,228
	East 3rd Avenue	1,206
	East 1st Avenue	1,194
	Canadaway	1,157
	4th Street—Route 217.	1,146
	Downstream corporate limits.	1,136
Garlane Mills Run	Upstream corporate limits.	1,297
	West Utopia Street.	1,240
	West 4th Avenue	1,209
	West Kelly Way	1,192
	Confluence with McGee Run.	1,155

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3532 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-2999]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Spartanburg, Spartanburg County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Spartanburg, Spartanburg County, S.C., are available for review at the lobby of the Spartanburg City Hall, 145 West Broad Street, Spartanburg, 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 City of Spartanburg, Spartanburg County, S.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, above mean sea level
Little Chinquepin Creek.	S.C. Highway 56	759
	Centennial St.	752
Tributary C-1	Daniel Morgan Ave.	707
	Pine St.	699
Chinquepin Creek.	Upstream corporate limits.	716
	Isom St	699
	Southern Ry	682
Tributary L-1	Earth dam and road.	675
Halfway Branch	Cart Dr.	669
	Fernwood-Glendale Rd.	656
Lawsons Fork River.	Upstream corporate limits.	680
	U.S. Highway 29	671
	Fernwood Rd.	663
	Halfway Branch	650
Holston Creek	S.C. Highway 295.	796
	Fieldstone Rd.	775
	Camelot Dr.	748
	Girl Scout Camp Rd.	720
	U.S. Highway 29	698
Farley Branch	Northern Piedmont Ry.	735
	Wofford St.	705
	Vanderbilt Rd.	684
Greenville Branch	Henry St.	694
	S. Forest St.	669
	Prince Hall	653
Williams Branch	Winton Dr.	754
	Ammons Rd.	720

Source of flooding	Location	Elevation in feet, above mean sea level
	Confluence of Fairforest Creek.	649
Tributary F-2	Caulder Ave.	673
	Bomar St.	644
Tributary F-1	Confluence of Fairforest Creek.	619
Fairforest Creek	Powell Mill Rd.	729
	Main St.	679
	Reidville Rd.	663
	Oak St.	642
	Tributary F-1	619

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3537 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3112]

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.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Upper Providence, are available for review at the Township Office, 1301 Black Rock Road, Oaks, Pa.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Upper 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. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of Flooding.	Location	Elevation in feet, above mean sea level
Schuylkill River	ConRail railroad bridge.	97.8
	Pennsylvania Route 29.	101.8
	Black Rock Rd	106.3
	ConRail railroad bridge.	108.7
	Upstream corporate limit.	112.9
Perkiomen Creek	ConRail railroad bridge.	97.4
	Egypt Rd	99.8
	Arcola Rd	107.4
	Yerkes Rd	114.3

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

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3534 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3148]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Jamestown, Chautauqua 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 City of Jamestown, Chautauqua 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 the City of Jamestown, Chautauqua County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Jamestown, Chautauque 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 city of Jamestown, Chautauqua County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet above mean sea level
Chadokoin River.	East Corporate Limits	1,262
	ConRail Bridge	1,267
	Buffalo Street	1,277
	Chandler Street	1,289
	Windsor Street	1,293
	Foote Avenue	1,298
	Main Street	1,302
	West Sixth Street	1,310
	West Corporate Limits	1,310

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[4210-01]

[Docket No. FI-3235]

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 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 West Bloomfield, Ontario County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of West Bloomfield, Ontario County, N.Y., are available for review at the Town Hall, West Bloomfield, N.Y.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of West Bloomfield, Ontario County, NY.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

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

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[4210-01]

[Docket No. FI-3238]

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 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 Aberdeen, Brown County, S. Dak.

ADDRESSES: 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.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, above mean sea level
Moccasin Creek	Confluence with Moccasin Creek Tributary.	1,297
	3d Ave	1,297

Source of flooding	Location	Elevation in feet, above mean sea level
	6th Ave	1,296
	8th Ave	1,296
	10th Ave	1,296
	Melgaard Rd	1,295
	Brown County 14.	1,294
Moccasin Creek Tributary.	8th Ave	1,299
	B. N. RR	1,298
	C.M. S.P. & P. RR.	1,298
	Confluence with Moccasin Creek.	1,297
Foot Creek	Melgaard Rd	1,302
	Frontage Rd	1,302
	U.S. 281	1,301
	Brown County 14.	1,300

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[4210-01]

[Docket No. FI-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.

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 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 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).	1,126
	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).	1,221
	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
	Freshour St	1,318
	Corporate Limits	1,372
West Fork Turkey Creek.	South Jackson St.	1,285
	Dice St. (downstream side).	1,288
	Dice St. (upstream side).	1,289
	Sulphur Springs Rd. (downstream side).	1,297
	Sulphur Springs Rd. (upstream side).	1,300
	Valley St. (downstream side).	1,307
	Valley St. (upstream side).	1,309
	Kennedy Circle (downstream side).	1,332
	Kennedy Circle (upstream side).	1,339
	Lincoln Ave. (downstream side).	1,351
	Lincoln Ave. (upstream side).	1,356
	Corporate Limits	1,358
Stubblefield Creek	Corporate Limits	1,212
	North Liberty Rd. (downstream side).	1,220
	North Liberty Rd. (upstream side).	1,228
	U.S. Highway 11E Bypass (downstream side).	1,269
	U.S. Highway 11E Bypass (upstream side).	1,271
	Trade St. (downstream side).	1,282
	Trade St. (upstream side).	1,282
	Merwin St. (downstream side).	1,285
	Merwin St. (upstream side).	1,288
	Forgey Ave. (downstream side).	1,311
	Forgey Ave. (upstream side).	1,318
	Algonquin Dr. (downstream side).	1,328
	Algonquin Dr. (upstream side).	1,334
	Bacon Lane (downstream side).	1,345
	Bacon Lane (upstream side).	1,346
	Hillvale Dr. (downstream side).	1,373
	Hillvale Dr. (upstream side).	1,373
	Corporate Limits	1,374
Havley Springs Branch.	Corporate Limits	1,144
	Turkey Bridge Rd	1,181
	Downstream Crossing of Walters Dr. (downstream side).	1,230
	Downstream Crossing of Walters Dr. (upstream side).	1,235
	Upstream Crossing of Walters Dr. (downstream side).	1,250
	Upstream Crossing of Walters Dr. (upstream side).	1,252
	North Economy Rd. (downstream side).	1,271

Source of flooding	Location	Elevation, feet above mean sea level
Havley Springs Branch.	North Economy Rd. (upstream side).	1,272
Unnamed Tributary to Turkey Creek.	Confluence with Turkey Creek.	1,307
	Lincoln Ave. (downstream side).	1,334
	Lincoln Ave. (upstream side).	1,335
	Union Ave. (downstream side).	1,344
	Union Ave. (upstream side).	1,345
Unnamed Tributary to Turkey Creek.	Confluence with Turkey Creek.	1,307
	Lincoln Ave. (downstream).	1,334
	Lincoln Ave. (upstream).	1,335
	Union Ave. (downstream).	1,344
	Union Ave. (upstream).	1,345

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

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3539 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3251]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Cleveland, Manitowoc County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Cleveland, Manitowoc County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Cleveland, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Cleveland, are available for review at the Veterans of Foreign Wars Building, Park Lane, Cleveland, Wis.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the 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 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Centerville Creek Tributary.	Linden St.	643
	Hickory St.	635
	Chicago and Northwestern RR.	633
	Washington Ave.	631
	Center St.	628
Centerville Creek.	Footbridge.	654
	U.S. Highway 141.	640
	Dam.	597
	County Trunk Highway LS.	584

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[4210-01]

[Docket No. FI-3261]

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.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Walnutport, Northampton County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Walnutport, Northampton County, Pa., are available for review at the Walnutport Borough Hall, Lincoln Avenue, Walnutport, Pa.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of 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 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
Lehigh River.....	Downstream corporate limits.	357
	Foot of Gap St.....	358
	Southend of Lehigh St.	360
	300 feet downstream of Main St.	362
	100 feet upstream of Main St.	363
	At U.S.G.S. gaging station.	365
	At upstream corporate limits.	366

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3535 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3295]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Herkimer, Herkimer County, N.Y., are available for review at the bulletin board in the Municipal Building, 120 Green Street, Herkimer, 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.

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mohawk River.....	Upstream Corporate Limits.	394
	New York State Thruway Bridge.	391
	Confluence with Hydraulic Canal.	388
	Downstream Corporate Limits.	387
West Canada Creek.	Upstream Corporate Limits.	414
	East Side Street Bridge.	390
	ConRail	387
	Confluence with Mohwak River.	384
Bellinger Brook.....	Maple Grove Ave. Bridge.	419
	Church St. Bridge	414
	High School Footbridge.	402
	Downstream Corporate Limits.	395

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[4210-01]

[Docket No. FI-3309]

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. 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 County of Botetourt, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the County of Botetourt, Va., are available for review at the County Courthouse, Fincastle, 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 County of Botetourt, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determina-

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Back Creek	Confluence with Ellis Run.	919
	State Route 630	924
	State Route 636	960
	State Route 640	996
Buffalo Creek	Norfolk & Western Ry.	1,160
	U.S. Route 81 on ramp.	1,181
	U.S. Route 220	1,187
	U.S. Route 81	1,193
	State Route 653	1,254
	County limits	1,295
Craig Creek	Confluence with James River.	941
	State Route 615	941
	State Route 685	943
	Footbridge	967
	Roaring Run	968
Eagle Rock Creek	Confluence with James River.	936
	Chesapeake & Ohio RR.	936
	State Route 688	938
	State Route 43	954
	State Route 742	982
	State Route 745 (downstream).	991
	State Route 745 (upstream).	1,019
Ellis Run	Confluence with Back Creek.	919
	State Route 640	928
Glade Creek	County limits	996
	Norfolk & Western Ry. (downstream).	1,007
	Norfolk & Western Ry. (upstream).	1,013
	State Route 738	1,013
	Confluence with Laymantown Creek.	1,014
Jackson River	Confluence with James River.	1,015
	State Route 727	1,019
	County limits	1,021
James River	County limits	761
	State Route 614	798
	Jennings Creek	802
	Buchanan corporate limits (downstream).	832
	Buchanan corporate limits (upstream).	834
	Looney Mill Creek.	840
	U.S. Route 81 (east lane).	842
	Milepost 322	933
	State Route 220	938
	Confluence with Craig Creek.	941
	Old railroad bridge.	942
	Milepost 326.16	948
	Mill Creek	956
	Sinking Creek	957
	Milepost 334.69	988
	State Route 633	991
Laurel Run	State Route 640	858
	Norfolk & Western Ry.	893
Laymantown Creek.	Confluence with Glade Creek.	1,014
	State Route 658	1,027
	State Route 460	1,030
	State Route 658	1,042
Long Run	Looney Mill Creek.	840
	State Route 625	841
Looney Mill Creek	Confluence with James River.	840
	Long Run	840
	State Route 625	840
	U.S. Route 11	857
	Laurel Run	858
Mill Creek	Confluence with James River.	956
	Chesapeake & Ohio Ry.	957
	U.S. Route 220	958
	State Route 694	962
	Private drive	1,010
Roaring Run	Confluence with Craig Creek.	968
	State Route 615	968
Sinking Creek	Confluence with James River.	957
	Chesapeake & Ohio RR.	957
	U.S. Route 220	958
Tinker Creek	County limits	1,102
	Service road (downstream).	1,102
	U.S. Route 220	1,106
	State Route 654	1,132
	State Route 1103	1,133
	Diversion dam (downstream).	1,133
	Service road (1st upstream crossing).	1,134
	Service road (2nd upstream crossing).	1,139
	U.S. Route 11	1,141
	Interstate 81	1,150
	Diversion dam (upstream).	1,155
	State Route 816	1,161

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

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3542 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3339]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Butler, Butler 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 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, 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 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:

Source of flooding	Location	Elevation in feet above mean sea level
Connoquenessing Creek.	Armco Plant Bridge.	981
	Confluence with Butcher Run.	984
	Old Route 422	1,004
	Route 422	1,011
Butcher Run	B & O RR. (just downstream).	984

Source of flooding	Location	Elevation in feet above mean sea level
Butcher Run	State Route 8	989
	Limit of detailed study.	1,001
Coal Run	Railroad spur	1,011
	Confluence with tributary No. 1.	1,017
Shearer Run	Shearer Rd.	1,013
	Limit of detailed study.	1,048

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

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3531 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3420]

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 East Spencer, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of East Spencer, are available for review at Town Hall, 110 Henderson Street, East Spencer, 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 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 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jackson Branch	Shaver St.[1]	699
	do[2]	704
East Spencer High Creek.	Georid St.[1]	687
	do[2]	688
	Grant St.[1]	690
	do[2]	697
Ice Plant Creek	Boundary St.[1]	672
	do[2]	680
	Grant St.[1]	688
	do[2]	690
Railroad Branch	Pine Tree Dr[1]	674
	do[2]	678
	Shaver St.[1]	698
	do[2]	704

[1]Downstream
[2]Upstream side.

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

Issued: JANUARY 17, 1978.

PATRICA 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 Landis, 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 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. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Landis, 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 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mill Creek	Ryder Ave.[1]	823
	do[2]	823
Beaver Creek	Beaver St.[1]	777
	do[2]	782
	Chapel St.[1]	789
	do[2]	792

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Correll Creek	East Mills Dr. [1]	813
	do [2]	825
Town Branch	Town St. [1]	792
	do [2]	802
Grants Creek	Meriah St. [1]	811
	do [2]	819

[1] Downstream side.
[2] Upstream side.

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

Issued: January 17, 1978.

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 Determinations for Clatsop County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Clatsop County, Oreg.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for 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:

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 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 XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lewis and Clark River.	Fort Clatsop Rd. Bridge.	12
	Klickitot Creek Bridge.	32
Little Walluski River.	Little Walluski Rd. (Culvert).	7
Big Creek	Old Highway 30 Bridge.	18
	U.S. Highway 30 Bridge.	32
Little Creek	Old Highway 30 Bridge.	13
	U.S. Highway 30 Bridge.	34
Bear Creek	Old U.S. Highway 30 Bridge.	21
Plympton Creek	Westport Dock Rd. Bridge.	15
	Bridge	16
	Burlington Northern Bridge.	18
	Columbia River Highway Bridge.	22
Neawanna Creek	Broadway Street Bridge.	13
	Avenue S Bridge	13
Necanicum River	Sunset Highway U.S. 26 Bridge.	150
	Reservoir Rd. Bridge.	164
North Fork Nehalem River at Hamlet.	Private Bridge (Station 99300) [1].	506
	Steel Bridge Hamlet Rd.	514
	Private Bridge (Station 104960) [2].	535
	Log Bridge—Hamlet Rd.	541
Nehalem River	Nehalem Rd. Bridge.	380
	U.S. Highway 26 Bridge.	412
	Jewell-Elsie Rd. Bridge.	435
Nehalem River	Nehalem Highway Bridge (Station 249780) [1].	470
	Nehalem Highway Bridge (Station 263690) [1].	478
	Nehalem Highway Bridge (Station 285200) [1].	490
	Nehalem Highway Bridge (Station 327100) [1].	506
Humbug River	Private Bridge	383
	Lower Nehalem Rd. Bridge.	400
Cow Creek	Fishhawk Falls Highway Bridge.	482
	Private Bridge	522
Fishhawk Creek at Jewell.	Bridge at Jewell	469
Northrup Creek	Nehalem Highway Bridge.	493
Fishhawk Creek at Birkenfeld.	Bridge (Station 3225). [1]	519
	Bridge (Station 7625). [1]	527
	Greasy Spoon Rd., Bridge.	529

[1] Approximate distance in feet above mouth of river.

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[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-

tional 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 Village of Franklinville, Cattaraugus County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of 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 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. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gates Creek	Upstream corporate limits.	1,618
	Fourth Ave.	1,586
	Route 16	1,578
Ischua Creek	Bakerstand Rd	1,583
	Downstream corporate limits.	1,581

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

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3518 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3505]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of New Haven, are available for review at Municipal Building, 301 5th Street, New Haven, W. Va.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of New Haven, W. Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Upstream corporate limit.	581
	Downstream corporate limit.	580
Broad Run	U.S. Highway 33	581
	Baltimore & Ohio RR.	581
	Layne Rd	581

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

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3544 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3510]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of St. Albans, Franklin 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 City of St. Albans, Franklin 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 City of St. Albans, Franklin County, Vt.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of St. Albans are available for review at the City Manager's Office, City Hall, 100 North Main, St. Albans, Vt. 05478.

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. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stevens Brook	40 ft downstream of Barlow St.	481
	40 ft upstream of Barlow St.	489

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3541 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3519]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Faith, 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 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.

ADDRESSES: 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. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cemetary Creek	Church St.[1]	822
	do.[2]	828
	Brown St.[1]	842
	do.[2]	845
	Fisher St.[1]	859
	do.[2]	861
Park Creek	Faith Rd.[1]	823
	do.[2]	828
	School St.[1]	845
	do.[2]	848
Quary Creek	Faith Rd.[1]	781
	do.[2]	787

[1] Downstream side.
[2] Upstream side.

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

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3526 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3622]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Garner, 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 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.

ADDRESSES: 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:

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 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 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Reedy Branch	North Carolina State Road 2710.	241
	Edgebrook St	288
	Park Ave	294
	Lakeside Dr	307
	Vandora Ave	310
	North Carolina State Road 2794.	323
Bogwell Branch	North Carolina 50	293
Reedy Branch Tributary.	Claymore Dr.[1]	267
Swift Creek	Old Stage Rd.[1]	246
Adams Branch	North Carolina State Road 2569.[1].	275
Big Branch	North Carolina State Road 2564.	225
Buck Creek	Vandora Springs Rd.[1].	270
Echo Creek	North Carolina State Road 1006.	265
	North Carolina State Road 2720.[1].	281
	Vesta Drive	308
Yates Branch	Garner Extraterritorial Boundary.	247
Mahlers Creek	Garner Extraterritorial Boundary.	248

[1]Upstream.

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

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3524 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3623]

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.

ADDRESSES: 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:

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 Wake Forest, 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 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smith Creek	North Carolina State Road 2053 (upstream).	262
	North Carolina State Road 2053 (downstream).	261
Richland Creek	North Carolina State Road 1930.	266
	North Carolina 98	258
Dunn Creek	North Carolina Route 98.	281
	North Carolina State Road 1942 (upstream).	318
	North Carolina State Road 1942 (downstream).	314
Spring Branch	Corporate Limits (State District 5100).	309
Horse Creek	North Carolina State Road 1926.	322
	North Carolina State Road 1927 (upstream).	300
	North Carolina State Road 1927 (downstream).	299
Unnamed Stream 3.	Extraterritorial limits.	329
Austin Creek	North Carolina State Route 2053 (upstream).	255
	North Carolina State Route 2053 (downstream).	254

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

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3523 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3624]

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 re-

quired 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, N.C.

ADDRESS: 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 Office, 111 East Vance Street, Zebulon, 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 Zebulon, 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 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Creek	U.S. Route 264*	272
	do.**	265
Gill Creek	North Carolina State Rd. 236*.	263
	do.**	261
Wheels Creek	U.S. Route 64*	234
	do.**	233
Little River	North Carolina State Rd. 2368*.	245
	do.**	242
Hominy Branch	Zebulon extraterritorial limit*.	233
Beaverdam Creek	U.S. Route 64*	289
	do.**	287

*Upstream.
**Downstream.

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

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[4210-01]

[Docket No. FI-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.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the town of Stamford are available for review at Town Clerk's Office located in the Stamford Elementary School, Main Road, Stamford, Vt.

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 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North branch, Hoosic River.	Southern town Boundary.	1,074
	250 ft downstream of the Lane Bridge.	1,086
	The Lane Bridge..	1,094
	Confluence of Roaring Brook.	1,111
	125 ft upstream of confluence of Brown Brook.	1,119
	Confluence of Harris-Goodrich Brook.	1,131
	100 ft downstream of East Street Bridge.	1,146
	East Street Bridge.	1,152
	Confluence of Fuller Brook.	1,174
	Confluence of Sumner Brook.	1,201
	Route 8 Bridge near Sumner Brook.	1,215
	Confluence of Basin Brook.	1,251
	Route 8 above Basin Brook.	1,284
	Old Route 100 Bridge near Basin Brook.	1,285
	425 ft upstream of Old Route 100 Bridge near Basin Brook.	1,297
	Route 8 Bridge 0.6 mi south of Collins Rd.	1,318
	Route 8 Bridge 0.2 mi south of Collins Rd.	1,362
	Confluence with Crazy John Stream.	1,371
	Old Route 100 Bridge near Collins Rd.	1,388
	1,500 ft upstream of Old Route 100 Bridge near Collins Rd.	1,431
	Bridge off Old Route 100 0.3 mi south of Fred Tatro Rd.	1,506
	Private driveway bridge 0.1 mi south of Fred Tatro Rd.	1,516

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North branch, Hoosic River.	Route 8 culvert, 150 ft north of Fred Tatro Rd.	1,537
Roaring Brook.....	Confluence with north branch, Hoosic River.	1,111
	500 ft downstream of Route 8 Bridge.	1,121
	Route 8 Bridge	1,136
	600 ft upstream of Route 8 Bridge.	1,145
	1,500 ft upstream of Route 8 Bridge.	1,174
	2,250 ft upstream of Route 8 Bridge.	1,198
	2,600 ft upstream of Route 8 Bridge.	1,216
	3,250 ft upstream of Route 8 Bridge.	1,232

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

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[8320-01]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-1—GENERAL

Miscellaneous Changes

AGENCY: Veterans' Administration.

ACTION: Final regulation.

SUMMARY: This part is being revised to make administrative changes, provide guidance in the handling of contract appeals, require prior technical review of specified contracts, change the priority of certain supply sources, and to delete an obsolete reference to a functional element within the Department of Commerce. It is intended that these revisions will add clarity and effectiveness to the VA Procurement Regulations.

EFFECTIVE DATE: February 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Clyde C. Cook, Supply Service, Veterans' Administration, Washington, D.C. 20420, 202-389-3808.

SUPPLEMENTARY INFORMATION: Section 8-1.302-1 is revised to list Federal 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 (BDSA) of the Department of Commerce. BDSA 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.

Approved: February 6, 1978.

By direction of the Administrator.

RUFUS 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):

* * * * *

(3) 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.

* * * * *

(6) 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 (025). (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 (025), 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 activity (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.

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

[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.

EFFECTIVE DATE: March 20, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: January 31, 1978.

Released: February 7, 1978.

In the matter of amendment of Part 83 of the rules to specifically prohibit the transmission of radio communications by ship stations in the maritime services when the vessels are on land, Docket No. 21405.

1. A notice of proposed rulemaking in the above-captioned matter was released September 30, 1977, and published in the FEDERAL REGISTER on October 6, 1977 (423 FR 54436). The specified time for filing comments and reply comments has expired.

2. The subject rule amendment was proposed in response to an increasing number of inquiries and complaints concerning the transmission of radio communications by ship stations aboard vessels located on land. Most often transmissions of this nature involve recreational boats parked in driveways, backyards, adjacent to marinas, traveling along roadways, and the like. Part 83 (Stations on Shipboard in the Maritime Services) of the Commission's rules does not provide for, nor specifically forbid, the operation of ship stations while they are on land. The utilization of scarce maritime frequencies by ship stations under such circumstances is generally not within the intent or scope of service delineated in the rules governing maritime mobile communications. Rather than rely on a a case-by-case interpretation, the Commission proposed that specific language in the rules, prohibiting ship stations from transmitting signals while on land, would best resolve any confusion concerning this mode of operation. It was further indicated that vessels aground 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(i) 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.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
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 Unauthorized transmissions.

* * * * *

(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 the purposes of this subparagraph.)

[FR Doc. 78-3900 Filed 2-10-78; 8:45 am]

[1505-01]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-03; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars

Correction

In FR Doc. 78-3115 appearing on page 4859 in the issue of Monday, February 6, 1978, Tables I-GG and I-JJ should read as follows:

TABLE I - GG

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

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section 2/ width (mm)
	120	140	160	180	200	220	240	260	280			
P165/80R15	380	410	440	465	490	515	540	560	580	4-1/2	797	165

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 S4.2.2.2.

TABLE I - JJ

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

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section 2/ width (mm)
	120	140	160	180	200	220	240	260	280			
P225/70R14	510	550	590	625	660	690	725	755	780	6	879	223
P235/70R14	550	595	635	675	710	745	780	810	840	6-1/2	904	235
P245/70R14	595	640	685	725	765	805	840	875	905	7	930	248
P235/70R15	575	625	665	705	745	780	815	850	880	6-1/2	929	235
P255/70R15	665	715	765	815	860	900	940	980	1015	7	976	255

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 S4.2.2.2.

[3510-22]

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:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-281-3600.

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.

Signed at Washington, D.C. this day of February, 1978.

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

[FR Doc. 78-3853 Filed 2-10-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[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, "prepared on the air transportation of radioactive materials, including packaging and related ground transpor-[tation.].

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-AEA-94]

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, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone, 212-995-3391. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, 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 (NPRM) 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.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the State College, Pa., transition area by inserting after the phrase, "extending clockwise from a 280° bearing to a 020° bearing from the airport;", the following; "within 3.5 miles each side of the University Park Airport ILS Runway 24 localizer course, extending from the OM to 10.5 miles northeast of the OM;"

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.

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

Issued in Jamaica, N.Y., on January 26, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 78-3891 Filed 2-10-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release No. IA-615; File No. S7-735]

INVESTMENT ADVISERS

Requirements Governing Payments of Cash Referral Fees

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The purpose of this document is to solicit 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

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 inquires 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, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C. 20005, and should refer to File No. S7-735.

FOR FURTHER INFORMATION CONTACT:

Michael Berenson, Esq., Office of the Chief Counsel, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-376-8053.

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 veiw 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-6(4)) which contained a prohibition, either complete or subject to specified exceptions, on the payment of referral fees of any kind or in any manner to a solicitor who is not an employee of the investment adviser. Section 206(4) of the Act authorizes 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 specifically invites public comments on the advisability of such a rule and comments on what its effects would be on the investment advisory industry as it currently operates.

If, after considering the public comments received in response to this release, the Commission concludes that a complete prohibition on the payment of referral fees is appropriate, it will consider the need to adopt a rule reflecting such decision.

An alternative resolution would be to permit such payments, but only under narrowly circumscribed conditions. Accordngly, 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 new paragraph (k) of Rule 204-2 (17 CFR 275.204-2(k)) 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 clearly identified as a sales representative for the investment advisory services 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, a registered representative who recommends advisory services furnished by the broker-dealer—investment adviser firm with which he is associated. While, of course, a prospective client would expect that a registered representative would have a natural bias toward recommending all of his employer's services, the prospective client would not necessarily realize that the registered representative was being additionally compensated for his solicitation activities.

The Rule also provides that it is not unlawful for a cash referral fee to be paid in connection with solicitation of clients for an investment adviser who provides:

(a) Written materials or oral statements which are not individually tailored;

(b) Statistical information which does not comment on the investment merits of particular securities; or

(c) A combination of the two foregoing services.

The advisory services which could be offered pursuant to this exception are of an impersonal nature. The Commission believes that sales of such services will frequently be made by individuals who are clearly identifiable as salesmen and that prospective clients would normally be aware that such salesmen are compensated on a commission basis.

Those investment advisers whose referral arrangements do not fall into either of the two categories described above will be required to adhere to a series of conditions. These conditions govern who can receive a referral fee, the timing and nature of the disclosures the solicitor must make to prospective clinets, the investment adviser's responsibilities with respect to the solicitor's activities and the investment adviser's continuing responsibilities under the Rule.

Because it would be inappropriate for an investment adviser to be permitted to employ indirectly, as a solicitor, 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.[1]

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 a registered investment adviser, the Commission would entertain, and be prepared to grant in appropriate circumstances, requests for permission to employ as a solicitor a person who is subject to a statutory bar.

formation set forth in paragraph (b) of the proposed Rule. These disclosures consist, for the most part, of basic information relating to the solicitation, such as the name of the solicitor and the investment adviser on whose behalf he is working, the nature of the relationship between the investment adviser and the solicitor and a description of the compensation to be paid to the solicitor. While these requirements and their rationales should be easily understandable, particular attention should be given to the content of and the intent behind the requirements of paragraph (b)(7).

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 his account or will be required to pay a higher advisor 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 two 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.[2] 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 an 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 this 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 to such person in connection with the solicitation activities covered by the Rule.

It may be difficult for investment advisers who direct their client's 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, among 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 execute the transaction competently 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[3] 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.[4]

AUTHORITY

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

[2] 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 performing similar functions), or any person directly or indirectly controlling or controlled by such investment adviser, including any employee * * *."

[3] Cf. In the Matter of Consumer Investor Planning Corp., Securities Exchange Act Release No. 8542 (February 20, 1969).

[4] This release and rule proposal should also not be taken as an expression of the Commission's views on any potentially related questions, such as the use of the assets of a registered investment company to bear expenses associated with the distribution of its shares or the rules the Commission has proposed pursuant to section 11(a) (15 U.S.C. 78k(a)) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) relating to trading by members of exchanges, brokers, and dealers.

to the authority contained in sections 204, 206(4), and 211(a) of the Act (15 U.S.C. 80b-4, 80b-6(4) and 80b-11(a)).

I. It is proposed to amend Part 275 of Chapter II of Title 17 of the Code of Federal Regulations by adding new § 275.206(4)-3 as follows:

§ 275.206(4)-3 Cash payments for client solicitations.

(a) It shall constitute a fraudulent, deceptive, or manipulative act, practice or course of business within the meaning of section 206(4) of the act for any registered investment adviser to pay a cash fee to a person who solicites or recommends any client for or to the investment adviser unless such payment (1) is made to an employee of the investment adviser who is primarily engaged in performing duties relating to the investment advisory business of the investment adviser or is clearly identified as a sales representative for the investment advisory services of the investment adviser; (2) is made with respect to the solicitation or recommendation of clients for or to an investment adviser who furnishes such clients only (i) written materials or oral statements which do not purport to meet the objectives or needs of the specific clients, or (ii) statistical information containing no expressions of opinions as to the investment merits of particular securities, or (iii) any combination of the foregoing services; or (3) is made pursuant to an arrangement which complies with the following:

(i) The recipient of such fee (a "solicitor") is not a person who is the subject of a Commission order barring or suspending the right of such person to be associated with an investment adviser or a person who has engaged in any of the conduct set forth in section 203(e) of the act or been the subject of the type of injunction set forth in section 203(e)(3) of the act which could allow such person to be the subject of an order issued by the Commission barring or suspending the right of such person to be associated with an investment adviser;

(ii) The investment adviser supervises the solicitation activities of the solicitor as if the solicitor were one of its own employees;

(iii)(A) The investment adviser has a reasonable basis for believing that the client has received from the solicitor during the course of the solicitation or recommendation a written disclosure document containing the information required by paragraph (b) of this section and that the client is capable of evaluating the information set forth in the disclosure document; and (B) the investment adviser receives from the client prior to the inception of the advisory relationship with the investment adviser a written acknowledgment of receipt of the disclosure document;

NOTE.—The investment adviser shall retain a copy of each such 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 period covered in 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 compensation paid or to be paid to the solicitor.

(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 be charged in addition to the advisory fee, 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.

(8) If, pursuant to the provisions of paragraph (a)(3)(iv) of this section, such statement is delivered in respect of any additional period of such advisory relationship, a statement describing the nature and amount of all compensation received by the solicitory in the immediately preceding period for his solicitation of such client as a client.

