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

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

reminders

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- **FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978**

**List of Public Laws**

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

(Last Listing: May 23, 1978)
Title 3—The President

Memorandum of May 18, 1978

Assistance to Zaire

[Presidential Determination No. 78-11]

Memorandum for the Secretary of State

THE WHITE HOUSE,

Pursuant to the authority vested in me by section 25 of the International Security Assistance Act of 1977, I hereby determine that:

(a) The furnishing to Zaire of not to exceed $2,500,000 in international military education and training for the fiscal year 1978 under chapter 5 of part II of the Foreign Assistance Act of 1961, the extension to and utilization by Zaire of not to exceed $17,500,000 for the fiscal year 1978 in credit under the Arms Export Control Act, and the utilization by Zaire of the uncommitted balance of credit extended to Zaire under the Arms Export Control Act in any prior fiscal year, are important to the national security interests of the United States; and

(b) Such assistance should be furnished to Zaire in the national security interests of the United States.

You are requested on my behalf to report this determination to the Congress, as required by law. You are also requested to keep the Congress fully and currently informed on the specific details of how the assistance to Zaire is utilized.

This determination shall be published in the Federal Register.

[FR Doc. 78-14672 Filed 5-22-78; 3:45 pm]
AGENCY: Agricultural marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action extends by 4 days the period during which 1/4 inch Georgia peaches may be shipped. Such action is designed to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: May 19, 1978.

FOR FURTHER INFORMATION CONTACT: Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of peaches grown in Georgia, effective under the Agricultural marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Industry Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of peaches, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on May 17, 1978, to consider crop and market conditions and other factors affecting the need for further amending the current amended regulation, and recommend extending the period during which peaches at least 1/4 inches in diameter could be shipped through May 28, 1978. The committee reports that abnormally cold weather has delayed the normal size development of the peach crop, and as a result the earlier maturing varieties, which normally mature at smaller sizes than later maturing varieties, are not expected to meet the 1/4 inch requirement which would become effective May 23, under the amended regulation currently in effect.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (7 U.S.C. 558), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. This amendment removes restrictions on the handling of peaches. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

Paragraphs (a)(2) and (3) in §918.320 Peach Regulation 1 (43 FR 18642; 30476), are hereby amended to read:

§918.320 Peach Regulation 1.

(a) No handler shall ship, except peaches in bulk to destinations in the adjacent markets, any peaches which:

(1) * * *

(2) During the period May 3 through May 26, 1978, are smaller than 1/4 inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1/4 inches in diameter.

(3) During the period May 27 through August 31, 1978, are smaller than 1/4 inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1/4 inches in diameter.

(Fed. Reg. 78-14544 Filed 5-23-78; 30476)


CHARLES R. BRADER, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.
material. In the event such action is not feasible, then a placard or label bearing the word "empty" should be attached.

Notice of the petition for rulemaking (Docket Number PRM 20-8) was published in the Federal Register on February 22, 1977 (42 FR 10377) and invited public comment. A total of 10 comments were received in response to this Federal Register notice. Seven of these comments were in favor of this rule.

Two of the replies that were in favor of the proposed rule requested NRC to establish a residual activity or contamination limit to be applied to containers for uncontrolled disposal. The establishment of residual activity levels is beyond the scope or intent of the petition under consideration. The respondents expressed concern over the volume of labels that they would have to deface or destroy and stated that they would petition the NRC to accept compaction as a viable alternative to defacing or destroying the radioactive materials label. Compaction is an acceptable method for disposal, provided that any subsequently visible labels are removed or defaced.

Three of the replies were not in favor of the proposed rule. The concern expressed or implied in these comments was that full containers bearing radioactive materials labels would have the labels removed and then be discarded as ordinary trash. Such improper behavior could not be prevented by rulemaking. The negative respondent further expressed the desire that those individuals who dispose of improperly labelled containers be tracked down and cited. At the present time containers bearing the radioactive materials label, but not containing any radioactive material, may be disposed of in any manner. It is these empty containers that have been found in the environment. Prohibition of this rule is intended to eliminate this practice which resulted in responding to false alarms and to establish regulatory authority whereby violators can be cited.

Overlooked by the negative respondents is that the rule pertains to "empty uncontaminated containers." This requires a determination or knowledge of this fact on the part of the licensee at the time of disposal that these conditions have been met which further reduces the likelihood that contaminated containers will get into the surplus container trade.

The rule primarily pertains to shipping and other outer containers that do not ordinarily come into contact with radioactive materials. Present regulations, §20.205 of 10 CFR Part 20, requires licensees to inspect and survey, upon receipt of packages containing radioactive materials. Any packages that are contaminated or have excessive radiation levels require notification of the shipper and the NRC. Any necessary action is taken at the time to prevent improper disposal practices and to assure that the health and safety of the public are protected. Implementation of this rule requires a knowledge on the part of a licensee that the container being discarded is "empty and uncontaminated".

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter 1, Code of Federal Regulations, Part 20, is published as a document subject to codification.

1. Paragraph (f) of §20.203 of 10 CFR Part 20 is amended by adding a new subparagraph (4) to read as follows:

§20.203 Caution signs, labels, signals, and controls

(f) Containers.

(4) Each licensee shall, prior to disposal of an empty uncontaminated container to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.


Dated at Washington, D.C., this 15th day of May 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK, Secretary of the Commission.

[FPR Doc. 78-14135 Filed 5-23-78; 8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER 1—SMALL BUSINESS ADMINISTRATION

(Revis. 13; Am. 21)

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for the Purpose of SBA Loan Guarantees—Women's and Children's Nightwear Manufacturing

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule establishes a temporary loan size standard for firms primarily engaged in manufacturing products in SIC-23413 (women's and children's nightwear, made from woven or purchased knit fabrics). It is necessary because of the market structure of this segment of the women's and children's underwear and nightwear industry (SIC-2341), and the special nature of the Government's ban on the use of the flame retardant chemical TRIS in children's nightwear. This rule is intended to result in the increased eligibility of firms in SIC-23413 for SBA financial assistance.


FOR FURTHER INFORMATION CONTACT:

Harvey D. Bronstein, 202-653-6373.

SUPPLEMENTARY INFORMATION:

On March 20, 1978, the Federal Register published a proposed rule to adopt a temporary 500-employee loan size standard for firms primarily engaged in SIC-23412. The Agency has received one comment on this proposal from a representative of an industry group.

The comment from the Independent Cutters and Sewers of Children's Sleepwear stated that the industry's problems are permanent, not temporary, that the size standard for SIC-2341 should be permanently changed to match that of SIC-2321 (men's shirts and nightwear) at 500 employees; and that SIC's 2321 and 2341 should be merged with respect to their nightwear portions to have its own size standard as if it were one industry. In addition, the comment said that we failed to consider our own rules in formulating the size standard (13 CFR 121.3-1(b)(3)) and that, since our rules state that the Standard Industrial Classification Manual is advisory and not mandatory, we should not use the manual's definition and instead create a new definition for the men's and women's nightwear industries.

The SBA position is that the financial difficulties created by the TRIS ban are temporary; that the size standard of SIC-2321 is not an issue here; that SIC's 2321 and 2341 are not the same industry and that we are reluctant to use any industry definitions not recognized in the Standard Industrial Classification Manual, because all of our industrial structure data are based on it. The SIC Manual gives rather precise industry definitions and we are hesitant to use special definitions. We note that the SBA took the unusual step of going to a 5-digit SIC definition in this case. Furthermore, we considered all of the factors in § 121.3-1(b)(3) and chose to emphasize the percent of in-
United Arab Emirates, and the Cayman Islands upon vessels belonging to citizens of the United States, or upon the produce, manufactures, or merchandise, imported into ports of the Cayman Islands and the German Democratic Republic from January 1, 1977, and into ports of the United Arab Emirates from October 25, 1975.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

BACKGROUND

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels entering United States ports (46 U.S.C. 141). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of proof satisfactory to the President that no discriminating duties of tonnage or imports are imposed by that foreign nation on United States vessels or their cargo (46 U.S.C. 141). The President has delegated the authority to grant this exemption to the Secretary of the Treasury (46 U.S.C. 121, 128). The Secretary of the Treasury (4.22 of the Customs Regulations (19 CFR 4.22) is amended by adding "(in accordance with this declaration," after "the Customs Regulations (19 CFR 4.22) is amended by adding") and inserting "is hereby amended by adding a new subparagraph (4), which reads as follows:

§ 121.3-10 Definition of small business for SBA loans.

(b) * * *

(4) As small if it is primarily engaged in manufacturing products in SIC Code 23413 (women's and children's nightwear, made from woven or purchased knit fabrics), has suffered substantial economic injury which makes it eligible for assistance under section 7(b)(5) of the Small Business Act, files an application for such assistance by (insert date 6 months from the effective date of the regulation), and has an average number of employees not to exceed 500.


A. Vernon Weaver, Administrator.

[FR Doc. 78-14443 Filed 5-23-78: 8:45 am]

[4810–22]

THE PROPOSED RULE

Title 19—Customs Duties

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

[T.D. 78-139]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule adds the German Democratic Republic and the United Arab Emirates to the list of nations whose vessels are exempted from the payment of higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. It also extends the exemption previously afforded Great Britain to include the Cayman Islands. Satisfactory evidence has been obtained by the Department of State that no discriminating duties of tonnage or import are imposed in ports of the German Democratic Republic, the United Arab Emirates, and the Cayman Islands upon vessels belonging to citizens of the United States or on their cargo.

EFFECTIVE DATE: The exemption became effective for the German Democratic Republic and the Cayman Islands on January 1, 1977, and for the United Arab Emirates on October 25, 1975.

DECLARATION

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (48 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10382, July 18, 1960 (3 CFR, 1959–1963 Comp., Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 15 (43 FR 11884), I declare that the foreign discriminating duties of tonnage and import within the United States are suspended and discontinued, in respect to vessels of the Cayman Islands, the German Democratic Republic, and the United Arab Emirates, and the produce, manufactures, or merchandise imported into the United States in such vessels from the Cayman Islands, the German Democratic Republic, and the United Arab Emirates, or from any other foreign country.

This suspension and discontinuance shall take effect from January 1, 1977, in respect to vessels of the Cayman Islands and the German Democratic Republic, and from October 25, 1975 in respect to vessels of the United Arab Emirates, and shall continue for so long as the reciprocal exemptions of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

AMENDMENT TO THE REGULATIONS

In accordance with this declaration, § 4.22 of the Customs Regulations (19 CFR 4.22) is amended by adding "(including the Cayman Islands)" after "Great Britain", and inserting "German Democratic Republic", and "United Arab Emirates" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.


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

The principal author of this document was Todd J. Schneider, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Department of State participated in developing the document, both on matters of substance and style.


Richard J. Davis,
Assistant Secretary of the Treasury.

[FR Doc. 78-14550 Filed 5-23-78; 8:45 am]

[4810-22]

T.D. 78-141]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

Persons Boarding and Leaving Vessels Without Customs Permission

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by defining the categories of individuals who may board or leave vessels arriving from outside the Customs territory of the United States without Customs permission before Customs formalities are completed and by clarifying the activities permitted to be performed by these individuals while on board.


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

Background

Section 4.1(c) of the Customs Regulations (19 CFR 4.1(c)) provides that with certain exceptions, no person shall board or leave a vessel arriving from outside the Customs territory of the United States without the permission of a Customs officer before the vessel has been taken in charge by Customs. The exceptions include a pilot, officer of Customs or the Coast Guard, immigration officer, health officer, agent of the vessel, or consular officer.

It has been brought to the attention of the Customs Service that some vessel agents who board a vessel before Customs formalities are completed may solicit business from the master or purchasing officer for the vessel's stores, in addition to attending to Customs formalities. As a result, it was contended, other suppliers, who cannot board the vessel until after Customs formalities are completed, are placed at a competitive disadvantage because the vessel agents on board have already solicited the business.

After determining that the claim had merit, on May 7, 1975, the Customs Service published a notice of proposed rulemaking in the Federal Register (40 FR 19830) to amend § 4.1(c) to clarify and limit the activities to be performed by the individuals who may board or leave a vessel without Customs permission before Customs formalities are completed. The notice emphasized that these individuals are authorized to board without Customs permission solely to aid in the navigation of the vessel or to aid in or perform Customs or certain other Government business, and not to conduct commercial or private business while on board.

Interested persons were given until June 6, 1975, to submit relevant data, views, or arguments. After consideration of the comments received, the Customs Service has decided to make the changes set forth in the document.

Discussion of Comments

Although the proposal included a specific exception for a "pilot in connection with the navigation of a vessel," one commenter suggests that a specific provision be included to permit a person who is not a pilot to board an unmanned barge without Customs permission to assist in its navigation. Inasmuch as this comment has merit, the proposed amendment has been revised to include the suggestion.

Another commenter supports the proposal provided container handling begins as soon as possible after the vessel arrives and the Customs officer reviews the ship's papers. By further defining the categories of individuals who may board the vessel without Customs permission, the proposed amendment will aid the Customs officer to attend to his duties, thereby ensuring prompt commencement of cargo handling.

The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture suggests that its inspectors be specifically included within the category of Government officers authorized to board and leave a vessel without Customs permission to perform its Government business. The suggestion has been adopted and the proposed amendment revised accordingly.

Discussion of Other Changes

It is intended that the excepted categories of individuals may both board and leave a vessel without Customs permission. However, as proposed, the second sentence of the amendment is unclear in that it may be interpreted to prevent the Customs officer from the purpose of reporting the arrival of the vessel, no person, including the excepted categories of individuals, may leave the vessel without Customs permission before Customs formalities are completed. Therefore, the language of the proposed amendment has been revised to make it clear that the excepted categories of individuals may both board and leave a vessel without customs permission.

The proposed amendment, modified to include these changes, is adopted as set forth below.

Drafting Information

The principal author of this document was Charles D. Reskin, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in developing the document both on matters of substance and style.

Amendment to the Regulations

Paragraph (c) of § 4.1 of the Customs Regulations (19 CFR 4.1(c)) is amended to read as follows:

§ 4.1 Boarding of vessels; cutter and dock passes.

(c)1 No person, with or without the consent of the master, except a pilot in connection with the navigation of the vessel, personnel from another vessel in connection with the navigation of an unmanned barge, an officer of Customs or the Coast Guard, an immigration or health officer, an inspector of the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, or an agent of the vessel or consular officer exclusively for purposes relating to Customs formalities, shall go on board any vessel arriving from outside the Customs territory of the United States without permission of the district director or the Customs officer in charge until the vessel has been taken in charge by a Customs officer.

(2) A person may leave the vessel for the purpose of reporting its arrival as required by law (see § 4.2), but no other person, except those designated in paragraph (c)(1) of this section, shall leave any vessel arriving from outside the Customs territory of the United States, with or without the consent of the master, without the permission of the district director of Customs or the Customs officer in charge until the vessel has been properly inspected by Customs and...
brought into the dock or anchorage at which cargo is to be unloaded and until all passengers have been landed from the vessel.1

(3) Every person permitted to go on board or to leave without the consent of a Customs officer under the provisions of this paragraph shall be subject to Customs and quarantine regulations.

(4) The master of any vessel shall not authorize the boarding or leaving of his vessel by any person in violation of this paragraph.


G. R. Dickerson,
Acting Commissioner
of Customs.


Richard J. Davis,
Assistant Secretary of the
Treasury.

[FR Doc. 78-14551 Filed 5-23-78; 8:45 am]

[4810-22]

[T.D. 78-140]

PART 22—DRAWBACK

Accelerated Payment of Drawback Claims

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: To obtain accelerated payment of a drawback claim, the claimant now must submit a bond with each claim, guaranteeing the refund of any excess payment made to him by Customs. This document amends the Customs Regulations to provide that, as an alternative, a claimant may attach a rider that assumes the additional liability for the refund of any excess payment of accelerated drawback to the general term bond at the time the general term bond is filed. If this rider is attached to the general term bond, the amount of that bond would be increased to include the added coverage for drawback claims so that the overall amount of protection given customs would not be reduced. The rider, with its alphabetical designation, is approved for use in the Customs Automated Bond Information System (ABIS). Several minor changes have been made to the sample rider published with the proposal. A sample rider, as revised, follows:

RIDER TO A GENERAL TERM BOND FOR ACCELERATED PAYMENT OF DRAWBACK CLAIMS—TO BE ADDED TO CUSTOMS FORM 7595

In addition to the conditions appearing in the bond dated —, in the amount of — executed by —, as principal, and by —, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

And if the above-bonded principal, in consideration of the receipt of accelerated payment of drawback the amount of which is based upon the principal's own computations, shall, upon demand, refund to the Customs Service the excess of the accelerated payment over the amount actually established to be due upon liquidation of the claim (it being understood and agreed that for purposes of this bond the amount due on a claim as determined by liquidation shall be binding on all parties to this obligation).

Witness our hand and seals this — day of —, 19—.

(Principal)

(Surety)

SUPPLEMENTARY INFORMATION:

Background

"Drawback" denotes a situation in which a duty or tax, lawfully collected, is refunded or remitted, wholly or partially, because of a particular use made of the merchandise on which the duty or tax was collected. One of the more common types of drawback is that allowed upon the exportation of articles manufactured or produced in the United States with the use of imported merchandise (section 313(a), Tariff Act of 1930 (19 U.S.C. 1313(a))).

Part 22 of the Customs Regulations (19 CFR sections) contains provisions regarding drawback claims.

Under § 22.20a of the Customs Regulations (19 CFR 22.20a), a drawback claimant may receive payment for his claim before it is liquidated. To obtain accelerated payment the claimant must file a bond on either Customs Form 7609 or 7611, guaranteeing the refund of any excess payment made to him by Customs, together with the request for accelerated payment.

Notice of a proposal to amend § 22.20a was published in the Federal Register on November 10, 1976 (41 FR 40646). The notice proposed an alternative to the procedure provided in § 22.20a for guaranteeing the refund of any excess payment made on a drawback claim. Under the alternative procedure, a bond rider (that is, a supplemental clause) stating that the principal and surety agree to assume the additional liability for the refund of any excess payment of accelerated drawback may be attached to the General Term Bond for Entry of Merchandise (Customs Form 7595) at the time the general term bond is filed. If this rider is attached to the general term bond, the amount of that bond would be increased to include the added coverage for drawback claims so that the overall amount of protection given customs would not be reduced. The rider, with its alphabetical designation, is approved for use in the Customs Automated Bond Information System (ABIS). Several minor changes have been made to the sample rider published with the proposal. A sample rider, as revised, follows:

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

RULES AND REGULATIONS

Eight comments were received in response to the notice of proposed amendment, six of which supported the proposal.

One commenter suggested that Customs Automated Bond Information System (ABIS) be programmed to list separately the additional amount of the bond riders on the ABIS printout. This suggestion has been adopted.

One commenter stated that the proposal does not provide any way for the surety to limit its accelerated drawback liability to a specific dollar amount under the general term bond. This commenter urged that the bonds on Customs Forms 7609 and 7611 continue to be used to cover accelerated drawback liability in all cases.

As stated in the proposal, this method of securing bond coverage for accelerated payment of drawback claims is an alternative to the present procedure, which may continue to be used. If the new procedure is used, a rider stipulating that the principal and surety assume the additional liability for refund of excess accelerated drawback payments may be attached to the General Term Bond for Entry of Merchandise (Customs Form 7595) at the time the general term bond is filed. The amount of the general term bond would be increased to include the added coverage for drawback claims. The liability of the surety would be limited to the specific dollar amount of the general term bond plus the estimated amount of drawback to be claimed during the term of the bond.

AMENDMENT TO THE REGULATIONS

After consideration of all the comments received, it has been determined that the proposal should be adopted without change, as set forth below.

DRAFTING INFORMATION

The principal author of this document was Paul G. Hegland, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.


G. R. Dickerson,
Acting Commissioner
of Customs.

Richard J. Davis,
Assistant Secretary
of the Treasury.
§ 22.29a Accelerated payment of drawback claims.

In lieu of filing Customs Form 7609 or 7611, a claimant may provide appropriate coverage by executing and attaching an approved rider to a General Term Bond for Entry of Merchandise, Customs Form 7595, at the time of filing Customs Form 7595. When a rider is to be attached to Customs Form 7595, the amount of the bond shall be increased by the estimated amount of accelerated drawback to be claimed during the term of the bond. If actual accelerated drawback claims exceed the estimated amount of accelerated drawback, additional bond coverage shall be required.


[FR Doc. 78-14549 Filed 5-23-78; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER F—FOOD AND DRUG PRODUCTS

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER G—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

O-ethyl O-[4-(methylthio)phenyl] S-propyl phosphorodithioate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends the expiration date for food and feed additive regulations related to the experimental use of the insecticide O-ethyl O-[4-(methylthio)-phenyl] S-propyl phosphorodithioate on cotton plants. The extension was requested by a Chemagro Agricultural Division. This rule will permit the marketing of the byproducts derived from treated cottonseed while further data are collected on the subject pesticide.