(c) An investment adviser shall enter into, and retain as part of the records required to be kept by Rule 204-2(k) under the Act, a written agreement with each of its solicitors in which the solicitor accepts the investment adviser's supervision with respect to his solicitation activities and undertakes to act consistently with the provisions of this section.

(d) Nothing in this section shall be deemed to relieve any solicitor of any fiduciary or other obligation to which such solicitor is subject under law with respect to recommending an investment adviser best suited to any of his clients.

II. It is proposed to amend Part 275 of Chapter II of Title 17 of the Code of Federal Regulations by adding new paragraph (k) to § 204-2 as follows:

§ 275.204-2 Books and records to be maintained by investment advisers.

(a) Every investment adviser who makes use of the mails or of any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser (other than one specifically exempted from registration pursuant to section 203(b) of the Act) shall make and keep true, accurate and current the following books and records relating to his investment advisory business:

* * * * *

(k) If an investment adviser subject to paragraph (a) of this section utilizes a solicitor pursuant to an arrangement of the type contemplated by paragraph (a)(3) of Rule 206(4)-3 under the Act, the records required to be made and kept under paragraph (a) of this section shall include true, accurate and current copies of all agreements relating to such arrangement, all documents and correspondence delivered by the solicitor in connection with such arrangement, all required acknowledgements, and full and complete records of all transactions effected pursuant thereto.

PUBLIC COMMENT

Persons wishing to make written comments should file three copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than March 31, 1978. In filing such submissions, commentators should make reference to Commission File No. S7-735. Copies of all submissions will be available for public inspection in the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C. 20005.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 2, 1978.

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

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-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 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 City Hall, Union, Oreg. Send comments to: Mr. Floyd Parrott, City Administrator, City of Union, City Hall, Union, Oreg. 97883.

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 the proposed determinations of base (100-year) flood elevations for the City of Union, Oreg., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These 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:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Little Creek	State Highway 203 bridge.[1]	2,774
	1st Street Bridge[2]	2,777
	1st Street Bridge[1]	2,778
	College Lane Bridge.[1]	2,784
	State Highway 237.[1]	2,796
	Bryan Avenue Bridge.[2]	2,798
	Bryan Avenue Bridge.[1]	2,799
Catherine Creek	10th Street Bridge.[1]	2,763
	5th Street[1]	2,773
	Main Street Bridge.[1]	2,788
	Bellwood Avenue Bridge.[1]	2,793

[1] Upstream side.
[2] Downstream side.

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3547 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3877]

THE TOWNSHIP OF ALLEGHENY, 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 Township of Allegheny, 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 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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Allegheny, Westmoreland County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet above mean sea level
Allegheny River	State Route 356 Bridge.	769
	ConRail Bridge	771

Source of flooding	Location	Elevation in feet above mean sea level
Pine Run	Township Route 550 Bridge.	971
	Chamber Road Bridge.	984
Kiskiminetas River Tributary No. 3.	State Route 56 north culvert.	1,018
	State Routes 56 and 356.	1,025

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

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3548 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3878]

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:

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 the proposed determinations of base (100-year) flood elevations for the Township of Bear Creek, Luzerne county, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ten Mile Run	Confluence with Bear Creek.	1,530
	0.5 mi from confluence with Bear Creek.	1,563
	0.7 mi from confluence with Bear Creek.	1,602
	0.9 mi from confluence with Bear Creek.	1,634
	Dam No. 1	1,684
	Downstream route 115.	1,727
	Upstream route 115.	1,734
	Confluence with Mud Creek.	1,768
	Confluence with Geneceda Creek.	1,778
	0.5 mi upstream confluence with Mud Creek.	1,783
	Downstream Northeast extension Pennsylvania Turnpike.	1,818
	Upstream Northeast extension Pennsylvania Turnpike.	1,820
Ten Mile Run	Downstream Laurel Run Rd.	1,832
	Upstream Laurel Run Rd.	1,834
	0.3 mi upstream Laurel Run Rd.	1,837
Bear Creek	0.68 mi downstream from dam No. 1.	1,490
	Dam No. 1	1,502
	Bear Creek Lake Dam.	1,524
	Confluence with Ten Mile Run.	1,530
	1.4 mi upstream confluence with Ten Mile Run.	1,552
Pine Creek	Pennsylvania Turnpike.	1,311
	Dam No. 1	1,339
	0.3 mi upstream Dam No. 1.	1,364
Geneceda Creek	Confluence with Ten Mile Run.	1,778
	Upstream Trailwood Lake Rd.	1,810
	Upstream unnamed Road No. 1.	1,814
	0.4 mi upstream from unnamed road No. 1.	1,824

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3549 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3879]

DOYLESTOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA

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 Doylestown Township, Bucks County, Pennsylvania.

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 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, 202-755-5591 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 the proposed determinations of base (100-year) flood elevations for Doylestown Township, Bucks County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neshaminy Creek	Corporate limits	185
	Easton Rd	199
	Lower State Rd	217
	Confluence with Mill Creek.	222
Central tributary	Edison Rd	201
	Saurman Rd	230
	U.S. 202 Bypass (upstream).	256
	East Rd. (upstream).	266
	Corporate limits	293
Mill Creek	Confluence with Neshaminy Creek.	222
	Bristol Rd	225
Pine Run	Old Iron Hill Rd	257
	Pine Run Rd. (upstream).	281
	Rickerts Rd	282
	Chapman Rd	286
	Dublin Pike	289
	Swamp Rd	292
Cooks Run	Tamenend Ave	244
	Iron Hill Rd	285
	Sandy Retreat Rd. (upstream).	297
	Burpee Rd. (upstream).	302
	U.S. 202 bypass (upstream).	312
	Limekiln Rd. (upstream).	318
	Corporate limits (upstream).	331

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended 842 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3550 filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3880]

THE BOROUGH OF EAST STROUDSBURG, MONROE 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 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 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 East Stroudsburg Borough Office, 24 Analomink 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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of East Stroudsburg, Monroe County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brodhead Creek	I-80 Bridge[1]	393
	I-80 Bridge[1]	395
	Washington St[1]	395
	Washington St[1]	395
	Confluence with Sambo Creek.	411
Sambo Creek	Confluence with Brodhead Creek.	411
	Southern Georgellen Ave.	427

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sambo Creek	Northern Georgellen Ave.	439
	King St	443
	ConRail	444
	Route 447	451

* Upstream.
* Downstream.

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3551 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3881]

FAIRVIEW TOWNSHIP, ERIE 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 Fairview Township, Erie 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 Fairview Township Municipal Building, 7471 McCray Road, Fairview, Pa. Send comments to: Mr. John Klier, Chairman of the Board of Supervisors of Fairview Township, Municipal Building, 7471 McCray Road, Fairview, Pa. 16415.

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 the proposed determinations of base (100-year) flood elevations for Fairview Township, Erie County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, national geodetic vetical datum
Walnut Creek	Confluence with Lake Erie.	577
	Dutch Rd	585
Trout Run	Confluence with Lake Erie.	577
	Private drive 300 ft above mouth.	584
	Private drive 270 ft below Wilson Dr.	595
	Wilson Dr	598
	Hathaway Dr	647
	State Route 5	652
	Lohrer Rd	655
	Kell Rd	811
	Platz Rd	819
Bear Run	Concrete nursery access bridge.	819
	Private drive 1,350 ft downstream from Uhlman Rd.	824
	Uhlman Rd	828
Lake Erie	Entire reach bordering Fairview.	577

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

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3552 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3882]

THE TOWNSHIP OF HEMPFIELD, 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 Township of Hempfield, 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.

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. Send comments to: Mr. Alex Miller, Supervisor of the Township of Hempfield, R.D. No. 6, Box 500, Greensburg, Pa. 15601.

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 the proposed determinations of base (100-year) flood elevations for the Township of Hempfield, Westmoreland County, Pa., 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 At

of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sewickly Creek	Confluence of Township Line Run.	970
	State Route 819	969
	Conrail—600 feet Downstream State Route 819.	967
	Conrail (1,400 feet Downstream State Route 819).	964
	Trout Town Rd	956
	Confluence of Jack's Run.	953
	Corporate Limit at L.R. 64171.	952
	New Station Corporate Limit 3,500 feet Upstream U.S. Route 119.	939
	U.S. Route 119	937
	L.R. 64164	936
Jack's Run	Confluence w/ tributary No. 2 South of L.R. 64142.	1,024
	L.R. 64146	1,019
	Private Bridge (1,080 feet Downstream of L.R. 64146).	1,018
	City of Greensburg Corporate Limits (580 feet Downstream of Private Bridge).	1,018
	City of Greensburg Corporate Limits (780 feet Upstream of Conrail).	1,018
	Contrail—780 feet Downstream of the City of Greensburg Corporate Limits.	1,018
Jack's Run	City of Greensburg Corporate Limits (280 feet Downstream of Conrail).	1,010
	Borough of South Greensburg Corporate Limits (590 feet Upstream of U.S. 119).	988
	Borough of South Greensburg Corporate Limits (290 feet Upstream of U.S. 119).	988
	U.S. Route 119 (310 feet Upstream of L.R. 64111).	987
	Private Footbridge (300 feet Downstream of L.R. 64111).	984
	U.S. Route 119 (450 feet Upstream of Confluence w/ Slate Creek).	982
	Conrail (100 feet Upstream of Confluence w/ Slate Creek).	980
	Confluence of Slate Creek.	979
	Conrail 1,100 feet Downstream of Confluence w/ Slate Creek.	976
	Baker Street	974
	Conrail 3,100 feet Upstream of Borough of Youngwood Corporate Limits.	971
	Upstream Corporate Limit of Borough of Youngwood.	963
	Corporate Limit of Borough of Youngwood at Township Route 555.	954
	Confluence w/ Sewickly Creek.	953
Slate Creek	Corporate Limit 1,075 feet Upstream of U.S. Route 30.	1,136
	U.S. Route 30	1,111
	Private Footbridge (50 feet Upstream of Luxor Road).	1,089
	Luxor Road	1,088
	Abandoned Bridge (40 feet Upstream of Township Route 398).	1,086
	Township Route 398.	1,085
	Private Drive (1,160 feet Downstream of Township Route 398).	1,071
	Private Drive (1,650 feet Downstream of Township Route 398).	1,058
Slate Creek	Private Drive 680 feet Upstream of L.R. 64140.	1,043
	L.R. 64140	1,039
	Private Drive (180 feet Upstream of Pennsylvania Route 130).	1,030
	Pennsylvania Route 130.	1,029
	Brookdace Drive	1,022
	Township Route 865.	1,012
	Briarwood Drive	1,002
	L.R. 64174	1,000
	Private Drive (500 feet Downstream of L.R. 64174).	995
	Private Drive (1,520 feet Downstream of L.R. 64174).	990
	Private Drive (1,990 feet Downstream of L.R. 64174).	988
	Private Drive (2,370 feet Downstream of L.R. 64174).	987
	Upstream Corporate Limits of Borough of South Greensburg.	981
	Borough of South Greensburg at Keystone Ave.	979
	Confluence w/ Jack's Run.	979
Tributary No. 1	Carbon Road	997
	Private Drive (700 feet Upstream of Hunter Rd.).	990
	Private Drive (510 feet Upstream of Hunter Rd.).	987
	Hunter Rd. (1,440 feet Upstream of Confluence w/Jack's Run).	986
	Hunter Rd. (440 feet Upstream of Confluence w/Jack's Run.).	984
	Confluence w/ Jack's Run.	984
Tributary No. 2	Private Dr	1,031
	Confluence w/ Jack's Run.	1,024
Tributary No. 3	Private Footbridge 50 feet Upstream of Country Club Rd.	1,099
	Country Club Rd.	1,098
	Private Footbridge 1,380 feet Downstream of Country Club Rd.	1,092
	Private Footbridge 1,600 feet Downstream of Country Club Rd.	1,091
	Green Gate Rd	1,085
	Private Drive 1,200 feet Downstream of Green Gate Rd.	1,076

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 3	Abandoned Footbridge 570 feet Upstream of Weber St.	1,076
	Weber St	1,069
	Private Footbridge 150 feet Downstream of Weber St.	1,068
	Pensylvania Route 130.	1,060
	Private Drive 220 feet Downstream of Pennsylvania Route 130.	1,057
	Fiscus La	1,054
	Private Drive 630 feet Upstream of Confluence w/Brush Creek.	1,042
	Confluence w/ Brush Creek.	1,033
Brush Creek.....	State Route 766 ...	1,100
	Private Drive 1,140 feet Downstream of State Route 766.	1,093
	Private Drive 1,540 feet Upstream of Brown Ave.	1,032
	Brown Ave.....	1,018
	Private Road 390 feet Downstream of Brown Ave.	1,013
	Thomas St.....	1,006
	Corporate Limits at Conrail.	1,001
	Conrail, 250 feet Upstream of Penn Manor Rd.	941
	Penn Manor Rd....	936
	Corporate Limit at Race St.	935
Tributary No. 4	Tipple Row Rd	1,078
	L.R. 64142 350 feet Downstream of Tipple Row Rd.	1,068
	Private Drive 650 feet Downstream of Tipple Row Rd.	1,067
	L.R. 64142 250 feet Upstream of Confluence w/Little Crabtree Creek.	1,057
	Confluence w/ Little Crabtree Creek.	1,056
Little Crabtree Creek.	Private Drive	1,056
	Township Route 829.	1,046
	L.R. 64142.....	1,038
	U.S. Route 119.....	1,004
	Confluence w/ Crabtree Creek.	997
Crabtree Creek.....	L.R. 64054.....	1,038
	Abandoned Private Drive.	1,025
Zellers Run	City of Greensburg Corporate Limit at Otterman St.	1,068
	West Pittsburg St	1,064
	James St.....	1,061
	City of Greensburg Corporate Limit 340 feet Downstream of James St.	1,055
Zellers Run	City of Greensburg Corporate Limit 1,130 feet Upstream of Stanton St.	1,029
	Borough of Southwest Greensburg Corporate Limits at Stanton St.	1,020
Tributary No. 5	City of Greensburg Corporate Limit at Pennsylvania Route 819.	1,065
	Abandoned Road .	1,030
	Forest Hills Dr	1,029
	Terrace View Dr...	1,028
	City of Greensburg Corporate Limits at 100 feet Downstream of Terrace View Dr.	1,027
	Corporate Limit at Union Cemetary Rd.	1,018
	Corporate Limit at U.S. Highway 119.	1,018
Little Sewickly Creek.	Private Drive	1,037
	Corporate Limit 390 feet Downstream of Private Drive.	1,036
	Corporate Limit 1,200 feet Downstream of Private Drive.	1,034
	Corporate Limit 1,640 feet Downstream of Private Drive.	1,034

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

Issued: December 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3553 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3883]

BOROUGH OF JOHNSONBURG, ELK 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 Borough of Johnsonburg, Elk 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 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 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 the proposed determinations of base (100-year) flood elevations for the Borough of Johnsonburg, Elk County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

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.	1,436
	ConRail	1,438
	Confluence of east and west branches Clarion River.	1,438
East branch Clarion River.	Dam (Downstream).	1,439
	Route 219	1,440
	Erie Lackawanna RR.	1,441
	Clarion Ave	1,442
	Corporate limits	1,445
West branch Clarion River.	B. & O. RR	1,439
	Route 219 (downstream crossing).	1,440
	Route 219 (upstream crossing).	1,443
	Confluence of Silver Creek.	1,445
	Main St	1,448
Silver Creek	ConRail	1,445
	Center St	1,445
	Abandoned railroad bridge.	1,448
	Main St	1,458
Powers Run	ConRail	1,428
	U.S. Route 219	1,436
	Corporate limits	1,488

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3554 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3884]

TOWNSHIP OF MAHONING, 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 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 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 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. 18235

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 the proposed determinations of base (100-year) flood elevations for the Township of Mahoning, Carbon County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lehigh River	Downstream corporate limits.	437
	ConRail	511
	Upstream corporate limits.	522
Mahoning Creek	Confluence with Lehigh River.	459
	Dam No. 1	464
	Route 443	466
	East Penn St	469
	9th St	472
	Bridge St	481
	Mertztown Rd	500
Stewart Creek	Footbridge	496
	Route 902 and Mertztown Rd. connection.	505
	Private driveway	547
	Route 902	582

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

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3555 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3885]

TOWNSHIP OF MOORE, NORTHAMPTON 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 Moore, Northampton 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 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.

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 the proposed determinations of base (100-year) flood elevations for the Township of Moore, Northampton County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hokendavqua Creek.	Downstream corporate limits.	491
	Pheasant Rd	496
	Dam No. 1	512
	Club Rd	515
	Dam No. 2	517
	Footbridge	552
	W. Walker Rd	564

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary

[FR Doc. 78-3556 Filed 2-10-78; 8:45 am]

[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: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of New Kensington, Westmoreland County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Allegheny River	Confluence with Pucketa Creek.	752
	Pennsylvania Route 56.	753
	Pennsylvania Route 366.	756
Pucketa Creek	Downstream corporate limits.	752
	Upstream corporate limits.	752
Little Pucketa Creek.	2d St	752
	Freeport St. (upstream side).	755
	4th St. (upstream side).	758
	Stevenson Blvd. (downstream crossing).	762
	7th St. (upstream side).	765
	High School Rd	767
	Football Field Rd	770
	Stevenson Blvd. (upstream crossing).	780

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

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3887]

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 pro-

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: Honorable John L. Faust, Mayor of Palmerton, 443 Delaware Avenue, Palmerton, Pa. 18071.

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 the proposed determinations of base (100-year) flood elevations for the Borough of Palmerton, Carbon County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Lehigh River	Downstream corporate limits.	399
	Dam	406
	Upstream corporate limits.	418
Aquashicola Creek	Downstream corporate limits.	393
	ConRail (downstream).	396
	6th St	399
	Confluence of Mill Creek.	409
	ConRail (upstream).	417
	Upstream corporate limits.	417
Park Run	Downstream corporate limits.	393
	ConRail	397
	Lehigh Ave	400
	Delaware Ave	401
	Lafayette Ave	411
Mill Creek	Confluence with Aquashicola Creek.	409
	Delaware Ave	410

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

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

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3888]

PLUMSTEAD TOWNSHIP, 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 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. 18923.

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 the proposed determinations of base (100-year) flood elevations for Plumstead Township, Bucks County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware River	Corporate limits	97
	Lumberville Dam	99
	Confluence of Tohickon Creek.	103
Tohickon Creek	Confluence with Delaware River.	103
	T-405	103
	River Rd	103
Geddes Run	Meetinghouse Rd. (upstream side).	424
	Dam No. 1 (upstream side).	429
	Private road (upstream side).	436
	Dam No. 2	467
	Wismer Rd. (upstream side).	471
	Durham Rd. (Pennsylvania Route 413) (upstream).	499
	Old Durham Rd	501

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Geddes Run Tributary.	L. R. 09060 (upstream side.	370
	Private road (abandoned).	373

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3559 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3889]

THE TOWNSHIP OF RIDGWAY, ELK 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 Ridgway, Elk 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, 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. 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 the proposed determinations of base (100-year) flood elevations for the Township of Ridgway, Elk County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

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 near Borough of Johnsonburg.	Downstream corporate limits.	1,431
	Confluence with Powers Run.	1,431
Elk Creek	Downstream corporate limits.	1,401
Alysworth Run	Confluence with Clarion River.	1,374
	ConRail	1,374
	Laurel Mill Rd.)	1,374
	Grant Rd. (330 ft upstream of Laurel Mill Rd.).	1,377
	Grant Rd. (2,000 ft upstream of Laurel Mill Rd.).	1,425
West Branch Clarion River.	Downstream corporate limits.	1,445
	Upstream of Main St.	1,448
Powers Run	Confluence with Clarion River.	1,431
	ConRail	1,431
	U.S. Route 219	1,436
	Johnsonburg-Ridgway corporate limits.	1,446

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

Issued: December 28, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3560 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3890]

BOROUGH OF SHARPSBURG, ALLEGHENY 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 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 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 Sharpsburg Borough Hall, 1021 North Canal Street, Sharpsburg, Pa. Send comments to: Mr. Joseph A. Lang, Jr., President of the Sharpsburg Borough Council, 1021 North Canal Street, Sharpsburg, Pa.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Sharpsburg, Allegheny County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance

Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, above mean sea level
Allegheny River	Downstream corporate limits.	736
	13th St. (extended).	737
	Upstream corporate limits.	737

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

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3561 Filed 2-10-78; 8:45 am]

[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, Millcreek and Pickertown, Warrington, Pa. Send comments to: Mr. Joseph J. Bonargo, Township Manager of Warrington, 3400 Pickertown 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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Warrington, Bucks County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Neshaminy Creek.	Valley Rd	201
	Confluence Tributary B.	202
	Street Rd. (Route 132).	208
	Confluence Tributary C.	211
	Route 611	216
	Confluence Park Creek.	218
	Kansas Rd	219
	Bradford Rd	230
	Pa. 611 Dam (upstream elevation).	257
	Confluence Tributary A.	257
	Bradley Rd. (extended).	257
	County Line Rd.	262
Park Creek	Confluence with Little Neshaminy Creek.	218
	Corporate limits	225
Tributary A of Little Neshaminy Creek.	Confluence with Little Neshaminy Creek.	257
	Street Rd. (upstream elevation).	290
	Wedge Way (downstream).	302
	Foot Bridge (upstream elevation.	303
	Niblick Pl	308
	South Greensward Rd.	314
	Wedge Way (upstream.	319
Tributary 1 of Tributary A.	Confluence with Tributary A.	290
	Nancy Ave. (extended).	291
	Rosemont Ave. (extended).	293
	South Greensward St.	297

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3562 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3892]

THE TOWNSHIP OF WARWICK, 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 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. Send 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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Warwick, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neshaminy Creek.	Downstream corporate limits.	144
	Dark Hollow Rd...	151
	Confluence with Meetinghouse Tributary.	168
	Mill Rd.....	174
	York Rd.....	179
	U.S. Route 263.....	179
	Confluence of Tributary D.	184
	Upstream corporate limits.	191
Little Neshaminy Creek.	Downstream corporate limits.	137
	Grenoble Rd.....	153
	Upstream of Walton Rd.	158
	Almshouse Rd	164
	Confluence of Tributary A.	171
	York Rd.....	188
	Old York Rd.....	189
	Bristol Rd. (corporate limits).	193
Tributary D to Neshaminy Creek.	Valley Rd	184
	Almshouse Rd	273
	Private Driveway.	301
Tributary A to Little Neshaminy Creek.	Confluence with Little Neshaminy Creek.	171
	Creek Rd	176
	Driveway No. 1.....	183
	Mearns Rd	205
	Bristol Rd.....	223

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3563 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3893]

BOROUGH OF WEST ELIZABETH, ALLEGHENY 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 Borough of West Elizabeth, 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 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. Send comments to: Mr. Charles McDeVitt, Borough Secretary of West Elizabeth, 815 4th Street, West Elizabeth, Pa. 15088.

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 the proposed determinations of base (100-year) flood elevations for the Borough of West Elizabeth, Allegheny County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Monongahela River.	Upstream corporate limits.	749
	State Route 51	749

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Monongahela River.	Downstream corporate limits.	749

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3564 Filed 2-10-78; 8:45 am]

[7710-12]

POSTAL SERVICE

[39 CFR Part 111]

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:

Eugene R. McGill, 202-245-4749.

SUPPLEMENTARY INFORMATION: The Postal Service, for the purposes described above, is proposing to rewrite and combine into new section 131.223 existing sections 131.223 and 131.224 of the Postal Service Manual, chapter I of which has 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 used for reply purposes only. It must not be used to convey a message to the original addressee of the double card, to cover up the message on the original portion, or to send statements of account.

(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 2⅛ 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 address 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 2⅛ 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 by adhesive 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 131.223b.

b. 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 precanceled 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]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-35; RM-2964]

FM BROADCAST STATION IN YUCCA VALLEY, CALIF.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

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.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: January 31, 1978.

Released: February 3, 1978.

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) The channel could be assigned in conformity with the minimum distance separation requirements.[2]

(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]

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 incorporate Yucca Valley which are before the County Board of Supervisors for public hearing. Petitioner states that Yucca Valley is a year-round retirement and tourist center whose population has increased from 800 to 3,893 during the period 1960-1970. With this in mind, he asserts that there is a need for more information that the local weekly newspaper can provide which the station can offer through over-the-air reports of local events, referendums, and school information.

5. In light of the above information and the fact that the proposed FM station would provide the community[4] with a first full-time local aural broadcast service, the Commission proposes to amend the FM table of assignments, § 73.202(b) of the rules, with regard to Yucca Valley, Calif., as follows:

City and Channel No.
Yucca Valley, Calif., present: —; proposed: 296A.

6. Authority to institute rulemaking proceedings; showings required; cutoff procedures; and filing requirements are contained in the attached appendix below and are incorporated herein.

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

7. Interested parties may file comments on or before April 3, 1978, and reply comments on or before April 24, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. 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 § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM table of assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in 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. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *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 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 submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

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

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

[FR Doc. 78-3859 Filed 2-10-78; 8:45 am]

[1] Public notice of the petition was given on September 19, 1977 (report No. 1075).

[2] Mexican concurrence must be obtained before the channel is assigned to Yucca Valley.

[3] Population figures are taken from the 1970 U.S. Census.

[4] Based on petitioner's showing Yucca Valley does appear to be community for purposes of making an assignment.

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-39; RM-2996]

FM BROADCAST STATION IN HAINES, ALASKA

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a class A FM channel to Haines, Alaska, for noncommercial educational use. Petitioner, Alaska Public Broadcasting Commission, states the proposed assignment would provide Haines with its first noncommercial educational aural broadcast service.

DATES: Comments must be received on or before April 4, 1978, and reply comments must be received on or before April 25, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: February 1, 1978.

Released: February 7, 1978.

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[1] 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 purpose.[2]

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)[3] 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. Since 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 required; cutoff procedures; and filing requirements are contained in the attached appendix below and are incorporated herein.

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

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(i), 5(d)(1), 303 (g), and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM table of assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in 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. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *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 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 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 comment to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

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

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

[FR Doc. 78-3860 Filed 2-10-78; 8:45 am]

[1] Public notice of the petition was given on November 29, 1977 (report No. 1091).

[2] Due to other demands upon the available radio spectrum in Alaska, only FM channels 261 through 300 are available for assignment. These channels may be assigned for either commercial or noncommercial educational use.

[3] Population figures are taken from the 1970 U.S. Census.

[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 27 to Marion, Ill., as that community's first television assignment. Petitioner, Dennis F. Doelitzsch, states that the proposes channel would provide for a station which could render a first television service 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.

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

FOR FUTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

NOTICE OF PROPOSED RULEMAKING AND ORDER TO SHOW CAUSE

Adopted: January 25,1978.

Released: February 3, 1978.

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[1] filed by Dennis F. Doelitzsch (petitioner), seeking the amendment of § 73.606(b) of the Commission's rules. It proposes that television channel 27

[1] Public notice of the petition was given on September 30, 1977 (report No. 1080).

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),[2] 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., WPSD-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 have to 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.

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, request that a hearing be held on 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 with particularity why its license should not be modified as proposed in the order to show cause. In this case, the Commission may call on Horizons Communications Corp. of Wisconsin to furnish additional information, designate the matter for hearing, or issue without further proceedings, an order modifying the license as provided in the order to show cause. If the right to a hearing is waived, and no written statement is filed by the date referred to above, Horizons Communications Corp. of Wisconsin will be deemed to consent to modification as proposed in the order to show cause and a final order will be issued by the Commission, if the channel offset change on channel 27 is found to be in the public interest.

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,
WALLACE E. 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 § 0.281(b)(6) 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 proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *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 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 submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

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

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

[FR Doc. 78-3861 Filed 2-10-78; 8:45 am]

[2] Population figures were taken from the 1970 U.S. Census.

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. 78-3863 Filed 2-10-78; 8:45 am]

[1505-01]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

U.S. GRAIN STANDARDS ACT

Registration and Recordkeeping

Correction

In FR Doc. 78-2881, appearing on page 4446 in the issue of Thursday, February 2, 1978, the second complete word in the fourth line of the first full paragraph in column three should read, "or".

[3410-07]

Farmers Home Administration

[Notice of Designation No. A565]

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 mades it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public paraticipation

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 recreational 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, Somerset, 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.

Dated: February 6, 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 PETOSKEY WINTER SPORTS PARK CRITICAL AREA TREATMENT RC&D MEASURE, MICHIGAN

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 City of Petoskey Winter Sports Park Critical Area Treatment RC&D Measure, Emmet County, Mich.

The environmental assessment of this federaly 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 800 feet of corrugated metal pipe, riprapping, and seedings to control erosion and sedimentation at the park. The construction costs are approximately $47,300; $35,475 RC&D funds and $11,825 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, 1405 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.

Dated: February 6, 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 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 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. Alton Mangum, 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 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).)

Dated: February 6, 1978.

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 Not 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, Nebr.

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-

mental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Room 343, Federal Building—U.S. Courthouse, Lincoln, Nebr. 68508; CML 402-471-5301. 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 is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until March 15, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, (16 U.S.C. 1001-1008).)

Dated: February 3, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-3903 Filed 2-9-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order No. 78-2-24; Docket Nos. 27813; 30777; Agreements CAB 25973-R2; 26996-R1 & R7]

MEMBERS OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Deferring Action

FEBRUARY 2, 1978.

There have been filed, under section 412(a) of the Federal Aviation Act of 1958, as amended (the Act), and Part 261 of the Board's Economic Regulations, certain agreements among the members of the International Air Transport Association (IATA) to establish, amend, or revalidate certain IATA resolutions on agency matters. The resolutions were adopted by the Composite Passenger Traffic Conference held in Hartford in June 1976 and in Cannes in October 1977.

The individual resolutions with their subject matter and area of applicability are listed below:

Agreement CAB	IATA resolution designator No.	Title of IATA resolution affected
25973-R2	171/002z, 268/002z, 357/002z	Special readoption resolution (amending).
26996-R1	181/815a, 277/815a, 366/815a	Industry incentive scheme (supplementary provisions) (new).
26996-R7	181/815, 277/815, 366/815	Industry incentive scheme for approved passenger sales agents (amending).

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 77-8-14, 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.[2]

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.[3] In denying National's motion for interim approval of Agreements 25606-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 Airfreight 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.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-3931 Filed 2-10-78; 8:45 am]

[6320-01]

[Order No. 78-2-19; Docket No. 32021]

WESTERN AIR LINES, INC.

Order Dismissing Complaint

On December 30, 1977, Western Air Lines, Inc. (Western) filed tariff revisions proposing new United States-Mexico fares for effect February 17, 1978. Western proposes to increase first-class fares by 5 to 6 percent, retain normal economy fares unchanged, and increase promotional fares by amounts ranging from 6.4 to 11.2 percent. It estimates the increase will average about 5.8 percent. The carrier also proposes to introduce a new advance-purchase excursion (APEX) fare in the Los Angeles-Mexico City, Los Angeles-Acapulco, and San Diego-Mexico City markets at discounts ranging from 32 to 39 percent from the normal economy fare. The rules applicable to the APEX fares would not permit return travel before the first Sunday following the date of departure; have a maximum stay of 30 days; prohibit stopovers; require advance reservations and payment at least 7 days before departure;

[1] The agreements at issue are Agreements CAB 25606-R1 through R4, which respectively establish or amend IATA Resolutions 002z, 016d, 815, and 860. Resolution 002z, among other things, amends Resolution 820a to establish a uniform commission rate for the sale of air transportation and reinstates that section of Resolution 810e stating the conditions to be eligible for the sale of inclusive tours. Resolution 815 establishes an industry incentive scheme for approved agents. Resolution 860 establishes commissions on interline sales. Resolution 016d provides for a study of tour and travel organizer 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 26096, 26157-R1 through R3, 26260-R17, and 26291.