RULES AND REGULATIONS

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: On June 16, 1977, the EPA announced (42 FR 29857) that in response to a petition (FAP 6H5111) submitted by Chemagro Agricultural Division, Mobay Chemical Corp., P.O. Box 4913, Kansas City, Mo. 64120, 21 CFR 193.212 and 561.233 were being established to permit the use of the insecticide O-ethyl O-[4-(methylthio)-phenyl] S-propyl phosphorodithioate and its cholinesterase-inhibiting metabolites on growing cotton with tolerance limitations of 1 part per million (ppm) in cottonseed oil and cottonseed hulls, respectively, in accordance with an experimental use permit that was being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (76 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.). This experimental program will expire June 3, 1978.

Chemagro Agricultural Division, Mobay Chemical Corp., has requested a one-year extension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of food commodities affected by the application of the insecticide to the growing raw agricultural commodity cotton.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being issued concurrently under FIFRA. It has further been determined that since residues of the pesticide may concentrate in cottonseed oil and hulls from the agricultural use provided for in the experimental use permit, the food and feed additive regulations should be extended along with the tolerance limitations. (A related document concerning the extension of temporary tolerances for residues of the subject pesticide in or on cottonseed; the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; milk; and eggs appears elsewhere in today's Federal Register).

Accordingly, food and feed additive regulations are established as set forth below.

Any person adversely affected by this regulation may, on or before June 3, 1979, file written objections with the Hearings Clerk, EPA, Rm. M-3708, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on May 24, 1978, 21 CFR Parts 193 and 561 are amended as set forth below.


(600(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)).)

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

§ 193.212 [Amended]

1. In 21 CFR 193.212, at the end of paragraph (a) the date is changed from “June 3, 1978” to “June 3, 1979.”

§ 561.233 [Amended]

2. In 21 CFR 561.233, at the end of paragraph (a), the date is changed from “June 3, 1978” to “June 3, 1979.”

[FR Doc. 78-14457 Filed 5-23-78; 8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 646—RAILROADS

Railroad-Highway Insurance Protection; Amendment

AGENCY: Federal Highway Administration, DOT.

ACTION: Amendment to final rule.

SUMMARY: This document amends the regulation on railroad-highway insurance protection by providing for an increased amount of coverage of a combined $2 million per occurrence for bodily injury, death, and property damage. The current maximum limits of coverage now permitted are not compatible with claim amounts and awards and are inconsistent with types of insurance coverage presently being utilized in the railroad industry.


FOR FURTHER INFORMATION CONTACT:

James A. Carney, Railroads and Utilities Branch, 202-426-0104; or Lee J. Burstyn, Attorney, Office of the Chief Counsel, 202-426-0786, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C.

[4910-22]

Title 23—Highways

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
SUPPLEMENTARY INFORMATION:
This amendment has the effect of modifying the dollar amount of railroad protective insurance costs which are to be reimbursed from Federal funds for damages resulting from highway construction activities. The current maximum limits of coverage now permitted are not compatible with claim amounts and awards and are inconsistent with types of insurance coverage presently being utilized in the railroad industry. The existing regulation, in paragraph (a) of §646.111, provides separate amounts of coverage per occurrence for bodily injury, death, and property damage. The new simplified coverage would increase the maximum coverage to a combined $2 million per occurrence. Paragraph (b) of the same section allows greater amounts of coverage in cases involving appreciably higher risks. The financial impact of this revision on the Federal-aid highway program is minimal.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2); therefore, general notice of proposed rulemaking is not required.

Note: The Federal Highway Administration has determined that this document, does not contain a major proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

In consideration of the foregoing, the Federal Highway Administration is amending Chapter I of Title 23, Code of Federal Regulations, §646.111(a) to read as follows:

§646.111 Amount of coverage.

(a) The maximum dollar amounts of coverage to be reimbursed from Federal funds, with respect to bodily injury, death, and property damage, is limited to a combined amount of $2 million per occurrence, except as provided in paragraph (b) of this section.

(b) * * *

(23 U.S.C. 315; 49 CFR 1.48(b).)


KARL S. BOWERS, Acting Federal Highway Administrator.

[FR Doc. 78-14459 Filed 5-23-78; 8:45 am]

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Horn River</td>
<td>U.S. Highway No. 20</td>
<td>3,897</td>
</tr>
<tr>
<td>Railroad bridge</td>
<td></td>
<td>3,892</td>
</tr>
<tr>
<td>Nowood River</td>
<td>Marshall St. Bridge</td>
<td>3,893</td>
</tr>
</tbody>
</table>

Federal Insurance Administration.

[FR Doc. 78-13793 Filed 5-23-78; 8:45 am]

[4210-01] (Docket No. FI-4017)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Franklin, Venango 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 City of Franklin, Venango 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 City of Franklin, Venango County, Pa.


GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-13793 Filed 5-23-78; 8:45 am]

[4210-01] (Docket No. FI-4017)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Franklin, Venango 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 City of Franklin, Venango 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 City of Franklin, Venango County, Pa.


GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-13793 Filed 5-23-78; 8:45 am]
ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Franklin, Venango County, Pa., are available for review at the City Hall, 430 13th Street, Franklin, 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 Franklin, Venango County, Pa.


Supplementary Information:


Gloria M. Jimenez, Federal Insurance Administrator.

(FR Doc. 78-13796 Filed 5-23-78; 8:45 am)

[4210-01]

[Docket No. FI-4020]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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


Gloria M. Jimenez, Federal Insurance Administrator.

(FR Doc. 78-13796 Filed 5-23-78; 8:45 am)

[4210-01]

[Docket No. FI-3882]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Hempfield, Westmoreland County, Pennsylvania

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 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 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).


Gloria M. Jimenez, Federal Insurance Administrator.

(FR Doc. 78-13796 Filed 5-23-78; 8:45 am)
elevations, for the Township of Hempfield, Westmoreland County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Hempfield, Westmoreland County, Pa., are available for review at the Hempfield Township Municipal Building.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-785-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.


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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Greensburg corporate limits (380 ft downstream of private bridge)</td>
<td>1,018</td>
<td></td>
</tr>
<tr>
<td>City of Greensburg corporate limits (890 ft upstream of ConRail)</td>
<td>1,018</td>
<td></td>
</tr>
<tr>
<td>ConRail—940 ft downstream of the city of Greensburg corporate limits</td>
<td>1,109</td>
<td></td>
</tr>
<tr>
<td>City of Greensburg corporate limits (280 ft downstream of ConRail)</td>
<td>1,010</td>
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</tr>
<tr>
<td>Borough of South Greensburg corporate limits (390 ft upstream of U.S. 119)</td>
<td>989</td>
<td></td>
</tr>
<tr>
<td>Borough of South Greensburg corporate limits (890 ft upstream of U.S. 119)</td>
<td>987</td>
<td></td>
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<tr>
<td>U.S. Route 119 (310 ft upstream of L.R. 64111)</td>
<td>984</td>
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<tr>
<td>Private footbridge (390 ft downstream of L.R. 64111)</td>
<td>984</td>
<td></td>
</tr>
<tr>
<td>U.S. Route 119 (450 ft upstream of confinence with Slate Creek)</td>
<td>984</td>
<td></td>
</tr>
<tr>
<td>ConRail (110 ft upstream of Confinence with Slate Creek)</td>
<td>980</td>
<td></td>
</tr>
<tr>
<td>Confinence with Slate Creek</td>
<td>979</td>
<td></td>
</tr>
<tr>
<td>Corporate limit of 1,100 ft downstream of Confinence with Slate Creek</td>
<td>976</td>
<td></td>
</tr>
<tr>
<td>Confinence with Slate Creek</td>
<td>976</td>
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<tr>
<td>Confinence with Slate Creek</td>
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<tr>
<td>Confinence with Slate Creek</td>
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<tr>
<td>Biker St.</td>
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<tr>
<td>ConRail 3,100 ft upstream of Borough of Youngwood corporate limits</td>
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<td>Corporate limit of Borough of Youngwood</td>
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<td>Corporate limit of Borough of Youngwood</td>
<td>954</td>
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<td>Borough of Youngwood at Township Route 555</td>
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<td>Confinence with Sewickly Creek</td>
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<td>1,136</td>
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<td>Luxor Rd.</td>
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<tr>
<td>Abandoned bridge (40 ft upstream of Township Route 398)</td>
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<td>Township Route 398</td>
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<td>Private drive (1,950 ft downstream of Township Route 398)</td>
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<td>Township Route 855</td>
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<td>Hilarwood Dr</td>
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<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
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<td>995</td>
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<tr>
<td>Private drive (1,520 ft downstream of L.R. 64174)</td>
<td>990</td>
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</tr>
<tr>
<td>Private drive (1,990 ft downstream of L.R. 64174)</td>
<td>988</td>
<td></td>
</tr>
<tr>
<td>Private drive (2,370 ft downstream of L.R. 64174)</td>
<td>987</td>
<td></td>
</tr>
<tr>
<td>Upstream corporate limits of Borough of South Greensburg</td>
<td>981</td>
<td></td>
</tr>
<tr>
<td>Borough of South Greensburg at Keystone Ave.</td>
<td>979</td>
<td></td>
</tr>
<tr>
<td>Confinence with Jack's Run</td>
<td>979</td>
<td></td>
</tr>
<tr>
<td>Tributary No. 1</td>
<td>977</td>
<td></td>
</tr>
<tr>
<td>Carbon Rd.</td>
<td>977</td>
<td></td>
</tr>
<tr>
<td>Private drive (700 ft upstream of Hunter Rd.)</td>
<td>970</td>
<td></td>
</tr>
<tr>
<td>Private drive (510 ft upstream of Hunter Rd.)</td>
<td>987</td>
<td></td>
</tr>
<tr>
<td>Hunter Rd. (1,140 ft upstream of confinence with Jack's Run)</td>
<td>986</td>
<td></td>
</tr>
<tr>
<td>Hunter Rd (440 ft upstream of confinence with Jack's Run)</td>
<td>984</td>
<td></td>
</tr>
<tr>
<td>Confinence with Jack's Run</td>
<td>984</td>
<td></td>
</tr>
<tr>
<td>Tributary No. 2</td>
<td>978</td>
<td></td>
</tr>
<tr>
<td>Private footbridge 50 ft upstream of Country Club Rd.</td>
<td>1,099</td>
<td></td>
</tr>
<tr>
<td>Country Club Rd.</td>
<td>1,098</td>
<td></td>
</tr>
<tr>
<td>Private footbridge 1,380 ft downstream of Country Club Rd</td>
<td>1,093</td>
<td></td>
</tr>
<tr>
<td>Private footbridge 1,600 ft downstream of Country Club Rd</td>
<td>1,091</td>
<td></td>
</tr>
<tr>
<td>Confinence with Country Club Rd</td>
<td>1,085</td>
<td></td>
</tr>
<tr>
<td>Private drive (1,200 ft downstream of Green Creek Rd.)</td>
<td>1,076</td>
<td></td>
</tr>
<tr>
<td>Abandoned footbridge (970 ft upstream of Weber St.)</td>
<td>1,076</td>
<td></td>
</tr>
<tr>
<td>Weber St.</td>
<td>1,069</td>
<td></td>
</tr>
<tr>
<td>Private footbridge 150 ft downstream of Weber St</td>
<td>1,068</td>
<td></td>
</tr>
<tr>
<td>Pennsylvania Route 130</td>
<td>1,060</td>
<td></td>
</tr>
<tr>
<td>Private drive 220 ft downstream of Pennsylvania Route 130</td>
<td>1,057</td>
<td></td>
</tr>
<tr>
<td>Private footbridge 1,540 ft downstream of Pennsylvania Route 130</td>
<td>1,032</td>
<td></td>
</tr>
<tr>
<td>Private footbridge 630 ft downstream of Brown Ave.</td>
<td>1,042</td>
<td></td>
</tr>
<tr>
<td>Confinence with Brown Ave</td>
<td>1,045</td>
<td></td>
</tr>
<tr>
<td>Confinence with Brush Creek</td>
<td>1,035</td>
<td></td>
</tr>
<tr>
<td>Brush Creek</td>
<td>1,035</td>
<td></td>
</tr>
<tr>
<td>State Route 766</td>
<td>1,100</td>
<td></td>
</tr>
<tr>
<td>Private drive 1,140 ft downstream of State Route 766</td>
<td>1,093</td>
<td></td>
</tr>
<tr>
<td>Private drive 1,540 ft upstream of Brown Ave.</td>
<td>1,032</td>
<td></td>
</tr>
<tr>
<td>Private drive 4,360 ft downstream of Brown Ave</td>
<td>1,032</td>
<td></td>
</tr>
<tr>
<td>Thomas St.</td>
<td>1,006</td>
<td></td>
</tr>
<tr>
<td>Corporate limits at ConRail</td>
<td>1,001</td>
<td></td>
</tr>
</tbody>
</table>
RULES AND REGULATIONS

[4210-01]  
(Docket No. FI-1080)

PART 197—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Huntingdon, Huntingdon 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 Huntingdon, Huntingdon 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 Huntingdon, Huntingdon County, Pa. is January 24, 1978. 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) as amended (42 U.S.C. 4001-4126), and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).


Gloria M. Jimenez, Federal Insurance Administrator.

[FR Doc. 78-13797 Filed 5-23-78; 8:45 am]

[4210-01]  
(Docket No. FI-4065)

PART 197—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Lawrence Park, Erie 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 Lawrence Park, 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).

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Lawrence Park, Erie County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Lawrence Park, Erie County, Pa., are available for review at the 2d floor of the Township Fire Hall, 4102 Main Street, Erie, 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.


An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Four Mile Run</td>
<td>Confluence with Lake Erie</td>
<td>577</td>
</tr>
<tr>
<td>Private drive (2,000 ft) downstream of East Lake Rd.</td>
<td>592</td>
<td></td>
</tr>
<tr>
<td>Private drive (2,000 ft) downstream of East Lake Rd.</td>
<td>598</td>
<td></td>
</tr>
<tr>
<td>Upstream of East Lake Rd.</td>
<td>601</td>
<td></td>
</tr>
<tr>
<td>Footbridge (700 ft) downstream of footbridge</td>
<td>620</td>
<td></td>
</tr>
<tr>
<td>Main St.</td>
<td>684</td>
<td></td>
</tr>
<tr>
<td>Footbridge (1,800 ft) upstream of Main St.</td>
<td>669</td>
<td></td>
</tr>
<tr>
<td>East Erie Commercial Rd.</td>
<td>672</td>
<td></td>
</tr>
<tr>
<td>Upstream of ConRail tracks.</td>
<td>681</td>
<td></td>
</tr>
</tbody>
</table>

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 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).

EFFECTIVE DATE: The date of issuance of the National Flood Insurance Act of 1968 (Public Law 90-448, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719."


Gloria M. Jimenez, Federal Insurance Administrator.

[FR Doc. 78-1376 Filed 5-23-75; 8:45 am]

(Part 1917—Appeals from Flood Elevation Determination and Judicial Review)

Final Flood Elevation Determination for the Township of Mahoning, Carbon 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 Mahoning, Carbon County, Pa.

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lehigh River</td>
<td>Downstream corporate limits</td>
<td>437</td>
</tr>
<tr>
<td>ConRail</td>
<td>511</td>
<td></td>
</tr>
<tr>
<td>Upstream corporate limits</td>
<td>522</td>
<td></td>
</tr>
<tr>
<td>Mahoning Creek</td>
<td>Confluence with Lehigh River</td>
<td>459</td>
</tr>
<tr>
<td>Dam No. 1</td>
<td>464</td>
<td></td>
</tr>
<tr>
<td>Route 443</td>
<td>466</td>
<td></td>
</tr>
<tr>
<td>East Penn St.</td>
<td>468</td>
<td></td>
</tr>
<tr>
<td>6th St.</td>
<td>472</td>
<td></td>
</tr>
<tr>
<td>Bridge St.</td>
<td>481</td>
<td></td>
</tr>
<tr>
<td>Mertztown Rd.</td>
<td>560</td>
<td></td>
</tr>
<tr>
<td>Stewart Creek</td>
<td>Footbridge</td>
<td>496</td>
</tr>
<tr>
<td>Route 902 and</td>
<td>505</td>
<td></td>
</tr>
<tr>
<td>Mertztown Rd.</td>
<td>connection</td>
<td>547</td>
</tr>
<tr>
<td>Private driveway</td>
<td>547</td>
<td></td>
</tr>
<tr>
<td>Route 902</td>
<td>562</td>
<td></td>
</tr>
</tbody>
</table>

(National Flood Insurance Act of 1968 (Public Law 90-448, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)


Gloria M. Jimenez, Federal Insurance Administrator.

[FR Doc. 78-13799 Filed 5-23-75; 8:45 am]
### Final Flood Elevation Determination

**Final Flood Elevation Determination for the City of New Kensington, 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 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).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of North Huntingdon, Westmoreland County, Pa., are available for review at the North Huntingdon Municipal Building, 11279 Center Highway, North Huntingdon, 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:**


Issued April 12, 1978.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-13800 Filed 5-23-78; 8:45 am]

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegheny River....</td>
<td>Confluence with</td>
<td>752</td>
</tr>
<tr>
<td></td>
<td>Pocketa Creek</td>
<td>755</td>
</tr>
<tr>
<td></td>
<td>Pennsylvania Route 56...</td>
<td>756</td>
</tr>
<tr>
<td>Pocketa Creek......</td>
<td>downstream corporate limits.</td>
<td>757</td>
</tr>
<tr>
<td></td>
<td>upstream corporate limits.</td>
<td>758</td>
</tr>
<tr>
<td></td>
<td>Freeport St. (upstream side)</td>
<td>759</td>
</tr>
<tr>
<td>Little Pocketa.....</td>
<td>4th St. (upstream side)...</td>
<td>760</td>
</tr>
<tr>
<td></td>
<td>Stevenson Blvd. (downstream crossing)</td>
<td>761</td>
</tr>
<tr>
<td></td>
<td>7th St. (upstream side)...</td>
<td>762</td>
</tr>
<tr>
<td></td>
<td>High School Rd</td>
<td>763</td>
</tr>
<tr>
<td></td>
<td>Football Field Rd.</td>
<td>764</td>
</tr>
<tr>
<td></td>
<td>Stevenson Blvd.</td>
<td>765</td>
</tr>
</tbody>
</table>


Issued April 12, 1978.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-13800 Filed 5-23-78; 8:45 am]
PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Ridgway, Elk 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 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).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Ridgway, Elk County, Pa., are available for review at the Municipal Building, Ridgway Drive, Ridgway, 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.


This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 880, which added section 1383 to the National Flood Insurance Act of 1968 (Title XII 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:


GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-13802 Filed 5-23-78; 8:45 am]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Wilkens, Allegheny 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 Wilkens, 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).


GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-13802 Filed 5-23-78; 8:45 am]
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 Wilkens, Allegheny County, Pa.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Wilkens, Allegheny County, Pa., are available for review at the Wilkens Municipal Building, 110 Peffer Road, Turtle Creek, Pa.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 481 Seventh Street SW, Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:**


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 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 43 FR 7719.)


GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-13803 Filed 5-23-78; 8:45 am]

**[4210-01]**

(Docket No. FI-2886)

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

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

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

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

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Georgetown, Georgetown County, S.C., is available for review at the lobby of the Municipal Building, 1114 Front Street, Georgetown, S.C.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 481 Seventh Street SW, Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:**

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Georgetown, Georgetown County, S.C.

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

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

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

**Source of flooding** | **Location** | **Elevation in feet, national geodetic vertical datum**
---|---|---
Thompson Run | Downstream corporate limits | 744
Jones St | 757
Union RR. (westernmost bridge) | 768
Union RR. (easternmost) | 769
Buena Vista Dr | 787
Newton Rd | 800
William Penn Highway (route 22): Union RR. | 829
Downstream | 830
Union RR. (upstream) | 836
Kincade Corporate | 838
Chalfant Run | Larimer Ave | 780
Baker St | 800

**Source of flooding** | **Location** | **Elevation in feet, national geodetic vertical datum**
---|---|---
Atlantic Ocean | Fugel St | 13
(Winyah Bay, Poplar St | 12
Sampit and Meeting St | 12
PeeDee Rivers, Fraser St | 11
Collins St | 11


GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-13804 Filed 5-23-78; 8:45 am]

**[4210-01]**

(Docket No. FI-3787)

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

Final Flood Elevation Determination for the City of Bountiful, Davis County, Utah

**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 Bountiful, Davis County, Utah. 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 Bountiful, Davis County, Utah, is available for review at the lobby of the Municipal Building, 1114 Front Street, Bountiful, Utah.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 481 Seventh Street SW, Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:**

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Bountiful, Davis County, Utah.