[3] Agreement CAB 25973-R2 amends Resolution 002z. Agreement CAB 26996-R1 establishes Resolution 815a, which provides procedures for determining whether an approved agent qualifies for incentive commission payments by IATA members under Resolution 815. Agreement CAB 26996-R7 amends Resolution 815.

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 attributable to 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 Mexican-flag carriers; and it forecasts an ROI of — 6.45 percent during the year ending 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 traffic flow and minimizing self-diversion and inconvenience to normal fare passengers; as a matter of policy it will limit initial availability of the fare to an even smaller amount of capacity than allowed by its tariff; it would not be economic for Western to add a night-coach flight to compete with Mexicana between Los Angeles and Mexico City, since the night-coach fare of $69 one-way would require a breakeven load factor of over 90 percent;[1] the fares will provide additional competitive opportunities vis-a-vis Aeromexico's Tijuana-Mexico City DC-10 operations;[2] the APEX will not divert normal-fare passengers, who already have access to other promotional fares but have continued to opt for full fares; the APEX will improve Western's operating profit by $243,000, assuming a 45/55 generation/diversion ratio; and finally, its response to competitive pressure from the Mexican carriers is to introduce, as a competitive pricing effort, a truly generative discount fare which will benefit the consumer, rather than engaging in a capacity or commissions war.I68

A complaint requesting suspension pending investigation of Western's tariff has been received from Compania Mexicana de Aviacion, S.A. (Mexicana). Mexicana alleges that the APEX fare will be extremely diversionary and will reduce carrier revenues; the fare is a mere "sweetener" Western has added to its package of "exorbitant" increases in other fares; it is subject to no significant restrictions such as a weekend surcharge or meaningful advance-purchase or minimum-stay requirements; the minimum-stay requirement (Sunday after departure) is so loose as to insure diversion of normal-fare business travelers;[3] 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 introducing an uneconomic daytime 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 comments about competing with Aeromexico'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 have no weekend or peak-period differential levels and, on the contrary, they worsen peaking 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 in support of its proposed United States-Mexico fares, Western states that it has experienced a substantial decline in traffic in this market since the first quarter of 1977; and in its judgment, traffic will respond to a reduced fare such as the one it proposes. We see no reason to prevent the carrier from experimenting with this solution, and we find no merit in the argument that the proper response to competition from other carriers is to match their service.[4] Mexicana's night coach might be well-suited for its type of operation but not a suitable approach for Western's attempt to increase traffic while maintaining capacity at its present level. Further, since the west-coast charter market to Mexico is very limited, the fare is not likely to have a significant impact on that segment of the industry.

The thrust of the complaint is that the APEX proposal will result in serious diversion of higher-rated traffic and cause a fall in overall revenues. This is certainly possible, but the efficient test of the idea is in the marketplace. Since the discount offered from the normal economy fare, 32 to 39 percent, is relatively small compared with those offered in other markets, diversion may not be a significant problem.[5] Further, it is in the carrier's own self-interest not to let this happen. While we might have preferred a price differential for peak travel, its absence does not prevent the carrier from allocating capacity for this fare in such a way as to accomplish the same result and, of course, the carrier has every incentive to do so.[6]

Accordingly, *It is ordered*, That: The complaint of Mexicanna in Docket 32021 be dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-3932 Filed 2-10-78; 8:45 am]

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[1] The Los Angeles-Mexico APEX is proposed at $156 or 5.02 cents per mile; the existing night-coach fare equates to 4.44 cents per mile.

[2] Western states that Mexican domestic fares are considerably lower than San Diego-Mexico City fares.

[3] Mexicana states that, even applying the lowest diversion rate Western estimates for any promotional fare (7.58 percent for off-peak inclusive-tour fares) to normal-fare traffic would result in diversion producing a net loss from the APEX fare of $124,000.

[4] See Order 77-9-55, September 16, 1977.

[5] We give weight to Western's contention that the fare will divert existing promotional-fare traffic rather than normal fare traffic since the latter have had access to similarly discounted fares in the past and have continued to use the higher fare.

[6] As indicated above, Western has demonstrated the revenue need which will flow from the fare increases and that they will not be sufficient to result in excess earnings.

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

GEORGETOWN UNIVERSITY 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 (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 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00091. Applicant: Georgetown University, School of Medicine, Department of Pathology, 3900 Reservoir Road NW., Washington, D.C. 20007. Article: Electron Microscope, Model JEM-100S, Haskris Water Recirculator with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the study of ultrastructure of pathological material (human and animal) during experiments involving characterization of cell surface antigens. The objective pursued in the course of these experiments will be diagnosis of diseases, and obtaining new information relevant to immune functioning of cell types. In addition, the article will be used for graduate instruction in ultrastructural technique. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00092. Applicant: DHEW, PHS, NIH, National Institute of Dental Research, Building 30, Room B-20, 9000 Rockville Pike, Bethesda, Md. 20014. Article: LKB 2128-010/Ultrotome IV Ultramicrotome complete with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for electron microscopical studies of the neurons of trigeminal nucleus caudalis, a region of the brain which receives pain and temperature input from the face and oral cavity. These studies examine the morphology, synaptic connections, development of neurons in trigeminal pain pathways as well as their response to the loss of input from the teeth. The objectives of these studies are to understand basic pain mechanisms and mechanisms of chronic pathological pain states. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00093. Applicant: Colorado State University, Department of Biochemistry, Fort Collins, Colo. 80523. Article: LKB 2127-001 Tachophor complete with Power Supply Unit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of purity of protein in snake venoms and lizard venoms which will contribute to more efficient treatment in envenomation. Application received by Commissioner of Customs: January 19, 1978.

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. Investigations 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 verses corneas with known pathology; (3) Demonstrate any difference of enzyme levels between normal and diseased corneas, and other eye tissues; (4) Demonstrate the effect lysosomal proteases may have on the melting 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: Cintheodolite 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 between vehicles and 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 M860010 with camera accessories. Manufacturer: Vickers Instrument Inc., United Kingdom. Intended use of article: The article is intended to be used for the measurement of amounts 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 ukaryotic 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 to both basic and applied 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 Microscopy. 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 JEM-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 in the fields of biological, physical, mineralogical and engineering sciences: (1) Microstructural Factors Influencing the Strength of the Bonding of Dental Porcelain to Base Metal Alloys. (2) Study of Exsolution Relations in Manganese Pyroxenes. (3) Characterization of the Crystal Chemistry and Structure of Minerals Using the Stem. (4) Character of Twinning in Pyrrhotite Minerals. (5) Study of Crystalline Polymers. (6) Solid State Deformation of Polymers: Extrusion of Polyenthylene. (7) Preferred Orientation Textures in Very Thin Films of Drawn and Recrystallized Polyethylene. (8) Cell Interactions in Hereditary Tumors: Cell Surface Structures. (9) Subcellular Localization of Heavy Metals. (10) Lectin Binding on Neoplastic Cells. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00098. Applicant: University of Illinois Urbana—Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Far Infra-red Spectrometer System, Model IR-720M. Manufacturer: Beckman-RIIC Ltd., United Kingdom. Intended use of article: The article is intended to be used for research on various properties of materials which will include: (1) Optical band structure studies. (2) Infrared studies of adsorbed surface species—understanding the detailed mechanisms of both heterogeneously and homogeneously catalyzed reactions. (3) Far infrared optical properties of materials. (4) Fir spectroscopy of high-spin Fe^{2+} and Fe^{3+} complexes: fine structure, magnetic moment and exchange interaction. (5) Far infrared quantum electronics—study of quantum electronics techniques in the far infrared (FIR) spectral region. (6) Electron transfer in metalloproteins—understanding of the fundamental nature of electron transfer between transition metal ion sites in metalloproteins. (7) Identification of residual impurities and the

study of impurity interactions in high purity compound semiconductors. (8) Far infrared diagnosis of Tokamak fusion plasmas. (9) Impurity, donor and free carrier states in Si MIS structures. (10) Structure and dynamics of inorganic and related crystals. Application received by Commissioner of Customs: January 19, 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. 78-3867 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. 89-651, 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.: 75-00392-00-66700. Applicant: Jacksonville Children's Museum, 1025 Gulf 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: This 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 correct any deficiencies which 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 set forth in the application found deficient. 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[1] (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 as set forth 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 starballs; complete star dimming capability; moon crescent within 2 degrees of sun; dual planet projectors; high efficiency moon and sun projectors; azimuth circle; moveable altitude circle; precession circle; and remote control capability. In the recommendation relating to this second submission, our planetarium consultant advised that the most closely comparable domestic instrument, the Model A-4, manufactured by Spitz Laboratories Inc. (Spitz), matched most of the features claimed by the applicant to be essential and that any unmatched features were not pertinent to the purposes of the applicant as described in the application. Our consultant carefully pointed out the deficiencies found in the large quantity of material submitted by the applicant in the attempt to justify duty-free entry on the basis of these features. In addition, the Department advised in the DWOP, that in its evaluation it could not consider programs 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. 72-00210-00-66700). 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 was 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 that evidence on resubmission. 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 which could counterbalance contradictory material (pointed out to the applicant in the DWOP) contained in prior submissions. In reply to Question 8 of this (the 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 them as characteristics essential to the achievement of intended purposes. Further, none of the features cited above (with the possible exception of

[1] In the second submission, the applicant included much stereotyped material of questionable relevance. Some of this material referred to projects which individuals not directly connected with the applicant institution "would like to see presented." These projects were proposed over a year after the article was ordered. This delay supports a finding that the institution was not involved in these projects at the time of order. Such projects could, therefore, not be considered by the Department in accordance with § 301.5 of the regulations. Despite these deficiencies (and others such as heavy reliance on cultural as opposed to educational programs), it is clear that the applicant did attempt to respond to the DWOP of the original application. For example, prior to resubmission the applicant called the Department at least twice, received a ninety day extension of the deadline for resubmission and exchanged correspondence with the Department in the attempt to clear up possible misunderstandings and better prepare the application. Then, in the resubmitted application, the applicant identified numerous specific tasks and/or demonstrations that could be performed with the foreign article (although it was not clear that these were to be performed with the article in view of the applicant's reference to tables, planetarium committee reports, etc.) in support of the application. Thus the Department had every reason to believe that the specific purposes and features identified and described in the second submission (although lacking in certain details) defind the limits of the applicant's case.

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 domestic 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 purchase of a planetarium. In connection with these four features, the following specifically is noted:

1. In two prior submissions (the first and second), separate Milky Way projectors was not listed in the comprehensive tables used 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 meeting the applicant's needs. However, prior to the date the foreign article was ordered, Spitz's Model Nova planetarium was equipped with a separately controlled Milky Way which could be easily transferred to the Model A-4. And, prior to the date of purchase, Spitz had produced separately controlled aperture as well as lens projectors which could be utilized to display a variety of images including the Milky Way. Thus, there is evidence that Spitz was capable of meeting the applicant's needs at the time of order.

2. Similarly, in the first and the second submission star twinkling was not listed in the comprehensive tables used by the applicant to compare the features of the foreign article with those of other planetariums including the A-4.

There is no evidence that the applicant initially required star twinkling or that Spitz was afforded an opportunity to offer star twinkling. It is within the realm of possibility that Spitz could have provided this feature if the firm had been asked to supply it, for example in a bona fide request for quote.

3. In the initial submission (Docket No. 71-00025-00-66700), the applicant made no claim, 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 performance of such purposes.

This omission is significant if we consider the fact that at least nine other characteristics of the article are alleged to be pertinent in reply to Question 8.

In the second submission (a comprehensive attempt to respond to the initial DWOP) the applicant alleged that the accomplishment of teaching purposes was "facilitated" by the capability of dimming the light source to simulate sunrise and sunset. In this connection, we note that the applicant differentiated this feature from a number of other features alleged to be "essential" or "required" for achievement of purposes. It is clear that simulation of sunrise and sunset can be performed on the domestic instrument. In the DWOP of the second submission, the Department indicated that the domestically available planetarium provides an even closer approximation of nature than the foreign aritcle with respect to simulation of sunrise and sunset as well as other features, e.g., circular shapes of stars vs. pinpoints. In the third submission (Docket No. 73-00258-00-66700) and this (the fourth) submission, in reply to Question 8.c.(3), the applicant releated the foreign article's capability of full variation of the star field to four specific intended uses. These were described in the following manner:

(a) The Celestial Navigation course treats sextant sightings under a variety of conditions, including conditions of twilight when there is still a visible horizon. The necessity of accurate simulation here is a fully variable star field.

(b) The Principles of Stellar Photography course uses photography sessions under a wide range of sky conditions during dusk and dawn and those conditions during solar and lunar eclipses. A star field projector fully variable in intensity is necessary to accurately provide successful laboratory demonstration.

(c) Demonstrations in the General and Practial Astronomy courses include sunrise and sunset sequences during which the stars need to be made to appear as they do in nature. For the series of events during lunar and solar eclipses, the Xenon arc light source on the domestic instrument is only partially variable in intensity, and hence renders accurate simulations difficult.

(d) The General and Practical Astronomy courses typically demonstrate variable sky conditions including the changing transparency of the earth's atmosphere. With the formation of haze and the coming of clouds there is gradual extinction of the starlight until this extinction becomes complete. This demonstration requires a fully variable star field projector. Use a., the lunar and solar eclipse aspect of b. and c., and use d., appear for the first time in the third submission (73-00258-00-66700); and the demonstration of sunrise and sunset in c. was found to be matched by the Spitz A-4 in our review of the second submission. Performing the lunar and solar eclipse demonstrations is stated by the applicant to be a matter of difficulty. The applicant did not state that the domonstrations could not be done on the domestic instrument. We, therefore, find the ability to perform such demonstrations to be a matter of convenience (which is not pertinent within the meaning of § 301.2(n) of the regulations).

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 and further described how use 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 (a policy of 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" refers 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 occultations will occur as "sometimes" happens with the single plant projection method. No other information on this feature was provided.

In the second submission (Docket No. 72-00210-00-66700), which as already noted was comprehensive and definitive in nature the applicant elaborated on the issue of the dual planet projector. This was described as a feature which a planetarium "should have" for further effectiveness in teaching astronomy. There was no claim that this feature was essential for such purposes. This system was alleged to maintain reliability and prevent obscuration of image by support-

ing struts. Spitz commented on Docket No. 71-00293-00-61800 (an application for duty-free entry of an identical foreign article involving, for all intents and purposes, identical issues) and in connection with the dual projector 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 planetary motion cage is 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 planetary analog was evidently non-operative causing disappearance and unnatural change in brilliance") neither uniform brilliance nor preservation of planet images is in fact accomplished more dependably than with the A-4. After review of the second submission (Docket No. 72-00210-00-66700) our planetarium consultant advised in a memorandum dated June 8, 1972 that: "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 effectiveness in teaching astronomy is achieved with the dual system, but no indication of how the domestic system hampers the teaching of astronomy is forthcoming." The applicant, as noted above, did not treat this feature as essential to his purposes. Our consultants advice was forwarded to the applicant as a part of the DWOP of the application.

In the third submission (73-00258-00-66700) 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 planet 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 advised 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 emphasized that this finding was in no way intended to imply general superiority with regard to planetary or other simulations of any planetarium over another. NASM continued that in this case the relevant educational objective, "* * * introduction to the planets associated with the sun, their appearance in the night sky and where to locate them" (similar to the response to Question 7b(2), Grades 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 Strasenburgh Planetarium dated December 16, 1969).

Next the applicant alleged that the dual projector was needed in the Principles of Stellar Photography course in which students conduct photographic exercises in which traces and positions of the planets created by the annual motion will be measured with respect to time. This use is part of the description of purposes attributed to the Jacksonville Children's Museum which are considered cultural rather than educational in character and, as such, cannot (as noted above) be used to establish pertinency.

Finally, the applicant alleged that occultation of one or more planets at a time when it is necessary to stop annual motion creates difficulty in their relocation and thereby hampers effective teaching of astronomy. This problem is first described in Docket No. 73-00258-00-66700 and again in this (the fourth) submission. Moreover, obscuration is described as "hampering", not preventing, effective instruction. Thus the dual projector, in this instance, is found to be a convenience which is not pertinent. Further, NASM in its recommendation related to Docket Number 73-00258-00-66700, the third submission, pointed out that the problem can be corrected easily by the operator of the A-4 (with its short, infrequent occulting characteristic) through manipulation of the annual and diurnal motions. NASM further pointed out that avoiding such manipulations with the foreign article, or explaining an occasional occultation, is considered a convenience.

In the initial submission (Docket No. 71-00025-00-66700), in response to Question 9.a. the applicant states, "Spitz Laboratories, Inc. did not have an instrument in the price wanted by Jacksonville Children's Museum, Inc. The Department notes that the technical comparability of the domestic instrument was not in question—the primary force influencing the final decision was purely cost. In accordance with subsection 301.2(n) of the regulations cost differences between the article and domestic instrument cannot be considered a pertinent specification upon which duty-free can be based.

Evaluation of the various submissions of this application was complicated by the continued introduction of new purposes which, under the Department's regulations, cannot be considered (§§ 301.5 and 301.6(a)(3)). In view of this restriction and the applicant's disregard thereof, the following statement included in reply to Question 7.b(3) in the second submission, 72-00210-00-66700 takes on significance; "A more specific description of potential uses of the instrument are set forth in the attached manual, entitled "Astronomy Laboratory Manual" and marked "Appendix II."

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 consideration, NBS advice etc., our own review of the application as well as 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.

(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. 78-3865 Filed 2-10-78; 8:45 am]

[3510-25]

Industry and Trade Administration

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

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 CO_2 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. Reasons: The foreign article provides at least 10 joules per pulse output. The National Bureau of Standards advises in its memorandum dated January 10, 1978, that: (1) The specification of the article described above is pertinent to the applicant's intended purposes, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs staff.

[FR Doc. 78-3894 Filed 2-10-78; 8:45 am]

[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 Ultrotome III Ultramicrotome complete. Manufacturer: LKB Produkter AB, Sweden. 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:

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 interaction 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.

Reasons: The foreign article has a cutting speed range of 0.1 to 50 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by the Department of Health, Education, and Welfare in its memorandum dated January 5, 1978, that (1) cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies and (2) the domestic instrument does not provide the pertinent feature. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-3866 Filed 2-10-78; 8:45 am]

[3510-25]

UNIVERSITY OF CALIFORNIA, LOS ALAMOS SCIENTIFIC LABORATORY

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments 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). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated 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. 77-00317. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex., 87545. Article: (6) each; Kits, Preamplifier, CO_2 Laser, consisting of Main Discharge Electrodes and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used to amplify the short-pulses produced in the oscillator-switch out section to an energy level capable of efficiently extracting the stored energy in the large power amplifier modules of the eight-beam system. This eight-beam system will play an important role in determining the feasibility of producing useful fusion energy from pulsed, high power CO_2 laser systems. Application received by Commissioner of Customs: July 26, 1977. Advice submitted by the National Bureau of Standards on: January 11, 1978.

Docket No. 78-00031. Applicant: Washington University School of Medicine, 660 South Euclid Avenue, St. Louis, Mo. 63110. Article: ultra-high Resolution Scanning System, ASID-4 with accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope that will be used for continuation of investigations of the mechanism of action of insulin in adipocytes from its initial binding to the hormone receptor on the plasma membrane through and including its alteration of lipolysis, protein synthesis, calcium binding and

distribution, plasma membrane ATPase activity and membrane phosphorylation. Application received by Commissioner of Customs: October 28, 1977. Advice submitted by the Department of Health, Education, and Welfare on: January 5, 1978.

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]

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 6886C 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 alternations occurring in the lungs of experimental animals and man with actue 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 990, 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, 4209 State Route 44, Rootstown, Ohio 44272. Article: NMR Spectrometer, Model WP-80 and Accesories. 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 the fatty acid chains of polar head groups in an aqueous multibilayer dispersion of phospholipids is determined by measuring the C-^{2}H quadrupole splitting multibilayer dispersions prepared from selectively ^{2}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. 78-3897 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 (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 6886C of the Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00100. 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 NVD, 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. 78-00101. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 North Forbes Boulevard, Suite 100, Tucson, Ariz. 85705. Article: Repair of Klystron, Model VRB2113A30 and SN0139A7. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. 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: 80 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 photolysis mixtures, 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 bridged species or occur as an equilibrating mixture of two or more forms.

(2) Investigation of the kinetics of the isoindene photoisomerization and thermal reversion.

(3) Relaxation time measurements, particularly $T_{1\rho}$, to distinguish these mechanisms and to measure the mobility of the reporter molecules. $T_1/T_{1\rho}$ studies to investigate molecular motions over a longer time scale than those affecting T_1. Similarly the binding of anthracycline antitumor drugs to DNA is under investigation; kinetic studies of drug/DNA complexing 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 carbanion rotamers will be investigated using the auto-stacking and $T_{1\rho}$ features.

(5) $T_{1\rho}$ measurements to determine the locations of the metal atom in the exchanging species 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 proton and carbon $T_{1\rho}$ 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 σ-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.

(12) Relaxation time measurements on substances related to cell wall materials.

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. 93702. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter 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 resins for sections for ultrastructural examination correlated with histochemical 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.

Docket No. 78-00105. Applicant: University of Miami, Rosenstiel School of Marine and Atm Science, 4600 Rickenbacker Cswy, Miami, Fla. 33149. Article: Flow Vibrating Densimeter, Model 01D. Manufacturer: Sodev, Inc., Canada. Intended use of article: The article will be used to measure the density of as little as 2 cm^3 of a solution (relative to pure water or standard seawater) to a precision of ± 1 ppm and an accuracy of at least 10 ppm. Also, the article will be used to give densities on natural water that can be used to check the reliability of the equation ± 3 ppm and examine the excess densities in deep ocean water of ~ 20 ppm due to the increase of dissolved nutrients. In addition, the article will be used as a salinometer, which is a device that measures a physical property of seawater (or any electrolyte solution) that is directly related to concentration. Application received by Commissioner of Customs: January 24, 1978.

Docket No. 78-00106. Applicant: Frederick' Cancer Research Center, P.O. Box B, Frederick, Md. 21701. Article: LKB 2127-001 Tachophor with power supply, and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of proteins, peptides and their associated precursors, and metabolites. These studies are to include the separation of: Synthetic peptide preparations, plasma proteins, urinary proteins, and products of in vitro synthesis. Application received by Commissioner of Customs: January 25, 1978.

Docket No. 78-00109. Applicant: University of California, 1156 High Street, Santa Cruz, Calif. 95064. Article: JNM/FX-100R Nuclear Magnetic Resonance Spectrometer and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a large variety of research studies of molecular structure, molecular association, and molecular dynamics for biochemical, organic chemical, biological, and marine studies problems. These research applications will consist of the following:

1. The Structure and Dynamics of Lipids in Biological Membranes.

2. NMR Characterization of Enzyme-Substrate Intermediate Trapped at Subzero Temperatures.
3. Mechanisms of RNA Protein Interactions.
4. Natural Products Chemistry of Marine Organisms.
5. New Synthetic Methods and Their Use in Natural Product Total Synthesis.

The article will also be used for educational purposes in the following chemistry courses:

Chemistry 135. Biophysical Chemistry.
Chemistry 140. Advanced Organic Laboratory.
Chemistry 164. Physical Chemistry Laboratory.
Chemistry 180A-B-C. Senior Research.
Chemistry 199. Tutorial.
Chemistry 243. Physical Properties and Molecular Structure.
Chemistry 299. Thesis research.

Application received by Commissioner of Customs: January 26, 1978.

Docket No. 78-00112. Applicant: U.S. Geological Survey Water Resources Division, National Center, Mail Stop 430, 12201 Sunrise Valley Drive, Reston, Va. 22092. Article: Water Level Gauge, Model 750 and Accessories. Manufacturer: Applied Microsystems, Canada. Intended use of article: The article is intended to be used to measure and record in situ, precisely timed long-term sequences of water-level elevations in the shallow waters of lakes, waterways, estuaries, and coastal embayments. The data are to be used, in connection with other data collected from surface vessels and from the ERTS satellites. These data will provide the input values used to initialize, calibrate, and otherwise verify large-scale, mathematical/numerical computer models. The field data together with the data produced by the computer simulation model are to be used to quantitatively and qualitatively assess the environment impact of existing features, as well as, alternative proposed changes to be introduced into the waterbody under study. Application received by Commissioner of Customs: January 26, 1978.

Docket No. 78-00113. Applicant: U.S. Geological Survey Water Resources Division, National Center, Mail Stop 430, 12201 Sunrise Valley Drive, Reston, Va. 22092. Article: Water Level Gauge, Model 750 and Accessories. Manufacturer: Applied Microsystems, Canada. Intended use of article: The article is intended to be used to measure and record in situ, precisely timed long-term sequences of water-level elevations in the shallow waters of lakes, waterways, estuaries, and coastal embayments. The data are to be used, in connection with other data collected from surface vessels and from the ERTS satellites. These data will provide the input values used to initialize, calibrate, and otherwise verify large-scale, mathematical/numerical computer models. The field data together with the data produced by the computer simulation model are to be used to quantitatively and qualitatively assess the environment impact of existing features, as well as, alternative proposed changes to be introduced into the waterbody under study. Application received by Commissioner of Customs: January 26, 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. 78-3898 Filed 2-10-78; 8:45 am]

[3510-25]

UNIVERSITY OF SOUTHERN CALIFORNIA

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 5:30 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 77-00323. Applicant: University of Southern California, University Park, Los Angeles, Calif. 90007. Article: CO/CO_2 laser, type PL3 and components. Manufacturer: Edinburgh Instruments, United Kingdom. Intended use of article: The article is intended to be used for studies of vibrational circular dichroism in the infrared spectral region of chiral organic molecules with the aim of understanding of molecular structure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific velue to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides continuous wave operation in either carbon monoxide or carbon dioxide wave lengths. The National Bureau of Standards (NBS) advises in its memorandum dated January 10, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistant Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-3896 Filed 2-10-78; 8:45 am]

[3510-25]

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 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.: 77-00195. Applicant: Yale University, Purchasing Dept., 20 Ashmun Street, New Haven, Conn. 06520. Article: Micro bomb combustion calorimeter and accessories. Manufacturer: Swedish Enthalpy, Sweden. Intended use of article: the article is intended to be used for combustion calorimetry studies to determine the thermal energy content.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability of using very small samples (10 milligram (mg)) for high accuracy determinations (standard deviation on five 10 mg benzoric acid samples is less than 0.02 percent). The National Bureau of Standards advises in its memorandum dated January 19, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes

as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-3895 Filed 2-10-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

PACIFIC FISHERY MANAGEMENT COUNCIL'S GROUNDFISH ADVISORY SUBPANEL

Public Meeting

Notice is hereby given of a meeting of the Pacific Fishery Management Council's Groundfish Advisory Subpanel, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L 94-265).

The Groundfish Advisory Subpanel meeting will be Thursday and Friday, March 2-3, 1978, at the Oregon Department of Fish and Wildlife Headquarters office located at 6th and Mill Street, Portland, Oreg. The meeting will convene at 1 p.m. and adjourn at about 5 p.m. on March 2, and will reconvene at 8 a.m. and adjourn about 5 p.m. on March 3.

Proposed Agenda. Discussion of Groundfish Management Plan.

The Groundfish Advisory Subpanel meeting will be open to the public. For more information contact: Mr Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 Southwest Mill Street, Second Floor, Portland, Oreg. 97201, telephone 503-221-6352.

Dated: February 6, 1978.

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

[FR Doc. 78-3846 Filed 2-10-78; 8:45 am]

[3510-12]

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificate of Exemption

On December 12, 1977, notice was published in the FEDERAL REGISTER (42 FR 62416) that an application has been filed with the National Marine Fisheries Service by Kjeld N. Jensen 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 issued 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.

Dated: February 4, 1978.

ROLAND FINCH,
Acting Assistant Director for Fisheries Management.

[FR Doc. 78-3939 Filed 2-10-78; 8:45 am]

[3510-12]

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificate of Exemption

On December 19, 1977, notice was published in the FEDERAL REGISTER (42 FR 63656) 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 issued 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.

Dated: February 4, 1978.

ROLAND FINCH,
Acting Assistant Director for Fisheries Management.

[FR Doc. 78-3940 Filed 2-10-78; 8:45 am]

Office of the Secretary

[Dept. Organization Order 45-1; Amdt. 1]

ECONOMIC DEVELOPMENT ADMINISTRATION

Statement of Functions, Organization and Delegation of Authority

This order effective January 5, 1978 amends the material appearing at 43 FR 3604 of January 26, 1978.

Department Organization Order 45-1, dated October 1, 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 .05 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 uder 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]

[3510-17]

[Dept. Organization Order 25-5A; Amdt. 1]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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 bring the delegation of authority under the Fisheries Conservation and Management Act of 1976 into conformance with the new NOAA organization structure.

1. In Section 3—"Delegation of authority," subparagraph .01dd.3. is amended by changing the words "Associate Administrator" to "Assistant Administrator".

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc. 78-3908 Filed 2-10-78; 8:45 am]

[3510-17]

[Dept. Organization Order 25-5A; Amdt. 2]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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 3.01dd.2.(f)), and the approval, disapproval, partial disapproval, or issuance of a fishery management plan or amendment thereto (subparagraph 3.01dd.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 3.01dd.2.(f) and 3.01dd.2.(g) of this section, (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 (16 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 2-10-78; 8:45 am]

[3510-17]

[Dept. Organization Order 25-5B]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Statement of Functions, Organization and Delegation of Authority

This order effective January 1, 1978, supersedes the material appearing at 41 FR 795 of January 5, 1976, 41 FR 36061 of August 26, 1976, 41 FR 43753 of October 4, 1976, 41 FR 50318 of November 15, 1976, 42 FR 11862 of March 1, 1977, and 42 FR 40962 of August 12, 1977.

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 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 Research Laboratories, 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.

SEC. 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.

SEC. 3. *Office of the Administrator.* .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.

SEC. 4. *Special Staff Offices.* .01 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.

.02 The Office of Public Affairs shall recommend objectives and policies relating to public affairs; plan and conduct an information and education program to insure that the public, Congress, user groups, and employees are properly informed on NOAA's activities; and provide direction to all public affairs activities within NOAA. These activities shall be carried out in collaboration with the Departmental Office of Communication.

.03 The Office of Naval Deputy shall insure coordination and joint planning with the Navy on programs of mutual organizational interest.

.04 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 recruitment, commissioning, training, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

SEC. 5. *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 subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6. Legislative activities shall be carried out in cooperation with the NOAA Office of Congressional Liaison.

SEC. 6. *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 issues 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 managment and coordination for NOAA's marine min-

erals 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 of 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 in the program-budget cycle; the 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 managment, use 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, including those associated with the State-Federal Fisheries Management Program; subject to the limitations in DOO 25-5A, approve and issue fishery management plans and regulations; issue fishing permits to both foreign and domestic applicants; and provide interagency coordination of and manage NOAA's nationwide enforcement activities as related to fisheries regulations.

Administer the Marine Mammal and Endangered Species Programs; provide for 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 in the form of loans, loan guarantees, loan insurance, and a capital construction fund; (2) research on utilization technology as it affects the harvesting, processing, and marketing of fishery products and their use as human food; (3) consumer education and marketing to facilitate fishery development and stability in the marketing chain; (4) a national market news system and preparation of market researh 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 fishing industry; and (7) a voluntary inspection and grading program for improving quality and safety of seafoods.

Identify the needs for oceanic research or services which should be undertaken by the Offices of Research and Development or Oceanic and Atmospheric Services to meet the special needs of the fisheries industry.

Administer multidisciplinary biological and socio-economic research programs necessary to provide fisheries management information options to the appropriate Regional Fisheries Management Councils, to support national and regional programs of the Fisheries, and to respond to the needs of various user groups.