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**
---|---|---
Atlantic Ocean | Fugel St | 13
(Winyah Bay, Poplar St | 12
Sampit and Meeting St | 12
PeeDee Rivers, Fraser St | 11
Collins St | 11


GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-13804 Filed 5-23-78; 8:45 am]

**[4210-01]**

(Docket No. FI-3787)

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

Final Flood Elevation Determinations for the City of Bountiful, Davis County, Utah

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Springfield, Utah County, Utah, are available for review at City Hall, Bountiful, Utah.

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 Bountiful, Utah.

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), 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 2660, February 27, 1969, as amended (39 FR 2787, January 24, 1974).}

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 78-13806 Filed 5-23-78; 8:45 am]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Springfield, Utah County, Utah

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Springfield, Utah County, Utah, are available for review at City Hall, Springfield, Utah.

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

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Springfield, Utah.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barton Creek</td>
<td>750 East St.*</td>
<td>4,563</td>
</tr>
<tr>
<td></td>
<td>500 South St.*</td>
<td>4,503</td>
</tr>
<tr>
<td></td>
<td>Hospital</td>
<td>4,475</td>
</tr>
<tr>
<td></td>
<td>200 East 100 South St.</td>
<td>4,468</td>
</tr>
<tr>
<td></td>
<td>200 North St.*</td>
<td>4,385</td>
</tr>
<tr>
<td></td>
<td>Main St.</td>
<td>4,331</td>
</tr>
<tr>
<td></td>
<td>100 West St.*</td>
<td>4,340</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meadow Brook School</td>
<td>Bridge</td>
<td>4,308</td>
</tr>
<tr>
<td></td>
<td>500 West St. (U.S. 89-91)</td>
<td>4,281</td>
</tr>
<tr>
<td>Mill Creek</td>
<td>Orchard Dr.</td>
<td>4,494</td>
</tr>
<tr>
<td></td>
<td>Church Bridge</td>
<td>4,435</td>
</tr>
<tr>
<td></td>
<td>Main St.*</td>
<td>4,412</td>
</tr>
<tr>
<td></td>
<td>200 West St.*</td>
<td>4,477</td>
</tr>
<tr>
<td></td>
<td>500 West St. (U.S. 89-91)</td>
<td>4,343</td>
</tr>
<tr>
<td></td>
<td>Interstate 15**</td>
<td>4,322</td>
</tr>
<tr>
<td>Stone Creek</td>
<td>Davis Blvd</td>
<td>4,699</td>
</tr>
<tr>
<td></td>
<td>600 East St.</td>
<td>4,565</td>
</tr>
<tr>
<td></td>
<td>400 North St.</td>
<td>4,466</td>
</tr>
<tr>
<td></td>
<td>400 East St.</td>
<td>4,402</td>
</tr>
<tr>
<td></td>
<td>900 North St.*</td>
<td>4,356</td>
</tr>
<tr>
<td></td>
<td>Main St.</td>
<td>4,335</td>
</tr>
<tr>
<td></td>
<td>200 West St.</td>
<td>4,277</td>
</tr>
</tbody>
</table>

*Downstream side.
**Upstream side.


Federal Insurance Administrator.
[FR Doc. 78-13805 Filed 5-23-78; 8:45 am]
FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

[4210-01] [Docket No. FI-3788]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Galax, Grayson County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of this final rule is April 12, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Galax, Grayson County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), 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).}

[4210-01] [Docket No. FI-3904]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Sunnyside, Carbon County, Utah

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

EFFECTIVE DATE: The date of issuance of this final rule is April 12, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Sunnyside, Carbon County, Utah.

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Manassas, Prince William County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Manassas, Prince William County, Va., are available for review at the City Hall, 9027 Center Street, Manassas, 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 city of Manassas, Prince William County, Va.


Gloria M. Jimenez, Federal Insurance Administrator.

[FR Doc. 78-13898 Filed 5-23-78; 8:45 am]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Manassas Park, Prince William County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Manassas Park, Prince William County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Manassas Park, Prince William County, Va., are available for review at the Office of the City Clerk, 103 Manassas Drive, Manassas Park, 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:

This final rule is issued in accordance with section 110 of the Flood Dis-
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 Pulaski County, Va., is available for review at the County Administration Building, 3 Street, Pulaski, Va.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Pulaski County, Va., are available for review at the County Administration Building, 3 Street, Pulaski, 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 for flood elevations for Pulaski County, Va.


An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Elevation in m</th>
<th>National</th>
<th>Geodetic</th>
<th>Vertical</th>
<th>Datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tributary to Bull</td>
<td>Blooms Dr. (upstream)</td>
<td>244</td>
<td>17</td>
<td>Pulaski corporate limits</td>
<td>72</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td>Tributary No. 1 to Flat Branch</td>
<td>Mansasas Dr. (upstream)</td>
<td>268</td>
<td>19</td>
<td>Pulaski corporate limits</td>
<td>72</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td>Flat Branch</td>
<td>Mansasas Dr.</td>
<td>184</td>
<td>13</td>
<td>Pulaski corporate limits</td>
<td>72</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(downstream)</td>
<td>180</td>
<td>13</td>
<td>Pulaski corporate limits</td>
<td>72</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6,500 ft upstream of mouth of tributary</td>
<td>209</td>
<td>15</td>
<td>Pulaski corporate limits</td>
<td>72</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Upstream corporate limits</td>
<td>222</td>
<td>15</td>
<td>Pulaski corporate limits</td>
<td>72</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td>Tributary A to</td>
<td>Denver Dr.</td>
<td>185</td>
<td>13</td>
<td>Pulaski corporate limits</td>
<td>72</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td>Flat Branch</td>
<td>(downstream)</td>
<td>191</td>
<td>13</td>
<td>Pulaski corporate limits</td>
<td>72</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td>tributary No. 1.</td>
<td>Denver Dr. (upstream)</td>
<td>204</td>
<td>13</td>
<td>Pulaski corporate limits</td>
<td>72</td>
<td>72</td>
<td></td>
</tr>
</tbody>
</table>

**[4210-01]**

(Docket No. FI-3567)

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

Final Flood Elevation Determination for the City of Chicopee, Hampden County, Mass.

**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 Chicopee, Hampden County, Mass. 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 Chicopee, Chicopee City Hall, Chicopee, Mass.

**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.
RULES AND REGULATIONS


GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13812 Filed 5-23-78; 8:45 am]

[4210-01] [Docket No. FI-3796]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Avalon, Los Angeles County, Calif.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Avalon, are available for review at City Planner's Office, Santa Catalina Island, Avalon, Calif.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Avalon, Calif.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation, in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut River...</td>
<td>Southern corporate limit, 4,600 ft downstream of Route L-61 Bridge.</td>
<td>63</td>
</tr>
<tr>
<td>Connecticut River...</td>
<td>600 ft upstream of Boston &amp; Main RR. Bridge.</td>
<td>69</td>
</tr>
<tr>
<td>Connecticut River...</td>
<td>Northern corporate limit, 7,280 ft upstream of Boston &amp; Maine RR. Bridge.</td>
<td>73</td>
</tr>
<tr>
<td>Chicopee River.......</td>
<td>Confluence with Connecticut River.</td>
<td>64</td>
</tr>
<tr>
<td>Chicopee River.......</td>
<td>856 ft upstream of Route 116 Bridge.</td>
<td>65</td>
</tr>
<tr>
<td>Chicopee River.......</td>
<td>2,000 ft upstream of Route 116 Bridge, just downstream of dam.</td>
<td>72</td>
</tr>
<tr>
<td>Chicopee River.......</td>
<td>2,100 ft upstream of Route 116 Bridge, just downstream of dam.</td>
<td>86</td>
</tr>
<tr>
<td>Chicopee River.......</td>
<td>106 ft upstream of Deady Memorial Bridge (Montgomery St.).</td>
<td>101</td>
</tr>
<tr>
<td>Chicopee River.......</td>
<td>Just upstream of dam.</td>
<td>115</td>
</tr>
<tr>
<td>Chicopee River.......</td>
<td>200 ft upstream of Montgomery St.</td>
<td>124</td>
</tr>
<tr>
<td>Chicopee River.......</td>
<td>Just downstream of Robinson Bridge (Route 391).</td>
<td>124</td>
</tr>
<tr>
<td>Chicopee River.......</td>
<td>Eastern corporate limits</td>
<td>141</td>
</tr>
</tbody>
</table>


EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Hemet, Riverside County, Calif.
**RULES AND REGULATIONS**

[Docket No. FI-3968]

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

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas for selected locations are available for review at City Hall, 1200 O Street, Newman, Calif.

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Newman, Calif.

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 floodplain management in flood-prone areas in accordance with 24 CFR Part 1910. The final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Depth, in feet, above ground level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shallow overland</td>
<td>Intersection State Rte 33 and Inyo St.</td>
<td>3</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Route 33 and Inyo St.</td>
<td>3</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>West of Fig Lane at Creekside Creek Ave.</td>
<td>3</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Ruth and Lucille Ave.</td>
<td>3</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Stanislaus St. and State Rte 33</td>
<td>2</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Yosemite St. and State Rte 33</td>
<td>2</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Merced St. and O St.</td>
<td>1</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Mariposa St. and State Rte 33</td>
<td>1</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Tuilere St. and State Rte 33</td>
<td>1</td>
</tr>
</tbody>
</table>


**GLORIA M. JIMENEZ,**

Federal Insurance Administrator.

[FR Doc. 78-13815 Filed 5-23-78; 8:45 am]

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

Final Flood Elevation Determinations for the City of Vallejo, Solano County, Calif.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas in accordance with 24 CFR Part 1910.


**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Newman, Calif.


An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Depth, in feet, above ground level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shallow overland</td>
<td>Intersection State Rte 33 and Inyo St.</td>
<td>3</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Route 33 and Inyo St.</td>
<td>3</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>West of Fig Lane at Creekside Creek Ave.</td>
<td>3</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Ruth and Lucille Ave.</td>
<td>3</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Stanislaus St. and State Rte 33</td>
<td>2</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Yosemite St. and State Rte 33</td>
<td>2</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Merced St. and O St.</td>
<td>1</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Mariposa St. and State Rte 33</td>
<td>1</td>
</tr>
<tr>
<td>Shallow overland</td>
<td>Tuilere St. and State Rte 33</td>
<td>1</td>
</tr>
</tbody>
</table>


**GLORIA M. JIMENEZ,**

Federal Insurance Administrator.

[FR Doc. 78-13815 Filed 5-23-78; 8:45 am]
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 Georgetown, Colo.

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

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hollywood Ave.</td>
<td>93</td>
<td></td>
</tr>
<tr>
<td>Fulton Ave.</td>
<td>124</td>
<td></td>
</tr>
<tr>
<td>Sheldon Ave.</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Maple Ave.</td>
<td>37</td>
<td></td>
</tr>
<tr>
<td>Oakwood Ave.</td>
<td>44</td>
<td></td>
</tr>
<tr>
<td>Castlewood Dr.</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>Heartwood Ave.</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>Rollingwood Dr.</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>Upstream corporate limits</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-13816 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3822]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Georgetown, Clear Creek County, Colo.

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 Georgetown, Clear Creek County, Colo. 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 Georgetown, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Georgetown, Clear Creek County, Colo., are available for review at Town Hall, Georgetown, Colo.


Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-13817 Filed 5-23-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Unincorporated Areas of San Miguel County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of San Miguel County, Colo. 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 unincorporated areas of San Miguel County, Colo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of San Miguel County are available for review at the County Planning Office, County Court House, 305 West Colorado Avenue, Telluride, Colo.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations to or through the community for participation in the National Flood Insurance Program (NFIP).

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910. The final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Miguel River</td>
<td>near Placerville</td>
<td>3,200 ft downstream of confluence of Slaughterhouse Gulch. 7,205</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,500 ft downstream of confluence of Slaughterhouse Gulch. 7,230</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At confluence of Slaughterhouse Gulch. 7,244</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,800 ft upstream of confluence of Slaughterhouse Gulch. 7,262</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At confluence of Leopard Creek. 7,272</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At Bridge No. 1 at Placerville. 7,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>800 ft upstream of bridge at Placerville. 7,304</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,500 ft upstream of Bridge No. 1 at Placerville. 7,324</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4,900 ft upstream of Bridge No. 1 at Placerville. 7,352</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6,100 ft downstream of Bridge No. 1 at Placerville. 7,380</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3,300 ft downstream of confluence of Fall Creek. 7,409</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,400 ft downstream of confluence of Fall Creek. 7,428</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At confluence of Fall Creek. 7,444</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At bridge No. 2, 440 ft upstream of confluence of Fall Creek. 7,452</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3,070 ft upstream of confluence of Fall Creek. 7,483</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At downstream corporate limits of Saw Pit. 7,528</td>
</tr>
<tr>
<td></td>
<td></td>
<td>100 ft downstream of Bridge No. 3 at Saw Pit. 7,542</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bridge No. 3 at Saw Pit. 7,550</td>
</tr>
<tr>
<td></td>
<td></td>
<td>910 ft upstream of Bridge No. 3 at Saw Pit. 7,557</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At confluence with the San Miguel River. 7,577</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,960 ft upstream of Highway 145 Bridge No. 5. 7,301</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,180 ft upstream of Highway 145 Bridge No. 5. 7,322</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4,900 ft upstream of Highway 145 Bridge No. 5. 7,357</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6,600 ft upstream of Highway 145 Bridge No. 5. 7,386</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8,600 ft upstream of Highway 145 Bridge No. 5. 7,419</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At confluence with the San Miguel River. 7,444</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,980 ft upstream of confluence with San Miguel River. 7,458</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At Bridge No. 4, 1,130 ft upstream of confluence with San Miguel River. 7,485</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At downstream of Bridge No. 4. 7,487</td>
</tr>
<tr>
<td></td>
<td></td>
<td>888 ft upstream of Bridge No. 4. 7,510</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,380 ft upstream of Bridge No. 4. 7,558</td>
</tr>
<tr>
<td></td>
<td></td>
<td>125 ft upstream of Highway 145 Bridge No. 6. 8,445</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,865 ft upstream of Highway 145 Bridge No. 6. 8,545</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,600 ft upstream of Highway 145 Bridge No. 6. 8,548</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6,200 ft upstream of Highway 145 Bridge No. 6. 8,640</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5,000 ft downstream of Bridge No. 7. 8,570</td>
</tr>
<tr>
<td></td>
<td></td>
<td>100 ft downstream of Bridge No. 7. 8,700</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At Bridge No. 7. 8,706</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At downstream corporate limits of Telluride. 8,722</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At upstream corporate limits of Telluride. 8,774</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,450 ft downstream of Bridge No. 8. 8,793</td>
</tr>
<tr>
<td></td>
<td></td>
<td>100 ft downstream of Bridge No. 8. 8,818</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At Bridge No. 9. 8,927</td>
</tr>
<tr>
<td></td>
<td></td>
<td>550 ft upstream of Bridge No. 8. 8,928</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,500 ft upstream of Bridge No. 8. 8,947</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At downstream of Bridge No. 8. 8,948</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At downstream corporate limits of Telluride. 8,964</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At downstream of Bridge No. 8. 8,970</td>
</tr>
</tbody>
</table>
|                    |           | Depth in feet above ground level. 2
|                    |           | From northern corporate limits to 80 ft above corporate limits of Telluride. 2
|                    |           | Between 80 ft and 100 ft above corporate limits of Telluride. 3


GLORIA M. JIMENEZ, Federal Insurance Administrator.

[F.R. Doc. 78-13818 Filed 5-23-78; 8:45 a.m.]
RULING AND REGULATIONS

flood-prone areas in accordance with 24 CFR Part 1910.
The final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housatonic River...</td>
<td>Confluence of Far Mill River</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Confluence of Ivy Brook</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>6,000 ft upstream of confluence of Ivy Brook</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Route 8</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Bridge St</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Upstream of Shelton Dam</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>Confluence of Indian Hole Brook</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>Confluence of Upper White Hills Brook</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>Confluence of White Hills Community Brook</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>Far Mill River</td>
<td>200 ft upstream of Route 110</td>
</tr>
<tr>
<td></td>
<td>1,300 ft upstream of Route 110</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>3,350 ft upstream of Route 110</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>2,500 ft downstream of Beard Saw Mill Rd</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>125 ft downstream of Beard Saw Mill Rd</td>
<td>92</td>
</tr>
<tr>
<td></td>
<td>Upstream of Millpond Dam</td>
<td>109</td>
</tr>
<tr>
<td></td>
<td>Confluence of Black Brook</td>
<td>114</td>
</tr>
<tr>
<td></td>
<td>Bridgeport Ave</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>600 ft upstream of Bridgeport Ave</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>500 ft downstream of Mill St. Dam No. 1</td>
<td>180</td>
</tr>
<tr>
<td></td>
<td>Mill St. Dam No. 2</td>
<td>198</td>
</tr>
<tr>
<td></td>
<td>Mill St. Dam No. 3</td>
<td>207</td>
</tr>
<tr>
<td></td>
<td>Mill St. Dam No. 4</td>
<td>217</td>
</tr>
<tr>
<td></td>
<td>Mill St. Dam No. 5</td>
<td>227</td>
</tr>
<tr>
<td></td>
<td>Buddington Rd</td>
<td>234</td>
</tr>
<tr>
<td></td>
<td>Huntington St. Dam</td>
<td>240</td>
</tr>
<tr>
<td></td>
<td>2,600 ft downstream of Nichols Ave</td>
<td>280</td>
</tr>
<tr>
<td></td>
<td>Nichols Ave</td>
<td>283</td>
</tr>
<tr>
<td></td>
<td>Waverly Rd</td>
<td>288</td>
</tr>
<tr>
<td></td>
<td>Walnut Tree Hill Rd</td>
<td>297</td>
</tr>
<tr>
<td></td>
<td>Confluence of Walnut Brook</td>
<td>303</td>
</tr>
<tr>
<td></td>
<td>Confluence of Hazelton Brook</td>
<td>321</td>
</tr>
<tr>
<td></td>
<td>Confluence of Bohem Brook</td>
<td>333</td>
</tr>
<tr>
<td></td>
<td>Far Mill Rd</td>
<td>355</td>
</tr>
<tr>
<td></td>
<td>Far Mill Reservoir Dam</td>
<td>364</td>
</tr>
<tr>
<td></td>
<td>Confluence of Harvey Pete Brook</td>
<td>372</td>
</tr>
<tr>
<td></td>
<td>Pete Brook</td>
<td>382</td>
</tr>
<tr>
<td></td>
<td>200 ft upstream of Mohagan Rd</td>
<td>385</td>
</tr>
<tr>
<td></td>
<td>Mohagan Rd</td>
<td>392</td>
</tr>
<tr>
<td></td>
<td>Northwestern corporate limit</td>
<td>394</td>
</tr>
<tr>
<td></td>
<td>Mohagen Rd</td>
<td>395</td>
</tr>
<tr>
<td></td>
<td>Harvey Pete Brook</td>
<td>375</td>
</tr>
<tr>
<td></td>
<td>Confluence of Sharps Brook</td>
<td>379</td>
</tr>
<tr>
<td></td>
<td>Thompson St.</td>
<td>391</td>
</tr>
<tr>
<td></td>
<td>Northwestern corporate limit</td>
<td>413</td>
</tr>
<tr>
<td></td>
<td>Means Brook</td>
<td>236</td>
</tr>
<tr>
<td></td>
<td>Confluence with Far Mill River</td>
<td>238</td>
</tr>
<tr>
<td></td>
<td>Levee St</td>
<td>239</td>
</tr>
<tr>
<td></td>
<td>Shelton Ave</td>
<td>252</td>
</tr>
<tr>
<td></td>
<td>2,000 ft upstream of Shelton Ave</td>
<td>287</td>
</tr>
<tr>
<td></td>
<td>3,300 ft upstream of Shelton Ave</td>
<td>281</td>
</tr>
<tr>
<td></td>
<td>4,500 ft upstream of Shelton Ave</td>
<td>282</td>
</tr>
<tr>
<td></td>
<td>150 ft downstream of Chamberlain Dr</td>
<td>287</td>
</tr>
<tr>
<td></td>
<td>Burying Ground Brook</td>
<td>64</td>
</tr>
<tr>
<td></td>
<td>Center St. and Long Hill Ave</td>
<td>71</td>
</tr>
<tr>
<td></td>
<td>Crossing 300 ft upstream of Center St. and Long Hill Ave</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>800 ft upstream of Center St. and Long Hill Ave</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>Center St. and Long Hill Ave</td>
<td>76</td>
</tr>
<tr>
<td></td>
<td>Culvert 500 ft downstream of Sullivan Ave</td>
<td>104</td>
</tr>
<tr>
<td></td>
<td>Driveaway 500 ft downstream of Sullivan Ave</td>
<td>104</td>
</tr>
<tr>
<td></td>
<td>Nursery driveway 350 ft downstream of Sullivan Ave</td>
<td>113</td>
</tr>
<tr>
<td></td>
<td>Private drive 450 ft upstream of Sullivan Ave</td>
<td>124</td>
</tr>
<tr>
<td></td>
<td>Private drive 500 ft upstream of Sullivan Ave</td>
<td>128</td>
</tr>
<tr>
<td></td>
<td>Private drive 725 ft upstream of Sullivan Ave</td>
<td>132</td>
</tr>
<tr>
<td></td>
<td>Depth in feet above ground level</td>
<td>3</td>
</tr>
</tbody>
</table>


GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-13819 Filed 5-23-78; 8:45 am]
WESTON, Fairfield County, Conn. 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 Weston, Conn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Weston, Fairfield County, Conn., are available for review at Town Hall, Weston, Conn.

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 St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Windsor, Hartford County, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1383 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-128, and 24 CFR Part 1917.4(a)). An opportunity for community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saugatuck River...</td>
<td>River Rd.</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>Carriage Rd.*</td>
<td>96</td>
</tr>
<tr>
<td></td>
<td>...**</td>
<td>101</td>
</tr>
<tr>
<td></td>
<td>Davis Hill Rd.</td>
<td>101</td>
</tr>
<tr>
<td></td>
<td>Valley Forge Rd.</td>
<td>101</td>
</tr>
<tr>
<td></td>
<td>Jenning’s Brook...</td>
<td>101</td>
</tr>
<tr>
<td></td>
<td>Davis Hill Rd.*</td>
<td>101</td>
</tr>
<tr>
<td></td>
<td>Deep Wood Rd</td>
<td>147</td>
</tr>
<tr>
<td></td>
<td>Beaver Brook...</td>
<td>147</td>
</tr>
<tr>
<td></td>
<td>River Rd.</td>
<td>147</td>
</tr>
<tr>
<td></td>
<td>Goodhill Rd</td>
<td>147</td>
</tr>
<tr>
<td></td>
<td>Steep Hill Rd</td>
<td>147</td>
</tr>
<tr>
<td></td>
<td>...**</td>
<td>188</td>
</tr>
<tr>
<td></td>
<td>West Branch</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>Saugatuck River...</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>Goodale Bridge</td>
<td>253</td>
</tr>
<tr>
<td></td>
<td>Tributary A...</td>
<td>220</td>
</tr>
<tr>
<td></td>
<td>Newton Turnpike*</td>
<td>220</td>
</tr>
<tr>
<td></td>
<td>...**</td>
<td>222</td>
</tr>
<tr>
<td></td>
<td>Lord’s Highway**</td>
<td>247</td>
</tr>
<tr>
<td></td>
<td>Tobacco Rd.*</td>
<td>257</td>
</tr>
</tbody>
</table>

*Downstream side. **Upstream side.


GLORIA M. JIMENEZ, Federal Insurance Administrator.

[For Doc. 78-13832 Filed 5-23-78; 3:45 am]

[4210-01] [Docket No. FI-3725]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Windsor, Hartford County, Conn.

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 Windsor, Hartford County, Conn.

These base (100-year) flood elevations are the basis for the flood plain management measures for the community 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 Windsor, Hartford County, Conn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Windsor, Hartford County, Conn., are available for review at the Planning Department, Town Hall, Windsor, Conn.

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 7th St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Windsor, Hartford County, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1383 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-128, and 24 CFR Part 1917.4(a)). An opportunity for community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, metropolitan district datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut River...</td>
<td>Approximately 100 ft upstream of John Bissell Memorial Bridge</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>Approximately 100 ft upstream of confluence of Hayden Station Bridge</td>
<td>35</td>
</tr>
<tr>
<td>Farmington River...</td>
<td>Just downstream of Plassado Ave.</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>Just upstream of confluence of Phelps Bridge</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Approximate 200 ft upstream of Pocock Avenue Bridge</td>
<td>43</td>
</tr>
<tr>
<td>Phelps Brook...</td>
<td>Approximately 100 ft downstream of confluence of tributary A</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Approximately 100 ft upstream of Pocock Ave.</td>
<td>71</td>
</tr>
<tr>
<td>Hayden Station...</td>
<td>Just upstream of Plassado Ave.</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Approximately 100 ft upstream of Hayden Station Rd.</td>
<td>65</td>
</tr>
<tr>
<td>Creamery Brook...</td>
<td>Approximately 100 ft upstream of Preston Rd.</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>Approximately 100 ft upstream of Preston Rd.</td>
<td>56</td>
</tr>
<tr>
<td>Tributary C...</td>
<td>Approximately 100 ft upstream of Plymouth St.</td>
<td>67</td>
</tr>
</tbody>
</table>
ACTION: Final rule.

AGENCY: Federal Insurance Administration.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Apopka, Orange County, Fla., are available for review at City Hall, Apopka, Fla.

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

SUPPLEMENTARY INFORMATION:
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 Leipsic, Del.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Leipsic, Del., are available for review at Leipsic Volunteer Fire Company, Radio Room, Main Street, Leipsic, Del.

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

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Francis</td>
<td>Dr. which is 970 ft west along the road from the intersection with Rilee Dr., flooding exists from 120 ft south of this point to the shoreline.</td>
<td>68</td>
</tr>
<tr>
<td>Lake Alden</td>
<td>Parkway which is 3,900 ft south along the road from the intersection with Francis Dr., flooding exists from 150 ft east of this point to the shoreline.</td>
<td>70</td>
</tr>
<tr>
<td>Lake Marion</td>
<td>East of Schopke Lester Rd.</td>
<td>96</td>
</tr>
<tr>
<td>Dream Lake</td>
<td>The intersection of Laurel St. and Central Ave.</td>
<td>117</td>
</tr>
<tr>
<td>Lake McCoy</td>
<td>Vetaw Rd. Bridge</td>
<td>65</td>
</tr>
<tr>
<td>Buchanan Pond</td>
<td>West side of Lake Ave. from Nightingale St. to Grossenbacher Dr.</td>
<td>140</td>
</tr>
<tr>
<td>Upper Doe Lake</td>
<td>At north, south, and west corporate limits.</td>
<td>70</td>
</tr>
<tr>
<td>Marshall Lake</td>
<td>Along the corporate limits along the south side of the lake.</td>
<td>70</td>
</tr>
<tr>
<td>Pike Lake</td>
<td>Along the corporate limits which extend east through the lake.</td>
<td>87</td>
</tr>
<tr>
<td>Unnamed lake I</td>
<td>From the southern point on the shoreline and extending south.</td>
<td>87</td>
</tr>
<tr>
<td>Unnamed lake II</td>
<td>The northern edge of 8th St. 230 ft east from the intersection with Washington Ave.</td>
<td>150</td>
</tr>
<tr>
<td>Unnamed lake III</td>
<td>North of 6th St.</td>
<td>81</td>
</tr>
<tr>
<td>Unnamed lake IV</td>
<td>From the eastern edge of the lake extending east to the corporate limits.</td>
<td>75</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Lake</td>
<td>Mandalaay Rd. extended from corporate limits to a point 80 ft southwest</td>
<td>89</td>
</tr>
<tr>
<td>Lake Gatlin</td>
<td>On Precision Dr. from corporate limits to a point 40 ft west.</td>
<td>92</td>
</tr>
<tr>
<td>Lake Jennie</td>
<td>At a point 1,600 ft east along Gaatin Ave, from the center of the intersection of Gatlin and Orange Aves., the flooding exists 170 ft north of this point, north to the corporate limits.</td>
<td>94</td>
</tr>
<tr>
<td>Lake Jessamine</td>
<td>Jamaica Ln. extended to corporate limit, 600 ft north to 400 ft south from this point.</td>
<td>70</td>
</tr>
</tbody>
</table>

RULES AND REGULATIONS

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood ElevationDeterminations for the City of Edgewood, Orange County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the cities of Edgewood, are available for review at City Hall, Edgewood, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-785-5581 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 Edgewood, Fla.

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

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

The Federal Insurance Administrator.


GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13824 Filed 5-23-78; 8:45 am]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Winter Garden, Orange County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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


GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13824 Filed 5-23-78; 8:45 am]
ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Winter Garden, are available for review at City Hall, Winter Garden, Fla.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th 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 Winter Garden, Fla.

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

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

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

Source of flooding | Location | Elevation in feet, national geodetic datum
--- | --- | ---
Winter Garden | Fuller's Crossing | 78
Co-op ditch | Highway 72 in culvert (upstream side), Seaboard Coast Line RR. (downstream side). | 91
Lake Apopka | From a point 530 ft west along Division St. from the center of the intersection of Division St. and Lakeview Ave. west to the shoreline. | 69

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Newnan, Coweta County, Ga.

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 datum
--- | --- | ---
Wahoo Creek | Just downstream of Atlanta and West Point RR. | 871
Approximately 150 ft upstream of Bullsboro Dr. (State Highway 34). | 874
Approximately 75 ft upstream of East Broad St. | 870
Tributary 1 | Phillips St. (extended). | 900
Approximately 100 ft upstream of lower crossing of Bullsboro Dr. (State Highway 34). | 909
Just upstream of Jett Street | 871
Tributary 3 | Just upstream of Bullsboro Dr. | 871
Approximately 630 ft upstream of confluence with tributary 2. | 872
Tributary 4 | Just upstream of American Ave. | 890
Approximately 109 ft downstream of Church St. | 896
Tributary 5 | Just upstream of Cherokee Trail. | 896
Tributary 6 | Just upstream of Walmart Dr. | 881
Tributary 7 | Just upstream of Pinson St. | 915
Just upstream of Calhoun St. | 930
Tributary 8 | Just upstream of Christian Dr. | 859
Just upstream of Willow Dr. | 890
Just downstream of Atkinson St. | 925
Tributary 9 | Approximately 160 ft downstream of Greison Trail. | 930
Approximately 180 feet downstream of Willow Dr. | 875
Just upstream of Snake Creek. | 890
Tributary 10 | Just downstream of Willow Dr. | 875
Mineral Springs | Just upstream of Boone Branch. | 885
Approximately 75 ft downstream of 4th St. | 890
Tributary 11 | Just downstream of Willow Dr. | 890
Tributary 12 | Just downstream of Snake Creek. | 890
Tributary 13 | Just upstream of Willow Dr. | 875
Approximately 180 feet downstream of Snake Creek. | 890
Tributary 14 | Just downstream of Willow Dr. | 875
Tributary 15 | Just upstream of Water Works Rd. | 835
Tributary 16 | Just upstream of Water Works Rd. | 870
Sandy Creek | Just upstream of Water Works Rd. | 860

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
The final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bourbonnais Dr.</td>
<td>901</td>
<td></td>
</tr>
<tr>
<td>Creek.</td>
<td>664</td>
<td></td>
</tr>
<tr>
<td>Matzell. ex.</td>
<td>861</td>
<td></td>
</tr>
<tr>
<td>Spencer Ct.</td>
<td>663</td>
<td></td>
</tr>
<tr>
<td>Greenwood Ave.</td>
<td>673</td>
<td></td>
</tr>
<tr>
<td>Tompfgon Rd.</td>
<td>654</td>
<td></td>
</tr>
<tr>
<td>Armour Rd.</td>
<td>668</td>
<td></td>
</tr>
<tr>
<td>Kankakee River</td>
<td>685</td>
<td></td>
</tr>
</tbody>
</table>

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

For further information contact:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Kankakee County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Buffalo Grove, Cook and Lake Counties, Ill., are available for review at the Village Office, 50 Raupp Boulevard, Buffalo Grove, Ill.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910. The final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffalo Creek</td>
<td>669</td>
<td></td>
</tr>
<tr>
<td>Raupp Blvd.</td>
<td>673</td>
<td></td>
</tr>
<tr>
<td>Lake-Cook Rd.</td>
<td>678</td>
<td></td>
</tr>
<tr>
<td>Farrington ditch.</td>
<td>678</td>
<td></td>
</tr>
<tr>
<td>Confluence of Aspen</td>
<td>689</td>
<td></td>
</tr>
</tbody>
</table>

The Administrator has resolved the appeals presented by the community.

For further information contact:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW, Washington, D.C. 20410.
SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Murphysboro, Jackson County, Ill.

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 Murphysboro, Jackson County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Murphysboro, Jackson County, Ill., are available for review at the Murphysboro City Hall, 200 North 11th Street, Murphysboro, Ill.

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 has notice of his final determinations of flood elevations for the village of Fox Lake, Lake County, Ill.


An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fox River Chain</td>
<td>Pistakee Lake</td>
<td>742</td>
</tr>
<tr>
<td>O'Lakes</td>
<td>Nipperdrink Lake</td>
<td>742</td>
</tr>
<tr>
<td></td>
<td>Fox Lake</td>
<td>745</td>
</tr>
<tr>
<td></td>
<td>Grass Lake</td>
<td>745</td>
</tr>
<tr>
<td></td>
<td>Grand Ave</td>
<td>742</td>
</tr>
<tr>
<td>Squaw Creek</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Murphysboro, Jackson County, Ill.
PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Washington, Mercer County, N.J.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Washington, are available for review at Washington Township Municipal Building, Robbinsville, N.J.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Washington, N.J.


An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tributary A</td>
<td>U.S. Route 530*</td>
<td>81</td>
</tr>
<tr>
<td>Big Bear Brook</td>
<td>U.S. Route 530*</td>
<td>71</td>
</tr>
<tr>
<td>Mist Run</td>
<td>Corralsville Rd</td>
<td>92</td>
</tr>
<tr>
<td>New Sharon Branch</td>
<td>Sharon Rd</td>
<td>90</td>
</tr>
<tr>
<td>Assumption Creek</td>
<td>Old York Rd</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>Line Rd 1</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>Line Rd 2</td>
<td>97</td>
</tr>
<tr>
<td></td>
<td>Main St</td>
<td>77</td>
</tr>
<tr>
<td></td>
<td>Corralsville Rd</td>
<td>76</td>
</tr>
</tbody>
</table>

*Upstream. |

Downstream. |


Gloria M. Jimenez, Federal Insurance Administrator, [FR Doc. 78-13831 Filed 5-23-78; 8:45 am]
a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Juan River</td>
<td>Approximately 500 ft downstream of State Hwy 371</td>
<td>5,342</td>
<td>vertical datum</td>
</tr>
<tr>
<td>LaPlata River</td>
<td>Just upstream of U.S. Hwy 250</td>
<td>5,320</td>
<td>vertical datum</td>
</tr>
<tr>
<td>Animas River</td>
<td>Just downstream of South Miller Ave, approximately 190 ft downstream of State Hwy 17</td>
<td>5,301</td>
<td>vertical datum</td>
</tr>
<tr>
<td>Farmington</td>
<td>Just downstream of U.S. Hwy 550</td>
<td>5,290</td>
<td>vertical datum</td>
</tr>
<tr>
<td>Glade</td>
<td>Just upstream of West Hwy 550</td>
<td>5,294</td>
<td>vertical datum</td>
</tr>
</tbody>
</table>


Gloria M. Jimenez,
Federal Insurance Administrator.

[4210-01]

Docket No. FI-3916

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Marilla, Erie County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations for selected locations in the Town of Marilla, Erie 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).

ISSUANCE: The issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Marilla, Erie 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 Marilla, Erie County, N.Y., are available for review at the Marilla Town Office, South 1740 Two Road, Marilla, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5881 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 Marilla, Erie 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 110 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968) and 24 CFR Part 1917 (a). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cayuga Creek</td>
<td>Corporate limit</td>
<td>839</td>
<td>vertical ground datum</td>
</tr>
<tr>
<td></td>
<td>(downstream).</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clinton St. (Route 354 Bridge).</td>
<td>836</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clinton St. Dam (upstream).</td>
<td>875</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Corporate limit (upstream).</td>
<td>899</td>
<td></td>
</tr>
<tr>
<td>Buffalo Creek</td>
<td>Porterville Rd.</td>
<td>833</td>
<td></td>
</tr>
<tr>
<td>Little Buffalo</td>
<td>Confluence with two tributaries.</td>
<td>819</td>
<td></td>
</tr>
<tr>
<td>Creek</td>
<td>Two Rod Rd. Bridge.</td>
<td>832</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bulls Rd.</td>
<td>845</td>
<td></td>
</tr>
</tbody>
</table>


Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-13383 Filed 5-23-78; 8:45 am]

[4210-01] Docket No. FI-3916

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Pittsford, Monroe 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 Pittsford, Monroe 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).

ISSUANCE: The issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Pittsford, Monroe County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Pittsford, Monroe County, N.Y., are available for review at the Pittsford Town Hall, 11 South Main Street, Pittsford, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5881 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 Pittsford, Monroe 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 110 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968) and 24 CFR Part 1917 (a). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cayuga Creek</td>
<td>Corporate limit</td>
<td>839</td>
<td>vertical ground datum</td>
</tr>
<tr>
<td></td>
<td>(downstream).</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Clinton St. (Route 354 Bridge).</td>
<td>836</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clinton St. Dam (upstream).</td>
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<td>899</td>
<td></td>
</tr>
<tr>
<td>Buffalo Creek</td>
<td>Porterville Rd.</td>
<td>833</td>
<td></td>
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<tr>
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<td>819</td>
<td></td>
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<td>Two Rod Rd. Bridge.</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Bulls Rd.</td>
<td>845</td>
<td></td>
</tr>
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</table>

An opportunity for the community or from 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 the National Flood Insurance Program (NFIP).

**RULES AND REGULATIONS**

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irondequid Creek..</td>
<td>Downstream side of New York State barge canal</td>
<td>338</td>
</tr>
<tr>
<td></td>
<td>Upstream side of New York State barge canal</td>
<td>410</td>
</tr>
<tr>
<td>Allen Creek..........</td>
<td>Confluence of Buckland Creek</td>
<td>325</td>
</tr>
<tr>
<td></td>
<td>Footbridge, 1,160 ft downstream from Allen Creek Rd.</td>
<td>427</td>
</tr>
<tr>
<td>East Branch Allen Creek</td>
<td>Oak Hill Country Club Rd.</td>
<td>398</td>
</tr>
<tr>
<td></td>
<td>Downstream side of ConRail bridge</td>
<td>410</td>
</tr>
<tr>
<td></td>
<td>Upstream side of East Brook Rd.</td>
<td>424</td>
</tr>
<tr>
<td></td>
<td>Woodland Dr.</td>
<td>436</td>
</tr>
<tr>
<td></td>
<td>Upstream side of New York State Barge Canal</td>
<td>450</td>
</tr>
<tr>
<td></td>
<td>West Jefferson St.</td>
<td>404</td>
</tr>
<tr>
<td></td>
<td>Tobey Rd.</td>
<td>402</td>
</tr>
<tr>
<td></td>
<td>Stone Rd.</td>
<td>415</td>
</tr>
<tr>
<td></td>
<td>Confluence with tributary (1,800 ft upstream from Stone Rd.)</td>
<td>532</td>
</tr>
<tr>
<td></td>
<td>Confluence with a tributary (740 ft downstream from Calkins Rd.)</td>
<td>506</td>
</tr>
<tr>
<td></td>
<td>Calkins Rd.</td>
<td>577</td>
</tr>
<tr>
<td>Mill Creek...........</td>
<td>Downstream side of East St.</td>
<td>412</td>
</tr>
<tr>
<td></td>
<td>Upstream side of East St.</td>
<td>415</td>
</tr>
<tr>
<td></td>
<td>Downstream side of Thornew Rd.</td>
<td>423</td>
</tr>
<tr>
<td></td>
<td>ConRail</td>
<td>431</td>
</tr>
<tr>
<td></td>
<td>Van Voorhis Rd.</td>
<td>462</td>
</tr>
</tbody>
</table>

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

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

**Final Flood Elevation Determination for the Town of Yates, Orleans 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 Yates, Orleans 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 Yates, Orleans County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Yates, Orleans County, N.Y., are available for review at the Yates Town Hall, Main Street, Lyndonville, 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 Yates, Orleans 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 1304 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:

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

**Final Flood Elevation Determination for the City of Brevard, Transylvania 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 Brevard, Transylvania 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 Brevard, Transylvania County, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Brevard, Transylvania County, N.C., are available for review at the Brevard Town Hall, Main St., Brevard, 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 Brevard, Transylvania County, 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 1304 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:
### RULES AND REGULATIONS

(FIRM), showing base (100-year) flood elevations, for the city of Brevard, N.C.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Brevard, Transylvania County, N.C., are available for review at City Hall, 15 West Main, Brevard, N.C.

**FOR FURTHER INFORMATION CONTACT:**
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-775-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

### SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Brevard, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 92-234), 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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>French Broad</td>
<td>Lambo Creek</td>
<td>2.106</td>
</tr>
<tr>
<td>River.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Davidson River</td>
<td>Upstream of Southern Ry.</td>
<td>2.107</td>
</tr>
<tr>
<td></td>
<td>Upstream of U.S. Highway 64 and 278.</td>
<td>2.128</td>
</tr>
<tr>
<td></td>
<td>Unnamed tributary to Davidson River.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Upstream of Southern Ry.</td>
<td>2.113</td>
</tr>
<tr>
<td></td>
<td>Upstream of U.S. Highway 64 and 276.</td>
<td>2.140</td>
</tr>
<tr>
<td></td>
<td>Extraterritorial limit</td>
<td>2.254</td>
</tr>
<tr>
<td></td>
<td>(upstream limit)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Allison Creek</td>
<td>2.132</td>
</tr>
<tr>
<td></td>
<td>Highway 64 and 276.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gilmire Branch</td>
<td>2.106</td>
</tr>
<tr>
<td></td>
<td>Highway</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.115</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Upstream of Old Hendersonville Highway.</td>
<td></td>
</tr>
</tbody>
</table>

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**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 China Grove, 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 China Grove, N.C.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of China Grove, Rowan County, N.C., are available for review at town hall, China Grove, N.C.