Develop and implement NOAA policy with respect to international fisheries; acquire data and provide analysis regarding the status and impact of present and projected foreign fishing efforts and foreign industry activities, and government attitudes and policies regarding fishing; participate in negotiations within international forums, commissions, and agreements, as required; manage NOAA's international fisheries training program; and monitor and coordinate activities with regard to the U.S. Fisheries Attache Program.

Provide funding and such other administrative and technical support services as may be required to the Regional Fisheries Management Councils.

SEC. 10. *Office of Coastal Zone Management.* The Office of Coastal Zone Management, directed by the Associate Administrator for Coastal Zone Management, shall administer NOAA's Coastal Zone Management, Coastal Energy Impact, Estuarine Sanctuaries, Shorefront Access, and Coastal Zone Research and Technical Assistance Programs. For this purpose, the Office shall:

Develop policies and guidelines on a continuing basis to assist State and local governments in the effective management and, where possible, restoration and enhancement of the land and water resources of the coastal zone of the Nation.

Develop policies and guidelines on a continuing basis to assist State and local governments in planning for the consequences of and impacts on the Nation's coastal zones due to accelerated energy development activity.

Develop policies and guidelines and administer the Estuarine Sanctuaries and Shorefront Access programs.

Administer and monitor grants to states in support of the development and administration of coastal zone management programs.

Administer and monitor a energy impact financial assistance program 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 Federal review and approval of State 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 affecting the Nation's coastal zones with the policies contained in the Coastal Zone Management Act of 1972, as amended, and state programs approved thereunder.

SEC. 11. *Office of Administration.* The Office of Administration, directed by the Assistant Administrator for Administration, shall provide administrative management 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; space and facilities management; travel and traffic management; mail, messenger, and related office

services; graphic services; safety; security; and processing of claims.

Conduct studies and provide analytical assistance to develop of improve the organization and staffing structure and other management systems within NOAA; provide management staff services in the application of advanced management principles and techniques; carry out the NOAA committee, reports, and directives management functions; develop and maintain a central system for collecting, analyzing, presenting, and disseminating information on program status and performance; provide guidance and develop systems for measuring productivity and performance; exercise 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 apply or provide guidance in the application of these concepts. The Office shall provide systems analysis and programming support to NOAA's executive and administrative management functions 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, labor relations, incentive awards, and career development activities for civilian personnel. This shall also include equal employment opportunity programs and 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 that will facilitate 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 of the Department of Commerce.

Provide administrative services responsive to the requirements of the National Marine Fisheries Service Northwest, Southwest, and Alaska Regions, 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. 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, and advanced engineering 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 thereon, and thus provide the scientific basis for improved services. The Assistant Administrator for Research and Development shall serve as the principal advisor to the Administrator on all 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 within their organizations to meet their special needs.

Serve as NOAA's focal point for coordination with the Office of Science and Technology Policy; the Federal Coordinating Council for Science, Engineering, and Technology; National Science Foundation; National Academy of Sciences; National Academy of Engineering; universities and other interagency groups; and international scientific bodies on matters affecting research and technology programs.

Discharge those coordinating and management functions for research and technology development which are assigned to NOAA for the Global Atmospheric 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 Intergovernmental Oceanographic 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 meet the needs of the national climate program; coordinate those multi-purpose programs within NOAA and other U.S. organizations which make significant contributions to national climate program goals; and serve as the focal point for U.S. participation in the international World Climate Program.

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 atmosphere and oceans, and their processes.

Develop techniques and maintain facilities to support the conduct of research and monitoring activities.

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 watershed.

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.

Plan, conduct, and coordinate comprehensive programs of basic and applied research directed toward the solution of resource-use problems which involve the functioning, health and restoration of selected near-coastal marine ecosystems; and plan and direct assessments of the primary environmental effects of energy development along broad areas of the Outer Continental Shelf of the United States.

Develop policy and plans for NOAA's ocean engineering and instrumentation program and promote the development of technology to meet future needs of the marine community; conduct an integrated program of research, technology development, and services related to ocean engineering, instrumentation and measurement standards, ocean buoy systems, and undersea operations; manage the NOAA diver program; and serve as a national focal point for transfer of knowledge related to civilian ocean engineering, a catalyst for industrial ocean engineering 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, education, and advisory services 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, hydrological, 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 Meteorological, Hydrologic and Oceanic Service Systems; promote the development of community preparedness programs; provide forecasts for domestic and international aviation and for shipping on the high seas; and operate the International Tsunami Warning Service.

With appropriate support of other offices, act as the NOAA focal point for participation in international meteorological, hydrologic, oceanic, and climatological activities, including the international exchange of data, service, products, and forecasts, of the World Meteorological Organization, the International Civil Aviation Organization, and other bodies as may be designated by the 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 field 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, and Research and Development, design and execute service programs intended to meet the needs of these other elements of NOAA and their constituencies.

In consultation with the Office of Research and Development, design and execute research and technology development programs; conduct systems, equipment, and techniques development programs; and carry out related activities designed to improve the efficiency of service programs and the responsiveness of these programs to user needs.

Determine and validate requirements for oceanic and atmospheric services; evaluate the efficiency and economy with which the Service programs meet these needs; and take such steps as are feasible to improve services to meet new or changing needs.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 78-3910 Filed 2-10-78; 8:45 am]

[3510-17]

[Dept. Organization Order 30-7B]

NATIONAL TECHNICAL INFORMATION SERVICES

Statement of Functions, Organization and Delegation of Authority

This order effective January 11, 1978 further amends the material appearing at 42 FR 44831 of September 7, 1977 and 42 FR 60946 of November 30, 1977

Department Organization Order 30-7B, dated August 1, 1977, is hereby further amended as shown below. This amendment adds units under the Office of the Controller (section 8.).

1. In Section 8. "Office of the Controller," section 8. is revised to read as follows:

"SEC. 8. Office of the Controller. The Office shall be headed by a Controller who shall be responsible for providing technical direction, coordination, evaluation, and execution of financial management policies; performing cost studies as a basis for product pricing; formulating and executing and integrated budget, which includes revenues 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:

".01 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.

".02 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.

".03 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; documents budget justification for presentation to the Department of Commerce budget staff; develops program presentations to the Office of Management and Budget (OMB) and the Appropriations Subcommittee; 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 and to ensure the end-of-year ceiling is not exceeded.

".04 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 develops 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. 78-3911 Filed 2-10-78; 8:45 am]

[3510-17

[Dept. Organization Order 20-5]

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 26, 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 Management Services, the Office of the Secretary Budget Staff, and the Administrative Systems Division of the Office of Organization and Management Systems to the new Office of the Controller.

SEC. 2. *Status and line 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.

SEC. 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 for assigned operating units.

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.

SEC. 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 with outside organizations 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 other 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 automated 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 coordination with central agencies 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.

[FR Doc. 78-3906 Filed 2-10-78; 8:45 am]

[3510-17]

[Dept. Organization Order 20-7; Amdt. 2]

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.

[FR Doc. 78-3907 Filed 2-10-78; 8:45 am]

[3128-01]

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 205, any person who will be aggrieved by the DOE 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.

FEBRUARY 7, 1978.

APPENDIX.—*List of cases received by the Office of Administrative Review, Week of Jan. 20, 1978 through Jan. 27, 1978*

Date	Name and location of applicant	Case No.	Type of submission
Jan. 20, 1978	Commonwealth Oil Refining Co., Washington, D.C. If granted: Commonwealth Oil Refining Co., Inc. would be permitted to import crude oil and naphtha into Puerto Rico as refinery and petrochemical feedstock on a license fee exempt basis.	DPI-0003	Exception from base fee requirements (sec. 213.35).
Jan. 23, 1978	Public Service Company of New Hampshire, Concord, N.H. If granted: The DOE's Jan. 9, 1978 information request denial would be rescinded and Public Service Co. of New Hampshire would receive access to additional DOE data deleted from the remedial order issued to C. H. Sprague & Son.	DFA-0120	Appeal of DOE's information request denial dated Jan. 9, 1978.
Do	TOSCO Corp., Washington, D.C. If granted: TOSCO Corp. would receive an extension of the relief granted in the FEA's Apr. 29, 1977 decision and proposed to be extended in the DOE's Dec. 20, 1977 proposed decision and order which would relieve the firm of a portion of its entitlement purchase obligations.	DXE-0494	Extension of the relief granted in *TOSCO Corp.*, 5 FEA par. 83,146 (Apr. 29, 1977).
Do	United Petroleum, Inc., Tampa, Fla. If granted: The Jan. 10, 1978 remedial order issued by DOE Region IV would be rescinded and United Petroleum, Inc. would not be required to refund overcharges made on its sales of motor gasoline and diesel fuel.	DRA-0116 DRS-0116	Appeal of the Jan. 10, 1978 remedial order issued by DOE Region IV. Stay request.
Jan. 24, 1978	Hillsboro Bottled Gas Co., Tampa, Fla. If granted: The Jan. 10, 1978 remedial order issued by DOE Region IV would be rescinded and Hillsboro Bottled Gas Co. would not be required to refund overcharges made on its sales of propane.	DRA-0119	Appeal of the Jan. 10, 1978 remedial order issued by DOE Region IV.
Do	Jedco, Inc., Mobile, Ala. If granted: The Dec. 2, 1977 remedial order issued by DOE Region IV would be rescinded and Jedco, Inc. would not be required to refund overcharges made on its sales of motor gasoline from 34 retail outlets.	DRA-0117 DRS-0117	Appeal of the Dec. 2, 1977 remedial order issued by DOE Region IV. Stay request.
Do	Kentucky-West Virginia Gas, Pittsburgh, Pa. If granted: The FEA's Oct. 7, 1975 decision and order would be rescinded and Kentucky-West Virginia Gas would be permitted to establish its selling prices for the crude oil which it produces from nine leases located in Letcher, Perry, and Pike Counties, Ky., without regard to the current cumulative deficiency which has accrued at these properties during work stoppages.	DMR-0014	Modification/Rescission of *Kentucky-West Virginia Gas*, 2 FEA par. 80,699 (Oct. 7, 1975).
Do	Martin Oil Co., Wichita, Kans. If granted: The January 5, 1978 Remedial Order issued by DOE Region V would be rescinded and Martin Oil Co. would not be required to refund overcharges made on its sales of crude oil produced from the Speier and Montford Leases.	DRA—118	Appeal of the Jan. 5, 1978 remedial Order issued by DOE Region V.
Do	Young Refining Corp., Douglasville, Ga. If granted: Young Refining Corp. would receive an extension of the stay granted in DOE's Jan. 13, 1978 decision and order pending a final determination on the firm's statement of objections to the proposed decision issued to the firm on Dec. 20, 1977.	DEX-0029	Supplemental Order in *Young Refining Corp.*, 1 DOE —— (Jan. 13, 1978).
Jan. 25, 1978	Maguire Oil Co., Dallas, Tex. If granted: The stay of the refund provisions of a June 30, 1977 remedial order granted in the FEA's July 18, 1977 decision and order would be rescinded.	DRX-0030	Supplemental order in *Maguire Oil Co.*, 6 FEA par. 85,013 (July 18, 1977).
Do	Reinhard Distributing Co., Inc., Kent, Wash. If granted: Reinhard Distributing Co., Inc. would receive an exception from 10 CFR 212.93 which would permit the firm to calculate its weighted average inventory cost of motor gasoline on May 15, 1973 on the basis of the price set forth in its contract with Atlantic Richfield Co.	DEE-0493	Price exception (sec. 212.93).

APPENDIX.—*List of cases received by the Office of Administrative Review, Week of Jan. 20, 1978 through Jan. 27, 1978*—Continued

Date	Name and location of applicant	Case No.	Type of submission
Jan. 25, 1978	Sabre Refining, Inc. Bakersfield, Calif. If granted: Sabre Refining, Inc. would receive a stay of the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations pending a final determination on its application for exception.	DES—0034	Stay of the entitlements program (sec. 211.67).
Do	Southwestern Refining Co., Inc., Washington, D.C. If granted: Southwestern Oil Co. would receive an exception from the entitlements program (10 CFR 211. 67) which would relieve the firm of its entitlement purchase obligations.	DEE-0483	Exception from the entitlements program (sec. 211.67).
Jan. 26, 1978	Cleary, Gottlieb, Steen & Hamilton, Washington, D.C. If granted: The DOE's Dec. 7, 1977 information request denial would be rescinded and Cleary, Gottlieb, Steen & Hamilton would receive access to additional DOE data relating to correspondence by John M. Coffey.	DFA-0121	Appeal of the DOE's Dec. 7, 1977 information request denial.

NOTICES OF OBJECTION RECEIVED.—*Week of Jan. 20, 1978 through Jan. 27, 1978*

Date	Name and location of applicant	Case No.
Jan. 23, 1978	Arizona Fuels Corp., Salt Lake City, Utah	DXE-0224
Jan. 24, 1978	Coastal States Gas Corp., Houston, Tex.	DXE-0244
Jan. 25, 1978	Sabre Refining, Inc., Bakersfield, Calif.	DEE-0346
Jan. 26, 1978	Atlantic Richfield Co., Dallas, Tex.	FEE-4104
	International Retail Corp., Aberdeen, Md.	FEE-4838

[FR Doc. 78-3937 Filed 2-10-78; 8:45 am]

[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 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:

Deanna Williams (DOE, Freedom of Information, Reading Room), Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9161.

Robert C. Goodwin, Jr., Office of General Counsel, Room 5116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

SUPPLEMENTAL IMFORMATION: 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 1976. 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

during the second three-week cycle of the test. The record developed in this fashion will then be compared with the record developed through written notes and minutes maintained during the first cycle of the test in order to determine whether a transcript provides any additional helpful information for monitoring purposes.

DOE also considered instituting a system of recordkeeping for telephone calls which are made by U.S. ISAG members in connection with the test. This system would involve utilizing tape recordings of such phone conversations. However, because of the brief amount of time remaining between now and the beginning of the test, and because of the number of unresolved questions relating to the legal and other issues, it was decided not to institute such a system for this test. However, DOE is particularly interested in obtaining comments on such an approach for possibly utilization in future tests or in case of a real emergency.

COMMENT PROCEDURE: A file containing data on proposed clearance letter and recordkeeping guidelines is available for public inspection and copying at the DOE Freedom of Information Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Written comments regarding the proposed clearance letter and recordkeeping guidelines will be accepted and considered if filed by 4:30 p.m., February 20, 1978. Any person submitting written comments with respect to the letter and guidelines should submit ten (10) copies to the Office of General Counsel, DOE, Room 5116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, attention: Mr. Robert C. Goodwin, Jr. Comments should be identified on the outside of the envelope and on documents submitted with the designation "Proposed Clearance Letter and Recordkeeping Guidelines With Respect to AST-2."

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, in one copy only, in accordance with procedures set forth in 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. The Department of Energy reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., February 7, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-3858 Filed 2-10-78; 8:45 am]

[3128-01]

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 summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the 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., DFA-0030, Freedom of Information

The Atlantic Richfield Company (Arco) appealed from a partial denial by the FEA Information Access Officer of a Request for Information 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 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(b)(4) of the Act. In considering Arco's Appeal, the DOE determined that the information withheld from Arco which is traceable to individual firms was properly found to be exempt from disclosure since that information is confidential commercial and financial information which, if released to 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 Co., Fort Worth Tex., FXA-1313, 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. The relief was requested in order to permit the recoupment of the projected cost of an investment for a water pollution control facility which the firm must construct in order to comply with an Order issued by the California Regional Water Quality Control Board. In the March 31 Decision, 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, had 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 that new analysis, the DOE determined that under the current 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 reservoirs 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 the precedent established in *Standard Oil Company of California*, 4 FEA Par. 83,184 (November 5, 1976), and in view of the fact that the investment would further important national policy objectives, 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. Accordingly, Champlin was permitted to sell at upper tier ceiling prices a sufficient quantity of crude oil produced for the benefit of the working interest owners to enable it to undertake the pollution control project while at the same time avoiding the possibility that windfall profits would be obtained.

Dasher-Harris Gas Co., Valdosta, Ga., FXA-1202, 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.*, 5 FEA Par. 83,034 (January 3, 1977), 3 FEA Par. 83,253 (June 29, 1976). The June 29 De-

cision granted Dasher-Harris an 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 supplier, Wanda Petroleum Company. The present Appeal, if granted, would have resulted in the reversal of the January 3 determination and the issuance of a further order assigning Dasher-Harris a lower-priced supplier of propane in place of its base period supplier.

In considering the Appeal, the DOE found that the FEA had performed an erroneous comparison of suppliers' prices in the marketing area in which Dasher-Harris operates and that if a proper comparison had been made, the FEA would have found that the price charged Dasher-Harris by Wanda was significantly higher than the average of the prices paid by Dasher-Harris' competitors. In addition, the DOE noted that Dasher-Harris had submitted new data which indicated that since the issuance of the January 3 Decision, Wanda had increased its prices for propane and that as a result, Dasher-Harris was incurring substantially higher costs for propane than its competitors. However, the DOE further noted that, in accordance with the principles established in several prior Decisions, Dasher-Harris would not be entitled to exception relief solely on the ground that a significant price disparity exists, but that the firm must also show that it is experiencing serious financial and operating difficulties which are attributable to this price disparity. The DOE determined that the manner in which the FEA conducted its analysis of the firm's financial date in the prior proceeding was erroneous to the extent that it excluded an allowance for depreciation which the firm had included in its financial statements. Accordingly, a new analysis was made of the financial data which Dasher-Harris submitted. Based on that analysis, the DOE concluded that Dasher-Harris had failed to substantiate its contention that its financial difficulties were attributable to the application of the propane allocation regulations to its activities. The DOE therefore determined that the Dasher-Harris Appeal should be denied.

Kingery Drilling Co., Inc., Ardmore, Okla., FRA-1392, Crude Oil

Kingerly Drilling Company, Inc. filed an Appeal from a Remedial Order which was issued to the firm on June 27, 1977, by the Deputy Regional Administrator of FEA Region VI. The Remedial Order found that Kingery had sold crude oil at prices which were in excess of the ceiling prices specified in 6 CFR 150.353 and 10 CFR 212.73 and directed the firm to refund the amount of the overcharges, plus interest to the purchaser of the crude oil. In its Appeal, Kingery argued that the ceiling price for crude oil which it produced included a bonus of $0.15 per barrel which the firm received under a contract with its purchaser on May 15, 1973. In considering the Appeal, the FEA found that Kingery had failed to provide evidence which demonstrated that the bonus which it received for crude oil from its purchaser on May 15, 1973, constituted a part of the "posted price" as that term is defined and interpreted in FEA Ruling 1977-1 (Federal Energy Guidelines (CCH) Par. 16.165). The firm's Appeal was therefore denied.

Maralo, Inc., Round Mountain, Tex., FXA-1353, Crude Oil

Maralo, Inc. filed an Appeal from a Decision and Order which was issued to the firm on May 16, 1977. *Maralo, Inc.*, 5 FEA Par. 83,159 (May 16, 1977). In the May 16 Order, the FEA denied the firm's Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The Appeal, if granted, would permit the firm to treat crude oil reservoirs underlying two leases in Chambers County and Gaines County, Texas as separate properties on a retroactive and prospective basis. In considering the firm's Appeal, the DOE determined that Maralo had not demonstrated that prior to the issuance of Ruling 1975-15 the regulations were so vague as to allow the firm to treat reservoirs as separate properties. Furthermore, the DOE held that the FEA correctly determined that Maralo had failed to demonstrate that the reservoirs retroactively qualified as separate properties under the criteria established in Ruling 1977-1. The DOE also affirmed the FEA's finding that Maralo was not justified in relying on oral advice which it allegedly received from FEA officials. Finally, The DOE determined that the issue of whether Maralo could treat the reservoirs as separate properties on a prospective basis under Ruling 1977-2 was a determination properly left to the DOE Regional Office. Based on these considerations, the DOE determined that Maralo had not demonstrated that the May 16, 1977 Order was erroneous in fact or law, or arbitrary or capricious and the Maralo Appeal was accordingly denied.

Natrogas, Inc., Minneapolis, Minn., FXA-1259, Propane

Natrogas, Inc. appealed from a Decision and Order denying a request for exception which it had filed from the provisions of 10 CFR 211.9 *Natrogas, Inc.*, 5 FEA Par. 83.095 (March 8, 1977). In its exception request, Natrogas sought to be assigned a new, lower-priced supplier to replace its four base period suppliers of propane. The firm contended 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 rejecting these claims, the FEA found that the firm has been purchasing substantial quantities of propane on the surplus market, and that consequently its cost of propane was only 1.55 cents higher than the average cost of its competitors. The FEA also found that the evidence in the record did not support Natrogas' contention 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 competitors. The DOE found that these prices were properly included in the comparison since those suppliers did in fact sell propane to competitors of Natrogas. Nevertheless, it also found that in determining 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 only 1.48 cents. Since this disparity was not substantial and, in any event, was less than that found to exist in the March 8 Decision and Order, Natrogas' 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 in recent years, was insufficient to meet the firm's necessary operating costs, and that consequently the firm was currently operating at a loss. The DOE determined that the cost disadvantage which Natrogas was experiencing with respect to its purchases of propane was a primary cause of these financial difficulties, and therefore granted the firm exception relief, directing that it be assigned a lower-priced supplier of propane to replace three of its four base period suppliers.

Burl C. Smith, Portage, Ohio, FRA-1348, Refined Petroleum Products

Burl C. Smith (Smith) filed an Appeal from a Remedial Order which had been issued to him by the Regional Administrator of FEA Region V on February 25, 1977. In the Remedial Order, FEA Region V found that, during the period November 1, 1973 through June 30, 1975, Smith sold certain volumes of motor gasoline and middle distillates at prices which exceeded the maximum permissible price levels computed pursuant to 6 CFR 150.359 and 10 CFR 212.93. Since Smith had failed to maintain adequate 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 made by the FEA 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 this 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 26, 1977 directing it to supply aviation jet fuel to Braniff Airways, Inc., 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 an adjustment under 10 CFR 211.145(b)(1). Furthermore, none of the Orders reflected any consideration of the airlines' attempts to reduce daily flights on routes with light passenger demand or to curtail service on routes which are duplicated by other airlines. Finally, the DOE held that consideration should also be given to the airlines' efforts to utilize alternative sources of fuel including imported aviation fuel. On the basis of these considerations, the September 26 Assignment Orders were

remanded for further findings of fact and law.

REQUESTS FOR EXCEPTION

Bailer & Deshaw, Kawkawlin, Mich., FEE-4130, 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.*, 5 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 exempt price levels, it should have the necessary economic incentive to undertake the drilling project.

Texas Pacific Oil Co., Inc., Dallas, Tex., FEE-4405, Crude Oil

Texas Pacific Oil Co., Inc. filed an Application for Exception in which the firm requested that it be permitted to sell the crude oil produced from the Ackers-State (Caddo) Unit, located in Stephens County, Texas, at stripper well prices. In its Application, Texas Pacific stated that it unitized the 327.8 acres of the W.H. Ackers Lease and the 10.5 acres of the State of Texas Lease into a single property on July 1, 1977. The firm also stated that the Ackers Lease property qualified as a stripper well property on the basis of 1975 production and that there had been no production of crude oil from the State Lease property since 1972. In considering the Texas Pacific exception request, the DOE noted that the State Lease property constituted only a very minor percentage of the entire unitized property and that Texas Pacific did not intend to drill any wells on the land previously included in the State Lease. The DOE therefore found that the only apparent effect of the unitization was to eliminate the incentive for current investment by precluding the property from qualifying as a stripper well property until at least July 1, 1978. In view of these factors, the DOE concluded that the application to the firm of the provisions of the DOE regulations concerning unitized properties resulted in a gross inequity which warranted exception relief. The firm was therefore 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 211.25 (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 in view of 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 211.25. In addition, the DOE concluded that the financial burden to Mid-Michigan of returning to the situation which existed prior to the approval of the previous exception relief would be greater 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 granted.

Union Oil Co. of California, Los Angeles, Calif., DES-0120, 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(c)(2)(iii)(E)(VII), Union is required to treat the County license tax increase 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 the sovereign taxing authority of the State of Hawaii. The DOE therefore held that Union had failed to establish the existence of a substantial likelihood of success on the merits of its exception request. 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 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 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 gas plants listed below to reflect certain nonproduct cost increases:

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Atlantic Richfield Co	FEE-4701	Camargo	Dewey County, Okla	$0.0060
	FEE-4702	Crittendon	Winkler County, Tex	.0062
	FEE-4703	Grand Chenier	Cameron Parish, La	.0066
	FEE-4704	Indian Basin	Eddy County, N. Mex	.0091
	FEE-4705	Refugio	Refugio County, Tex	.0297
Cities Service Co	FEE-4754	Ambrose	Kay County, Okla	.0160
	FEE-4755	Camrick	Beaver County, Okla	.0094
	FEE-4756	Corpus Bay	San Patricio County, Tex	(1)
	FEE-4757	Diamond "M"	Scurry County, Tex	(1)
	FEE-4758	Elmwood	Beaver County, Okla	.0168
	FEE-4759	Fairway	Henderson County, Tex	(1)
	FEE-4760	Indian Basin	Eddy County, N. Mex	.0059
	FEE-4761	Murdock	Texas County, Okla	.0063
	FEE-4762	Roberts Ranch	Midland County, Tex	.0051
	FEE-4763	West Seminole	Gaines County, Tex	.0174
	FEE-4764	Wilburton	Morton County, Okla	(1)
Doric Petroleum, Inc	DXE-0047	Hennessey	Kingfisher County, Okla	.0232
	DXE-0048	Newcastle	Grady County, Okla	.0228
Gas Engine & Compressor Service, Inc	DEE-0087	Freestone	Freestone County, Tex	.11485

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Gulf Oil Corp	FEE-4612	Delhi	Richland Parish, La	.0109
	FEE-4613	Elmwood	Beaver County, Okla	.0008
	FEE-4614	Enville	Love County, Okla	.0062
	FEE-4615	Fashing	Atascosa County, Tex	.0203
	FEE-4616	Johnsons Bayou	Cameron Parish, La	.0024
	FEE-4617	Sea Robin	Vermilion Parish, La	.0096
	FEE-4618	Venice	Plaquemines Parish, La	.0012
	FEE-4619	Worsham	Ward County, Tex	.0077
	FEE-4639	North Port Neches	Orange County, Tex	.0258
	FEE-4646	Waddell	Crane County, Tex	.0100
H. W. Bass & Sons, Inc	FXE-4807	Walnut Bend	Grayson County, Tex	.0326
Shell Oil Co	FEE-4682	Enville	Love County, Okla	.0120
	FEE-4683	Fashing	Atascosa County, Tex	.0324
	FEE-4684	Iowa Jet	Calcasieu Parish, La	.0200
	FEE-4685	Laverne	Harper County, Okla	.0184
Standard Oil Co. (Indiana)	FXE-4814	Monahans	Winkler County, Tex	.0171
Texaco, Inc.	FEE-4827	Como	Hopkins County, Tex	.0121
	FEE-4828	Enville	Love County, Okla	.0154
	FEE-4829	Indian Basin	Eddy County, N. Mex	.0227
	FEE-4830	South Lake Arthur	Jefferson Davis Parish, La	.0167
	FEE-4831	TXL	Ector County, Tex	.0123
Texas Pacific Oil Co., Inc	FXE-4808	Adena	Morgan County, Colo	.0779
	FXE-4809	Enville	Love County, Okla	(1)
	FXE-4810	Hamlin	Fisher County, Tex	.0370
	FXE-4811	South Fullerton	Andrews County, Tex	.0230
Union Oil Co. of California	FEE-4481	Coalinga	Fresno County, Calif	.0065
	FEE-4482	Timbalier Bay	Terrebonne, La	.0077
	FXE-4483	Bakke	Andrews County, Tex	.0060
	FXE-4484	Bell	Los Angeles County, Tex	.0497
	FXE-4485	Bryans Mill	Cass County, Tex	.0481
	FXE-4486	Caddo	Carter County, Okla	.0113
	FXE-4487	Camrick	Beaver County, Okla	.0051
	FXE-4488	Como	Hopkins County, Tex	.1098
	FXE-4489	Cotton Valley	Webster County, La	.0364
	FXE-4490	Cow Island	Vermilion County, La	.0087
	FXE-4491	Dollarhide	Andrews County, Tex	.0160
	FXE-4492	Gillette	Campbell County, Wyo	.0296
	FXE-4493	Houma	Terrebonne County, La	.0148
	FXE-4494	Kettleman Hills	Kings County, Calif	.0269
	FXE-4495	Lisbon	San Juan County, Utah	.0110
	FXE-4496	Mermentau	Acadia County, La	.0415
	FXE-4497	North Okarche	Kingfisher County, Okla	.0367
	FXE-4498	Putnam Oswego	Dewey County, Okla	.0063
	FXE-4499	Santa Maria Valley	Santa Barbara County, Calif.	.0308
	FXE-4500	Stearns	Orange County, Calif	.0314
	FXE-4501	Van	Van Zandt County, Tex	.0158
	FXE-4502	Worland	Washokie County, Wyo	.0321

(1) Denied.

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, Morristown, N.J., DEE-0236

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.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: February 2, 1978.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

[FR Doc. 78-3798 Filed 2-10-78; 8:45 am]

[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 205, 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 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.s.t., except federal holidays.

Dated February 3, 1978.

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 1973 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's request for retroactive 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 D. The exception request, if granted, would result in an extention of the exception relief which the FEA granted to Gulf in a previous Decision and would permit Gulf to sell a portion of the crude oil which it produces from the Northwest Graylin "D" Sand Unit at upper tier ceiling prices. On January 23, 1978, the DOE issued a Proposed Decision and Order granting Gulf exception relief which would permit the firm to sell at upper tier ceiling prices 67.66 percent of the crude oil which it produces from the Graylin Unit for the benefit of the working interest.

O'Meara Bros., Lake Charles and New Orleans, La., FEE-4732, FEE-4750, 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-0386, 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 Bridger 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 6.85 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., Inc. 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 gas plants listed below to reflect certain nonproduct cost increases:

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
General Crude	FEE-0050	Dayton	Liberty County, Tex	$0.0139
	DEE-0051	Grand Chenier	Cameron Parish, La	.0307
	DEE-0052	Hamlin	Fisher County, Tex	.0119
	DEE-0053	Salt Creek	Kent County, Tex	.0778
	DEE-0387	Silsbee	Hardin County, Tex	.1346
Ginther Gas Processing	FEE-4371	Springer	Campbell County, Wyo	.02156
Matrix Land	DEE-0034	Piceance Creek	Rio Blanco County, Colo	(1)
	DEE-0035	Mobeetie	Wheeler County, Tex	.0415
	DEE-0036	Box-Elmdale/Tuscola	Taylor and Callahan Counties, Tex.	.1755

[1]Denied.

[FR Doc. 78-3799 Filed 2-10-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

EMERGENCY ELECTRIC ENERGY AND FUEL ALLOCATION AUTHORITIES

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 in regard to his emergency authorities 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 among others in regard to emergency electrical interconnections under the Federal Power Act:

Temporary Connection and Exchange of Facilities During Emergency

• • • whenever [DOE] determines that an emergency exists by reason of • • • a shortage of electric energy or of facilities for the generation or transmission of electric energy, or of fuel or water for generating facilities, or other causes, [DOE] shall have authority either upon its own motion or upon complaint, with or without notice, hearing, or report, to require by order such temporary connections of facilities and such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest. Section 202(c) Federal Power Act, (16 U.S.C. § 824(c)).