**FOR FURTHER INFORMATION CONTACT:**
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-775-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

### SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of China Grove, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 92-234), 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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Centerview</td>
<td>U.S. Highway 29</td>
<td>744</td>
</tr>
<tr>
<td>Branch.</td>
<td>Alternate Center Dr.*</td>
<td>759</td>
</tr>
<tr>
<td>Petrees Branch.</td>
<td>Spring Branch Lane**</td>
<td>767</td>
</tr>
<tr>
<td>Swearington</td>
<td>Clinton St.*</td>
<td>754</td>
</tr>
<tr>
<td>Branch.</td>
<td></td>
<td>750</td>
</tr>
</tbody>
</table>

*Upstream side.
**Downstream side.

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administrator, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of 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 village of Middleport, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Middleport, Meigs County, Ohio, are available for review at Village Hall, Middleport, Ohio.

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 Middleport, Ohio.


Gloria M. Jimenez, Federal Insurance Administrator.

[Federal Register, Vol. 43, No. 101—Wednesday, May 24, 1978]
RULES AND REGULATIONS

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio River</td>
<td>Between upstream and downstream corporate limits.</td>
<td></td>
</tr>
</tbody>
</table>

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the unincorporated areas of Trumbull County, Ohio.


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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mahoning River</td>
<td>Downstream of McDonald Highway</td>
<td>859</td>
</tr>
<tr>
<td></td>
<td>Downstream of West Park Ave.</td>
<td>865</td>
</tr>
<tr>
<td></td>
<td>Downstream of State Route 422</td>
<td>888</td>
</tr>
<tr>
<td></td>
<td>Downstream of the Ohio Turnpike</td>
<td>891</td>
</tr>
<tr>
<td>West branch of</td>
<td>Approximately 500 ft downstream of the Mahoning River</td>
<td>901</td>
</tr>
<tr>
<td>Newton Falls</td>
<td>Corporate limits.</td>
<td></td>
</tr>
<tr>
<td>Mosquito Creek</td>
<td>Downstream of State Route 62</td>
<td>869</td>
</tr>
<tr>
<td></td>
<td>Downstream of North River Rd.</td>
<td>872</td>
</tr>
<tr>
<td></td>
<td>Downstream of State Route 5</td>
<td>877</td>
</tr>
<tr>
<td>Meander Creek</td>
<td>Downstream of Salt Spring Rd.</td>
<td>861</td>
</tr>
<tr>
<td>Chocolate Run</td>
<td>Downstream of State Route 422</td>
<td>899</td>
</tr>
<tr>
<td></td>
<td>Downstream of Kincaid Rd.</td>
<td>903</td>
</tr>
<tr>
<td>Youngs Run</td>
<td>Upstream of State Route 8</td>
<td>897</td>
</tr>
<tr>
<td></td>
<td>Upstream of Johnson Piank Rd.</td>
<td>913</td>
</tr>
<tr>
<td>Dock Creek</td>
<td>Downstream of Hewitt Cliff Rd.</td>
<td>896</td>
</tr>
<tr>
<td></td>
<td>Downstream of Selkirk Bush Rd.</td>
<td>908</td>
</tr>
</tbody>
</table>

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 Neville, Clermont County, Ohio.


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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio River</td>
<td>Between upstream and downstream corporate limits.</td>
<td></td>
</tr>
</tbody>
</table>

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the unincorporated areas of Trumbull County, Ohio.


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:

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<th>Location</th>
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<td>Downstream of McDonald Highway</td>
<td>859</td>
</tr>
<tr>
<td></td>
<td>Downstream of West Park Ave.</td>
<td>865</td>
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<tr>
<td></td>
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<tr>
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<tr>
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</tr>
<tr>
<td>Newton Falls</td>
<td>Corporate limits.</td>
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</tr>
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<td>Mosquito Creek</td>
<td>Downstream of State Route 62</td>
<td>869</td>
</tr>
<tr>
<td></td>
<td>Downstream of North River Rd.</td>
<td>872</td>
</tr>
<tr>
<td></td>
<td>Downstream of State Route 5</td>
<td>877</td>
</tr>
<tr>
<td>Meander Creek</td>
<td>Downstream of Salt Spring Rd.</td>
<td>861</td>
</tr>
<tr>
<td>Chocolate Run</td>
<td>Downstream of State Route 422</td>
<td>899</td>
</tr>
<tr>
<td></td>
<td>Downstream of Kincaid Rd.</td>
<td>903</td>
</tr>
<tr>
<td>Youngs Run</td>
<td>Upstream of State Route 8</td>
<td>897</td>
</tr>
<tr>
<td></td>
<td>Upstream of Johnson Piank Rd.</td>
<td>913</td>
</tr>
<tr>
<td>Dock Creek</td>
<td>Downstream of Hewitt Cliff Rd.</td>
<td>896</td>
</tr>
<tr>
<td></td>
<td>Downstream of Selkirk Bush Rd.</td>
<td>908</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
RULING AND REGULATIONS

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downstream of Hallock</td>
<td>Young Rd.</td>
<td>954</td>
</tr>
<tr>
<td>Mud Creek</td>
<td>Eastern Lords Town</td>
<td>873</td>
</tr>
<tr>
<td>Crab Creek</td>
<td>Southern county line</td>
<td>899</td>
</tr>
<tr>
<td>Little Yankee Run</td>
<td>Chestnut Ridge Rd.</td>
<td>861</td>
</tr>
<tr>
<td>Shenango River</td>
<td>Confluence of Yankee Run</td>
<td>847</td>
</tr>
</tbody>
</table>

For 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 Wellsville, Columbiana County, Ohio.


An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio River</td>
<td>At southern corporate limit</td>
<td>663</td>
</tr>
<tr>
<td></td>
<td>At northeastern corporate limit</td>
<td>665</td>
</tr>
</tbody>
</table>


GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13842 Filed 5-23-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Westerville, Franklin County, Ohio

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 Westerville, Franklin County, Ohio. 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 Westerville, Franklin County, Ohio, is available for review at City Hall, Westerville, Ohio.

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.


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 and the final determinations for the city of Westerville, Franklin County, Ohio, are available for review at City Hall, Westerville, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final determinations for the city of Westerville, Franklin County, Ohio, are available for review at City Hall, Westerville, Ohio.

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.


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 and the final determinations for the city of Westerville, Franklin County, Ohio, are available for review at City Hall, Westerville, Ohio.

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.
**Rules and Regulations**

**Summary**: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Wilmington, Clinton County, Ohio.

**Final Flood Elevation Determinations for the City of Wilmington, Clinton County, Ohio**

**Agency**: Federal Insurance Administration, HUD.

**Action**: Final rule.

**Effective Date**: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Clinton County, Ohio.

**Address**: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Wilmington, Clinton County, Ohio, are available for review at the Office of the Service Director, City Hall, 56 West Locust Street, Wilmington, Ohio.

**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 Wilmington, Clinton County, Ohio.


**Judicial Review**

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lytle Creek</td>
<td>Downstream corporate</td>
<td>967</td>
</tr>
<tr>
<td></td>
<td>limit</td>
<td>973</td>
</tr>
<tr>
<td></td>
<td>South Nelson Ave</td>
<td>980</td>
</tr>
<tr>
<td></td>
<td>Penn Central RR (ConRail)</td>
<td>984</td>
</tr>
<tr>
<td></td>
<td>Truesedl St</td>
<td>1,003</td>
</tr>
<tr>
<td></td>
<td>South Street Bridge</td>
<td>1,008</td>
</tr>
<tr>
<td></td>
<td>B &amp; O RR (Chesapeake &amp; Ohio System)</td>
<td>1,008</td>
</tr>
<tr>
<td></td>
<td>Private road (0.14 mi)</td>
<td>1,020</td>
</tr>
<tr>
<td></td>
<td>downstream of branch No. 4</td>
<td>1,026</td>
</tr>
<tr>
<td>Lytle Creek, branch No. 2</td>
<td>Confluence with Lytle Creek</td>
<td>991</td>
</tr>
<tr>
<td></td>
<td>Penn Central RR</td>
<td>993</td>
</tr>
<tr>
<td></td>
<td>Conrail culvert</td>
<td>1,001</td>
</tr>
<tr>
<td></td>
<td>South Mulberry St</td>
<td>1,002</td>
</tr>
<tr>
<td></td>
<td>South Walnut St</td>
<td>1,010</td>
</tr>
<tr>
<td></td>
<td>Grant St</td>
<td>1,014</td>
</tr>
<tr>
<td></td>
<td>South Wall St culvert</td>
<td>1,021</td>
</tr>
<tr>
<td></td>
<td>East Locust St</td>
<td>1,023</td>
</tr>
<tr>
<td></td>
<td>Cincinnati Milacron Drive</td>
<td>1,035</td>
</tr>
<tr>
<td>Lytle Creek, branch No. 3</td>
<td>Confluence with Lytle Creek</td>
<td>988</td>
</tr>
<tr>
<td></td>
<td>Penn Central RR</td>
<td>995</td>
</tr>
<tr>
<td></td>
<td>Conrail culvert</td>
<td>1,001</td>
</tr>
<tr>
<td></td>
<td>West Main St</td>
<td>1,010</td>
</tr>
<tr>
<td></td>
<td>West Locust St</td>
<td>1,016</td>
</tr>
<tr>
<td></td>
<td>Clinton St</td>
<td>1,028</td>
</tr>
<tr>
<td></td>
<td>Nunn Ave culvert</td>
<td>1,035</td>
</tr>
<tr>
<td></td>
<td>Earth Dam</td>
<td>1,040</td>
</tr>
<tr>
<td>Lytle Creek, branch No. 5</td>
<td>Corporate limit</td>
<td>975</td>
</tr>
<tr>
<td></td>
<td>downstream</td>
<td>1,000</td>
</tr>
<tr>
<td></td>
<td>State Route 73</td>
<td>1,001</td>
</tr>
</tbody>
</table>

**Part 1917—Appeals From Flood Elevation Determinations and Judicial Review**

Final Flood Elevation Determinations for the City of Glendale, Douglas County, Oreg.

**Agency**: Federal Insurance Administration, HUD.

**Action**: Final rule.

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

**Effective Date**: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Glendale, Oreg.

**Address**: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Glendale are available for review at city hall, Glendale, Ore.

**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 Glendale, Oreg.


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

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cow Creek</td>
<td>Southern Pacific RR spur bridge.</td>
<td>1,304</td>
</tr>
<tr>
<td></td>
<td>Reuben Rd.</td>
<td>1,305</td>
</tr>
<tr>
<td></td>
<td>Confluence with Windy Creek.</td>
<td>1,397</td>
</tr>
</tbody>
</table>

(Supplementary Information: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Island City, Oreg.


An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grande Ronde</td>
<td>Union Pacific RR. bridge.</td>
<td>2,726</td>
</tr>
<tr>
<td></td>
<td>Highway 92 bridge</td>
<td>2,727</td>
</tr>
<tr>
<td></td>
<td>Upstream corporate limits.</td>
<td>2,733</td>
</tr>
</tbody>
</table>

(Supplementary Information: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of North Powder, Oreg.


An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Powder</td>
<td>Thief Valley Rd</td>
<td>3,244 River</td>
</tr>
</tbody>
</table>


Gloria M. Jimenez, Federal Insurance Administrator.

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Bristol, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Bristol, Bucks County, Pa., are available for review at the township hall, 2501 Oxford Valley Road, Levittown, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-


SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Bristol, Bucks County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1383 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware River</td>
<td>Downstream corporate limits.</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Borough of Bristol Bridge.</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Borough of Bristol corporate limits. (upstream and downstream).</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Delaware Memorial Bridge.</td>
<td>11</td>
</tr>
<tr>
<td>Neshaminy Creek</td>
<td>Downstream corporate limits.</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Confluence with Croydon tributary.</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>State road.</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Confluence with Croydon Run.</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>ConRail Bridge.</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Bristol Pike.</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>I-95 (north and south).</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>Newportville Road.</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>Pennsylvania Turnpike.</td>
<td>22</td>
</tr>
<tr>
<td>Croydon tributary</td>
<td>Confluence with Neshaminy Creek.</td>
<td>11</td>
</tr>
<tr>
<td>Croydon Run</td>
<td>Confluence with Neshaminy Creek.</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Main Ave. and 4th St.</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Princess Ave</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Cedar Rd. and 18 Sycamore Ave.</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Magnolia Ave.</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>ConRail Bridge.</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Bristol Pike.</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Dorset Ave.</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Dolores Lane.</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Karen Ave.</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Jefferson Ave.</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Beson St.</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Franklin St.</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Newport Rd.</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Dixon Ave.</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Shede Ave.</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>Pennsylvania Route.</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>Neshaminy Creek.</td>
<td>18</td>
</tr>
</tbody>
</table>

For further information contact:

Mr. Richard Krimm, Assistant Admini-
ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Doylestown 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).

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

ADDRESS: Maps and other information showing the detailed outlines of flood-prone areas and the final elevations for Doylestown Township, Bucks County, Pa., are available for review at the Doylestown Township Building, 425 Wells Road, Doylestown, 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:


[FR Doc. 78-13849 Filed 5-23-78; 8:45 am]

(Title XIII of the Housing and Urban Development Act of 1968 (title XIII of the 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 the Federal Insurance Administrator, 34 FR 2860, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neshaminy Creek</td>
<td>Corporate limits</td>
<td>185</td>
</tr>
<tr>
<td>Easton Rd.</td>
<td></td>
<td>196</td>
</tr>
<tr>
<td>Lower State Rd.</td>
<td></td>
<td>217</td>
</tr>
</tbody>
</table>

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Miscellaneous Changes

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation contains changes in selected sections of the Federal Property Management Regulations to update references and to include minor editorial and procedural changes.


FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20405, 703-557-1914.

Subpart 101-26.1—General

Section 101-26.105(a) is revised as follows:

§ 101-26.105 Justification to support negotiated procurement by GSA for other agencies.

(a) When the requisition is for items to be procured under § 1-3.202 (public exigency), civilian agencies shall use FEDSTRIP priority designator codes 03 or 06, DOD requisitioning activities, under the Uniform Materiel Movement and Issue Priority System (UMMIPS), shall use priority designator codes 01 through 06.

Note.—A requisition which cites a priority designator above 06 may justify negotiation under this or other negotiation authority, but in such instances the request must be accompanied by a justification setting forth specific circumstances sufficient to support the findings and determination to be made by the GSA contracting officer.

Subpart 101-26.3—Procurement of GSA Stock Items

1. Section 101-26.303 is revised as follows:


Generally, it is more advantageous to agencies if GSA backorders requisitions for out-of-stock items rather than cancels requisitions. Unless notified by agencies not to backorder a requisition, through FEDSTRIP advice codes 2C or 2J, a back order will be established. The agency will be notified of the estimated date that shipment will be made. Upon receipt of the status transaction, the agency shall determine if the estimated shipping date will meet its needs and, as appropriate: (a) accept the back order, or (b) request a suitable substitute item, or (c) request cancellation in accordance with § 101-26.309.

2. Section 101-26.304 is revised as follows:

§ 101-26.304 Substitution policy.

In filling a requisition from GSA stock, GSA may supply an interchangeable item, without prior notice, unless notified by agencies through FEDSTRIP advice codes 2B or 2J not to substitute. When the proposed substitute is not an interchangeable item, agencies will be offered the substitute in a status transaction, if applicable, or, contacted by telephone, mail, or message.
3. Section 101-26.306 is revised as follows:

§ 101-26.306 Planned requisitioning for GSA stock items.

In preparing requisitions for GSA stock items, agencies shall follow schedules or cyclical plans for replenishment of stocks so as to reduce the number of repetitive requisitions required while adjusting ordering frequency to comply with the economic order quantity principle. (See §101-27.102.)

4. Section 101-26.308 is revised as follows:

§ 101-26.308 Obtaining filing cabinets.

Each agency head, after taking actions prescribed in §101-26.302-2, shall determine agency requirements for filing cabinets. When additional filing cabinets are required, requisitions shall be submitted in FEDSTRIP format to the GSA region supporting the geographic area in which the requisitioning agency is located.

Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

1. Section 101-26.406-1(a) is revised as follows:


(a) Standard Form 149, U.S. Government National Credit Card (illustrated in §101-26.4901-149), is authorized for use by Federal agencies in obtaining authorized services and delivery of supplies at service stations dispensing supplies of contractors listed in Defense Fuel Supply Center Contract Bulletin DSA600-3.33. Activities requiring copies of the bulletin should submit requests to: Commander, Defense Fuel Supply Center, Attention: DPSOSO, Cameron Station, Alexandria, Va. 22314.

2. Section 101-26.406-5 is revised as follows:


(a) Orders for 50 or more. (1) Agency purchase orders for 50 or more embossed Standard Forms 149 shall be forwarded to the embossing contractor as provided in Federal Supply Schedule, FSC Group 75, part VII. (2) The embossing contractor will bill ordering agencies directly.

(b) The type font to be used when embossing Standard Form 149 shall conform with the requirements of the Federal Supply Schedule contract.

(b) Requisitions for 49 or fewer. (1) Agency requisitions for 49 or fewer embossed Standard Forms 149 shall be forwarded to the Federal Supply Service, Motor Equipment Services Division, at the GSA regional office providing supply support to the requesting activity. (2) Each agency shall furnish the billing code, billing address and when appropriate, the vehicle tag or registration number for each Standard Form 149 requisitioned. This information shall accompany the requisition and shall be limited to five lines with no more than 22 characters (including spaces) per line. When appropriate, the expiration date and the agency serial mark shall also be included on the requisition.

(c) Each requisition for a Standard Form 149 shall include an expiration date for the form not to exceed 2 years from the date of embossing.

(d) GSA will bill requisitioning agencies or will accept cash payment.

(e) Each agency shall organize the requisition/expiration date in accordance with the provisions of the Federal Supply Schedule contract.

3. Section 101-26.407-2 is revised as follows:


The provisions of this §101-26.407 apply only to the purchase of security equipment under a GSA procurement program by fixed-price prime contractors and lower tier subcontractors under any type of contract. These provisions do not apply to the purchase of security equipment by cost-reimbursement type prime contractors; however, such purchases are subject to the provisions of subpart 1-5.9.

4. Section 101-26.408-3 is amended to revise paragraphs (a), the introductory sentence in (b), (b)(1), (b)(5), and (b)(6)(i) as follows:

§ 101-26.408-3 Justifications.

(a) Justifications for purchases made at prices other than the lowest delivered price available should be based on specific or definitive needs which are clearly associated with the achievement of program objectives. Mere personal preference cannot be regarded as an appropriate basis for a justification. Justifications should be clear and fully expressed. Recital of or reference to one of the factors set forth in paragraph (b) of this §101-26.408-3 is not sufficient.

(b) The following are examples of factors that may be used in support of justifications when used with assertions that are fully set forth and documented.

(1) Special features of one item not provided by comparable items are required in effective program performance.

(5) Time of delivery in terms of actual need cannot be met by a contractor offering a lower price.

(i) Probable life of the item selected as compared with that of a comparable item at a lower cost is sufficiently greater so that the additional purchase price is economically warranted.

Subpart 101-26.5—GSA Procurement Programs

1. Section 101-26.505 is revised as follows:

§ 101-26.505 Office and household furniture and furnishings.

Requirements for new office and household furniture and furnishings as described in this §101-26.505 shall be satisfied from GSA stock or Federal Supply Schedule contracts to the extent that agencies are required to use these sources. Requirements for items not obtainable from these sources may be satisfied by any Federal agency through GSA special buying services upon agency request pursuant to the provisions of §101-26.102. Before initiating a procurement action for new items, items on hand should be redistributed, repaired, or rehabilitated, as feasible, pursuant to §101-26.101.

2. Section 101-26.505-7 is revised as follows:

§ 101-26.505-7 GSA assistance in selection of furniture and furnishings.

The Customer Service Representative in each GSA regional office will, upon request, furnish agencies with information on the types, styles, finishes, coverings, and colors of office and household furniture and furnishings available through the GSA purchase program. (See §101-26.506.)

3. Section 101-26.506-2(b) is revised as follows:

§ 101-26.506-2 Limitations.

(b) Furniture and furnishings to be obtained in connection with interior planning and design services furnished by GSA shall be acquired, to the extent available, from GSA stock or through Federal Supply Schedules in accordance with the provisions of §§101-26.301 and 101-26.401.

4. Section 101-26.509-1 is revised as follows:

§ 101-26.509-1 Requirements available from Federal Supply Schedule contracts.

Federal Supply Schedule, FSC Group 75, part VIII, includes contracts for tabulating cards applicable to elec-
trical and mechanical contact tabulating
machines, including aperture cards and
copy cards. Federal agencies shall
submit their requirements for these
cards in accordance with the provi-
sions of the current schedule. Require-
ments not exceeding the maximum
order limitation of the Federal Supply
Schedule but ordered direct by activi-
ties located outside the geographical
delivery areas specified in the sched-
ule shall be ordered by submitting re-
quisi tions to the General Services Ad-
ministration (2FF), 26 Federal Plaza,
New York, N.Y. 10007, in FEDSTRIP
format using routing identifier code
GNO.

5. Section 101-26.509-2 is amended
by revising paragraphs (a) and (b) as
follows:

§ 101-26.509-2 Requirements not available
from Federal Supply Schedule con-
tacts.

(a) Requirements for tabulating ma-
cine cards covered by Federal Supply
Schedule contracts which exceed the
maximum order limitation of the sched-
ule shall be forwarded in FED-
STRIP format using routing identifier
code GNO to the General Services Ad-
ministration (2FF), 26 Federal Plaza,
New York, N.Y. 10007, for purchase
action.

(b) Requirements for tabulating ma-
cine cards not covered by Federal Supply
Schedule contracts shall be submitted
to GSA for purchase action if
the dollar value of the requirements
exceeds or is estimated to exceed
$2,500. However, regardless of the
amount involved (including require-
ments estimated to be $2,500 or less),
purchase action shall not be taken by
GSA or an agency unless a waiver of
the requirement for the use of tabulat-
ing cards available from Federal Supply
Schedule contracts has been furnished
in accordance with §101-
26.100-2. Requests for waivers shall
be submitted to the Commissioner, Fed-
eral Supply Service, General Services
Administration, Washington, D.C.
20406. The requests shall fully
describe the items required and state
the reasons the tabulating machine cards
covered by the Federal Supply Sched-
ule contracts will not adequately serve
the end-use purpose. GSA will notify
the requesting agency in writing of
the action taken on the waiver re-
quest. To reduce leadtime, requisitions
may be submitted in FEDSTRIP
format with the requests for waiver.
A requisition for items for which a
waiver has first been obtained shall be
submitted with a copy of the waiver to
the appropriate GSA activity pre-
scribed in §101-26.509-1. GSA will
either arrange for procurement to sat-
sify the requirements or authorize the
requesting agency to procure the items.

RULES AND REGULATIONS

(See 205(e), 63 Stat. 390 (40 U.S.C. 489(e))).
Dated: May 17, 1978,
JAY SOLOMON,
Administrator of General Services.
[FR Doc. 78-14470 Filed 5-23-78; 8:45 am]

[6712-01]
Title 47—Telecommunication
CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION
[Docket No. 19995; RM-2275]
PART 76—CABLE TELEVISION SERVICE

Network Program Exclusivity Protection
by Cable Television Systems; Order Extending Time for Filing
Responses to Petitions for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Extension of time, responses to petitions for reconsideration.

SUMMARY: An extension of time has been granted for filing responses to petitions for reconsideration in Docket 19995, which concerns deletion by cable television systems of duplicating network programs on local television signals.

DATES: Responses to petitions for reconsideration will be due on or before June 20, 1978.


FOR FURTHER INFORMATION:
Contact Tom Hendrickson, Cable Television Bureau, 202-632-6468.

SUPPLEMENTARY INFORMATION:
Released: May 18, 1978.

ORDER. In the matter of amendment of subpart F of part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by Cable Television Systems, Docket No. 19995 RM-2275.

1. Several petitions have been filed asking the Commission to reconsider its decision in Memorandum Opinion and Order in Docket 19995, FCC 78-
217 43 FR 18337, April 18, 1978. Other parties have officially noticed their intention to file additional timely petitions for reconsideration. Section 1.429
of the Commission's rules states that oppositions to petitions for reconsideration must be filed within 15 days after notice of the petition's filing is
published in the Federal Register. The rule has caused some confusion in this case since the time for responding
to the first filed petition expires May
17, 1978, even though other original
petitions may be filed as late as May
18 with responses not due for several
weeks thereafter.

2. In order to avoid the necessity that separate responses be filed to each petition for reconsideration, the time for responding to all such petitions is being extended, on our own
motion, to June 20, 1978. This should roughly correspond to the normal filing deadline for the last timely filed petition for reconsideration.

This action is taken pursuant to au-
thority delegated to the Chief, Cable
Television Bureau under §0.288(a) of
the Commission's rules.

FEDERAL COMMUNICATIONS
COMMISSION,
PHILIP L. VERVEER,
Chief, Cable Television Bureau.
[FR Doc. 78-14500 Filed 5-23-78; 8:45 am]

[7035-01]
Title 49—Transportation
CHAPTER X—INTERSTATE
COMMERCe COMMISSION
SUBCHAPTER A—GENERAL RULES AND
REGULATIONS
[S. O. No. 1327]
PART 1033—CAR SERVICE

Brillion & Forest Junction Railroad Co.
Authorized to Operate Over Tracks
Abandoned by Chicago & North
Western Transportation Co.

AGENCY: Interstate Commerce Com-
misson.

ACTION: Emergency Order Service
Order No. 1327.

SUMMARY: The Chicago & North
Western (CNW), in Docket AB-1 Sub.
No. 52 has been authorized to abandon
its line between Rosemer, Wis., and
Forest Junction, Wis. A new railroad,
the Brillion & Forest Junction, has been
formed by a group of shippers lo-
cated in Brillion, Wis., to acquire and
operate that portion of the line aban-
doned by the CNW between Brillion &
Forest Junction. Service Order No.
1327 authorizes the Brillion & Forest
Junction to commence operation of
that portion of the line effective on
the date of abandonment of operations
by the CNW in order to provide
uninterrupted rail service to shippers
located at Brillion.

DATES: Effective 12:01 a.m., June 1,
1978; Expires 11:59 p.m., January 15,
1979.

FOR FURTHER INFORMATION
CONTACT:
C. C. Robinson, Chief, Utilization

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of May 1978.

The Chicago & North Western Transportation Co. (CNW) has been authorized by the Commission, in Docket AB-1 Sub. No. 52, to abandon its line between Brillion, Wis., and Forest Junction, Wis., subject to a requirement that the portion of the line between Brillion, Wis., and Forest Junction be offered for sale to any responsible purchaser for continued operation as a common carrier by railroad. Such an offer has been made by the AFW Realty Co., Inc. (AFW), an association of shippers served by the CNW.

The offer is conditioned upon a grant of operating authority by the Commission to the Brillion & Forest Junction Railroad Co. (BFJ) which has been granted a lease of the line by AFW. The shippers who have formed BFJ in cooperation with the AFW Realty Co., Inc. (AFW), an association of shippers served by the CNW, have offered to accept this line subject to AFW's right to purchase the same and to operate it as a common carrier by rail.

(3) Rates applicable: Inasmuch as the CNW is necessary in the interest of essential railroad services, it is the opinion of the Commission that an emergency exists; that operation by the CNW over these lines is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1327 Service Order No. 1327.

(a) Brillion & Forest Junction Railroad Co. authorized to operate over tracks abandoned by Chicago & North Western Transportation Co. The Brillion & Forest Junction Railroad Co. (BFJ) which has been granted a lease of the line by AFW is authorized to operate over tracks abandoned by the CNW. The shippers who have formed BFJ are solely dependent upon the continued operation of this line for essential railroad services. It is the opinion of the Commission that an emergency exists, that operation by BFJ over these lines is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service, and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members, Joel E. Burns, Robert S. Turckington, and John R. Michael. Member Joel E. Burns not participating.

H. G. Homme, Jr., Acting Secretary.
lowed a limited taking of bowhead whales from the Bering Sea stock: 12 whales landed or 18 struck, whichever occurs first. This amendment was published in the Federal Register on March 8, 1978, (43 FR 9481), as provided by section 916k of the Whaling Convention Act (16 U.S.C. 916a-1), and became binding on persons subject to the jurisdiction of the United States. On April 3, 1978, (43 FR 13883) NOAA further implemented the Schedule provisions by promulgating regulations which subdivided the overall quota among the native whaling villages of Alaska. The regulations authorize village quotas to be reassigned from one village to another, provided that no other whaling village has exceeded its quota at the time of the reassignment. The purpose of the proviso was to restrain the total take to the overall quota level.

The Spring hunt is rapidly approaching a conclusion. The season is likely to end within the next two weeks, and opportunities for whaling are rapidly disappearing from some villages. Whaling has already ceased in several villages, to date, all affected whalers, the Alaska Eskimo Whaling Commission and the entire Eskimo community have cooperated in seeking to abide by the regulations. Although one village has exceeded its quota by one whale as the result of a bona fide misunderstanding of the regulations, several villages are under their quota. The threefold purpose of the regulations—to prevent taking in excess of the limits imposed by the Schedule to the Convention, to distribute the overall quota equitably, and to provide for the critical nutritional need of the villages—would not be served by absolutely prohibiting reassignments at this point in the season due to the overage in one village.

In view of the foregoing, I find that immediate amendment of the regulations is necessary, notice and public comment thereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective immediately.

§ 230.74 [Amended]
Accordingly, 50 CFR Part 230 is amended by revising § 230.74(c) to read as follows:

(c) If for any reason the landing or struck quota for a whaling village is not reached, the part of the quota which remains may be reassigned by the Administrator, upon request of such village, to a second whaling village: Provided, That if any other whaling village has exceeded its quota at the time the reassignment is requested, the Administrator shall not reassign the quota if he determines that it is likely to result in the total number of whales landed or struck exceeding 12 or 18, respectively. In making such reassignment, the Administrator shall consult with representatives of as many whaling villages as time reasonably permits.


JAMES P. WALSH,
Acting Administrator.

[FR Doc. 78-14523 Filed 5-23-78; 8:45 am]

[3510-22]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 661—SALMON FISHERY

Emergency Regulations
Repromulgated

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency regulations.

SUMMARY: This rule extends the emergency regulations (43 FR 13883) to implement the fishery management plan for commercial and recreational salmon fisheries off the coast of Washington, Oregon, and California for an additional 45 days from 0001 P.d.s.t., May 29, 1978, to 2400 P.d.s.t., July 13, 1978. The emergency situation described in the initial Federal Register publication (43 FR 15629) on April 14, 1978, continues to exist.


FOR FURTHER INFORMATION CONTACT:
Mr. Donald R. Johnson, Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Wash. 98109, telephone, 206-442-7575.

SUPPLEMENTARY INFORMATION:
On April 14, 1978, the Deputy Director of the National Marine Fisheries Service, published emergency regulations in the Federal Register (43 FR 15629) to implement the fishery management plan for commercial and recreational salmon fisheries off the coast of Washington, Oregon, and California prepared by the Pacific Fishery Management Council and approved by the Secretary of Commerce. The Secretary has determined that the current regulations must be continued for an additional 45-day period as authorized by section 305(e)(2) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265; 16 U.S.C. 1801-1882).

Therefore the emergency regulations adopted on April 14, 1978, are continued in effect from 0001 hours Pacific daylight saving time May 29, 1978, to 2400 hours P.d.s.t. July 13, 1978, unless sooner amended or terminated by appropriate action and public notice.

Signed this 17th day of May, 1978, at Washington, D.C.

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

[FR Doc. 78-14540 Filed 5-23-78; 8:45 am]
NUCLEAR REGULATORY COMMISSION  
[10 CFR Part 70]  
DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL  
General License Requirements For Any Person Who Possesses Special Nuclear Material (SNM) in Transit  

ACTION: Proposed rule.  
SUMMARY: Based on the Commission decision to provide a comparable level of protection for special nuclear material in the transportation sector as is now provided for special nuclear material at fixed sites, the Nuclear Regulatory Commission is considering amendments to its regulations to require any person who possesses, or who exercises control over, formula quantities of special nuclear material in transit to be responsible for assuring that the special nuclear material is protected against theft and sabotage by a security system which is implemented in accordance with a Transportation Security Plan that has received prior NRC approval. Implementation of the rule would bring persons who possess or control formula quantities of special nuclear material in transit directly under NRC physical protection regulations.  

DATES: Comments must be received on or before June 23, 1978.  
ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW, Washington, D.C.  

FURTHER INFORMATION CONTACT:  

SUPPLEMENTARY INFORMATION: In light of the criteria that shipments of formula quantities of special nuclear material should be protected in the interest of national security and public health and safety, the Commission believes that carriers, and other persons presently exempt from licensing under 10 CFR 70.12 should, while in actual physical possession of strategic special nuclear material be licensed while performing the vital role of transporting formula quantities of special nuclear material. Under the present system the NRC has no legal basis for inspecting shipments in transit in the absence of a license or other formal control. Although such inspection is now carried out on a voluntary basis. The Commission believes that the authority for inspection of common or contract carrier vehicles, aircraft, ships, carrier of shipper agents' facilities, and all modes of transport and temporary storage points associated with strategic special nuclear material shipments should be given a firm regulatory basis.  

Accordingly, the Commission proposes to amend its regulation in §70.12 of 10 CFR Part 70, that grants an exemption from regulatory requirements for carriers and other persons who may possess or control strategic special nuclear material in transit. Section 70.20a would be added to remove the exemption from the regulations as to carriers and other persons who possess or control formula quantities of special nuclear material subject to the physical protection requirements of 10 CFR Part 73, for the purpose of transport, or to provide storage incident to transport. A new §70.20a would be added to Part 70 granting a general license to any person who possesses or controls formula quantities of special nuclear material in transit. The general license would be limited to possession only and would be effective during the course of a shipment. The exemption remains in effect for all other special nuclear material shipments. The general license would be subject to certain enumerated sections of Part 70 and a transportation security plan would have to be submitted and receive NRC approval before being able to possess strategic special nuclear material under the license.  

The amendments proposed only codify practices and procedures presently conducted on a voluntary basis and will not require the filing of applications with the Commission or the issuance of a licensing document to particular persons by the Commission. The promulgation of the amendments will not result in any activity that affects the environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR Part 51.5(d)(3), that neither an environmental impact statement or environmental impact appraisal to support a negative declaration for the proposed amendments to 10 CFR Part 70 is required.  

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 583 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 70 is contemplated.  

1. Revision of §70.12 to read as follows:  
§70.12 Carriers.  
Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto. This exemption does not apply to special nuclear material subject to §§73.30 through 73.36 and 73.70(g) of Part 73 of this chapter and transported under the general license issued under §70.20a.  

2. Addition of a new §70.20a to read as follows:  
§70.20a General license is hereby issued to possess special nuclear material for transport.  
A general license is hereby issued to possess special nuclear material of the types and quantities subject to the requirements of §§73.30 through 73.36 and 73.70(g) of Part 73 of this chapter, for the purpose of transport and storage incident thereto. The general license is subject to the provisions of §§70.32, 70.42, 70.52, 70.55, 70.61, 70.62, and 70.71. Any person who possesses special nuclear material for the purpose of transport under this general license:  
(a) Shall have submitted and received approval of his transportation security plan. The security plan shall outline the procedures that will be used to meet the requirements of §§73.30 through 73.36 and 73.70(g) of Part 73 of this chapter including a
PROPOSED RULES

The Nuclear Regulatory Commission is considering amendments to its regulations for the physical protection of special nuclear material of moderate and low strategic significance. These amendments would require stronger physical protection measures against theft of special nuclear material of moderate and low strategic significance.

The proposed amendments are designed to protect against theft of special nuclear material of a type and quantity that is not directly usable in the manufacturing of a nuclear weapon but which nevertheless could be of substantial assistance in such a project. These amendments would provide a level of protection equivalent to that recommended for categories II and III material in information circular 225 bulletin published by the IAEA as shown in table 1.

The publication of recommended physical security measures for materials of moderate and low strategic importance by the IAEA, in information circular 225 (INFCIRC/225), was accompanied by assessments of domestic safeguards needs relative to those materials. It is the staff's judgment that the proposed requirements are technically justified and are necessary, even without taking into account the general desirability of U.S. acceptance of internationally recommended standards developed and promulgated with full U.S. participation. In the absence of protection measures, an adversary could obtain a formula quantity or more of plutonium, uranium-233 or high enriched uranium through multiple thefts of quantities of materials of moderate or low strategic significance.

TABLE 1.—IAEA categorization of nuclear material*

<table>
<thead>
<tr>
<th>Material</th>
<th>Form</th>
<th>I</th>
<th>II</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Plutonium</td>
<td>Unirradiated*</td>
<td>2 kg or more.....</td>
<td>Less than 2 kg but more than 560 g.</td>
<td>500 g or less.*</td>
</tr>
<tr>
<td>2. Uranium-235*</td>
<td>Unirradiated*</td>
<td>Uranium enriched to 20 pct 70% or more.</td>
<td>5 kg or more.....</td>
<td>Less than 5 kg but more than 1 kg</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Uranium enriched to 10 pct 67% but less than 20 pct.</td>
<td></td>
<td>10 kg or more</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Uranium enriched above natural, but less than 19 pct 67%.</td>
<td></td>
<td>10 kg or more</td>
</tr>
<tr>
<td>3. Uranium-233*</td>
<td>Unirradiated*</td>
<td>2 kg or more.....</td>
<td>Less than 2 kg but more than 560 g.</td>
<td>500 g or less.*</td>
</tr>
</tbody>
</table>

*All plutonium except that with isotopic concentration exceeding 80 pct in plutonium-238.
*Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 100 rd/hr at 1 m unshielded.
*Less than a radiologically significant quantity should be exempted.
*Natural uranium, depleted uranium, and thorium and quantities of uranium enriched to less than 10 pct not falling in category III should be protected in accordance with prudent management practice.
*Traded fuel should be protected as category I, II, or III nuclear material depending on the category of the fresh fuel. However, fuel which by virtue of its original fissile material content is included as category I or II before irradiation should only be reduced one category level, while the radiation level from the fuel exceeds 100 rd/hr at 1 m unshielded.
*The State's competent authority should determine if there is a credible threat to disperse plutonium malvolently. The State should then apply physical protection requirements for category I, II, or III of nuclear material, as it deems appropriate and without regard to the plutonium quantity specified under each category herein, to the plutonium isotopes in those quantities and forms determined by the State to fall within the scope of the credible dispersal threat.

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
In addition, quantities of uranium enriched to less than 20 percent in the uranium-235 (U-235) isotope could be diverted, without timely detection, to other countries for additional enrichment or for plutonium production.

The proposed amendments differ in substance from the IAEA categorization in that:
1. A lower limit of 15 grams for plutonium, high enriched uranium-235, or uranium-233 is set for special nuclear material of low strategic significance (category III).
2. A lower limit of 1,000 grams for uranium-235 contained in uranium enriched to 10 percent or more but less than 20 percent in the U-235 isotope) is set for special nuclear material of low strategic significance (category III).
3. Physical protection is also explicitly required for the combination of plutonium, high enriched uranium, or uranium-233 for special nuclear material of moderate strategic significance (category II) and low strategic significance (category III), and
4. Independent spent fuel storage installations are not covered under 10 CFR 73.40 and 73.50 and therefore are not included in these amendments.

Basically the proposed physical protection measures for special nuclear material of moderate strategic significance (category II) are:
1. Using and storing the material in a controlled access area,
2. Limiting access to the material only to authorized individuals whose trustworthiness has previously been determined,
3. Continuously monitoring the area to detect unauthorized activities, and
4. Transporting the material under controlled and planned conditions.

The proposed physical protection measures for special nuclear material of low strategic significance basically require:
1. Using and storing the material in a controlled access area,
2. Continuously monitoring the controlled access area to detect unauthorized activities, and
3. Transporting the material under controlled and planned conditions.

The proposed amendments would apply to licensees authorized to possess, use transfer, import, and export certain quantities of special nuclear material. Licensees possessing special nuclear material of low strategic significance who are licensed under the agreement states requirements of part 150 of this chapter will be required to meet the requirements of these proposed amendments pursuant to section 274m of the Atomic Energy Act of 1954, as amended.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to title 10, chapter I, Code of Federal Regulations, parts 70, 73, and 150 is contemplated.

PART 70—SPECIAL NUCLEAR MATERIAL

§ 70.22 [Amended]

1. Section 70.22(g) of 10 CFR part 70 is revised as follows:

(g) Each application for a license which would authorize the transport, export, or delivery to a carrier for transport of special nuclear material in an amount specified in § 73.1(b)(2) of this chapter shall include a description of the plan for the physical protection of special nuclear material in transit in accordance with §§ 73.30 through 73.36, 73.47(a) and (e), 73.74(g) for 10 Kg or more of special nuclear material of low strategic significance, and 73.70(g) of this chapter including a plan for the selection, qualification, and training of armed escorts, or the specification and design of a specially designed truck or trailer as appropriate.