The authorities contained in § 202(c) of the Federal Power Act are implemented under the provisions of regulations previously promulgated by the Federal Power Commission and which currently remain in effect pursuant to the transfer provisions of § 705 of the Department of Energy Organization Act (Pub. L. 95-91). These regulatory provisions are contained in 18 CFR §§ 32.60-32.62.

Application for a temporary connection order or an order for generation, delivery, interchange, or transmission of electric energy pursuant to Section 202(c) of the Federal Power Act should be filed attention:

Dr. Douglas C. Bauer, Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 6011, Washington, D.C. 20461.

between the hours of 8 a.m. and 4:30 p.m. e.s.t. Telephone inquiries shall be directed to:

Mr. Jerry Pfeffer, Deputy Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy, 202-254-9655.

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 coal • • • to any • • • person to the 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. Barton R. House, Assistant Administrator for Fuels Regulation, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 6128L, Washington, D.C. 20461.

between the hours of 8 a.m. and 4:30 p.m. e.s.t. Telephone inquiries should be directed to:

Barton House, Assistant Administrator for Fuels Regulations, Economic Regulatory Administration, Department of Energy 202-254-3905.

Issued in Washington, D.C. February 10, 1978.

David J. Bardin,
Administrator, Economic Regulatory Administration, Department of Energy.

[FR Doc. 78-4095 Filed 2-10-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 854.2]

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, 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

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN

OCTOBER 1, 1977 AND OCTOBER 31, 1977

IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FOR COPIES OF COMMENTS
CORPS OF ENGINEERS			
DA-COE-A36408-IA:	FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES TEENAS BASIN, RED RIVER BACKWATER AREA, BUSHLEY BAYOU, LOUISIANA	LO2	G
D-COE-C06008-NY:	BOWLINE POINT GENERATING STATION, HAVERSTRAW, NEW YORK	ER-1	C
D-COE-D32008-VA:	JARVIS CREEK NAVIGATION PROJECT, NORTHUMBERLAND COUNTY, VIRGINIA	ER-2	D
DS-COE-D39002-00:	ATLANTIC INTRACOASTAL WATERWAY BRIDGES, VIRGINIA AND NORTH CAROLINA	ER-2	D
D-COE-E34008-SC:	BROADWAY LAKE, ANDERSON COUNTY, SOUTH CAROLINA	LO2	E
D-COE-F35018-IN:	OPERATION AND MAINTENANCE, MICHIGAN CITY HARBOR, PORTER AND LAFORTE COUNTIES, INDIANA	LO2	F
DS-COE-G32008-TX:	GULF INTRACOASTAL WATERWAY, TEXAS SECTION, MAIN CHANNEL AND TRIBUTARIES, TEXAS	LO1	G
D-COE-G39004-00:	ARKANSAS AND RED RIVER BASIN CHLORIDE PROGRAM, TEXAS, OKLAHOMA, AND KANSAS	LO2	G
DS-COE-H36027-KS:	HALSTEAD LOCAL FLOOD PROTECTION PROJECT, HARVEY COUNTY, KANSAS	LO2	H
D-COE-K32013-GU:	HARBORS AND RIVERS, APRA HARBOR, GUAM, TRUST TERRITORY	LO2	J
D-COE-K85011-CA:	DELTA COVES PROPOSED SUBDIVISION, PERMIT, CONTRA COSTA COUNTY, CALIFORNIA	LO2	J
DEPARTMENT OF AGRICULTURE			
D-AFS-G65025-AR:	MAUMELLE-SALINE UNIT PLAN, OUACHITA NATIONAL FOREST, HOT SPRINGS, ARKANSAS	LO1	G
D-AFS-G65027-NM:	GILA NATIONAL FOREST, ALBUQUERQUE, NEW MEXICO	LO2	G
D-AFS-L61094-OR:	SILVIES AND MALHEUR PLANNING UNIT, LAND MANAGEMENT PLAN, OCHOCO AND MALHEUR NATIONAL FORESTS, OREGON (USDA-FS-R6-DES(ADM)77-6)	LO2	K
D-AFS-L65033-OR:	KLAMATH BASIN WORKING CIRCLE, TIMBER RESOURCE PLAN, FREMONT AND WINEMA NATIONAL FORESTS, LAKE AND KLAMATH COUNTIES, OREGON (USDA-FS-R6-DES(ADM)77-13)	LO2	K
D-SCS-E36046-AL:	SOUTHEAST CHOCTAWATCHEE RIVER, WATERSHED AND RECREATION PLAN, ALABAMA	ER2	E
D-SCS-G36057-LA:	LAKE VERRET WATERSHED, ASCENSION, ASSUMPTION, AND IBERVILLE PARISHES, LOUISIANA	LO1	G
DS-SCS-G36056-OK:	ROBINSON CREEK WATERSHED PROJECT, LINCOLN COUNTY, OKLAHOMA	LO2	G
D-SCS-K36023-AZ:	ROOSEVELT WATER CONSERVATION DISTRICT, FLOODWAY, PINAL AND MARICOPA COUNTIES, ARIZONA	LO2	J
DEPARTMENT OF DEFENSE			
D-UAF-K10002-AZ:	BURIED TRENCH CONSTRUCTION AND TEST PROJECT, YUMA COUNTY, ARIZONA	LO1	J
DEPARTMENT OF INTERIOR			
D-BLM-A02113-AK:	WESTERN GULF, KODIAK, OIL AND GAS LEASE SALE NO. 48, OUTER CONTINENTAL SHELF (OCS), ALASKA	2[1/]	A
D-NPS-E61021-GA:	CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA	LO1	E
D-NPS-K61017-CA:	GENERAL MANAGEMENT PLAN, LASSEN VOLCANIC NATIONAL PARK, CALIFORNIA	3	J
D-BOR-D99000-PA:	PINE CREEK STATE AND NATIONAL SCENIC RIVER, LYCOMING COUNTY, PENNSYLVANIA	LO2	D
DEPARTMENT OF TRANSPORTATION			
D-CGD-D50002-00:	CALHOUN STREET BRIDGE ACROSS THE DELAWARE RIVER, TRENTON, NEW JERSEY TO MORRISVILLE, PENNSYLVANIA	ER2	D

IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FOR COPIES OF COMMENTS
D-FAA-K51011-TT:	YAP DISTRICT AIRPORT, TRUST TERRITORY	LO2	J
DS-FHW-A40433-FL:	I-275, FORMALLY I-75, ST. PETERSBURG, PINELLAS COUNTY, FLORIDA (FHWA-FLA-EIS-71-05-DS)	ER2	E
DS-FHW-B40026-RI:	WOONSOCKET INDUSTRIAL HIGHWAY, RHODE ISLAND	LO2	B
D-FHW-E40120-FL:	I-275, SKYWAY, MANATEE, HILLSBOROUGH AND PINELLAS COUNTIES, FLORIDA (FHWA-FL-EIS-77-02-D)	ER2	E
D-FHW-E40122-TN:	TN-15, PULASKI TO TARPLEY CEMETERY, GILES COUNTY, TENNESSEE (FHWA-TN-EIS-77-04-D)	LO2	E
D-FHW-E40123-TN:	TN-51, US 45, MISSISSIPPI STATE LINE TO HENDERSON, MCNAIRY AND CHESTER COUNTIES, TENNESSEE (FHWA-TN-EIS-77-03-D)	LO2	E
D-FHW-E40124-SC:	US 176, SPARTANBURG AND UNION COUNTIES, SOUTH CAROLINA, (FHWA-SC-EIS-77-01-D)	LO2	E
D-FHW-G40061-TX:	FM 1604 AND I-10, BEXAR COUNTY, TEXAS	ER2	G
D-FHW-G40064-LA:	LA-255, EAST BATON ROUGE PARISH, LOUISIANA	LO1	G
DS-FHW-H40016-IA:	I-380, BLACK HAWK, LINN, BENTON, AND BUCHANAN COUNTIES, IOWA (FHWA-IOWA-EIS-7L-03-DS)	ER2	H
D-FHW-H40074-NB:	CORRIDORS C AND D, RAIL RELOCATION AND CONSOLIDATION, LINCOLN, LANCASTER COUNTY, NEBRASKA (FHWA-NEB-EIS-77-04-D)	ER2	H
D-FHW-H40075-KS:	KS-12, JOHNSON COUNTY, KANSAS (FHWA-KS-EIS-77-OL-D)	LO1	H
D-FHW-J40032-WY:	EVANSTON STREETS, EVANSTON, UNITA COUNTY, WYOMING	LO2	I
D-FHW-L40055-WA:	FOREST HIGHWAY 32, WA-32, NORTH CASCADES HIGHWAY BACON CREEK TO GOODELL CREEK, SKAGIT AND WHATCOM COUNTIES, WASHINGTON (FHWA-WAFP-EIS-77-01-D)	LO1	K
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-D85014-MD:	PINEY RIDGE VILLAGE, CARROLL COUNTY, MARYLAND	LO2	D
D-HUD-D89019-PA:	GOLF RANCH LEASE PURCHASE AND CENTENNIAL INDUSTRIAL PARK PROJECT, BUCKS COUNTY, PENNSYLVANIA	LO2	D
D-HUD-E28023-TN:	WATERLINE ON PRIVATE EASEMENTS, GOOSE HORN ROAD, LAFAYETTE, MACON COUNTY, TENNESSEE	LO1	E
D-HUD-E28024-AL:	ALABAMA RURAL WATER SYSTEM IMPROVEMENTS, LOWNDES COUNTY, ALABAMA	LO1	E
D-HUD-E40121-SC:	JOHNSTON STREET EXTENSION PROJECT, ROCK HILL, SOUTH CAROLINA	LO2	E
D-HUD-F38002-IL:	DRAINWAYS GREENWAYS DEMONSTRATION PROJECT CARBONDALE, JACKSON COUNTY, ILLINOIS	LO1	F
D-HUD-F85023-OH:	RIVERSIDE GREEN AND RIVERSIDE HILLS, SUBDIVISION COLUMBUS, FRANKLIN COUNTY, OHIO	LO2	F
D-HUD-F85024-IL:	FOX TRAILS DEVELOPMENT, MCHENRY COUNTY, ILLINOIS	LO2	F
D-HUD-G85062-LA:	BELLE TERRE DEVELOPMENT, LEPLACE, ST. JOHN THE BAPTIST PARISH, LOUISIANA	ER2	G
D-HUD-G85064-TX:	FAIRMONT PARK SUBDIVISION, HARRIS COUNTY, TEXAS	LO1	G
D-HUD-G85065-TX:	NORTH FOREST SUBDIVISION, MONTGOMERY COUNTY, TEXAS	LO1	G
D-HUD-G85066-TX:	CHARTERWOOD SUBDIVISION, HARRIS COUNTY, TEXAS	LO1	G
D-HUD-G85067-TX:	BEAR CREEK VILLAGE SUBDIVISION, HARRIS COUNTY, TEXAS	LO1	G
D-HUD-G85068-TX:	WOODLAND OAKS SUBDIVISION, HARRIS COUNTY, TEXAS	LO1	G
D-HUD-H60001-NB:	DISPOSITION OF LONERGAN LAKE, OMAHA, DOUGLAS COUNTY, NEBRASKA	LO1	H
D-HUD-J24003-UT:	TOOELE CITY, WEST SEWER TRUNK LINE, TOOELE, UTAH	LO2	I

IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FO COPIES OF COMMENTS
D-HUD-K85008-CA:	SWEETWATER, AVACADO AND COTTONWOOD VILLAGES; RESIDENTIAL DEVELOPMENT OF RANCH, SAN DIEGO AREA, CALIFORNIA	LO1	J
D-HUD-K85012-CA:	OAK PARK DEVELOPMENT, VENTURA COUNTY, CALIFORNIA	3	J
D-HUD-L85003-WA:	PROPOSED PLAT OF MEGAN HEIGHTS, KITSAP COUNTY, WASHINGTON	LR2	K
INTERSTATE COMMERCE COMMISSION			
D-ICC-E53003-MS:	THE SOUTHERN MISSISSIPPI TRANSPORTATION COMPANY, APPLICATION TO CONSTRUCT AND OPERATE, HARRISON COUNTY, MISSISSIPPI	ER2	L
D-ICC-F53005-00:	LOUISVILLE AND NASHVILLE RAILROAD, GRAND TRUNK WESTERN RAILROAD, COOK COUNTY, ILLINOIS AND LAKE COUNTY, INDIANA, FINANCE DOCKET NO. 27972	ER2	I
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
D-NAS-A12034-00:	SPACE SHUTTLE PROGRAM	LO1	A
PANAMA CANAL COMPANY			
D-PCC-A99140-00:	INTRODUCTION OF WHITE AMUR INTO CANAL ZONE WATERS TO CONTROL AQUATIC WEEDS	ER2	A
VETERANS ADMINISTRATION			
D-VAD-K69004-CA:	VETERANS ADMINISTRATION NATIONAL CEMETERY, RIVERSIDE, CALIFORNIA	LO1	J
NUCLEAR REGULATORY COMMISSION			
D-NRC-C06009-NY:	SELECTION OF PREFERRED CLOSED-CYCLE COOLING SYSTEM, INDIAN POINT NO. 3, NEW YORK	LO2	C
DELAWARE RIVER BASIN COMMISSION			
D-DRB-C99005-NJ:	PROPOSED BULK CHEMICAL STORAGE AND DISTRIBUTION FACILITY, BORDENTOWN TOWNSHIP, BURLINGTON COUNTY, NEW YORK	EO2	C

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.

APPENDIX II

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 originator 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

IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FOR COPIES OF COMMENTS
CORPS OF ENGINEERS			
F-COE-E36005-00:	WEST POINT LAKE, CHATTAHOOCHEE RIVER, ALABAMA AND GEORGIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, EPA RECOMMENDED A COMPREHENSIVE PROGRAM OF OXYGEN DATA COLLECTION BE IMPLEMENTED.	E
F-COE-K36013-CA:	WALNUT CREEK PROJECT, CONTRA COSTA COUNTY, CALIFORNIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	J
DEPARTMENT OF AGRICULTURE			
F-AFS-J65059-WY:	HUSTON PARK LAND MANAGEMENT PLAN, MEDICINE BOW NATIONAL FOREST, CARBON COUNTY, WYOMING	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, EPA RECOMMENDED ADEQUATE CONSIDERATION BE GIVEN TO WILDERNESS VALUE AND THE ANALYSIS OF THE PROPOSED CHEYENNE WATER DIVISION PROJECT.	I
F-AFS-J65064-MT:	PINKHAM-FORTINE-ALKALI PLANNING UNIT, LAND MANAGEMENT PLAN, KOOTENAI NATIONAL FOREST, MONTANA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	I
F-AFS-K65018-CA:	MOHAWK LAND MANAGEMENT PLAN, TAHOE AND PLUMAS NATIONAL FORESTS, SIERRA COUNTY, CALIFORNIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	J
DEPARTMENT OF DEFENSE			
F-USA-J39006-CO:	PART 1, PILOT CONTAINMENT OPERATIONS, ROCKY MOUNTAIN ARSENAL, ADAMS COUNTY, COLORADO	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.	I
DEPARTMENT OF INTERIOR			
F-BLM-A02106-00:	1977 OUTER CONTINENTAL SHELF (OCS), OIL AND GAS LEASE SALE NO. 42, OFFSHORE NORTH ATLANTIC STATES	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.	A
F-BLM-J67000-UT:	ALUNITE PROJECT, BEAVER COUNTY, UTAH	GENERALLY, 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.	I
DEPARTMENT OF TRANSPORTATION			
F-FAA-A51861-PA:	RUNWAY 28 EXTENSION, JIMMY STEWART AIRPORT, INDIANA COUNTY, PENNSYLVANIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	D

IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FOR COPIES OF COMMENTS
F-FAA-F51006-MI:	HILLSDALE MUNICIPAL AIRPORT, RUNWAY, HILLSDALE COUNTY, MICHIGAN	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	F
F-FAA-K51001-CA:	WHITEMAN AIRPORT, LOS ANGELES COUNTY, CALIFORNIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	J
F-FHW-C40027-00:	SOUTHERN TIER EXPRESSWAY, HINSDALE, NEW YORK TO ERIE, PENNSYLVANIA, CATTARAUGUS AND CHAUTAUQUA COUNTIES, NEW YORK	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, EPA REQUESTED THE FHWA INCORPORATE CERTAIN CONDITIONS INTO THE NECESSARY CORPS PERMIT.	C
F-FHW-F40081-IN:	WEST STREET, I-65 TO I-70, INDIANAPOLIS, MARION COUNTY, INDIANA (FHW-EIS-76-07-F)	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	F
F-FHW-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 L_{10} 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 LMFBR 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 IDAHO NATIONAL ENGINEERING LABORATORY.	A
FEDERAL ENERGY ADMINISTRATION			
F-FEA-E03002-KY:	CENTRAL ROCK MINE, STRATEGIC PETROLEUM RESERVE, FAYETTE COUNTY, KENTUCKY, (FES 76/77-9)	GENERALLY, EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. EPA MADE SEVERAL ADDITIONAL COMMENTS IN ORDER TO STRENGTHEN THE ENVIRONMENTAL SAFEGUARDS.	E
FS-FEA-G03005-LA:	STRATEGIC PETROLEUM RESERVE, WEEKS ISLAND MINE, IBERIA COUNTY, LOUISIANA	GENERALLY, EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, EPA DETERMINED THAT FURTHER EVALUATION AND CONSIDERATION WILL BE GIVEN TO THE PROJECT DURING THE REVIEW OF THE NECESSARY PERMIT APPLICATIONS.	G
FEDERAL POWER COMMISSION			
F-FPC-B03002-00:	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 LNG TERMINAL.	B
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-C85010-PR:	PUNTO ORO II DEVELOPMENT, PONCE, PUERTO RICO	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	C
F-HUD-D85012-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. HOWEVER, EPA MADE FURTHER COMMENTS CONCERNING THE PROPOSED DETENTION FACILITY AND THE CROSSINGS OF SOUTH RUN BY THE TRUNK SEWER LINE.	D
F-HUD-J85012-CO:	BELLEHAVEN AND VISTA GRANDE TERRACE CLEAR VIEW ESTATES PLANNED DEVELOPMENTS, COLORADO	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	I

IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	COPIES TO ... & AGENCY
INTERSTATE COMMERCE COMMISSION			
F-ICC-A53041-00:	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.	A

APPENDIX IV

FINAL ENVIRONMENTAL IMPACT STATEMENTS WHICH WERE REVIEWED AND NOT COMMENTED ON BETWEEN OCTOBER 1, 1977 AND OCTOBER 31, 1977

IDENTIFYING NUMBER	TITLE	SOURCE OF REVIEW
DEPARTMENT OF AGRICULTURE		
F-AFS-E65017-SC:	FRANCIS MARION NATIONAL FOREST, BERLELEY AND CHARLESTON COUNTIES, SOUTH CAROLINA	E
F-AFS-G65018-IA:	MANAGEMENT OF VERNON UNIT, KISATCHIE NATIONAL FOREST, LOUISIANA	G
F-AFS-G65020-AR:	TIAK UNIT, QUACHITA NATIONAL FOREST, MCCURTAIN COUNTY, ARKANSAS	G
F-AFS-J65066-MT:	HORNET PLANNING UNIT, KOOTENAI NATIONAL FOREST, LINCOLN COUNTY, MONTANA	I
F-AFS-L61072-ID:	TRAPPER AND SIOUXON PLANNING UNIT, LAND MANAGEMENT PLAN, GIFFORD PINCHOT NATIONAL FOREST, SKAMANIA COUNTY, WASHINGTON (USDA-FS-R6-FES)	K
FS-REA-J08003-WY:	115KV TRANSMISSION LINE, TETON TO JACKSON, TETON COUNTY, WYOMING	I
DEPARTMENT OF COMMERCE		
FS-NOA-B91001-00:	PRELIMINARY MANAGEMENT PLAN FOR ATLANTIC HERRING, NORTHWESTERN ATLANTIC	B
FS-NOA-B91002-00:	PRELIMINARY MANAGEMENT PLAN FOR OTHER FINFISH, NORTHWESTERN ATLANTIC	B
FS-NOA-B91003-00:	PRELIMINARY MANAGEMENT PLAN FOR SQUID, NORTHWESTERN ATLANTIC	B
FS-NOA-B91004-00:	PRELIMINARY MANAGEMENT PLAN FOR MACKEREL, NORTHWESTERN ATLANTIC	B
FS-NOA-B91005-00:	PRELIMINARY MANAGEMENT PLAN FOR HAKE, NORTHWESTERN ATLANTIC	B

[illegible] LETTER	TITLE	SOURCE OF REVIEW
DEPARTMENT OF DEFENSE		
F-USA-J20007-CO:	DISPOSAL OF CHEMICAL AGENT IDENTIFICATION SETS, ROCKY MOUNTAIN ARSENAL, COLORADO	I
DEPARTMENT OF INTERIOR		
F-BOR-H61000-00:	PROPOSED OREGON NATIONAL HISTORIC TRAIL	H
F-NPS-J61016-UT:	CEDAR BREAKS PROPOSED WILDERNESS CLASSIFICATION, GARFIELD COUNTY, UTAH	I
DEPARTMENT OF TRANSPORTATION		
F-FHW-E40087-NC:	NC-127, HICKORY, CATAWBA COUNTY, NORTH CAROLINA (FHWA-NC-EIS-76-08-F)	E
F-FHW-E40088-NC:	US 25, HENDERSONVILLE ROAD, I-40 TO BLUE RIDGE PARKWAY, BUNCOMBE COUNTY, NORTH CAROLINA (FHWA-NC-EIS-76-09-F)	E
F-FHW-G40056-TX:	TX-40, US 83 TO ALAN ROAD, GRAY AND WHEELER COUNTIES, TEXAS	G
F-FHW-H40032-NB:	NB-133, 90TH STREET, OMAHA, DOUGLAS COUNTY, NEBRASKA	H
F-FHW-L40037-OR:	SOUTH UNIT, ASTORIA AND CAMP RILEA SECTION, OREGON COAST HIGHWAY, US 101, CLATSOP COUNTY, (FHWA-OR-EIS-76-01-DF)	K
F-FHW-L40040-ID:	GOULD STREET CONNECTION, POCATILLO, BANNOCK COUNTY, IDAHO (FHWA-IDA-EIS-76-04-F)	K
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION		
F-ERD-A00126-SC:	WASTE MANAGEMENT OPERATIONS AT THE SAVANNAH RIVER PLANT, AIKEN COUNTY, SOUTH CAROLINA (ERDA-1537)	A
F-ERD-A00129-NV:	NEVADA TEST SITE, TESTING ACTIVITIES, NYE COUNTY, NEVADA	J
FEDERAL ENERGY ADMINISTRATION		
F-FEA-G03008-TX:	STRATEGIC PETROLEUM RESERVE, KLEER MINE, VAN ZANDT COUNTY, TEXAS	G
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-G85026-TX:	WOODLAND TRAILS SUBDIVISION, HARRIS COUNTY, TEXAS	G
F-HUD-G85028-TX:	HUNTERS GLEN SUBDIVISION, FORT BEND COUNTY, TEXAS	G
F-HUD-G85035-TX:	SOMMERALL SUBDIVISION, HARRIS COUNTY, TEXAS	G
F-HUD-G85037-TX:	MISSION BEND SECTIONS 5, 6 AND 8 SUBDIVISION, HARRIS AND FORT BEND COUNTIES, TEXAS	G
F-HUD-G85040-TX:	SHERWOOD TRAILS SUBDIVISION, HARRIS COUNTY, TEXAS	G
F-HUD-G85044-TX:	INWOOD NORTH SUBDIVISION, HARRIS COUNTY, TEXAS	G
F-HUD-G85048-AR:	WEST SIDE SEWER, PINE BLUFF, JEFFERSON COUNTY, ARKANSAS	G
F-HUD-G85049-TX:	ATASCOCITA SUBDIVISION, HARRIS COUNTY, TEXAS	G
F-HUD-G85052-TX:	KENSWICK SUBDIVISION, HARRIS COUNTY, TEXAS	G
F-HUD-J24001-CO:	SLOAN LAKE SANITARY SEWER IMPROVEMENT PROJECT, DENVER, COLORADO	I
F-HUD-L85002-WA:	SHILOH HILLS SPOKANE, WASHINGTON (HUD-R10-EIS-77-1F)	K

APPENDIX V

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN OCTOBER 1, 1977 AND OCTOBER 31, 1977

IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FOR COPIES OF COMMENTS
DEPARTMENT OF COMMERCE			
R-NOA-A90031-00:	16 CFR PART 930, FEDERAL CONSISTENCY WITH APPROVED COASTAL MANAGEMENT PROGRAMS, PROPOSED POLICIES AND PROCEDURES AND PROCEDURES (42 FR 43586)	EPA'S CONCERNS RAISED DURING PREVIOUS REVIEWS OF THE PROPOSED RULEMAKING HAVE BEEN ADEQUATELY ADDRESSED. HOWEVER, EPA MADE SEVERAL COMMENTS WHICH WOULD STRENGTHEN THE ENVIRONMENTAL ASPECTS OF THE PROPOSED RULEMAKING.	A
DEPARTMENT OF INTERIOR			
A-IGS-A02118-00:	PROPOSED NATIONAL ORDERS FOR THE OUTER CONTINENTAL SHELF (OCS) GOVERNING OIL AND GAS LEASE OPERATIONS (42 FR 42912)	EPA MADE SEVERAL COMMENTS ON THE PROPOSED ORDERS TO INCLUDE EXISTING ENVIRONMENTAL LEGISLATION AND STATUTES.	A
R-IGS-A02119-00:	PROPOSED REVISION OF OIL AND GAS OPERATION REGULATIONS GOVERNING EXPLORATION, DEVELOPMENT AND PRODUCTION OPERATIONS IN THE OUTER CONTINENTAL SHELF (42 FR 49478)	EPA MADE SEVERAL COMMENTS ON THE PROPOSED ORDER TO STRENGTHEN THE ENVIRONMENTAL ASPECTS OF THE PROPOSAL.	A
			A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 922, Waterside Mall SW., Washington, D.C. 20460.
B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass. 02203.
C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.
D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.
E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308.
F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604.
G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Tex. 75270.
H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.
I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colo. 80203.
J. Director of Public Affairs, Region 9, Environmental Protection Agency, 215 Freemont Street, San Francisco, Calif. 94108.
K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc. 78-3841 Filed 2-10-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 78-36; FCC 78-67]

IMPLICATIONS OF THE TELEPHONE INDUSTRY'S PRIMARY INSTRUMENT CONCEPT

Inquiry

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The Commission is exploring the telephone industry's primary instrument proposal that all subscribers to single line telephone service be required to obtain one telephone set from the serving company. Comments are requested on a large number of legal, procedural, economic, technical, and other issues specified by the agency.

DATES: Comments must be received on or before March 28, 1978, and Reply Comments must be received on or before May 9, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Ruth Reel, Policy and Rules Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, 202-632-6363.

ADOPTED: February 1, 1978.

RELEASED: February 6, 1978.

In the matter of implications of the Telephone Industry's Primary Instrument Concept, CC Docket No. 78-36.

1. On October 3, 1977, Congressman Lionel Van Deerlin and Louis Frey, respectively the Chairman and ranking minority member of the House Subcommittee on Communications, forwarded for our attention the "Primary Instrument Concept" recently advanced by the telephone industry as a proposed modification of our terminal equipment registration program, and requested that we give this proposal "expeditious consideration." On October 13, 1977, we responded affirmatively to this request. The proposal of the telephone industry is appended hereto (Appendix A). There is also attached (Appendix B) a copy of the industry's response, dated October 31, 1977, to questions of the Subcommittee staff pertaining to the primary instrument concept. We identify below the various legal, procedural, policy, economic, technical, and other issues which we believe to be germane to this proceeding, and solicit comments on these as well as any other issues the parties may wish to address.

2. We have already received some correspondence on this matter, primarily seeking further clarification of the proposal or challenging its validity. All such correspondence will be incorporated in the public file, and will be considered at the appropriate stage of the proceeding. We will treat herein two pleadings which request immediate relief. One is the October 28, 1977, "Comments of the Computer and Business Equipment Manufacturers Association (CBEMA)," requesting that we either dismiss the primary instrument proposal as an unjustified departure from the "Carterfone" and equipment registration policies,[1] or require the telephone industry to submit a more precise and documented statement of their proposal prior to comments. The other is a joint letter (November 1, 1977) from the major telephone companies and associations, enclosing a proposed amendment to Part 68 of the Commission's Rules to effect the primary instrument concept. The letter also urged that we stay, on our own motion, those provisions of the registration program that "permit" the connection of customer-provided main station telephones to single-line telephone services pending prompt action on the proposed Rule amendments. We acted upon the request for stay relief on November 22, 1977, and will treat herein the industry request for rulemaking.

3. At 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 seeking a rapid resolution of these issues.

I. BACKGROUND

4. On June 27, 1968, the Commission issued its *Carterfone* decision holding that, consistent with the earlier *Hush-a-Phone* decision[2] 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. As we further explained in *Mebane*, this broad principle applies to customer terminal equipment used as a replacement for telephone system equipment.[3] 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, since January 1, 1969. However, connection of such equipment to the network was initially permitted only through telephone company-provided "connecting arrangements", allegedly required to protect the network from technical harm.[4]

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.[5] Initially, this program was limited to data and ancillary devices, thus continuing the requirement that customer-provided main station telephones, PBXs, and

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[1] *Carterfone*, 13FCC 2d 420, on reconsideration 14 FCC 2d 571 (1968); *Hush-a-Phone* v. *United States*, 238 F. 2d 266 (D.C. Cir. 1956).

[2] *Hush-a-Phone Corp.* v. *U.S.*, 238 F. 2d 266 (D.C. Cir. 1956).

[3] *Mebane Home Telephone Co.*, 53 FCC 2d 473 (1975) aff'd *Mebane Home Telephone Co.* v. *FCC*, 535 F. 2d 1324 (D.C. Cir. 1976).

[4] See, *AT&T Foreign Attachment Tariff Revisions*, 15 FCC 2d 605 (1968), on reconsideration, 18 FCC 2d 871 (1969).

[5] First Report and Order in Docket No. 19528, 56 FCC 2d 593 (1975), on reconsideration 57 FCC 2d 1216 (1976), 58 FCC 2d 716 (1976) and 59 FCC 2d 83 (1976).

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 these equipment items as well, thus eliminating entirely the telephone company-imposed requirement that customer-provided equipment could only be connected via company-provided connecting arrangements.[6] Neither of these latter decision, of course, dealt with the inherent right of the subscriber to provide and connect his own terminal equipment, including main station telephones, since that issue was decided affirmatively in the *Carterfone* line of cases consistent with the court's ruling in *Hush-a-Phone*.

6. The Commission's decisions allowing alternatives to the requirement for carrier-provided connecting arrangements and establishing the FCC registration program as a substitute therefor were appealed to the U.S. Court of Appeals for the Fourth Circuit. Appellants 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 petitions 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 terminal equipment may now do so without the necessity of using carrier-supplied connecting arrangements, provided 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, since it is apparently proposed not merely to return to the situation in which customer-provided main stations may be connected only through carrier-supplied connecting arrangements, but rather to a situation in which single-line customers may not provide their own primary instrument, under any circumstances, the primary instrument proposal appears to contemplate a fundamental modification of the basic principles enunciated in *Hush-a-Phone* and *Carterfone*. Such prior decisions of the Commission and the courts are not, of course, immune to subsequent modification. However, the proponents of change clearly bear the burden of justifying such change, and the appropriate process through which such proposed modifications may properly be considered, as well as the substantive issues which must be addressed therein, require careful examination.