2. Section 70.22(h) of 10 CFR part 70 is revised as follows:

(h) Each application for a license to possess or use at any site or contiguous sites subject to control by the licensee special nuclear material of moderate strategic significance or 10 Kg or more of special nuclear material of low strategic significance as defined under §§ 73.2 (a) and (aa) of this chapter, other than a license for possession or use of such material in the operation of a nuclear power reactor licensed pursuant to part 50 of this chapter, shall include a physical security plan which shall demonstrate how the applicant plans to meet the requirements of § 73.47(c) and (d) of part 73 of this chapter.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

4. Section 73.1(b) of 10 CFR part 73 is revised to read as follows:

§ 73.1 Purpose and scope.

(b) Scope. (1) This part prescribes requirements for: (i) the physical protection of production and utilization facilities licensed pursuant to part 50 of this chapter; (ii) the physical protection of plants in which activities licensed pursuant to part 70 of this chapter are conducted, and (iii) the physical protection of special nuclear material, by any person who pursuant to the regulations in part 70 of this chapter possesses or uses at any site or contiguous sites subject to the control by the license, formula quantities of strategic special nuclear material or special nuclear material of moderate strategic significance of special nuclear material of low strategic significance.

(2) This part prescribes requirements for the physical protection of special nuclear material in transportation by any person who is licensed pursuant to the regulations in part 70 of
this chapter who imports, exports, transports, delivers to a carrier for transport in a single shipment, or takes delivery of a single shipment free on board where it is delivered to a carrier, formula quantities of strategic special nuclear material or special nuclear material of moderate strategic significance or special nuclear material of low strategic significance.

5. Section 73.2 of 10 CFR part 73 is amended by adding new paragraphs (z) and (aa) to read as follows:

§ 73.2 Definitions.

(z) “Special nuclear material of moderate strategic significance” means:

(1) Less than formula quantities of strategic special nuclear material, but in a quantity of more than 1,000 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope) or more than 500 grams of uranium-233 or plutonium or in a combined quantity of more than 1,000 grams when computed by the equation, grams= (grams contained U-235)+2 (grams U-233+grams plutonium), or

(2) 10,000 grams or more of uranium-235 (contained in uranium enriched to 10 percent or less than 15 percent in the U-235 isotope).

(aa) “Special nuclear material of low strategic significance” means:

(1) Less than an amount of strategic special nuclear material of moderate strategic significance, as defined in § 73.2(x)(1) of this part, but more than 15 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope) or 15 grams of Uranium-233 or 15 grams of plutonium or the combination of 15 grams when computed by the equation, grams= (grams contained U-235+grams plutonium)+grams U-233, or

(2) Less than 10,000 grams but more than 1,000 grams of uranium-235 (contained in uranium enriched to 10 percent or more but less than 20 percent in the U-235 isotope), or

(3) 10,000 grams or more of uranium-235 contained in uranium enriched above natural but less than 10 percent in the U-235 isotope.

6. A new § 73.47 is added to 10 CFR part 73 to read as follows:

§ 73.47 Licensee fixed site and in transit requirements for the physical protection of special nuclear material of moderate and low strategic significance.

(a) General performance objectives.

(1) Each licensee who possesses, uses, or transports strategic nuclear material of low or moderate strategic significance shall establish and maintain a physical protection system that will achieve the following objectives:

(i) Minimize the possibilities for unauthorized removal of special nuclear material consistent with the potential consequences of such actions; and

(ii) Facilitate the location and recovery of missing special nuclear material.

(2) To achieve these objectives, the physical protection system shall:

(i) Detect and assess unauthorized access to and materials with possession, use, or unauthorized activities within the vicinity of special nuclear material; and

(ii) Report to the appropriate law enforcement agency and thebert of special nuclear material;

and

(iv) Respond to indications of unauthorized removal of special nuclear material and communicate to appropriate response forces in order to facilitate its recovery.

(b) Licensee is exempt from the requirements of this section to the extent that he possesses, uses, or transports special nuclear material which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding.

(c)(i) Each licensee who possesses, uses, or transports special nuclear material of moderate strategic significance or 10 Ks or more of special nuclear material of low strategic significance shall submit by (date 60 days from publication in proposed form in Federal Register) a security plan or an amended security plan describing how the licensee will comply with all the requirements of § 73.47(c), (d), (e), and (f), including schedules of implementation.

(d) Fixed site requirements for special nuclear material of moderate strategic significance.—Each licensee who possesses, stores, or uses quantities and types of special nuclear material of moderate strategic significance at fixed sites, except those who are licensed to operate a nuclear power reactor pursuant to part 50, shall:

(1) Store or use such material only within a controlled access area which is illuminated sufficient to allow detection and surveillance of unauthorized penetration or activities;

(2) Store such material within a vault, vault-type room, or GSA approved security cabinet;

(3) Continuously monitor with an intrusion alarm or other devices or procedures the controlled access area to detect unauthorized penetration or activities.

(4) Conduct preemployment screening to determine that trustworthiness of employees having access to the material,

(5) Develop and maintain a controlled badging and lock system to identify and limit access to the controlled access area to authorized individuals,

(6) Limit access to the controlled area to authorized individuals who require such access in order to perform their duties,

(7) Assure that all visitors to the controlled access area are under the constant escort of an individual who has been authorized unescorted access to the area,

(8) Establish a security organization consisting of at least one watchman per shift able to assess and respond to any security incidents in the controlled access area,

(9) Provide a communication capability between the security organization and appropriate response force,

(10) Search on a random basis vehicles and packages entering or leaving the controlled access area, and

(11) Establish and maintain contingency plans for dealing with threats of thefts or thefts of such material.

(e) In transit requirements for special nuclear material of moderate strategic significance.—(1) Each licensee who transports, exports, or who delivers to a carrier for transport special nuclear material of moderate strategic significance shall:

(i) Arrange for a telephone or radio communications capability between
the carrier of the material and the shipper or receiver.

(ii) Minimize the time that the material is in transit by reducing the number and duration of nuclear material transfers and by routing the material in the most safe and direct manner.

(iii) Conduct preemployment screening of all licensees or uses special nuclear material to determine the trust-worthiness of the individuals entrusted with transportation duties.

(iv) Establish and maintain contingency plans for dealing with threats or thefts of such material.

(v) Make arrangements to be notified immediately of the arrival of the shipment at its destination, or of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination, and immediately launch a trace investigation of any shipment that is lost or unaccounted for after the estimated time of arrival and report to the Nuclear Regulatory Commission as specified in § 73.71 and to the shipper or receiver as appropriate. The licensee who made the physical protection arrangements shall also immediately notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in appendix A of the action being taken to trace the shipment.

(vi) Conduct immediately a trace investigation of any shipment that is lost or unaccounted for after the estimated time of arrival, location of the nuclear material transfer, name of carrier and flight number, if applicable.

(vii) Transport the material in locked or sealed containers, and

(viii) Check the integrity of the containers, locks, and seals prior to shipment.

(c) Each licensee who arranges to transport special nuclear material of low strategic significance shall:

(i) Comply with the requirements specified in § 73.47(c) and (e) and (1) and (3) up to the first point where the shipment is unloaded outside the United States.

(ii) Make arrangements to be notified immediately of the arrival of the shipment at its destination, or of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination, and

(iii) Conduct immediately a trace investigation of any shipment that is lost or unaccounted for after the estimated time of arrival and report to the Nuclear Regulatory Commission as specified in § 73.71 and to the shipper or receiver as appropriate. The licensee who made the physical protection arrangements shall also immediately notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in appendix A of the action being taken to trace the shipment.

(d) Each licensee who exports special nuclear material of low strategic significance shall comply with the requirements specified in § 73.47(c) and (e) and (1) and (3) up to the first point where the shipment is unloaded outside the United States.

(e) In transit requirements for special nuclear material of low strategic significance shall:

(i) Provide advance notification to the receiver of any planned shipments specifying the mode of transport, estimated time of arrival, location of the nuclear material transfer, name of carrier and flight number, if applicable.

(ii) Receive confirmation from the receiver prior to commencement of the planned shipment that the receiver will be ready to accept the shipment at the planned time and location and acknowledges the specified mode of transport.

(iii) Transport the material in locked or sealed containers, and

(iv) Check the integrity of the containers, locks, and seals prior to shipment.

(f) Each licensee who arranges to transport special nuclear material of low strategic significance shall:

(i) Comply with the requirements specified in § 73.47(c) and (e) and (1) and (3) up to the first point where the shipment is unloaded outside the United States.

(ii) Make arrangements to be notified immediately of the arrival of the shipment at its destination, or of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination, and

(iii) Conduct immediately a trace investigation of any shipment that is lost or unaccounted for after the estimated time of arrival and report to the Nuclear Regulatory Commission as specified in § 73.71 and to the shipper or receiver as appropriate. The licensee who made the physical protection arrangements shall also immediately notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in appendix A of the action being taken to trace the shipment.

(g) In transit requirements for special nuclear material of low strategic significance shall:

(i) Provide advance notification to the receiver of any planned shipments specifying the mode of transport, estimated time of arrival, location of the nuclear material transfer, name of carrier and flight number, if applicable.

(ii) Receive confirmation from the receiver prior to commencement of the planned shipment that the receiver will be ready to accept the shipment at the planned time and location and acknowledges the specified mode of transport.

(iii) Transport the material in locked or sealed containers, and

(iv) Check the integrity of the containers, locks, and seals prior to shipment.

(8) Each licensee who receives quantities and types of special nuclear material of low strategic significance shall:

(i) Check the integrity of the containers, locks, and seals upon receipt of the material as required in § 70.54 of part 70 of this chapter.

(ii) Notify the shipper or receiver of any quantity of special nuclear material of low strategic significance that is lost or unaccounted for after the estimated time of arrival at its destination, and

(iii) Conduct immediately a trace investigation of any shipment that is lost or unaccounted for after the estimated time of arrival and report to the appropriate NRC Regional Office listed in appendix A of the details and results of the trace investigation.

8. Section 73.72 of 10 CFR part 73 is amended as follows:

§ 73.72 Requirement for advance notice of shipment of special nuclear material.

Each licensee who plans to import, export, transport, deliver to a carrier for transport in a single shipment, or take delivery of material where it is to be delivered to a carrier, formula quantities of strategic special nuclear material shall notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in appendix A by U.S. Mail, postmarked at least 7 days in advance of the shipping date. The following information shall be furnished in the advance notice: shipper, receiver, carrier(s), estimated date and time of departure and arrival, transfer point(s), and mode(s) of shipment. The Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office shall also be notified by telephone 7 days in advance of the shipping date that an advance shipping notice has been sent by mail, and of any changes to the shipment itinerary prior to the shipment date. Road shipments shall be transferred with one way transit times of 1 hour or less in duration.
between installations of a licensee are exempt from the requirements of this section.

**PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274**

9. A new § 150.14 of 10 CFR part 150 is added to read as follows:

§ 150.14 Commission regulatory authority for physical protection.

Persons in Agreement States possessing, using, or transporting special nuclear material of low strategic significance, that is, in quantities greater than 15 grams of plutonium or uranium-233 or uranium-235 (enriched to 20 percent or more in the U-235 isotope) or any combination greater than 15 grams when computed by the equation grams = grams plutonium + grams uranium-233 + grams uranium-235 (enriched to 20 percent or greater in the U-235 isotope), shall meet the physical protection requirements of § 73.47 of 10 CFR part 73.

Dated at Washington, D.C., this 12th day of May 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-14134 Filed 5-23-78; 8:45 am]

**6351–01**

**COMMODITY FUTURES TRADING COMMISSION**

**PARTS 1 and 17**

**REPORTING OMNIBUS ACCOUNTS ON A GROSS BASIS**

**Proposed Rulemaking**

AGENCY: Commodity Futures Trading Commission.

**ACTION:** Proposed rulemaking.

**SUMMARY:** In the December 9, 1977, Federal Register (see 42 FR 62147) the Commodity Futures Trading Commission ("the Commission") proposed to amend its regulations to require that omnibus accounts (i.e., accounts that are traded through an omnibus account) in any commodity. Because of the wording of the proposal, many of the commentators misinterpreted the amendments to mean that a futures commission merchant or foreign broker must carry and report the futures position of individual accounts that are traded through the omnibus account. The proposal, however, was meant to require that only the total position of all of the individual accounts traded through the omnibus account need be carried and reported on a gross basis. The Commission at this time wishes to clarify the language in its previous proposal in order to accurately assess the impact of its proposed regulation.

**DATES:** Comments must be received on or before June 23, 1978.

**ADDRESS:** Comments on the proposal should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Attention: Secretariat.

**FOR FURTHER INFORMATION CONTACT:**


**SUPPLEMENTARY INFORMATION:**

On December 9, 1977, the Commission proposed changes to Parts 1 and 17 of the regulations under the Commodity Exchange Act which would require FCM's to carry and report the aggregate long contracts and the total short contracts for all individual accounts. The primary purpose for proposing the changes was to insure the availability of gross position information on a more timely and expeditious basis for market surveillance.

From the comments received by the Commission, it was apparent that, for the most part, this proposal was misunderstood. As the proposal was stated in the Federal Register, it was possible for persons to interpret it to require that positions in individual accounts which traded through the omnibus account be carried and reported on an individual basis. The intent of the proposal, however, was to require that the total position of all individual accounts trading through the omnibus account be carried and reported on a gross basis. The intent of the proposal, however, was to require that the total position of all individual accounts trading through the omnibus account be carried and reported on a gross basis. The Commission is therefore changing the language of its proposed § 1.33b.

Some FCMs who asked for and received clarification of the December 9, 1977, proposal indicated that, since omnibus accounts that traded futures contracts offered on the New York Mercantile Exchange and Chicago Mercantile Exchange were carried and reported on a gross basis, all omnibus accounts which they carried were carried and reported on a gross basis. Another FCM, however, noted that if this proposal were adopted they would be required to maintain a manual system for reporting (in addition to their computer system) at considerable expense and effort. In order to weigh the costs that would be imposed by adoption of the proposed changes, the Commission is particularly interested in receiving estimated cost figures from interested persons. Numbers of omnibus accounts that are carried by an FCM would also be helpful in this respect.

In consideration of the foregoing, the Commission, pursuant to its authority contained in sections 4g(1), 4g(3), 4g(4), and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6g(1), 6g(3), 6g(4), and 12a(5) (Supp. V, 1975), hereby proposes to amend Parts 1 and 17 of Chapter 1 of Title 17 of the Code of Federal Regulations as follows:

**PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT**

1. A new § 1.33b is added to read as follows:

§ 1.33b Record of Positions in Omnibus Account.

Each futures commission merchant who carries an account for another futures commission merchant, foreign broker, member of a contract market or other person on an omnibus basis shall record and maintain a daily record of the total of all long open contracts and the total of all short open contracts in each futures contract carried at the close of the market each day for individual accounts which are traded through the omnibus account. Such gross positions shall be reported to the Commission for each business day in accordance with the requirements of Part 17 of this chapter.

**PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS**

2. Add a new § 17.04 to read as follows:

§ 17.04 Reporting Positions in Omnibus Accounts.

When submitting reports required in § 17.00(a) of these regulations respecting omnibus accounts, each futures commission merchant shall show gross positions (i.e., the total long contracts and the total short contracts for all individual accounts included in any such omnibus account) in any commodity.

Issued in Washington, D.C., on May 19, 1978, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc. 78-14476 Filed 5-23-78; 8:45 am]

**6570–06**

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**PART 1601**

**706 AGENCIES**

**Proposed Designations**


**ACTION:** Proposed rule.

**SUMMARY:** The Equal Employment Opportunity Commission proposes to amend its regulations on designation
of certain State and local agencies so that they may handle employment discrimination charges filed with the Commission. Proposed are State and local agencies that requested deferral designation as provided under the authority of Title VII of the Civil Rights Act of 1964, as amended. The proposal would authorize the agencies listed to process charges deferred to them by the Commission.

DATES: Comments must be received by June 8, 1978.

ADDRESS: Comments should be sent to: Equal Employment Opportunity Commission, Office of Field Services (State and Local), 2401 E Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

Pursuant to §1601.71, Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the Federal Register, 42 FR 55358, October 14, 1977, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that each of the agencies listed below be designated as a “706 Agency” §1601.70(a). Three (3) purposes for such designation are as follows: First, that the agencies receive charges deferred by the Commission pursuant to Section 706(c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord “substantial weight” to the final findings and orders of the agencies pursuant to Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended; and third, to commence the 15 day period within which any person or organization may file written comments as provided for under §1601.71(1).

At the expiration of the 15 day period, the Commission may effect designation of the agencies by publishing them as an amendment to §1601.74(a).

With the limitations set forth in the Footnotes below, the proposed “706 Agencies” are as follows:

Lincoln (Nebraska) Commission on Human Rights.1

1The Lincoln (Nebraska) Commission on Human Rights has been proposed as a 706 agency for all charges except (1) charges by any “applicant for membership” alleging a violation of §703(c)(2) of Title VII; (2) charges alleging that a “joint labor-management committee” has violated §704(a) of Title VII; (3) charges alleging that a “joint labor-management committee” has violated §704(b) of Title VII; and (4) charges by any applicant for employment alleging a violation of §703(a)(2) of Title VII. For these types of charges, it shall be deemed a “Notice Agency,” pursuant to 29 CFR 1601.71(3).

“"Notice Agency,” pursuant to 29 CFR 1601.71(3).

“The Commission of Puerto Rico Department of Labor has been proposed as a 706 agency for all charges except (1) charges alleging a violation of Title VII on the basis of national origin; (2) charges alleging a “labor union” has violated Title VII; (3) charges alleging an “employment agency” has violated Title VII; (4) charges alleging violations of Title VII by agencies or instrumentalities of the Government of Puerto Rico when they are not operating as private businesses or enterprises; and (5) charges alleging a violation of §704(a) of Title VII. For these types of charges it shall be deemed a “Notice Agency”, pursuant to 29 CFR 1601.71(3).

“The Augusta-Richmond County (Ga.) Human Relations Commission has been proposed as a 706 agency for all charges except (1) charges alleging a violation of §703(c)(2) of Title VII; (2) charges alleging violations of §704(a) or (b) of Title VII; (3) charges alleging a violation of Title VII by the City of Augusta, by the Personnel Board of the Richmond County Board of Commissioners, or by elected officials. For these types of charges it shall be deemed a “Notice Agency”, pursuant to 29 CFR 1601.71(3).

“The Austin (Texas) Human Relations Commission has been proposed as a 706 agency for all charges except charges alleging a violation of Title VII by a government, government agency, or political subdivision of the State of Texas. For these types of charges it shall be deemed a “Notice Agency”, pursuant to 29 CFR 1601.71(3).

“The Florida Commission on Human Relations has been proposed as a 706 agency to be effective July 1, 1978.

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Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. Comments received by the date specified above will be considered in determining whether EPA should issue the Delayed Compliance Order. 

Pursuant to Section 113(a)(1) of the Act, 42 U.S.C. 1857(c)-(8), (now 42 U.S.C. 7413(a)(1)), the Environmental Protection Agency issued a Notice of Violation to St. Joe Paper Co. of the finding of violation of Chapter 17-2.04(2), Air Rules for the State of Florida, dealing with the control of particulate emissions from process sources.

The Appendix is designated as follows:

II. Reporting Addresses. That all submissions of source performance test results, reports, or other items hereinafter referred to as the "Delayed Compliance Order be made to Paul J. Trains, Director, Enforcement Division, United States Environmental Protection Agency, 345 Courtland Street, Atlanta, Ga. 30308 (hereinafter referred to as the "Director").

III. Progress Reports and Milestone Certification. That the Company submit, no later than five (5) days after the end of each month, commencing with April 1, 1978, a monthly progress report for the emission point specified in Part I. These reports shall contain specific information on the progress toward each milestone in Part I. If any delay is anticipated in meeting said milestones, the Company shall immediately notify the Director in writing of the anticipated delay and reasons therefor. Notification to EPA of any anticipated delay shall not excuse the delay. In addition, the Company shall submit, no later than five (5) days after the deadline for completing each milestone required by the certification to the Director, and Secretary whether such milestone has been met.

IV. Notice of Tests. That the Company provide the Director and Secretary with twenty (20) days notice prior to the conducting of any performance tests as required by Part I in order to afford an opportunity to evaluate the test procedure and to have an observer present at such testing.

V. Malfunctions and Breakdowns. That the Company shall perform operation and maintenance practices on all sources as necessary to prevent breakdowns or malfunctions and reduce emissions in excess of regulations to the maximum extent practicable. When emissions due to sudden and unforeseen malfunction of the affected facility are or may be in excess of the maximum allowable as set forth in this Delayed Compliance Order, the Company shall notify the Director by telephone or telegraph within forty (44) hours, the owner or operator shall notify this office and the appropriate state or local air pollution control agency by telephone or telegraph immediately. In no event later than twelve (12) hours following
PROPOSED RULES


J. C. BELIN, PRESIDENT,
St. Joe Paper Co.

FEDERAL REGISTER, VOL 43, NO. 101—WEDNESDAY, MAY 24, 1978

22223
PROPOSED RULES

ENDANGERED AND THREATENED WILDLIFE
AND PLANTS

Proposed Determination of Critical habitat for
the Hawksbill Sea Turtle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Critical Habitat proposal.