II. Industry Proposal

8. It is our tentative understanding, based on appendices 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" subscribers—would be required to lease, as part of basic telephone service, one piece of consumer-premises equipment from the serving telephone company.[7] This requirement 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 maintenance would be included in the rate for basic telephone service. For an additional charge the telephone company would substitute an optional instrument with equivalent minimum capabilities, but the subscriber would still have to pay for the standard telephone portion. Optional instruments provided by the telephone company may provide additional service features so long as capabilities equivalent to the basic set are present. The customer may disconnect the carrier instrument and substitute his own equipment; however, the carrier instrument 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 and encourage 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 there are other 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

[6] Second Report and Order in Docket No. 19528, 58 FCC 2d 736 (1976), on reconsideration 61 FCC 2d 396 (1976) and 64 FCC 2d 1058 (1977), *aff'd sub nom North Carolina Utilities Commission* v. *FCC*, 552 F. 2d 1036 (C.A. 4, 1977), cert. den. —— U.S. —— (October 3, 1977), 46 U.S.L.W. 3190.

[7] The industry states that the primary instrument concept would apply only to the public switched telephone network (local exchange and intercity); it would not apply to private line services (Appendix B).

noted, the apparent effect of this proposal, if adopted, would be to prohibit subscribers to single-line telephone service from providing their own primary instruments[88] 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,[9] 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. 19528 be used as a basis for such a proceeding, considering that Docket No. 19528 was conducted on the basis that customers' rights established in *Carterfone* were not 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 insofar 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 customer-provided terminal 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 a market share in 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?

(a) What evidence is there to indicate that the main station market has the economic characteristics of a natural monopoly?

(b) Is there any technical or economic basis for distinguishing between main stations and extension sets?

A2.6 What percentage of the total telephone set market does the main station market now constitute?

A2.7 What percentage of main station sets is currently provided by the telephone carriers?

A2.8 In the absence of the primary instrument concept, what is the forecast for the total main station market 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 A2.8 and A2.9 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 instruments to single-line subscribers, 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?

(a) If so, would such a market allocation be in the public interest?

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,*[9] 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?

B. 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 and maintenance of consumer-premises 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:

[88] We use the term "primary instrument" as defined in the industry proposal.

[9] *Hush-a-Phone, Carterfone, Mebane, supra. AT&T Foreign Attachment Tariff Revisions, supra.* We note that the suggested rule changes of the telephone industry provide that customer-owned equipment may not be used as the primary instrument. Compare the industry response to the Subcommittee staff questions.

[9] The consumer's right, under the Communications Act and the Commission's implementing policies, to connect his own equipment to the telephone network in the absence of public detriment, cannot be abridge through inconsistent actions by state regulatory agencies or legislatures. Telerent Leasing Corp., 45 FCC 2d 204 (1974), aff'd *sub nom North Carolina Utilities Commission* v. *FCC,* 537 F. 2d 787 (4th Cir., 1976), *cert. den.* 429 U.S. 1027 (1976); Comtronics, Inc., 57 FCC 2d 1202 (1976, aff'd *sub nom Puerto Rico Telephone Company* v. *FCC,* 553 F. 2d 694 (1st Cir., 1977).

B1. What demographic or other evidence would support the proposition that residential and business subscribers to single-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 and remains 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 maintennce 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 primary 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 unreasnable 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 or maintenance which they do not receive?

B8.2 Would unbundling be necessary or appropriate to permit the proper ascertainment of costs in determining 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 consumers and 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 Apparatus 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[10] 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 100.1.

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?

[10] Holding companies should calculate these effects on an individual company and total corporate basis.

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 such 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 which permit the subscriber 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 was 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 requirement?

(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 is exempt from the carrier-supplied requirement, 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 means for testing 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's 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 stations?

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 parrallel 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 during 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 annunciator indication 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 by the customer.)

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 to single-line subscriber with only one telephone set?

D3.2 To what extent would the single-line subscriber who owned 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 multiline subscriber 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?

D4. *Repair 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 interim 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.[11] 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. *Technological 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 capabilities 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. 20828 (the "Computer Inquiry").[12] If the primary instrument concept were adopted, should the capabilities of carrier-supplied primary instruments be further regulated by the Commission?

(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 ser-

[11] *Second Report and Order* in Docket No. 19528, 58 FCC 2d 736, at 743 (1976).

[12] Notice of Inquiry and Proposed Rulemaking in the "Computer" Inquiry, Docket No. 20828, 61 FCC 2d 103 (1976), Supplemental Notice, 64 FCC 2d 771 (1977).

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 the telephone industry response to the Subcommittee staff questions has been helpful in clarifying some areas, several ambiguities remain.

F1.1 How should the term "multiline service" be defined? Is the primary instrument proposal intended to apply to multiple single lines entering a single premise, not terminated in a key 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 terminated on a so-called "convenience key telephone" with no common equipment?

(d) How would the proposal 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?

FX and one-way CCSA services?

F1.2 How should the term "data service" be defined?

The industry response to the Subcommittee staff questions indicates that the distinction between basic telephone service included in the proposed requirement and excluded data service turns on whether data equipment is connected via a standard voice jack or a standard data jack.

(a) Can a standard telephone set be connected via a standard data jack?

(b) Can a carrier optional instrument with minimum capabilities equivalent to a standard instrument be connected via a standard data jack?

(c) Would a single-line subscriber to basic telephone service be excluded from the proposed primary instrument requirement if he plugged his telephone instrument into a standard data jack?

F2. The industry proposal states that the primary instrument concept would require "the telephone company to provide, as part of single line basic telephone service, one telephone company owned and maintained instrument associated with the central office and loop plant serving the subscriber."

F2.1 What is meant by an instrument "associated with the central office and loop plant?"

F3. The illustrative tariff states (Attachment C, p. 1 of 2) that: "Extension telephones, whether provided by the telephone 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."

F3.1 What "other requirements" would be covered by this charge?

IV. PLEADINGS

11. Turning now to the relief requested by CBEMA, we decline to adopt the suggestion that the primary instrument proposal be summarily rejected. Our action of November 22, 1977, declining to stay the inclusion of main stations in the registration program, will preserve to the public the benefits of the registration program while this inquiry is proceeding. In the circumstances, we believe it appropriate to follow procedures which 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 an adequate and orderly means of achieving clarifiation and informed public participation. The telephone industry is in a position to address these questions in their comments, and other interested persons will have an opportunity to raise any additional questions. The industry responses and additional questions contained in the comments can be fully treated in reply comments. In the event of important new matter in the reply comments, we can order another round of comments either at the request of any party or on our own motion. We see no substantial prejudice to interested persons in this procedure, and will accordingly deny CBEMA's request.

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 letter of November 1, 1977, 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 proposed rule making. The primary instrument proposal potentially would have widespread and important ramifications for the public, and these may vary according to the exact nature of 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[12a]) 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 (i) 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 feel 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 before it, in addition to the specific comments invited by this Notice.

Federal Communications Commission, [13]
William J. Tricarico,
Secretary.

Appendix A

House of Representatives, Subcommittee on Communications of the Committee on Interstate and Foreign Commerce,
Washington, D.C., October 3, 1977.

Hon. Richard E. Wiley,
Chairman,
Federal Communications Commission,
Washington, D.C.

Dear Chairman Wiley: As you know, the Subcommittee on Communications is now completing hearings on national telecommunications policy. We are taking this opportunity to comment on one subject that was discussed at the recent hearings on domestic common carrier policy.

We are aware of the major opportunities for innovation which the Commission's terminal equipment policies have brought about. We believe that many parties now recognize the desirability of a competitive terminal equipment marketplace. We believe the advantages to the consumers of this nation are extensive.

As is the case with any policy change of this magnitude, however, the transition will inevitably involve difficult situations for some telephone companies and subscribers. It is a recognition of this aspect of the transition that leads us to ask that the Commission give expeditious consideration to a proposal advanced by the telephone industry known as the "Primary Instrument Concept." A copy of the proposal is attached for your consideration.

We have not reviewed every detail of the industry's proposal. However, it would appear to have a number of transitional advantages. Primarily, these involve allowing time for companion regulatory adjustments to be made before the Commission's policy in Docket 19528 goes fully into effect.

We are aware of the decision by the Supreme Court which allows for full implementation of the decision in Docket 19528 at an early date. Therefore, we believe it is appropriate to ask that you begin expeditious consideration of this proposal.

Thank you for your cooperation.

Sincerely,

Louis Frey, Jr.,
Ranking Minority Member.
Lionel Van Deerlin,
Chairman.

Primary Instrument Concept

1.0 The Primary Instrument Concept requires the telephone company to provide, as a part of single line basic telephone service, one telephone company owned and maintained instrument associated with the central office and loop plant serving the subscriber. This concept is predicated on the belief that it is in the public interest for one serving entity to be responsible and accountable for complete basic telephone service in those situations where consumers enjoy only single line communications service.

1.1 The Primary Instrument Concept is premised on the fact that telephone service is a service which allows the user to communicate with any other user. Telephone service is not any one device or item of equipment or even an integration of different facilities, but a complete operating telecommunications system. Without maintaining this relationship of all the piece parts, the traditional concept of end to end service ceases to exist. Furthermore, without providing basic telephone service, the telephone companies can no longer provide a complete quality service. Service standards which heretofore have been used by consumers to measure the quality of telephone service will be meaningless since accountability is fragmented.

1.2 The Primary Instrument Concept eliminates some of the fundamental problems inherent in the FCC Registration Program by requiring that a telephone company primary instrument be included with basic telephone service (see definition Paragraph 3.0). All other terminal equipment used as an adjunct to basic telephone service can be obtained from any source at the discretion of the customer so long as such equipment complies with applicable FCC Rules and Regulations covering terminal equipment. Thereby, customer choice can be promoted in the single line market without releasing the telephone companies from the responsibilities and accountability for basic telephone service.

1.3 The objectives of the Primary Instrument Concept are:

To make one serving entity responsible and accountable for providing complete basic telephone service for single line voice subscribers.

To assure continuity of such telephone service.

To facilitate testing, both static and functional.

To serve as a reference set to allow the customer to independently diagnose trouble responsibility.

To permit and encourage customers to effect prompt repair of malfunctioning equipment without interruption of basic telephone service.

To permit orderly introduction of technological innovations in the network.

1.4 Review of the Primary Instrument Concept.

Based on today's technology, the Primary Instrument Concept is the only viable approach to achieve the objectives and benefits discussed herein. However, future technological developments may produce other alternatives that should be carefully weighed against these objectives.

Therefore, in seven to ten years, it may be appropriate for Congress to direct a review of the objectives identified in Paragraph 1.3, and whether the Primary Instrument Concept is still the best method for achieving the public interest objectives.

2.0 Primary Instrument Concept Defined.

The Primary Instrument Concept as stated in Paragraph 1.0 requires the telephone company to provide, as a part of a single line basic telephone service, one telephone company owned and maintained instrument associated with the central office and loop plant serving the subscriber. The telephone company will make available to the customer a standard or other instrument in connection with basic telephone service. (See Attachment A for discussion of why the Primary Instrument Concept does not apply to multi-line and data service.)

3.0 Basic Telephone Service Defined.

Basic telephone service is telephone service for single line business and residence customers which provides the capability for

[12a] Appendix C filed as a part of the original document.

[13] Commissioner Lee absent.

originating calls to a defined local calling area, for receiving incoming calls, and for access to and from the toll network. Such service includes central office switching and the access line from the telephone company central office up to and including the primary instrument on the customer's premises.

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 The rate for basic telephone service will continue to apply. In addition to the rate for basic service, the customer will pay the same rate for the optional instrument used as the primary instrument as he would pay if the optional instrument were used as an extention or discretionary instrument.

4.3.2 Where a customer chooses the optional instrument, no credit allowance will apply for the non-provision of the standard instrument.

4.3.3 Customers utilizing an 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 and an access line from these facilities to the telephone or other terminal equipment on the customer's premises, and (2) the terminal equipment or the telephone itself. 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 Operational Benefits of the Primary Instrument Concept to the User.

Significant benefits of the Primary Instrument Concept to the user include:

1. The maintaining of complete basic telephone service.

2. Provision of a means for the customer to diagnose certain kinds of trouble without requiring telephone company or other outside testing assistance. It affords the customer the opportunity to test his own instruments by unplugging and interchanging them with the telephone company primary instrument. By having the primary instrument as a "reference set," the customer can often determine the origin of certain kinds of trouble and identify repair responsibility, thereby avoiding a charge for an unnecessary service visit.

3. Encouraging customers providing their own instruments to disconnect malfunctioning sets and have them repaired, since the customer can depend on having a continuing basic service provided by the telephone company. By having the basic telephone service, there is an incentive to the customer to report trouble with his basic service promptly.

4. Assurance of a basic service compatible with network facilities even during periods of changes or innovations in the operating environment. Customers will be able to obtain the benefits of innovations in network services without undue delay since a telephone company primary instrument compatible with the network would always be provided.

5. Assurance that at least one ringer on the customer's premises is identified with the type and frequency of the ringing signal generated by the local telephone company's central office equipment. Part 68 of the rules does not provide adequate assurances. For example, in one independent company alone, there are four basic types of ringing technology used. Each type may be manufacturer tuned to any one of a number of frequencies (similar to a CB radio with a single channel), but once tuned it will respond only to the appropriate signal. Table 1 of § 68.312(b) of the Registration Rules lists a total of 13 different types of ringers, not all of which may ring in all telephone company areas. Thus, the customer has no assurance that his telephone set will be compatible (i.e., will ring) when he moves from one exchange to another.

6. Assurance of prompt restoration of basic service in emergency situations, such as floods or other natural disasters, since the telephone company would have responsibility for restoration of all the components of basic service.

7.0 Primary Instrument Facilitates Testing.

The primary instrument makes it possible to perform tests that facilitate timely repair service at the lowest cost. The testing of telephone service today is a two-step process:

(1) Static electrical tests of the pair of wires (access line) to the subscriber's premises, and (2) dynamic functional tests of the operation of the telephone and its interaction with the network (e.g., dialing, ringing, voice transmission). Both static and dynamic tests incorporate the use of a telephone instrument.

7.1 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 ringer 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.

7.2 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 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 closed out as Test OK.

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 tests and can only identify electrical faults on a pair of wires (grounds, open lines, moisture problems, etc.). A test device does not allow for functional type 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.

7.4 Thus, a Telephone Company provided primary instrument at the customer's premises not only minimizes ambiguities in the results of remote static tests of 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 Company accountability for basic telephone service, not just the access line.

8.0 Inside Wire Under the Primary Instrument Concept.

The Telephone Industry is of the view that the telephone companies should provide all inside wiring.[1]

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 through inadequate insulation, or marginally adequate insulation and improper installation. * * * Even if we were to make the leakage current requirements applicable to intra-system wiring (which would assure adequate insulation), there still would be no assurance of adequate separation from power lines at the time of installation of such adequately-insulated wiring. Thus, we are faced with a quandary; *the common equipment may be perfectly acceptable without protective circuitry, and yet leave the telephone network vulnerable to the vagaries of installation of wiring.* * * *" (Emphasis added.) 58 FCC 2d 736 at 745 (1976).

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 inside wire 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.

[1] The only known exception is the Rochester Telephone Co. 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 mutliple 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 date 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 a defined 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 with basic service 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:

Rate group	Main stations plus PBX trunks	Monthly rates*					
		Residence			Business		
		1-PTY.	2-PTY.	4-PTY.	1-PTY.	2-PTY.	4-PTY.
1	0 to 1,000	4.90	4.30	3.90	12.15	10.55	9.60
2	1,000 to 1,400	5.15	4.50	4.10	12.90	11.10	10.70
3	1,401 to 2,000	5.40	4.70	4.30	13.50	11.65	10.60
4	2,001 to 2,800	5.65	4.90	4.50	14.15	12.20	11.10
5	2,801 to 4,000	5.90	5.15	4.70	14.75	12.75	11.60
6	4,001 to 5,600	6.20	5.40	4.95	15.50	13.35	12.20
7	5,601 to 8,000	6.45	5.65	5.15	16.15	13.95	12.70
8	8,001 to 11,200	6.75	5.90	5.35	16.90	14.60	13.30
9	11,201 to 16,000	7.05	6.10	5.60	17.60	15.20	13.90
10	16,001 and so on	7.40	6.45	5.90	18.50	16.00	14.60

*For tone signaling service an additional line charge applies: Residence $1; business $1.50.

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	$.70
Trimline	1.85
Princess	1.70
Outdoor set	3.50
Candlestick	2.50
Chestphone	2.85
Cradlephone	2.50
Compact	1.15
Dial-in handset without light	1.90
Dial-in handset with light	2.10
etc.	etc.

Touchtone signaling

Standard set	$.80
Trimline	2.00
Princess	1.90
Ourdoor set	3.75
Candlestick	2.75
Chestphone	3.00
Cradlephone	2.75
Compact	1.35
etc.	etc.

ATTACHMENT C

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
Subscriber in Rate Group 1 wants: • Residential 1 Party Service with the standard instrument	$4.90
Subscriber in Rate Group 1 wants: • Residential 1 Party Service with the standard instrument • An additional 500-Type Telephone • A Chestphone	$4.90 + $ .70 + .50 * 2.85 + .50 * $8.45 + $1.00 = $ 9.45
Subscriber in Rate Group 1 wants: • Residential 1 Party Service with the standard instrument • An additional 500-Type set • A Trimline	$4.90 + $ .70 + .50 * 1.85 + .50 * $7.45 + $1.00 = $ 8.45
Subscriber in Rate Group 10 wants: • Residential 2 Party Service with the standard instrument • An additional 500-Type set • A Candlestick Telephone	$6.45 + $ .70 + .50 * 2.50 + .50 * $9.65 + $1.00 = $10.65
Subscriber in Rate Group 10 wants: • Business 1 Party Service with the standard instrument • Two Dial-In Handset Instruments w/o lights	$18.50 + $ $1.90ea.= 3.80 + 1.50 * $22.30 + $1.50 = $23.80

Subscriber in Rate Group 5 has:

• Residence 1 Party Service without the standard instrument	$5.90	
• A Princess	1.70	
	$7.60	= $7.60

Then opts to take the standard instrument associated with basic service:

• Residence 1 Party Service with the standard instrument	$5.90	+	$	
• A Princess	1.70	+	.50*	
	$7.60	+	$ .50	= $8.10

*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 $.50 per month per instrument and a business service charge of $.75 per month per instrument applies.

ATTACHMENT D

EXAMPLES OF THE PROCESS OF DIAGNOSING TROUBLE RESPONSIBILITIES

Customer testing

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 owned 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 service is properly functioning 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 telephones, a fault in the inside wire, or the telephone network. To determine if it is the telephone company's responsibility, the customer would disconnect all of his owned telephones and inside wire, 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, connect 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 making 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 someplace 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 (e.g., can't call out, my bell doesn't ring, the phone is dead, etc.), initially static tests are made on the access line to the customer's premises, 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 termination that is electrically recognizable 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 if both wires are continuous up to the customer's telephone instrument. 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 all have a termination with characteristics which permit this difference to be easily identified by the tester. Therefore, the presence of the primary instrument provides the proper recognizable termination 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 reports 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 connected to the line will 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 and 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, hearing and transmission are satisfactory and that the line (service) is free of any noise).

To determine causes of troubles that are identified as being somewhere 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.

APPENDIX B

UNITED TELECOMMUNICATIONS, INC.,
Washington, D.C. October 31, 1977.

HON. LIONEL VAN DEERLIN,
Chairman,
Subcommittee on Communications,
Washington, D.C.

DEAR CHAIRMAN VAN DEERLIN: Following the House Subcommittee's hearings on Domestic Common Carrier Policies on September 28, D. Wayne Peterson, an industry spokesman on the terminal equipment panel, was requested by the Subcommittee staff to answer twenty-one questions pertaining to the primary instrument concept. Accordingly, I am enclosing the telephone industry's answers to those questions.

The telephone industry will be happy to provide you with any additional information or clarification.

Sincerely,

JOHN M. LOTHSCHUETZ.

INDUSTRY RESPONSE TO SUBCOMMITTEE QUESTIONS ON THE PIC

1. We understand that the PIC is a transitional and temporary approach to the regulation of the interconnection of customer-provided equipment to the facilities of telephone common carriers. Is that correct?

The Primary Instrument Concept (PIC) is transitional. It is transitional in the sense that it may be appropriate for Congress or the FCC to review the concept in 7-10 years to determine whether the Primary Instrument Concept is still the best method for achieving the public interest objectives listed in par. 1.3., page 2 of the industry paper statement.

1. (ii) Why was this period chosen?

The 7-10 year period was selected as a reasonable period of time to evaluate the concept, to permit a review of the role of telephone common carriers in the provision of basic telephone service, to permit telephone companies to adjust their operations in such a manner so as to minimize the operational and economical impact upon subscribers, and to permit the evaluation of new technology and the relationship of that technology in the provision of basic telephone service.

2. Is it correct that the PIC:

(a) Applies only to connections to the public switched telephone network (DDD).

Yes, including the local exchange network as well as the intercity DDD network.

(b) Does not apply to private line services?

It does not apply to private line services.

(c) Does not apply to switched data services, e.g., Switched Dataphone Digital Service, Transaction Network Service, Bell Data Network?

See answer to question 9. (b).

3. Is it correct that the P.I. is always a telephone (voice) instrument?

The Primary Instrument Concept entitles a subscriber to one basic voice grade telephone instrument as part of basic telephone service. Anything other than a basic 500 type rotary dial or touchtone instrument used by a subscriber as a primary instrument would be charged for as any other optional terminal device.

If technical developments require a change at a further date, the telephone industry will notify the FCC of its intent to change the basic set.

4. (a) Will the P.I. be required to be actually connected (plugged-in) all the time?

The primary instrument will be required to be connected during periods of testing conducted by the telephone company. At other times the primary instrument may be connected or disconnected at the customer's discretion. Subscribers will be encouraged to leave the instrument connected.

(b) Some of the time?

See answer to question 4. (a).

(c) None of the time?

See answer to question 4. (a).

5. Can the subscriber disconnect the P.I. and use his own instrument or equipment instead of the P.I.?

Yes, if the customer desires to do so. However, the primary instrument must be connected during telephone company testing.

6. Will the P.I. always be plug equipped/jack connected per Part 68 of the FCC Rules?

Yes, except for those covered under the grandfather provision of Part 68 of the FCC's Rules.

7. If the telephone company customer premises equipment becomes subject to Part 68 of the FCC Rules:

(a) Will the P.I. be registered?

Yes, except those covered under the grandfather provision of Part 68 of the FCC's Rules.

(b) 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.

8. 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.

9. (a) Is it correct that "optional instruments" which can be substituted for the P.I. are only telephone (voice) instruments, as called out in Paragraph 3.4.2 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 substituted for a P.I.?

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 4. (a).

10. Would not, or could not, the same operational benefits and testing capabilities of Paragraph 6.0 and 7.0 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.

11. Paragraph 4.2 states optional instruments (telephones) other than the standard P.I. will be provided at rates recognizing their relevant costs:

(a) Define relevant costs.

The relevant costs are the full direct costs plus a contribution.

(b) Is this full cost recovery?

Yes, for the optional instrument.

(c) Will any reduction in cost occur by virtue of a "credit" for the cost of the P.I. not provided?

We do not plan to give a credit for a basic set not provided. To do so would raise the question of competitive advantage in pricing optional instruments.

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 and Ringer Equivalence. If the subscriber provided the PI, which was registered, in conformance with the notification requirements of the FCC's 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 PIC 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 PIC 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, ACD 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. (b).

(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 dataset?

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 that data use is only occasional?

See answer to question 9. (b).

16. If such alternate data-voice applications or occasional use data applications would come under the PIC:

(a) What provision would be made top provide an FCC standard data interface (transparent) for connection of either customer or carrier provided data equipment behind the P.I.?

See answer to question 9. (b).

(b) What provisions would be made for coordinated control e.g., exclusion key) between 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 this 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 (moden) 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:

(i) How does such 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) 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 under Subpart F or Part 68 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 avoiding premature obsolescense 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 addreses 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 service?

The introduction of the PIC does not reflect any changes in the philosophy of introducing new technology.

(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. This does not mean, 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 insure 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, notificatin to customers would be made as required in Part 68, Subpart B. § 68.110 of the FCC's Rules and manufacturers and the FCC will be provided similar information.

[FR Doc. 78-3698 Filed 2-10-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Proposed Acquisition of Franklinton Assurance Co.

Bancohio Corp., Columbus, Ohio, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Franklinton Assurance Co., Phoenix, Ariz. Notice of the application was published on November 18, 1977, 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 underwriter 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 consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible 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 the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 21, 1978.

Board of Governors of the Federal Reserve System, February 6, 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 acquaire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to First State Bank & Trust Co. of Houston, Houston, 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. Any person 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 received not later than March 5, 1978.

Board of Governors of the Federal Reserve System, February 6, 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. Any person 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 received not later than March 5, 1978.

Board of Governors of the Federal Reserve System, February 6, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-3954 Filed 2-10-78; 8:45 am]

[1610-01]

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 (in triplicate) must be received on or before March 3, 1978, and should be addressed to Mr. John M. Lovelady, 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. Stuart 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-9, 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-20, 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 eliminate, in unopposed proceedings, 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 final rules eliminating the requirement that each applicant (for Motor Carrier Certificate or Permit, Form OP-OR-9) serve upon the designated official of a State in or through which a proposed operation is to be performed, a copy of its application form. Applicant will be required to serve upon the designated official of its domicile State a copy of the caption form which it currently is required to prepare. The purpose of this rule is to save applicants the time and expense associated with copying and mailing little used information.

In an order entitled "Notice Regarding Style Changes for Caption Summaries Prepared by Parties for Publication in the FEDERAL REGISTER," 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-OR-11 will be filed by approximately 750-1,500 applicants annually and preparation time 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; 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 respresents official HEW policy.

EFFECTIVE DATE: February 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O. Schnoor, 202-245-1960.

SUPPLEMENTARY INFORMATION: Notice of proposed revocation of Handbook of Public Assistance Administration Supplement D, was published on July 25, 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 established, 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 corporation which opposed the revocation, and one State agency which supported it.

The legal services office pointed out that there may be provisions in Supplement D that have not been fully superseded or reissued in regulations or instructions and that are still relied on to protect the interests of recipients. For example, Supplement D required the State to insure that all recipients in a locality had access to services generally available in the geographic area; one measure of availability was that participation of each provider group in the Medicaid program should be about two-thirds of the total number in that profession in the State. The commenter believes that the regulation on this subject (42 CFR 450.30(a)(7), previously 45 CFR 250.30(a)(7)) is too vague to be useful and must be supported by issuance of numerical or percentage requirements.

Supplement D did contain, in addition to basic requirements, explanations of the intent of the requirements and suggested methods for carrying them out. In considering material for transfer to regulations, the Department recognized that much of the Supplement was interpretative and guideline in nature. Consequently the general rule followed was that only the requirements themselves were to be reissued as regulations; the remaining material was to serve as explanatory, guide and historical information.

Therefore, in order to clarify this situation, the Department believes it necessary to and hereby does revoke Supplement D, Handbook of Public Assistance Administration.

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

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

Dated: November 22, 1977.

WILLIAM D. FULLERTON,
Acting Administrator, Health Care Financing Administration.

Approved: February 7, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-3956 Filed 2-10-78; 8:45 am]

[4110-02]

Office of Education

ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Adviso-

ry Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Developing Institutions will be held March 10, 1978, from 9 a.m. to 4 p.m. in Room 3000, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of The General Education Provisions Act and of the Federal Advisory Committee Act (Pub. L. 92-463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public.

The Proposed agenda includes:

(1) The final preparation of the Annual Report for 1978.
(2) Other administrative matters and related business.

Records shall be kept in the form of the Council's Annual Report. Copies of the Annual Report will be available at a later date to the public at the office of the Director of the College and University Unit, BHCE, located in Room 3036, ROB-3, 7th and D Streets SW.

Signed at Washington, D.C., on February 8, 1978.

PRESTON VALIEN,
Office of Education
Delegate to the Council.

[FR Doc. 78-3942 Filed 2-10-78; 8:45 am]

[4110-12]

Office of the Secretary

Evaluation of the Appropriateness of the Federal Interagency Day Care Requirements (FIDCR)

Public Meetings

FEBRUARY 7, 1978.

The Department of Health, Education, and Welfare will hold three public meetings to ensure broad participation in the discussion of issues to be contained in the FIDCR Appropriateness Report which is required to be sent to Congress on April 1.

Three full day meetings are scheduled for:

WASHINGTON, D.C.

Monday, February 27, 9:30 a.m. to 5:30 p.m., Room 425-A, Hubert H. Humphrey Building, 200 Independence Avenue S.W.

DALLAS, TEX.

Wednesday, March 8, 9:30 a.m. to 5:30 p.m., 1100 Commerce Street, Room 7823.

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 alterative 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 2002(a)(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.

Dated: February 7, 1978.

HENRY AARON,
Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare.

[FR Doc. 78-3941 Filed 2-10-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-78-498]

ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT ASSISTANT SECRETARY FOR HOUSING

Delegation of Authority

AGENCY: Department of Housing and Urban Development.

ACTION: Delegation of authority.

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:

Betsy B. Tibbs or William Tantum, Deputy Director, Administrative Support Division, U.S. Department of Housing and Urban Development, Room 7238, Washington, D.C. 20410, area code 202-755-6186.

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 rede-

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.

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., February 3, 1978.

PATRICIA ROBERTS HARRIS,
Secretary, Department of Housing and Urban Development.

[FR Doc. 78-3887 Filed 2-10-78; 8:45 am]

[4310-02]

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, Oreg.

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, Oreg. 97208, 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]

[4310-84]

Bureau of Land Management

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 (85 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 (PROTRACTED)

Serial No.	Description	Approximate acreage
F-22592	T. 15 S., R. 30 E.: sec. 3, W½.	320
F-22593	T. 15 S., R. 30 E.: sec. 10, W½.	320
F-22595	T. 15 S., R. 29 E.: secs. 1 and 12.	1,280
F-22596	T. 15 S., R. 28 E.: sec. 28, W½; sec. 29.	960
F-22597	T. 15 S., R. 27 E.: sec. 32, W½.	320
F-22600	T. 14 S., R. 29 E.: sec. 34, E½; sec. 35, W½.	640
F-22601	T. 14 S., R. 29 E.: sec. 27, SE¼NW¼.	40
F-22602	T. 14 S., R. 29 E.: sec. 25, SE¼SE¼.	40
F-22603	T. 14 S., R. 28 E.: sec. 26, NW¼NW¼.	40
F-22604	T. 14 S., R. 27 E.: sec. 25, W½.	320
F-22605	T. 13 S., R. 35 E.: sec. 28, NE¼NE¼.	40
F-22635	T. 13 S., R. 37 E.: sec. 24, E½; and T. 13 S., R. 38 E.: sec. 27, SE¼; sec. 30, NW¼; sec. 34, E½; and T. 14 S., R. 39 E.: sec. 7, S½; sec. 18, N½.	1,552
F-22636	T. 12 S., R. 35 E.: sec. 32, NE¼.	160
F-22637	T. 12 S., R. 43 E.: all	22,996
F-22641	T. 9 S., R. 36 E.: sec. 34, SW¼.	160
F-22642	T. 10 S., R. 47 E.: sec. 33, SE¼.	160

In accordance with Departmental regulation 43 CFR 2653.5(h), notice of these selections is being published once in the FEDERAL REGISTER 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]

[4310-84]

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 record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Description	Latest approval or revision date[1]
Tex. Map No. 8-	
La. Map No. 12 (composite)—Sabine Pass area.	Mar. 7, 1977.
NH 16-4—Mobile	Dec. 21, 1977.
NI 18-10	July 5, 1977.
NJ 18-11—Virginia Beach	June 22, 1977.

[1]Changes in CFR 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 26, 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. 78-3905 Filed 2-9-78; 8:45 am]

[4310-84]

[Wyoming 62565]

WYOMING

Order Providing for Opening of Public Lands

FEBRUARY 2, 1978.

1. In exchanges of lands made under the provisions of section 8 of the Act of 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.,

Sec. 8, all.
T. 21 N., R. 91 W.,
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 7, lots 1, 2, 3, 4, E½W½ and E½;
Sec. 9, W½SW¼, SE¼SW¼, S½NE¼SW¼, SW¼SE¼ and S½SE¼SE¼;
Sec. 17, all;
Sec. 19, lots 1, 2, 3, 4, E½W½ and E½;
Sec. 21, W½ and W½E½;
Sec. 29, all;
Sec. 31, lots 1, 2, 3, 4, E½W½ and E½;
Sec. 33, all.
T. 21 N., R. 92 W.,
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 7, lots 1, 2, 3, 4, E½W½ and E½;
Sec. 9, all;
Sec. 17, all;
Sec. 19, lots 1, 2, 3, 4, E½W½ and E½;
Sec. 21, all;
Sec. 29, all;
Sec. 31, lots 1, 2, 3, 4, E½W½ and E½;
Sec. 33, all.
T. 21 N., R. 93 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 13, all;
Sec. 25, all.
T. 42 N., R. 107 W.,
Sec. 13, N½NE¼NW¼.

The areas described aggregate 13,520.85 acres.

2. The lands are located in Carbon, Sweetwater, and Fremont Counties. They have values for watershed, grazing, wildlife, and recreation.

3. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the above described lands will at 10 a.m. on March 10, 1978, be open to application, petition, and selection under the public land laws. All valid applications received at or prior to 10 a.m. on March 10, 1978 shall be considered as simultaneously filed at that time. Those received therafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyo. 82001.

DANIEL P. BAKER,
State Director.

[FR Doc. 78-3864 Filed 2-10-78; 8:45 am]

[4310-70]

National Park Service

GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. (PDT) on Saturday, March 4, 1978, at Tamalpais High School Student Centere, Mill Valley, Calif.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Joseph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. Jack Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda item will be a National Park Service planning staff presentation of proposed recommendations for Marin County portions of Golden Gate National Recreation Area, Point Reyes National Seashore, and Transportation within 100,000 acres of National Park Service land.

This meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact Jerry L. Schober, Acting General Manager, Bay Area National Parks, Fort Mason, San Francisco, Calif. 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by April 5, 1978, in the Office of the General Manager, Bay Area National Parks, Fort Mason, San Francisco, Calif.

Dated: February 1, 1978.

JOHN H. DAVIS,
Acting Regional Director, Western Region.

[FR Doc. 78-3870 Filed 2-10-78; 8:45 am]

[4310-70]

HISTORY AREAS COMMITTEE

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.

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 History Areas Committee considers, and advises on, matters relating to the eligibility of sites being proposd 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:

1. A partial revision of two subthemes on Alaska, "Alaska Aboriginal Culture," and "Alaska History."
2. A segment of the subtheme "Architecture."
3. Special studies of the following properties:

(a) Kent State, May 4, 1970, site, Kent, Ohio.
(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 202-343-8953.

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.

Dated: February 7, 1978.

ROBERT M. LANDAU,
Assistant for Advisory Boards and Commissions, National Park Service.

FEBRUARY 7, 1978.

[FR Doc. 78-3872 Filed 2-10-78; 8:45 am]

[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.

Persons wishing further information concerning the meeting may contact Robert M. Landau, Assistant for Advisory Boards and Commissions, National Park Service, Washington, D.C., at 202-343-8953.

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.

Dated: February 7, 1978.

ROBERT M. LANDAU,
Assistant for Advisory Boards and Commissions, National Park Service.

FEBRUARY 7, 1978.

[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.

[FR Doc. 78-3943 Filed 2-10-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-32]

FREDERICK M. BLANTON, M.D., FORT LAUDERDALE, FLA.

Hearing

Notice is hereby given that on September 29, 1977, the Drug Enforcement Administration, Department of Justice, issued to Frederick Marsh Blanton, M.D., Fort Lauderdale, Fla., an Order to Show Cause as to why the Drug Enforcement Administration should not deny his application dated April 6, 1977, for registration as a Researcher in Schedule I, drug code 7370.

Notice is also hereby given that on September 29, 1977, the Drug Enforcement Administration, Department of Justice, issued to Frederick Marsh Blanton, M.D., Fort Lauderdale, Fla., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke his Certificate of Registration, DEA Number AB 4875881.

Thirty days having elapsed since the said Orders to Show Cause were received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Friday, February 17, 1978, in the Hearing Room 1210, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. At the close of that day's session, the hearing will be recessed until Wednesday, February 22, 1978, and will re-convene on that day at 10 a.m. in the U.S. Tax Court Courtroom, Room 1524, Federal Building, 51 Southwest First Avenue, Miami, Fla.

Dated: February 6, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-3960 Filed 2-10-78; 8:45 am]

[4410-01]

[Docket No. 77-19]

PHENMETRAZINE QUOTAS—1977

Western Fher Laboratories, a division of Fher Corp., Ltd. ("Western Fher") has been the only holder of an individual manufacturing quota for phenmetrazine and its salts since phenmetrazine was placed on Schedule II under the controlled Substances Act, 21 U.S.C. 801, et seq. (the "Act"), in October 1971, and was the sole applicant for a 1977 manufacturing quota.

Ciba-Geigy Corp. ("Ciba-Geigy") is the exclusive manufacturer of bulk phenmetrazine hydrochloride into finished dosage form. Ciba-Geigy has been the only holder of a procurement quota for phenmetrazine since the drug was placed on Schedule II under the Act and was the sole applicant for a 1977 phenmetrazine procurement quota.

Boehringer Ingelheim, Ltd. ("Boehringer"), either directly or through its agent, Obergfel Brothers, Vernon, Calif., is the sole primary distributor of phenmetrazine hydrochloride in finished dosage form, which dosage forms are sold under the trade name "Preludin."

Western Fher distributes phenmetrazine only to Ciba-Geigy, which

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 only to Boehringer and makes no sales of phenmetrazine to retail pharmacies or similar retail outlets.

Boehringer 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.) expressed in terms of anhydrous base.[1] This proposal was published in the FEDERAL REGISTER in accordance with the applicable regulations (41 FR 42965 (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 in the amount of 2,126,000 g. (2,126 kg.). This proposal was published in the FEDERAL REGISTER (41 FR 49873 (November 11, 1976)).

On November 5, 1976, DEA informed Western Fher of its 1977 interim manufacturing 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 and documentary materials 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 issued an order for prehearing statements, established the caption of this proceeding, and assigned to it Docket No. 77-19.

On July 11, 1977, the Administrator of DEA established the final 1977 aggregate production quota for phenmetrazine in the amount of 2,900,000 g. (2,900 kg.). That 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 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 Corp. for the basic class phenmetrazine, presently established at 2,952,000 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?

1. Will the total amount of phenmetrazine available for sale by Boehringer be sufficient to meet legitimate demand for the product?

2. Does the estimate of demand provided by the national Prescription Audit ('NPA') accurately reflect all legitimate usage of phenmetrazine?

3. Will the proposed quotas provide for adequate reserve stocks as required by law?

4. Will the proposed quotas provide for 'an adequate and uninterrupted supply' of phenmetrazine to meet legitimate demand, as required by DEA regulations?

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 and diversion than alternative methods of control?

F. By what method did DEA compute its proposed 1977 quotas for phenmetrzine and does this method rationally fulfill the statutory requirements?" (ALJ-8, pp. 1-3.)[2]

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

[1] Figures relating to specific amounts of phenmetrazine, as used throughout the text of this Final Order, are expressed in terms of grams or kilograms of anhydrous base (unless expressly indicated otherwise) rather than in terms of quantities of the salt.

[2] For the purpose of designating specific references to the record, the following abbreviations are employed: "ALJ-1" identifies documents incorporated into the record by the Administrative Law Judge; "G-1" identifies exhibits admitted at the request of the Government; and "R-1" identifies exhibits admitted at the request of the Respondents.

on November 18, 1977. The Administrative Law Judge submitted his Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision to the Administrator on December 9, 1977.

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 or a currently accepted medical use with severe restrictions but hasd 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 material.

13. A proccurement quota establishes the maximum amount of the basic generic class which may be procured by each finished dosage form manufacturer from bulk manufacturers or through lawful importation.

14. Since Western Fher is the sole manufacturer of phenmetrazine in builk form, the aggregate production quota for this drug has been equal to the individual production quota assigned to Western Fher 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 quota year on the bases of (1) medical and scientific needs for the year in question, as estimated by FDA, (2) the final sales of the distributor for the year prior to the quota year, and (3) 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 commerce into illicit channels.

21. DEA's Office of Enforcement cooperates with the Office of Compliance and Regulatory Affairs in criminal investigations of DEA registrants, but this activity is limited because DEA devotes only about two percent of its agent work force of 2,000 agents, plus an additional thirteen agents assigned to diversion investigative units in twelve states, to so-called "criminal compliance" cases.

22. DEA applies this relatively small amount of its resources to criminal compliance activities because, among other things, the locus of most of the diversion of controlled substances from licit to illicit channels is at the retail level (pharmacies, physicians, etc.) of the distribution system.

23. 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.

24. 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

25. 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,

26. 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 usefulness of these drugs 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 Compliance and Regulatory Affairs, 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.

28. 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 Regulatory Affairs 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 document entitled "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 had engaged 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 four of the cities studied: 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 by violators 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 six 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 at one time with a large number 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 for 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. The 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 the one 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 drug 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 1972 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 urinalysis.

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 anywhere from $5 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 excessive.

67. While wholesalers experienced intermittent periods of unavailability of Preludin from Boehringer in 1976, ninety-six percent of those drug stores normally stocking Preludin had current 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 such 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. DEA has received 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[3] NPA estimates of phenmetrazine dispensed at retail pharmacies for the years indicated, with all figures expressed in kilograms of anhydrous base:

[3]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-18), were assumed to be correct when Mr. Durrin and his staff made the comparison between Boehringer's sales and NPA data for those years.

At the hearing of this matter, it became apparent through the testimony of two witnesses that IMS-America had not supplied to DEA the correct numbers for those years. Mr. Chappell of IMS-America testified that, through a clerical error, an incorrect statistical multiplier had been used to project totals from the raw data for those years. Mr. Chappell provided the corrected totals for those years to DEA by letter dated October 20, 1977, and this information was entered into the record. (G-38)

Using the data contained in G-38, the following chart (G-39) shows the comparison between Boehringer's sales of phenmetrazine and the correct NPA estimates of phenmetrazine dispensed at retail pharmacies for the years indicated:

	Boehringer sales	NPA	Difference	NPA as percent of Boehringer's sales
1973	2,840	2,466	374	86.8
1974	3,316	2,473.8	842	74.6
1975	3,157	2,499.6	657	79.1
1976	3,453	2,438.3	1,015	70.6

	Boehringer sales	NPA	Difference	NPA as percent of Boehringer's sales
1973	2,840	2,466	374	86.8
1974	3,316	2,701	615	81.5
1975	3,157	2,807	350	88.9
1976	3,453	2,897	556	83.9

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 gone into 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, 1076, 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

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, DETA 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 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. However, the standard DEA manufacturing quota formula, without variation or adjustment, was initially applied to Western Fher with respect to its phenmetrazine manufacturing quotas 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.

93. The process of determining the 1977 quotas applicable to the basic class phenmetrazine began with DEA's receipt in March and April, 1976 of the applications filed by Western Fher and Ciba-Geigy.

94. By letter dated March 31, 1976, FDA advised DEA that legitimate utilization of phenmetrazine in 1977 could be expected to be one percent higher than in 1976.

95. In making its determinations with reference to the scientific and medical needs in 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, 1975, 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 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:

3,476 kg. (Ciba-Geigy's 1976 procurement quota) +908 kg. (combined inventories of Ciba-Geigy and Boehringer as of December 31, 1975)=4,384 kg. (total availability of phenmetrazine to Ciba-Geigy and Boehringer in 1976).

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 total 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 manufac-

turing quota were identical to those stated in findings 103 and 104, as illustrated by the following:

2,952 kg. (Ciba-Geigy's 1977 procurement quota)×1.5=4,428 kg. (theoretical total 1977 avialability 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 2,900 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 presenting 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, the sole registered basic class manufacturer in the U.S.; and the total or aggregate production quota for the country as a whole. Since there is presently but one registered basic class manufacturer, Western Fher, 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. 826(c)) that, 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 due and careful consideration and in the exercise of sound discretion, in all respects but one.

DEA's own regulations in pertinent part provide, at 21 CFR 1303.24(a):

"For the purpose of determining individual manufacturing quotas * * * each registered manufacturer shall be allowed as part of such quota an amount sufficient to maintain an inventory equal to,

(1) For current manufacturers, 50 percent of his average estimated 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 manufacturing or 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 quarrel with 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 acertain the relevant facts and an intelligent exercise of a sound discretion in applying them, avoiding arbitrariness and capriciousness. DEA has acted in this manner, except for the inventory allowance discussed above.

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 needs. 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 arbitrarily 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 formulae.

In the instant case DEA has, indeed, departed from prior standards and formulae 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. Durrin and Mr. Fisher amply 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.

1. Yes.

2. Yes, to the extent required.

3. No.

4. Yes, to the extent required.

E. Yes.

1. Yes, to a reasonable extent.

2. Yes, to a significant extent.

3. It need only be effective, it need not be more effective.

F. Yes. See Findings 89-116, above.

DECISION

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.

Dated: February 8, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-3959 Filed 2-10-78; 8:45 am]

[6820-35]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

Applications

FEBRUARY 7, 1978.

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. 2996-2996*l*, 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. 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.

4. Nevada Indian Legal Services in Stewart, Nev. (through California Indian Legal Services) to serve the Indian population on the Carson Colony, Dresslerville, Fallon, Fort McDermitt, Las Vegas, Lovelock, Moapa, Pyramid Lake, Reno-Sparks, Walker River, Winnemucca, Woodfords, Yerington, and Yomba Reservations in Nevada.

5. Upper Peninsula Legal Services in Sault Ste Marie, Mich. to serve the Indian population in Michigan.

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 EHRLICH,
President.

[FR Doc. 78-3933 Filed 2-10-78; 8:45 am]

[6820-35]

GRANTS AND CONTRACTS

Applications

FEBRUARY 7, 1978.

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. 2996-2996*l*, 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 Tuscon, Ariz. to serve Santa Cruz and Cochise Counties.

3. Legal Aid Society of Metropolitan Denver in Denver, Colo. to serve Jefferson and Gilpin Counties.

4. Colorado Rural Legal Services in Denver, Colo. to serve Larimer, Archuleta, Delores, Hinsdale, LaPlata, Mineral, Montezuma, and San Juan Counties.

5. Pikes Peak Legal Services in Colorado Springs, Colo. to serve Chaffee, Custer, Fremont, and Park Counties.

6. Southern New Mexico Legal Services in Las Cruces, N. Mex. to serve Chaves and Eddy Counties.

7. Northern New Mexico Legal Services in Taos, N. Mex. to serve Colfax and Guadalupe Counties.

8. Legal Aid and Defender Society of Travis County in Austin, Tex. to serve Llano, Lee, Bell, Blanco, Burnet, Caldwell, Bastrop, Hays, Williamson, and Fayette Counties.

9. Tarrant County Legal Aid Foundation in Fort Worth, Tex. to serve Deaf, Smith, Jones, and Nolan Counties.

10. East Texas Legal Services in Nacodoches, Tex. to serve Jefferson and Nacodoches Counties.

11. Utah Legal Services in Salt Lake City, Utah to serve Utah, Box Elder, and Davis Counties.

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 EHRLICH,
President.

[FR Doc. 78-3934 Filed 2-10-78; 8:45 am]

[6820]

GRANTS AND CONTRACTS

Applications

FEBRUARY 7, 1978.

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. 2996-2996*l*, 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 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 application submitted by:

Smyth Bland Legal Aid Society in Marion, Va. to serve Wyth County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Va. 22209.

THOMAS EHRLICH,
President.

[FR Doc. 78-3935 Filed 2-10-78; 8:45 am]

[6820-35]

GRANTS AND CONTRACTS

Applications

FEBRUARY 7, 1978.

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. 2996-2996*l*, 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 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:

Mid-Missouri Legal Services Corporation in Columbia, Mo., to serve Audrain, Boone, Callaway, Cooper, and Howard Counties.

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, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Ill.

THOMAS EHRLICH,
President.

[FR Doc. 78-3936 Filed 2-10-78; 8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 78-5]

FINAL ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the National Aeronautics and Space Administration (NASA) Michoud Assembly Facility, New Orleans, La.

Comments on the draft Environmental Impact Statement were previously solicited from state and local agencies and members of the public through a notice in the FEDERAL REGISTER of April 22, 1977.

Copies of the draft and final statement have been furnished to the Environmental Protection Agency, the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, Housing and Urban Development, Interior, Labor, Navy, and Transportation, the Advisory Council on Historic Preservation, and to appropriate state and local agencies.

Copies of the final statement may be obtained or examined at any of the following locations:

(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. 23365.

(h) Lewis Research Center, NASA (Adminsitration 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. (Recommended public access at site of Michoud Assembly Facility.)

Done at Washington, D.C., this 3rd day of February 1978.

By the direction of the Administrator.

KENNETH R. CHAPMAN,
Associate Administrator for External Relations, National Aeronautics and Space Administration.

FEBRUARY 3, 1978.

[FR Doc. 78-3889 Filed 2-10-78; 8:45 am]

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE EDUCATION PROGRAMS PANEL

Meeting

FEBRUARY 6, 1978.

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 Education Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on March 7-8, 1978.

The purpose of the meeting is to review applications for institutional curriculum development 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. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee, Management Officer.

[FR Doc. 78-3848 Filed 2-10-78; 8:45 am]

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

FEBRUARY 3, 1978.

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, in room 314, from 9 a.m. to 5:30 p.m. on March 2, 1978.

The purpose of the meeting is to review Public Programs applications for Challenge Grants in support of educational broadcasting organizations which were submitted to the National Endownment for the Humanities and which will begin 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. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee,
Management Officer.

[FR Doc. 78-3849 Filed 2-10-78; 8:45 am]

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

FEBRUARY 3, 1978.

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, in room 807, from 9 a.m. to 5:30 p.m. on March 2, 1978.

The purpose of the meeting is to review applications for the development of humanities Public Program formats 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. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee,
Management Officer.

[FR Doc. 78-3850 Filed 2-10-78; 8:45 am]

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

FEBRUARY 3, 1978.

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, 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. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee,
Management Officer.

[FR Doc. 78-3851 Filed 2-9-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Request

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 27, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

U.S. INTERNATIONAL TRADE COMMISSION

Questionnaire for producers of Cotton Gloves, single time, 60 producers of cotton gloves, C. Louis Kincannon, 395-3211.

Producers Questionnaire (unalloyed, unwrought zinc), single time, 20 producers, C. Louis Kincannon, 395-3211.

Importers Questionnaire (unalloyed, unwrought, zinc), single time, 85 importers, C. Louis Kincannon, 395-3211.

Consumer's Questionnaire (unalloyed, unwrought zinc), single time, 40 consumers, C. Louis Kincannon, 395-3211.

SMALL BUSINESS ADMINISTRATION

Data Form Procurement Automated Source System (PASS), SBA-1167, single time, 5,000 small firms interested in getting Government contracts, Lowry, R. L., 395-3772.

ENVIRONMENTAL PROTECTION AGENCY

Application for approval of PCB Disposal Site and Record of PCB Storage and Disposal, single time, 2,000 PCB Storage and Disposal, single time, Ellett, C. A., 395-6132.

OFFICE OF MANAGEMENT AND BUDGET

Future Telecommunications Environment Questionnaire, single time, 14 telecommunications experts in industry, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Departmental and Other Employment Inquiry, on occasion, 5,000 former employers and acquaintances, C. Louis Kincannon, 395-3211.

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency, Public Attitude Toward Civil Preparedness Survey, single time, 1,500 households in 48 States, National Security Division, Office of Federal Statistical Policy and Standards, 395-4734.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Law School Clinical Experience Program, OE-595, single time, law schools, Laverne V. Collins, 395-3214.

Public Health Service, Survey of community Health Nursing, single time, 11,000 agencies providing community health nursing, Richard Eisinger, Office of Federal Statistical Policy and Standards, 395-3214.

DEPARTMENT OF THE TREASURY

Departmental and Other, Daily Survey of Interest Rates, other (see SF 83), 3,750 banks and nonbank primary dealers in Government securities, C. Louis Kincannon, 395-3211.

REVISIONS

SMALL BUSINESS ADMINISTRATION

Technology Assistance Evaluation Program, SBA-941, annually, small businesses, 2,500 responses, 625 hours, Lowry, R. L. 395-3772.

U.S. CIVIL SERVICE COMMISSION

Personal Qualification Statement, SF 171, on occasion, applicants for Federal positions, 1,000,000 responses, 1,000,000 hours, Marsha Traynham, 395-3773.

Amendment to Personal Qualifications Statement, SF 172, on occasion, applicants for Federal positions, 200,000 responses, 100,000 hours, Marsha Traynham, 395-3773.

Job Qualification Statement, SF 173, on occasion, Federal job applicants, 500,000 responses, 250,000 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Statistics Attitude Study of Farmers and Ranchers Concerning Agricultural Surveys and Statistics, single time, Dakota farmers, 2,440 responses, 1,230 hours, Ellett, C. A., Office of Federal Statistical Policy and Standards 395-6132.

FOREST SERVICE

Pilot Qualification and Approval Record, Aircraft Data and Approval Record, 5700-20 and 21, annually, contractors and their employees, 1,200 responses, 240 hours, Ellett, Charles A., Strasser, Arnold, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration Child Support Enforcement Activities and Staff Under Title IV-D of the Social Security Act, SSA-3769, quarterly, 54 jurisdictions, 216 responses, 864 hours, Lowry, R. L., 395-3772.

EXTENSIONS

ACTION

Sponsor/Grantee Quarterly Program Report, A-568, quarterly, sponsors of action domestic programs, 10,000 responses, 10,000 hours, Budget Review Division, 395-4775.

Action Program Narrative, A-566, on occasion, potential sponsors of action domestic programs, 5,000 responses, 600,000 hours, Budget Review Division, 395-4775.

Action Preliminary Inquiry (preappliation project narrative), A-563, on occasion, potential sponsors of domestic programs, 8,000 responses, 4,000 hours, Budget Review Division, 395-4775.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Statistics:

Turkey Breeder Hen Inquiry, other (see SF-83), 1,550 turkey growers, 832 responses, 166 hours, Ellett, C. A., 395-6132.

Vegetable Seed Stocks, CE-10-51, annually, vegetable seed companies, 170 responses, 510 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Dental Caries Prevention Programs in U.S. Communities, other (see SF-83), dental directors of States and territories, 53 responses, 477 hours, Richard Eisinger, 395-3214.

Health Care Financing Administration (medicare), Outpatient Admission and Billing, SSA-1483, on occasion, hospitals, skilled nursing facilities, 3,000,000 responses, 500,000 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Equal Opportunity, Housing Discrimination Complaint, HUD 903, on occasion, minority group members, 3,000 responses, 600 hours, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Employment and Training Administration, Senior Community Service Employment Program, quarterly progress report, ETA 5-140, quarterly, project grantees, 800 responses, 1,600 hours, Budget Review Division, 395-4775.

DEPARTMENT OF THE INTERIOR

National Park Service, Park Visitation Survey, NPS10-157A, on occasion, park visitors, 17,000 responses, 500 hours, Ellett, C. A., Office of Federal Statistical Policy and Standard, 395-6132.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-4050 Filed 2-8-78; 8:45 am]

[3110-01]

CLEARANCE OF REPORTS

List of Requests

The following as a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 7, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the inmformation is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NATIONAL SCIENCE FOUNDATION

Small Business Development Center Evaluation, single time, 500 clients, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, General Aviation Pilot and Aircraft Activity Survey, FAA 1800-56, single time, 10,000 aircraft pilots, Strasser, A., 395-6132.

U.S. INTERNATIONAL TRADE COMMISSION

Importer's Questionnaire for Invoice No. AA1921-178, single time, 52 importers, C. Louis Kincannon, 395-3211.

U.S. INTERNATIONAL TRADE COMMISSION

Purchaser's Questionnaire for Invoice No. AA1921-178, single time, 40 purchasers, C. Louis Kincannon, 395-3211.

NEW FORMS

Producer's Questionnaire for Invoice No. AA1921-178, single time, 45 producers, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Cooperatives Industrial Development Bond Financing Used by Farmer Cooperatives, single time, 5,125 farmer cooperatives, Ellett, C. A., 395-6132.

DEPARTMENT OF COMMERCE

Bureau of Census, Agriculture Questionnaire, List Sheet, 78-A1(G), 78-A2(G), single time, 18,000—Government of Guam, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:

Guidelines for Applications for Health Systems Agency, designation and grant and related report forms, annually, 205 applicants for HSA designation, Budget Review Division, 395-4775.

Hill-Burton Assurance Reporting Form, annually, 1,675 FED.—Aided health care facilities, Laverne V. Collins, Richard Eisinger, 395-3214.

DEPARTMENT OF INTERIOR

Geological Survey, Device Failure Report, on occasion, offshore oil and gas operations, Ellett, C. A., 395-6132.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Minority Employment in the Criminal Justice System: Survey of Agencies and Minority Executives, 2,000 Series NBA/CJ-1, NBA/CJ-2, single time, 100 individuals, 200 Government agencies, Laverne V. Collins, Strasser, A., 395-3214.

DEPARTMENT OF LABOR

Occupational safety and Health Administration, Cost Questionnaire for Industrial Accidents/Illnesses, OSHA-136, single time, 100 Fam. accident/illness victims, Strasser, A., 395-6132.

Employment and Training Administration, Youth Employment and Training, 10 Percent Test ENT Test Program End-of-the-Year Report, ETA-12, single time, 45 CETA prime sponsors, Budget Review Division, 395-4775.

DEPARTMENT OF THE INTERIOR

Geological Survey, Device Inventory Report, on occasion, 105 offshore oil and gas operations, Ellett, C. A., 395-6132.

National Park Service, A Study of Backcountry Users in McKinley and Glacier Bay, single time, 5,000 hikers in Alaska, Ellett, C. A., Office of Federal Statistical Policy and Standard, 395-6132.

Bureau of Outdoor Recreation, State Program Reporting Form—Young Adult Corps Work Accomplishment, quarterly, 1,852 projects managers, Ellett, C. A., 395-6132.

DEPARTMENT OF THE TREASURY

Departmental and Other Survey of Federal General Revenue Sharing and Antirecession Fiscal Assistance Expenditures (State Governments), RSS-902, annually, 50 State government officials, Ellett, C. A., Office of Federal Statistical Policy and Standard, 395-6132.

REVISIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

1973 Summer Seminar Report, annually, 1,200 individuals, 240 responses, 240 hours, Lowry, R. L., 395-3772.

VETERANS ADMINISTRATION

Application for Education Loan, 22-8725, on occasion, veteran, 150,000 responses, 150,000 hours, Marsha Traynham, 395-3773.

U.S. CIVIL SERVICE COMMISSION

Visual Arts—Graphic Designer, Illustrator, Photographer, EWA-462, on occasion, applicants for Federal employment, 50,000 responses, 50,000 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Annual Report of Food Service in Schools, FNS-47, annually, State educational agencies, 56 responses, 840 hours, Human Resources division, Budget Review Division, 395-3532.

Agricultural Marketing Service, Grain Market News Reports, LPGS-177, LPGS-383, LPGS-388, monthly, producers, processors and dealers of grain and grain products, 768 responses, 190 hours, Ellett, C. A., 395-6132.

Food Safety and Quality Service, Application for Federal Meat, Poultry, or Import Inspection, MP-401, on occasion, meat and poultry establishments, 1,400 responses, 1,400 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Certification by School Official, SSA-1372A, on occasion, schools offc. with access to students records, 415,000 responses, 69,666 hours, Marsha Traynham, 395-3773.

Health Services Administration, Data Required by PHS from 1977 National Public Health Program Reporting System, annually, 56 State agencies, 56 responses, 640 hours, Richard Eisinger, 395-3214.

EXTENSIONS

COMMUNITY SERVICES ADMINISTRATION

Budget Summary, OEO-325, on occasion, Budget, 2,000 responses, 1,000 hours, Lowry, R. L., 395-3772.

Certificate of Applicant's Attorney, OEO-393, annually, Certificate of Applicant's Attorney, 2,000 responses, 165 hours, Lowry, R. L., 395-3772.

NATIONAL MEDIATION BOARD

Application for Investigation of Representation Dispute, NMB-3, on occasion, 180 airline and railroad management and unions, 180 responses, 180 hours, Strasser, A., 395-6132.

COMMUNITY SERVICES ADMINISTRATION

Application for Recognition of a Community Action Agency—Local Civil Service Certification, CAP Form 373, on occasion, Community Action Agency, 25 responses, 6 hours, Lowry, R. L., 395-3772.

Application for Recognition of a Community Action Agency, OEO 370, annually, Community Action Agency, 1,300 responses, 1,300 hours, Lowry, R. L., 395-3772.

U.S. CIVIL SERVICE COMMISSION

Child's Eligibility to Receive Benefits, BRI 49-224, on occasion, School Officials for Sch. Officials Student Surv. Ann't., 25,000 responses, 8,333 hours, Marsha Traynham, 395-3773.

COMMUNITY SERVICES ADMINISTRATION

Application for Recognition of a CAA Certification, (attorney) OEO 372, annually, CAA attorney's certification, 1,300 responses, 1,300 hours, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Employment Standards Administration, Compensation Payment Stopped or Suspended, LS-208, on occasion, insurance carriers and self-insured employers, 20,500 responses, 6,833 hours, Strasser, A., 395-6132.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-4051 Filed 2-8-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20405; 70-6112]

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 101¾ percent of the principal amount thereof, will be determined by competitive bidding. It is stated that Alabama may request 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, make 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 heretofore 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 at 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 $494,390,000, 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 and that no 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 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 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 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 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. 78-3913 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 34-14435; File No. SR-Amex-78-3]

AMERICAN STOCK EXCHANGE, INC.

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, 1975), notice is hereby given that on January 19, 1978, the above-mentioned self-regulatory organization filed with the Securities 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 deletions).

Transactions With Issuers

Rule 927. No member or member organization shall accept an order for the account of any corporation which is the issuer of an underlying stock [or for the account of any affiliate of such corporation] 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, director 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 control, be controlled by or be under common control with such corporation, the member or member organization should take steps to determine whether such person would be deemed an "affiliate" of such corporation pursuant to the provisions of the Securities 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 registration thereof pursuant to the provisions of the Securities Act of 1933 or pursuant to SEC rules promulgated under the Securities Act of 1933, may not be accepted by a member or member organization for the purpose of covering a short position in call option contracts or satisfying the margin requirements in respect thereto, 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. 33-5890, December 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 (writing) 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 an order to buy the underlying securities and that, in the absence of an effective registration statement and prospectus, a member firm could violate Federal securities laws if it accepts orders from an issuer for the sale of call options relating to its securities. Since the Amex was aware that the SEC staff held the view that a solicitation was also involved if an affiliate sought to sell a call option relating to his corporation's shares, Rule 927 was made applicable to orders of affiliates as well as issuers.

In its recent release, the SEC announced that it had conducted a review of the procedures involved in trading listed options (and the exercise procedures in connection with such trading) and considered matters relating to the writing of exchange-traded call options on securities subject to the resale provisions of SEC Rules 144 and 145. In part, the Release noted that because the mechanics of selling call options upon national exchanges are similar to those involved 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 purchase of the underlying securities.

In light of the SEC's current position, 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 only.

Exchange Rule 928 currently prohibits Amex members from accepting stock which can 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 pursuant 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 determine whether the proposed rule change 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 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 submissions will be available for inspection and copying in the Public Reference Room 1100 L Street NW., Wash-

ington, 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.

FEBRUARY 2, 1978.

[FR Doc. 78-3922 Filed 2-10-78; 8:45 am]

[8010-01]

[Rel. No. 20406; 70-6113]

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. ("SWEPCO"), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 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 SWEPCO, in the amounts of $30,000,000 and $15,000,000, respectively.

CSW states that of the net proceeds to be derived by it from the sale of the additional shares, estimated at approximately $105,000,000, $90,000,000 will be used to make the capital contributions to CP&L and SWEPCO and a contribution of $45,000,000 to a third 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

	1977	1978
Generation	$315,951,000	$458,948,000
Transmission	37,454,000	54,986,000
Distribution	58,283,000	66,267,000
Fuel exploration and development	30,572,000	47,572,000
Other	13,194,000	7,028,000
Total	455,454,000	634,801,000

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, PSO (consolidated) for $382,985,000, SWEPCO for $233,096,000, and West Texas Utilities Company for $36,886,000.

CSW states that the estimated 1978 capital expenditures for CP&L and SWEPCO are as follows:

	CP&L	SWEPCO
Generation	$214,321,000	$68,336,000
Transmission	44,536,000	11,529,900
Distribution and other plant	22,882,000	22,170,000
Fuel exploration and development	8,192,000	11,260,000
Total	289,931,000	113,295,900

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction. It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $200,000, including $38,500 in legal fees, $20,500 in accountants fees and $85,000 in printing costs. It is further 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.

Notice 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, as 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. 78-3914 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 10108; 811-366]

CHRISTIANA SECURITIES CO.

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 30, 1978.

Notice is hereby given that Christiana Securities Co. ("Christiana"), Du Pont Building, Wilmington, Del. 19898, a Delaware corporation registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act"), has filed an application on August 8, 1977, and an amendment thereto on November 1, 1977, pursuant to section 8(f) of the Act for an order of the Commission declaring that Christiana has ceased to be an investment Company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

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 stockholders of Christiana and Du Pont each met and voted on the proposed merger. According to the application, the holders of Christiana common stock approved the proposed merger by a vote of 11,160,285 shares in favor, with 3,164 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 common stock, it had outstanding, as of June 30, 1977, 106,500 shares of 7 percent cumulative preferred stock having a liquidation value of $100 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 $1,586,468,160, 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 day.

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, which are summarized as follows: (1) Each share of Christiana common stock to become 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 unliquidated tax refund claim of Christiana, and (2) the holders of Christiana preferred stock to receive $120 per share, the redemption price of their stock, payable in Du Pont common stock at the average of the latter's closing prices on the New York Stock Exchange during the 10 trading days preceding the effective date of the merger, and, in addition, an amount in cash equal to dividends accrued and unpaid on their preferred stock up to and including the effective date of the merger.

According to the application, on October 17, 1977, Du Pont issued to the 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 shareholders 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(f) 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 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 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 shall be served personally or by main upon applicant 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 said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3926 Filed 2-10-78; 8:45 am]

[8010-01]

[Rel. No. 20401; 70-6107]

COLUMBIA GAS SYSTEM, INC., ET AL.

Proposed Allocation of Consolidated Tax Liabilities

FEBRUARY 3, 1978.

In the matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Del. 19807; Columbia Gas Transmission Corp.; Columbia Gas of Ohio, Inc., Columbia Gas of West Virginia, Inc.; Columbia Gas of Kentucky, Inc.; Columbia Gas of Virginia, Inc.; Columbia Gas of Pennsylvania, Inc.; Columbia Gas of New York, Inc.; Columbia Gas of Maryland, Inc.; Columbia Hydrocarbon Corp.; The Inland Gas Co., Inc.; Columbia LNG Corp.; Columbia Gas Development of Canada, Ltd.; Columbia Coal Gasification Corp.; Columbia Gas Development Corp.; Columbia Gas System Service Corp.; Columbia Gulf Transmission Co.; Columbia Alaskan Gas Transmission Corp.

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 Corp. ("Development U.S.") and Columbia Gas Development of Canada, Ltd. ("Development Canada"). Due to the expanded exploration and development program made necessary by the growing system demand for natural gas, these companies have required substantial contributions of capital from Columbia. In connection with their activities, these companies have incurred tax losses.

The combined expenditures by Development U.S. and Development Canada for exploration and development during 1977 and 1978 are currently estimated to be $89,700,000 and $86,500,000, respectively. It is also estimated that these companies will have tax losses of $59,589,000 and $48,194,000 for the years 1977 and 1978, respectively.

When the losses of Development U.S. and Development Canada are included in the consolidated tax return for the Columbia system, the consolidated tax liability is reduced. Under Rule 45(b)(6), the benefit of this tax reduction is allocated to companies in the consolidated group other than those whose tax losses gave rise to the tax savings, thus depriving the latter of the tax savings which might otherwise be applied in furtherance of their continuing 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 tax losses to the exploration subsidiaries in aid of their development programs.

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 system companies other than Development U.S. and Development Canada in accordance with the procedure of Rule 45(b)(6). 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 carryback or carry-over provisions of section 172(b) 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 would 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 a separate return 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 Columnbia 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 increase in the tax allocation to 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, although larger than would be the case under strict adherence to Rule 45(b)(6), is still smaller than the tax liability of each such company on a separate return basis. Declarants state that the proposed tax allocation has no effect on the cost of service treatment given to Columbia's distribution companies by regulatory commissions having jurisdiction over rates.

It is stated that the proven developed reserves as of October 1, 1977, for Development U.S. were 322,556 MMcf at an approximate composite cost of $1 per Mcf. Development Canada had proven and probable reserves of 57,922 MMcf at 26 cents per Mcf for the same period.

Declarants request permission to file on an annual basis the certificates of notification required by Rule 24 under the Act. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated to be approximately $8,300, including charges for services by Columbia Gas System Service Corp. estimated at $5,300.

Notice is further given that any interested person may, not 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 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. 78-3915 Filed 2-10-78; 8:45 am]

[8010-01]

[File No. 81-309]

CURTIS NOLL CORP.

Application and Opportunity for Hearing

FEBRUARY 1, 1978.

Notice is hereby given that Curtis Noll Corp. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an exemption from the provisions of section 15(d) of the 1934 Act.

Section 15(d) provides that each issuer which has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be re-

quired pursuant to section 13 of the 1934 Act with respect to a security registered pursuant to section 12 of the 1934 Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from section 15(d) if the Commission finds, by reason of the number of public investors, the amount of trading interest, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

1. Applicant, an Ohio corporation, on October 11, 1977, as a result of a tender offer, became 99 percent owned by CN Corp., a wholly owned subsidiary of Congoleum Corp. On December 31, 1977, Congoleum Corp. of Delaware, a wholly owned subsidiary of CN Corp., was merged into the Applicant. As a result of the merger, CN Corp. became the sole owner of the common shares of the Applicant. The public common shareholders received cash for their shares in the merger. Holders of the Applicant's outstanding 5 percent Convertible Subordinated Debentures due July 1, 1987 (the "Debentures") were given notice of and the opportunity to submit their Debentures for conversion, and to tender the common shares received upon conversion. Following the tender offer, the remaining principal amount of Debentures were called for redemption. As of January 6, 1978, $23,000 principal amount of Debentures, held by three holders, had not been surrendered to the Trustee for payment. The redemption price, including accrued interest, has been deposited with the Trustee for all Debentures outstanding on January 6, 1978.

2. On November 29, 1977, the Applicant's common stock was stricken from listing and registration on the New York Stock Exchange pursuant to section 12(d) of the 1934 Act and the Applicant, having fewer than 300 record holders of its common stock, was relieved from further compliance with the provisions of section 12 of the 1934 Act.

3. Congoleum Corp., whose common stock is listed on the NYSE and is registered with the Commission owns 100 percent of the common stock of CN Corp., which in turn is the sole owner of the Applicant's common stock. Congoleum Corp. will continue its periodic reporting under section 12 of the 1934 Act and the Applicant's results will be incorporated in such reports on a consolidated basis.

4. Pursuant to section 15(d) of the 1934 Act, Applicant is obligated to file all periodic reports with the Commission which may be applicable to its current fiscal year ending December 31, 1977.

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]

[8010-01]

[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, 1975) 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 proposed rule change is attached as Exhibit 2 to DTC's filing on Form 19b-4A, File No. SR-DTC-78-1.

STATEMENT OF BASIS AND PURPOSES

The basis and purpose of the foregoing proposed rule change are as follows:

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 requests 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

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.

FEBRUARY 3, 1978.

[FR Doc. 78-3925 Filed 2-10-78; 8:45 am]

[8010-01]

[Release 34-14438; File No. SR-NASD-77-21]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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, 1975) notice is hereby given that on December 2, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change. The proposed rule change, as amended on December 28, 1977, is as follows:

NASD'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following is the full text of the proposed amendments to Sections 6 and 19 of the Code of Procedure for Handling Trade Practice Compaints of the National Association of Securities Dealers, Inc. ("Association"). New language is italicized and deleted language is bracketed:

Complaint Filed in District Entitled to Conduct Hearing

Sec. 6. If the complaint is filed with the District Business Conduct Committee entitled to hear such complaint, as provided in Section 3, or if a complaint is forwarded to such Committee by another District Business Conduct Committee, as provided in Section 5, such Committee shall, on the form to be supplied by the Board of Governors, forthwith send notice in writing of the receipt of such complaint, together with a copy of such complaint, to the Respondent, and shall require the Respondent to answer thereto. *A copy of said complaint shall also be sent to the member of the Association with whom the Respondent is an associated person as defined in Article I, Section 3(f) of the By-Laws of the Corporation.*

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 results from the belief of the Association's Board of Governors that under current procedures an employer-member is not put on sufficient notice to be able to fully carry out its duty to adequately supervise its associated persons, thereby unnecessarily exposing public customers to potential harm and employer-members to the charge of inadequate supervision. 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.[1] 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.

[1] There is a continuing obligation for an associated person to update the Form U-4 in regard to related questions therein. However, non-compliance with that requirement is frequent and enforcement of it would be difficult to administer. See also note 2 infra.

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 should 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)(6) 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

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 but would also provide for even more extensive notification of employers, one supported the proposal if 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 NYSE 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.[2]

[2] In respect to the suggestion that the same objective be attained by utilizing the Form U-4 and a series of letters advising the associated person of his responsibility to update that from in regard to related questions therein, this alternative was rejected by the Board because non-compliance with updating the Form U-4 is one of the reasons the amended rule was proposed and the suggested procedure would be difficult to administer. Also, it would place the Association in the somewhat ridiculous posture of advising an associated person to inform the Association of a complaint brought and, therefore, already known by the Association.

Regarding a comment that the confidentiality of the proceeding regarding a member would be jeopardized where an associated person works for two members, the name of the employer-member who is also a respondent will be deleted administratively when providing the employer-member with a copy of this complaint.

In respect to the comments on the effect of the proposed rule change on NYSE Rule 351 (which requires NYSE members to inform the NYSE of self-regulatory proceedings against its employee), this is properly a matter to be determined by the NYSE. In regard to the comment that the proposed rule would not impose any duty of increased supervision, the need to increase supervision where appropriate is the basis for the proposed rule change. There was also a suggestion that the complaint be directed to the appropoiate compliance officer of the member firm. The complaint would be directed to the Executive Representative or the Financial Principal but the Association does not maintain a mailing list for compliance officers.

NASD'S STATEMENT AS TO BURDEN ON COMPETITION

The proposed rule changes impose no burdens on competition not necessary in the furtherance of the purposes of the Act.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to ninety (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 Association consents, the Commission will:

(a) By order approve such proposed rule change, or (b) Institute proceedings to determine whether the proposed rule change 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 six (6) copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing, including Notice to Members 77-33, copies of all comment letters received in response thereto and a summary chart thereof, and of all other written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Association at 1735 K Street NW., Washington, D.C. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 15, 1978.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 3, 1978.

[FR Doc. 78-3923 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 34-14436; File No. SR-NYSE-77-24]

NEW YORK STOCK EXCHANGE, INC.

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 (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 an 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. 34-13915 (September 1, 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 registration to act as specialist in 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 of 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 improvement by virtue of substandard scores; and (4) the process for selecting individual securities as to which a proceeding under proposed Rule 103A might be initiated. In addition, the NYSE reiterates that a specialist whose stock may be put up for reallocation subsequent to a proceeding under the proposed rule would not be prohibited from reapplying for assignment of such an issue through the NYSE's stock allocation procedure or from registering to act as a competing specialist in the issue.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

NYSE'S AMENDED RESPONSE

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 performance evaluation and reallocation. The proposed new Rules are consistent with section 6(b)(5) of the Securities Exchange Act of 1934 which, in part, provides for Exchange rules concerned with the administration of the Exchange, and section 11A(a)(1)(C)(ii) which states that the Congress finds that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

NYSE'S AMENDED RESPONSE

The NYSE has not solicited comments on the proposed rule change nor have any written comments been received. The Exchange notes, however, that an Exchange member firm has submitted a written comment to the Securities and Exchange Commission dated September 30, 1977.

That member firm objected [on the grounds] that the SPEQ is subjective, "no more than a popularity poll", and does not provide objective measures of performance. They [the member firm] also noted that the members who evaluate a specialist may also be competitors of the specialist in other areas such as public retail brokerage business, and that the proposed rule change may actually be anti-competitive in operation.

With regard to the complaint that the SPEQ is subjective, it is helpful to clarify exactly what the SPEQ is. It provides for the numeric evaluation of a specialist organization every quarter over eight precisely defined areas of specialist responsibility by approximately 25 professionals who must deal with that specialist organization on a day-to-day basis while representing the interests of the public investor and who must depend upon that specialist in order to adequately fulfill their responsibility to the public investor. The procedures proposed by Rules 103A and 103A.10 provide further protection for the incumbent specialist by requiring that action to reallocate stocks may be taken only if the consensus of 50 such professionals on two quarterly SPEQ's is that performance in unacceptable, only after repeated counselling/improvement efforts, and only then upon the majority vote of the 23-member MPC which is subject to oversight by the Board-level Quality of Markets Committee and which consists of three members of the Board of Directors, seven specialist members, seven nonspecialist members, three allied members and three representatives of institutional investors.

The NYSE has utilized statistical 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 market in a stock. 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 experience of the NYSE demonstrates. This is supported by the fact that SPEQ results for specialist organizations have proven to be very consistent from quarter to quarter; when a specialist 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 questionnaire.

With regard to the concern expressed that specialists might be evaluated by their competitors, experience with the SPEQ has not shown that this issue is a problem. Had this competitive aspect been a problem, the SPEQ grades of specialist organizations offering larger commission discounts, either floor brokerage or retail, should have been impacted. This, however, is statistically without basis.

BURDEN ON COMPETITION

NYSE'S AMENDED RESPONSE

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, 1100 L Street NW., 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.

FEBRUARY 2, 1978.

[FR Doc. 78-3919 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 34-14437; File No. SR-NYSE-78-2]

NEW YORK STOCK EXCHANGE, INC.

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, 1975), notice is hereby given that on January 31,

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 of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., 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.

FEBRUARY 2, 1978.

Exhibit I-A

1. Text of Proposed Rule Change: New language italicized, Deleted language in [brackets].

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 *for 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 Gratuity Fund of $15 (Art. XVI, Sec. 1 ¶ 1751), [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:*

(1) 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;

(2) in the event that:

(i) 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, and

(ii) said contractual obligation shall have been entered into at the same time as the outgoing members 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 substantial 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 contractural obligation of the outgoing member to the member organization.

then the initiation fee for the transfer of the membership 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 the new member is posted, up to a maximum amount of $5,000;

(3) in the event that the membership of a new member shall have been acquired in a manner other than as contemplated in either clause (1) or clause (2) of this paragraph the initiation fee for the transfer of the membership 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 the new member is posted.

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 lessor'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.

[FR Doc. 78-3924 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 14428; File No. SR-PSD-77-3]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Order Approving Rule Change Relating to Designation of the Location of Its Annual Meeting

FEBRUARY 1, 1978.

On December 7, 1977, Pacific Securities Depository Trust Company ("PSDTC"), 301 Pine Street, San Francisco, Calif. 94104, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change authorizing its Board of Directors or stockholders to designate the location of PSDTC's annual meeting.

In accordance with section 19(b) of the act and rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 65341, December 30, 1977) and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Release No. 34-14302, December 21, 1977. No letters of comment were received.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, Pursuant to section 19(b)(2) of the act, that the proposed rule change contained in File No. SR-PSD-77-3 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3920 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 10110; 812-4207]

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, and 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. On the effective date of such merger, the outstanding shares of Capital's outstanding common stock will be converted into Appreciation's common stock having the same aggregate book net asset value as the shares being converted, as computed on 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 sold immediately after the merger. Applicants state that, although shares of Capital presently may 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 $8,2300,000 and $1,720,000 respectively, and during their last fiscal year realized additional losses of $450,000 and $140,000, respectively. Shearson has net unrealized appreciation of $762,000 and Capital has 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 grant 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 no 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 ½ of 1 percent of the first $200 million of each Applicant's average daily net assets, except that (1) if the management fee and all other 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% 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. Appli-

cants estimate that, in the event that Applicants merge, the expense ratio (excluding non-recurring merger costs) for the surviving fund would decrease to 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 $9,473 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 art, 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. Applicants state, without conceding, that the Applicants may be deemed to be affiliated persons of one another because each has investment advisory agreements with Management and because the Applicants have certain officers and directors in common with one another and with Management. Section 17(b) of the act provides, in part, that the Commission shall exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Applicants have requested an order pursuant to section 17(b) of the act exempting the proposed merger from provisions of section 17(a) of the act.

Applicants submit that the terms of the proposed merger are reasonable and fair and do not involve overreaching on the part of any person concerned since Appreciation will be issuing shares to Capital at an exchange ratio based on their relative net asset values and without the payment of any commission. Applicants further submit that approximately $20,000 of expenses in connection with the merger will be paid by Management. The application states that Appreciation has experienced over the past several years a decline in outstanding shares as well as net assets, that the directors believe this trend may continue, and that the additional assets of Capital will keep Appreciation's expense ratio from rising as fast as it otherwise might. Applicants submit that, if approved by the shareholders of each Applicant, the proposed merger will be consistent with the policies of the Applicants and the general purposes of the act.

Section 17(d) of the act and rule 17d-1 thereunder prohibit, in part, any affiliated person of a registered investment company, acting as principal, from affecting 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, policies and purposes 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(d) 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, summarized above, are reasonable and 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 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 shall be served personally or by mail upon Applicants 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 said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3921 Filed 2-10-78; 8:45 am]

[8010-01]

[Rel. No. 20403; 70-6029]

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. ("SWEPCO"), 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-effective 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-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By Commission order dated August 9, 1977 (HCAR No. 20135), SWEPCO 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 SWEPCO with the Bank to provide a source for financing SWEPCO's periodic acquisition of coal for its Welsh Power Plant pending the collection of revenues from customers reimbursing SWEPCO 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 SWEPCO an "advance credit" in a maximum amount of $500,000 to permit it to borrow the amount of the

Bank's discount and commission. In any event, the maximum aggregate principal amount outstanding of the two credits was not to exceed $5,000,000.

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 loans permitted to be outstanding to $15,000,000; (b) increase the "advance credit" to $1,500,000; (c) make the 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 accepeted 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 borrowings 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 mail upon the declarant 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 amended, may be 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. 78-3916 Filed 2-10-78; 8:45 am]

[8010-01]

[File No. 500-1]

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.

[FR Doc. 78-3917 Filed 2-10-78; 8:45 am]

[4910-59]

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. 76-1, 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) expired 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 removed and electric motors substituted. They have been marketed as a truck under the name "Electra Van." Jet has asked for a 2-year exemption and will not import more than 2,500 vehicles during any 12-month period that the exemption is in effect. 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 Defrosting and Defogging Systems. Vehicle is furnished with systems but petitioner is unsure if performance requirements are met. 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 this 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 exemption of Jet Industries. Comments should refer to the docket number and be submitted to: Docket

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.

Comment date: March 10, 1978.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51, 49 CFR 501.8.)

Issued on February 2, 1978.

ELWOOD T. DRIVER,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-3950 Filed 2-10-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 587]

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 116077 (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 102567 (Sub-No. 194), McNair Transport, Inc., 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 hearings.

MC 87909 (Sub-No. 27), Arrow Motor Freight Lines, Inc., now assigned March 9, 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.

AB 57 (Sub-No. 10), Soo Line Railroad Co. Abandonment In Baraga And Houghton Counties, Mich., now assigned March 13, 1978, at Houghton, Mich., is postponed to March 20, 1978, at Houghton, Mich., in a hearing room to be later designated (1 week).

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

[FR Doc. 78-3948 Filed 2-10-78; 8:45 am]

[7035-01]

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 carbolic acid (phenol), from Allemania, La., and points in Texas, to Marietta, Ohio, in sups. 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; 8:45am]

[7035-01]

[Notice No. 292]

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' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77320, filed September 26, 1977. Transferee: GIBNEY 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, 1961, 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]

[7035-01]

[Investigation and Suspension Docket No. M-29665]

PASSENGER FARES—ROCKLAND COACHES, INC.

[Investigation Docket No. 36754]

PASSENGER FARES—MANHATTAN TRANSIT CO.

[Investigation Docket No. 36775]

PASSENGER FARES—HUDSON TRANSIT LINES

JANUARY 27, 1978.

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 averaging between 6 and 25 percent between New York, N.Y., and adjacent counties in northern New Jersey and New York, if approved by the Commission, do not constitute major Federal actions significantly affecting the quality of the human environment and that preparation of a detailed environmental impact statement will not be required.

It was concluded, among other things, that passenger diversion to other modes as a result of the proposed actions, both individually and cumulatively, would be minimal and, based on past experience, only temporary 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 on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 28, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation 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 environmental impacts and reasonable alternatives.

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

[FR Doc. 78-3946 Filed 2-10-78; 8:45 am]

[1505-01]

[Volume No. 48]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 77-36371 appearing on page 64188 in the issue of Thursday, December 22, 1977 on page 64208 in the middle column, the 1st paragraph beginning, "No. MC 143946 (Sub-No. 1) * * *.", the 7th line should read, [Au-]thority is sought to operate as a *common carrier*, by motor vehicle, over [ir-]regular * * *.".

[1505-01]

[Volume No. 39]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 77-30537 appearing on page 55963 in the issue of Thursday, October 20, 1977, on page 55972, in the middle column, the last full paragraph, beginning "No. MC 133841 (Sub-No. 4), * * *", the 8th line should read, "* * * regular routes, transporting: (1) *filter-[ing]*".

[7035-01]

Office of Proceedings

[Notice No. 8]

SPECIAL PROPERTY BROKERS

FEBRUARY 8, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an 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 commerce operation 45 days after this notice.

B-77-1, filed: November 2, 1977. Applicant: HELEN MAY POLK, d.b.a. POLKS's CONSIGNMENT PARCEL SERVICE, 24 South Main, Willits, Calif. 95490.

B-77-7, filed: November 1, 1977. Applicant BEKINS MOVING & STORAGE 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 cancellation of all property operations in excess of household goods outstanding in licenses MC 12081 and Sub No. 4."

B-78-1, filed: January 3, 1978. Applicant: NATIONAL CARRIER SERVICE, INC., 8696 South Atlantic Boulevard, Suite 9, South Gate, Calif. 90280. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010.

B-78-6, filed: January 23, 1978. Applicant: MAINE TRUCKER'S EXCHANGE, INC., P.O. Box 791, Presque Isle, Maine 04769. Applicant's representative: Leander Tuttle (same address as applicant).

B-78-7, 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

[6355-01]

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.

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 300, Telephone 202-634-7700.

[S-333-78 Filed 2-9-78; 2:22 pm]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 a.m. February 14, 1978.

PLACE: 2033 K Street NW., Washington, D.C. 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement matter regarding noncompetitive trading.

Enforcement matter regarding delivery positions.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-322-78 Filed 2-9-78; 9:35 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.
Petition of Abdallah W. Tamari.
Review of March Commission Calendar.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey 254-6314.

[S-323-78 Filed 2-9-78; 9:35 am]

[6740-02]

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 4649, February 3, 1978.

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. PLUMB,
Secretary.

[S-331-78 Filed 2-9-78; 2:22 pm]

[6720-01]

5

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 9:30 a.m., February 15, 1978.

PLACE: 1700 G Street, NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall 202-377-6679.

MATTERS TO BE CONSIDERED:

Association Request for Extension of Time—Perpetual Federal Savings & Loan Association, Washington, D.C.

Agency Office Application—Security First Federal Savings & Loan Association, Daytona Beach, Fla.

Application to Increase Accounts of an Insurable Type through Acquisition by Merger of Mertztown Savings & Loan Association, Mertztown, Pa., into Red Hill Savings and Loan Association, Red Hill, Pa.

Branch Office Application—Standard Federal Savings & Loan Association, Troy, Mich.

Consideration of Withdrawal of Agenda Item P-379—"Rural Branching" Amendment.

Application of Marvin Lang for Approval to Make an Offer to Acquire 8 percent of the Outstanding Shares of Standard Federal Savings & Loan Association Pursuant to § 563b.9 of the Rules and Regulations for Insurance of Accounts.

Branch Office Application—Naples Federal Savings & Loan Association, Naples, Fla.

Proposed Permanent RSU Regulation (Proposed amendment to sec. 545.4-2).

No. 134, February 8, 1978.

[S-324-78 Filed 2-9-78; 935 am]

[6210-01]

6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Citation for February 13, 1978 meeting—43 FR 5131, February 7, 1978. Notice for February 15, 1978—sent to Federal Register on February 7, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, February 13, 1978 and 10 a.m., Wednesday, February 15, 1978.

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: 202-452-3204.

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. February 28, 1978.

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:

Thursday, February 2: 11:15 a.m. briefing by CIA Representatives—relative to safeguards (closed-exemption 1)—(meeting was cancelled).

Thursday, February 9: 2 p.m. affirmation of order for disposition of petitions re Bailly (public meeting)—(meeting is cancelled).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee 202-534-1410.

WALTER MAGEE,
Office of the Secretary.

FEBRUARY 8, 1978.

[S-327-78 Filed 2-9-78; 11:36 am]

[7590-01]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 6, 1978.

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 (McTiernan). 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.

Dated at Washington, D.C. this 8th Day of February, 1978.

WALTER MAGEE,
Office of the Secretary.

[S-328-78 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: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson 202-634-7970.

Dated: February 8, 1978.

[S-325-78 Filed 2-9-78; 9:35 am]

[8010-01]

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 4539, February 2, 1978.

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.

Dated: February 8, 1978.

[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.

Dated: February 8, 1978.

[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:

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.

Town 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.

Bronson, Bronson & McKinnon, San Francisco, Calif., in connection with the liquidation of First State Bank of Northern California, San Leandro, Calif.

Potter, Anderson & Corroon, 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, New York, in connection with the receivership of American Bank & Trust Company, New York, N.Y.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

Taback & Hyams, Jericho, N.Y., 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.

J. Randolph Pelzer, North Charleston, S.C., in connection with the liquidation of American Bank & Trust, Orangeburg, S.C.

Recommendations with respect to the amendment of corporation rules and regulations

Memorandum and resolution recommending the publication for comment of proposed amendments to Part 329 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 "Recordkeeping and Confirmation Requirements for Securities Transactions."

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 transmittal of "no significant effect" competitive factor reports.

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, 202-389-4446.

[S-337-78 Filed 2-9-78; 4:08 pm]

[6714-01]

14

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

Pennyrile Citizens Bank, Hopkinsville, 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).

APPLIATION 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.

APPLICATON 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 Cross Plains 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. 43,374-L—Franklin National Bank, New York, N.Y.

Case No. 43,375-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,378-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. 43,385-L—Birmingham Bloomfield Bank, Birmingham, Mich.

Case No. 43,386-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,387-L—Northeast Bank of Houston, Houston, Tex.

Case No. 43,389-L—The Hamilton 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. 43,398-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 Cor-

poration's assistance to Bank of the Commonwealth, Detroit, Mich.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Request for an extension of time in which to file exceptons to the recommended decision of an administrative law judge in connection with cease-and-desist proceedings, pursuant to section 8(b) of the Federal Deposit Insurance Act, against an insured State nonmember bank

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, et cetera

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6)).

Grievance officer's findings and recommendations in connection with the formal grievance of a corporation employee

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-338-78 Filed 2-9-78; 4:08 pm]

[6320-01]

15

NOTICE OF DELETION AND ADDITION OF ITEMS OF THE FEBRUARY 9, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10a.m.—February 9, 1978

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (Addition) 28. Docket 32042, "New Low" fares proposed by TWA (BFR). (Deletion) 26. Docket 31993, Rules governing the acceptance and carriage of handicapped persons proposed by various carriers (BFR).

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 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 time 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

[S-334-78 Filed 2-3-78; 3:51 pm]

[6320-01]

16

[M-99 Amdt. 2, Feb. 8, 1978]

NOTICE OF ADDITION OF ITEM TO THE FEBRUARY 9, 1978 MEETING AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 9, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 8a. Motion by Nationwide Leisure Corp. to withhold information from public disclosure and petition by Nationwide Leisure Corp. for review of staff action rejecting recent Nationwide charter filings (OGC, BOR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: On January 27, 1978, the Bureau of Operating Rights by letter rejected charter filings made by Nationwide. On January 30, 1978, counsel for Nationwide filed a motion to withhold from public disclosure pursuant to 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; 3:15 pm]

[6320-01]

17

[M-99, Amdt. 3, Feb. 8, 1978]

NOTICE OF DELETION OF ITEM FROM THE FEBRUARY 9, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 9, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 10. Docket 29445, Las Vegas-Dallas/Fort Worth Nonstop Service Investigation (recommendation on petition for review) (OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The staff's recommendation on item 10 is still in preparation and the public target date for Board action has been moved from February 10 to March 6. Accordingly, the following Members have voted that agency business requires the deletion of item 10 from the February 9, 1978 agenda 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

[S-336-78 Filed 2-9-78; 3:51 pm]

federal register

MONDAY, FEBRUARY 13, 1978
PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

LIGHTS TO BE DISPLAYED ON PIPELINES

Proposed Requirement

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 80, 90, and 95]

[CGD 73-216]

LIGHTS TO BE DISPLAYED ON PIPELINES

Proposed Requirements

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), (CGD 73-216), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), 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, 202-426-1477.

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 comment. 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 set 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 the row of 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 be consistent with 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 allows the dredge operator to lower them. This could be effective 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 proposed rulemaking appeared in the September 19, 1974, issue of the FEDERAL REGISTER (39 FR 33709). That document proposed 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 F 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 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 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.

(Sec. 2, 30 Stat. 102 as amended (33 U.S.C. 157); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 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 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 § 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.

(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).)

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 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.

(Sec. 3, 28 Stat. 649, as amended (33 U.S.C. 243); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

4. By adding a new § 90.27a as follows:

§ 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 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).)

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 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.

(Sec. 4, 62 Stat. 250, as amended (33 U.S.C. 353); 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) Dispay 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 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).)

NOTE.—The Coast Guard has determined that his document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Excutive Order 11821 and OMB Circular A-107.

Dated: February 3, 1978.

O.W. SILVER,
Admiral, U.S. Coast Guard
Commandant.

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