SUMMARY: The Service hereby proposes Critical Habitat for the hawksbill sea turtle (Eretmochelys imbricata) in the Commonwealth of Puerto Rico. This proposal would make these areas subject to full protection under section 7 of the Endangered Species Act of 1973 and is being taken to insure the integrity of beaches on Isla Mona and Culebra Island, areas which contain a significant nesting aggregation of hawksbill sea turtles.

DATES: Comments from the public must be received by July 23, 1978. Comments from the Governor of the Commonwealth of Puerto Rico must be received by August 22, 1978.

ADDRESSES: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

Background

The hawksbill sea turtle is a rare and critically Endangered reptile throughout the world and has been officially listed as Endangered since 1970. Much of the hope for the survival and recovery of this species depends upon the maintenance of suitable and undisturbed nesting beaches. The Service recognizes that areas containing such beaches may qualify for recognition as Critical Habitat as referred to in Section 7 of the Act.

Hawksbill sea turtles are known to nest on all of Mona Island's 7.2 kilometers of beaches. The offshore areas appear to support a somewhat stable and resident population. In addition, green sea turtles also nest on Mona. The entire island of Mona is already Critical Habitat for the listed yellowshouldered blackbird, Mona ground iguana, and Mona boa.

Nesting of hawksbill sea turtles occurs on suitable sandy beaches on the north shore of Culebra Island, as well as the nearby islands of Cayo Norte and Isla Culebrita. Turtles are known to feed on the rich offshore reefs around these islands. In addition to hawksbills, occasional nesting has been reported for leatherback, loggerhead, and green sea turtles on these beaches. The Critical Habitat for the Endangered giant anole barely overlaps the proposed Critical Habitat of the hawksbill on Playa Resaca.

The hawksbill sea turtle is a tropicopollinator species. It occurs in waters off the east coast of the continental United States, the U.S. Virgin Islands, mainland Puerto Rico, the Hawaiian Islands, Pacific Trust Territory, American Samoa, Guam, and Territory of the Northern Mariannas. Nesting is known to occur in Florida and the Virgin Islands and probably elsewhere in areas under United States jurisdiction. However, not enough information is presently available on these areas to include specific nesting beaches in this present proposal. As information becomes available, additional areas may be proposed as Critical Habitat for this species in the future.

Effect of the Rulemaking

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

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

A definition of the term "Critical Habitat" was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the Federal Register, January 4, 1978 (43 FR 870-876) and is reprinted below:

"Critical habitat" means any air, land, or water area (exclusive of those existing manmade structures or settlements which are not necessary to the survival and recovery of a listed species) and constituent elements thereof, the loss of which would appreciably decrease the likelihood of the survival and recovery of a listed species or a distinct segment of its population. The constituent elements of critical habitat include, but are not limited to: Physical structures and topography, biota, climate, human activity, and the quality and chemical content of land, water, and air. Critical habitat may represent any portion of the present habitat of a listed species and may include additional areas for reasonable population expansion.

As specified in the regulations for Interagency Cooperation, as published in the January 4, 1978, Federal Register (43 FR 870), the Director will consider the physiological, behavioral, ecological, and evolutionary requirements for survival and recovery of listed species in determining what areas or parts of habitat are critical. These requirements include, but are not limited to:

1. Space for individual and population growth and for normal behavior;
2. Food, water, air, light, minerals, or other nutritional or physiological requirements;
3. Cover or shelter;
4. Sites for breeding, reproduction, or rearing of offspring; and generally;
5. Habitats that are protected from disturbances or are representative of the geographical distribution of listed species.

In accordance with the July 18, 1977, Memorandum of Understanding between the Fish and Wildlife Service and National Marine Fisheries Service, the Fish and Wildlife Service was given the responsibility for sea turtles while on land. Such responsibility includes the determination of Critical Habitat. Since the only time sea turtles leave the water to come onto beaches in the Commonwealth of Puerto Rico is to lay eggs, the areas included in this proposal are areas where hawksbill sea turtles nest. All the beaches in this proposed rulemaking provide sites for the incubation of eggs and are known to provide proper sand size, moisture, and temperature conditions for successful development and hatching.

There may be many kinds of actions which can be carried out within the Critical Habitat of a species which would not be expected to adversely affect that species.

This point has not been well understood by some persons. There has been widespread and erroneous belief that a Critical Habitat designation is something akin to establishment of a wilderness area or wildlife refuge, and automatically closes an area to most human uses. Actually, a Critical Habitat designation applies only to Federal
agencies, and essentially is an official notification to these agencies that their responsibilities pursuant to section 7 of the Act are applicable in a certain area.

A Critical Habitat designation must be based solely on biological factors. There may be questions of whether and how much habitat is critical, in accordance with the above interpretation, or how to best legally delineate this habitat, but any resultant designation must correspond with the best available biological data. It would not be in accordance with the law to involve other motives; for example, to enlarge a Critical Habitat delineation so as to cover additional habitat under section 7 provisions, or to reduce a delineation so that actions in the omitted area would not be subject to evaluation.

There may indeed be legitimate questions of whether, and to what extent, certain kinds of actions would adversely affect listed species. These questions, however, are not relevant to the biological basis of Critical Habitat delineations. Such questions should, and can more conveniently, be dealt with after Critical Habitat has been designated. In this respect the Service, in cooperation with other Federal agencies, has drawn up a set of regulations which, in part, establish a consultation and assistance process for helping to evaluate the possible effects of actions on Critical Habitat. The regulations for Interagency Cooperation were published on January 4, 1978, in the Federal Register (43 FR 870-876) to assist Federal agencies in complying with section 7 of the Endangered Species Act of 1973.

PUBLIC COMMENTS SOLICITED

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

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

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

The Primary author of this proposed rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (202-343-7814).

REGULATIONS PROMULGATION

Accordingly, the Service proposes to amend §17.95(c) by adding Critical Habitat of the hawksbill sea turtle before that of the leatherback sea turtle as follows:

(c) Reptiles. ** *

** **

HAWKSBILL SEA TURTLE

(Eretmochelys imbricata)

Puerto Rico—(1) Isla Mona. All areas of beachfront on the west, south, and east sides of the island from mean high tide inland to a point .1 mile from shore. This includes all 7.2 kilometers of beaches on Isla Mona. (2) Culebra Island. All areas of beachfront on the north shore of the island from mean high tide inland to a point .1 mile from shore. This includes the following beaches: Playa Blanca, Playa Flamenco, Playa Resaca, Playa Brava, and Playa Larga. (3) Cayo Norte. South beach, from mean high tide inland to a point .1 mile from shore. (4) Isla Culebrita. All beachfront areas on the southwest facing shore, east facing shore, and northwest facing shore of the island from mean high tide inland to a point .1 mile from shore.

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


LYNN A. GREENWALD,
Director,
Fish and Wildlife Service.
ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Public 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 10:45 a.m., June 8, 1978 in Hearing Room A of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C.

The Committee will meet to discuss alternatives to current APA rulemaking requirements.

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 Committee meeting, contact Joseph B. Scott 202-254-7020. Minutes of the meeting will be available on request.


RICHARD K. BERG,
Executive Secretary.

[FR Doc. 78-14543 Filed 5-23-78; 8:45 am]

ACTION

[Announcement No. 78-01]

COMPETITIVE FAMILY VIOLENCE DEMONSTRATION GRANT


Applications are due by close of business on June 28, 1978. All applications received by that date, or postmarked five (5) days before that date by the U.S. Postal Service, will be considered. Applications received by the closing date, which are complete and conform to the requirements of this program announcement, will be competitively reviewed for the award of a grant of national significance which focuses on the provision of voluntary assistance to victims of family violence.

A. OBJECTIVES OF THIS SPECIAL VOLUNTEER PROGRAM

To strengthen and supplement efforts to meet a range of human and social needs, particularly those of battered women and other victims of family violence, by encouraging and enabling persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies and organizations where the application of human talent and dedication may help to meet the needs of victims of family violence.

B. ELIGIBLE APPLICANTS

Non-federal governmental agencies or private non-profit organizations with expertise in family support systems, volunteer recruitment, placement, and training, especially in the areas of psychological and physical violence.

Experience in management of multiple units, geographically dispersed demonstration or voluntary projects should be noted and described in the grant application.

C. AVAILABLE FUNDS

1. An amount not to exceed $300,000 will be available in fiscal year 1978 for the following:

(a) Grantee costs for project administration, including full-time volunteer allowances and part-time volunteer out-of-pocket expenses, data collection, technical assistance, and preparation of materials.

Reimbursements of out-of-pocket expenses, such as those for meals and transportation, may be made to one of more part-time community volunteers at each of ten (10) pilot centers under the grant. Volunteers may be used as organizers, outreach workers, victim counselors, etc., but they may neither function as nor replace staff members of the pilot centers.

(b) The grant will be awarded for a period of fifteen (15) months to allow for planning and implementation.

2. An amount not to exceed $150,000 may be made available at ACTION'S discretion in fiscal year 1979 for the following:

(a) Conduct by the pilot centers of regional conferences to enable other voluntary programs to learn about and benefit from the activities and accomplishments of this program.

(b) Preparation of materials.

D. APPLICATION REVIEW PROCESS

Acceptable applications will be reviewed and rated by an Advisory Panel composed of a minimum of three (3) ACTION and/or other Federal agency reviewers having expertise in family violence programs and needs. The highest rated applications will be submitted to the Assistant Director for Policy and Planning for final selection. The grant award will be made by the Chief of the Grants Branch, Contracts and Grants Management.

E. DESCRIPTION OF GRANT PROGRAM

1. The grant will be made for the purpose of:

(a) Identifying and supporting voluntary programs responding to the needs of battered women and other victims of family violence;

(b) Developing contacts between these programs and other voluntary programs responsive to other family crisis needs;

(c) Reviewing existing resources and producing additional materials on the causes and treatment of family violence that will aid volunteers and voluntary organizations in their service to the needs of families in stress.

2. To accomplish this purpose, the grantee will:

(a) Identify a potential pilot volunteer center in each of ACTION'S ten (10) regions. Each center will receive a small sub-grant from the grantee's funds to recruit, train, reimburse the out-of-pocket expenses of one or more part-time community volunteers and pay the allowances of one or more full-time community volunteers; and improve its programs by expanding methods of providing volunteer service and by encouraging wider volunteer participation;

(b) Provide to each center, as necessary, technical assistance for its volunteer programs, including, but not limited to fundraising techniques, mobilization of resources, and recruitment and training of volunteers.

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
3. If an additional grant is made in fiscal year 1978, its purpose will be to permit the grantee to:
(a) Assist each center in the planning and conduct of a two-day conference designed to compile materials to help volunteers and voluntary organizations in the field of family violence; (b) Prepare, develop and edit all materials from the conferences and prepare them in camera-ready form as manuals and brochures for printing and distribution by ACTION.

F. AVAILABILITY OF APPLICATION FORMS

To be eligible for consideration, an application must be submitted on ACTION Form A-263, "Federal Assistance", in accordance with the instructions set forth in the application kit. An application kit containing application forms, instructions, and program guidelines and information may be obtained from William A. Stockman, ACTION, Chief of Grants Branch, Office of Contracts and Grants Management, Room P-200, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

To expedite requests, please furnish a self-addressed gummed label, including the RGA No. 78-01 at the bottom of the label. Telephone requests will not be honored.

G. APPLICATION SUBMISSION

One signed original and two (2) copies of all completed applications must be submitted to William A. Stockman, Chief of Grants Branch, at the above address.

UNACCEPTABLE APPLICATIONS

Applications which do not conform to the announcement, are received late, or are incomplete, will not be accepted for review.


IRENE TINKER, Assistant Director, Policy and Planning.

[FR Doc. 78-14492 Filed 5-23-78; 8:45 am]

[3410–11]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT PLAN;
CHEQUAMEGON NATIONAL FOREST

Availability of Final Environmental Statement


This final environmental statement was transmitted to EPA on May 15, 1978.

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

USDA, Forest Service, South Agriculture Bldg., Room 3211, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wis. 53203.

USDA, Forest Service, Chequamegon National Forest, Federal Building, Park Falls, Wis. 54552.

A limited number of single copies are available upon request to Forest Supervisor, Chequamegon National Forest, Federal Building, Park Falls, Wis. 54552.

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

Public input will become a matter of record subject to release under the Freedom of Information Act.


L. K. KELLEY, Acting Director Planning, Programming and Budgeting.

[FR Doc. 78-14446 Filed 5-23-78; 8:45 am]

[3410–01]

Office of the Secretary

PRIVACY ACT OF 1974

Deletion of Systems of Records

Notice is hereby given that the Department of Agriculture, in accordance with 5 U.S.C. 552a(e) (4) and (11), proposes to delete a system of records where the program has been discontinued. The deleted system is USDA/ASCS-25, Producer Record for Pre-Pilot Counties. The system was initially established as a result of a pre-pilot program. The program never became operational. Therefore, the system was discontinued. The system notice was previously republished on September 30, 1977 in 42 FR 53190 and 42 FR 53200 respectively. The deletion will be effective May 24, 1978.


CAROL TUCKER FOREMAN, Acting Secretary.

[FR Doc. 78-14407 Filed 5-23-78; 8:45 am]
ity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 27258 described in finding paragraph 2 above.

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

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

This order will be published in the Federal Register.

Phyllis T. Kaylor, Secretary.

ATTACHMENT I

AGREEMENT CAB 27258

<table>
<thead>
<tr>
<th>Market</th>
<th>IATA commodity</th>
<th>Specific commodity rate</th>
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</thead>
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<tr>
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<td>Cents/Kg.</td>
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<tr>
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<td>Panama to Taipei</td>
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<tr>
<td>Hong Kong to Guam</td>
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<td>Rates added under existing commodity descriptions</td>
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<td>Bombay to Guam ..........................</td>
<td>2199</td>
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<tr>
<td>Hong Kong to Guam</td>
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<td>Rates changed under existing commodity descriptions</td>
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<tr>
<td>Hong Kong to Guam</td>
<td>3902</td>
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</table>

*See applicable tariffs for complete commodity description.

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

ATTACHMENT II

SPECIFIC COMMODITY DESCRIPTION

<table>
<thead>
<tr>
<th>Item No. and Description</th>
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</thead>
<tbody>
<tr>
<td>1055 Sheep</td>
</tr>
<tr>
<td>1402 Floral and/or nursery stock and bulbs, seeds and tubers—excluding cut flowers.</td>
</tr>
<tr>
<td>2004 Yarn and thread of synthetic fibres.</td>
</tr>
<tr>
<td>2092 Fibres, thread and/or yarn, natural and/or artificial wool.</td>
</tr>
<tr>
<td>2195 Yarn, thread and/or fibres, natural and synthetic, cloth exclusively in bales, bolts or pieces, not further processed or manufactured, clothing and footwear, textile-manufacturers, viz., articles or material made principally of textiles.</td>
</tr>
<tr>
<td>2196 Yarn, thread, fibres, natural and synthetic cloth, textile fabrics, drawnwork, needlework, embroideries, tulle and lace, exclusively in bales, bolts or pieces not further processed or manufactured excluding clothing, footwear, outerwear and undergarments.</td>
</tr>
</tbody>
</table>

2200 Wearing apparel including partly manufactured clothing.
2201 Clothing and wearing apparel.
2366 Pantyhose.
2410 Shirts.
2416 Shoe parts and shoe lasts.
2422 Shoes and slippers, other than straw.
3100 Cutlery.
3571 Stoves, electric or gas.
3575 Oiler burners.
4317 Supplies for electronic data storage-processing machines, digital and analog computers, consisting only of punch cards, tape, data sheets and/or data discs.
4501 Telecommunication equipment.
4705 Food processing machinery.
4900 Pneumatic and hydraulic equipment.
4971 Valves and regulators.
4999 Aircraft parts, office machinery, electrical appliances, machinery, tools, surface vehicles and accessories thereof. Data processing machinery, punch cards, data sheets, discs and/or tapes, excluding watches and clocks, steamship and motorship machinery spare parts.
6435 Opium.

6805 Synthetic gums and resins and manufactures (plastic) sheets, slabs, rods, tubes and other unfinished forms.
7000 Paper and paper products.
7177 Printed promotional material.
8004 Dental, surgical, measuring, calibrating, testing and drawing instruments, analysing scales, microscopes, telescopes, binoculars, spectacles, sunglasses, lenses, photographic and projection equipment, photographic supplies, excluding watches and clocks.
8400 Lenses.
9970 Building and engineering construction equipment.

[FR Doc. 78-14347 Filed 5-23-78; 8:45 am]

SAN ANTONIO—DENVER ROUTE PROCEEDING

Western Air Lines, Inc., Order

Issued under delegated authority May 17, 1978.

By Order 78-4-30, dated April 7, 1978, the Board instituted the San Antonio-Denver Route Proceeding to consider the need for new non-stop authority in this market. The order consolidated the application of Frontier Airlines for nonstop authority in the market. Western Air Lines, Inc., has moved to consolidate its application in Docket 32576 into this proceeding. No answers have been received.

Since Western's application fully conforms to the scope of this proceeding, the motion to consolidate will be granted, and Western will be made a party to this investigation.

Pursuant to authority duly delegated by the Board in Order 78-4-30, IT IS ORDERED THAT:

1. The application of Western Air Lines, Inc., in Docket 32376 be consolidated into the San Antonio-Denver Route Proceeding, Docket 32376.

2. Western Air Lines, Inc., be made a party to this proceeding.

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

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

By Katherine A. Kent, Administrative Law Judge.

Phyllis T. Kaylor, Secretary.

(FR Doc. 78-14516 Filed 5-23-78; 8:45 am)

[6315-01]

COMMUNITY SERVICES ADMINISTRATION

EMERGENCY ENERGY ASSISTANCE PROGRAM

Funding Declarations

The Director of the Community Services Administration (CSA) has found, based on criteria indicated in column 1 of Appendix A that energy related emergencies have existed since the dates indicated in column (3).

Therefore, eligible grantees who cover those areas indicated in column (2) will proceed as follows:

Grantees who receive funds by letter of credit may withdraw and expend funds in the amount approved in column (4) or that portion of that amount which have been granted to them under program account 80, Emergency Energy Assistance Program; or

Grantees who normally receive checks are being informed that their checks are being forwarded by the Treasury Department for the total amount of the EEAP grant. However, these grantees immediately may begin obligating funds against this grant in the amount appropriated in column (4) and from the date indicated in column (3).

Column (3) contains the earliest date to our knowledge which provided the basis for a finding by the Director of CSA that an energy related emergency existed. However, any eligible grantee within those areas covered in column (2) may submit evidence to support the existence of energy related emergencies which existed between December 31, 1977, and the date given in column (3) for a finding by the Director of CSA. (See CSA Notice 6143-7, section 4 or §1061.51-3 in the Federal Register (43 FR 9476).

Request for supplemental (additional) funds shall be made in accordance with the provisions of section 11.c. of CSA Notice 6143-7.

Frank N. Jones, Acting Director.

[FEDERAL REGISTER, VOL 43, NO. 101—WEDNESDAY, MAY 24, 1978]
<table>
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<tr>
<th>STATE(S) DECLARED (1)</th>
<th>AREAS COVERED (2)</th>
<th>EMERGENCY DECLARATION DATE (3)</th>
<th>APPROVED ALLOCATION FOR AREA COVERED (4)</th>
<th>BASIS FOR DETERMINATION (5)</th>
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<tr>
<td>REGION IV</td>
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<tr>
<td>Florida</td>
<td>Counties of:</td>
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<tr>
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<td>Seminole</td>
<td>April 12, 1978</td>
<td>$ 4,142</td>
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<td>Reservation</td>
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<td>15,842</td>
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<td>Dade, Monroe</td>
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</table>

* For more details, please refer to 50 C.F.R. Section 61.34, Section 4; Federal Register 1964.51.4(b).
NOTICES

[3510-25]
DEPARTMENT OF COMMERCE
Industry and Trade Administration
MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE
Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on June 14, 1978 at 1:30 p.m. in Room 4832, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:
1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Telephone requests for the minutes of the meetings and requests for further information concerning the Committee may be directed to Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.


ROBERT E. SHEPHERD,
Deputy Assistant Secretary
for Domestic Business Development.
[FR Doc. 78-14537 Filed 5-23-78; 8:48 am]

[3510-22]
Notional Oceanic and Atmospheric Administration
CARIBBEAN FISHERY MANAGEMENT COUNCIL
Public Meeting

The Caribbean Fishery Management Council, established under Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet June 20-22, 1978, at the Grapepete Beach Hotel, Saint Croix, V.I. The meeting starts at 8 a.m. on June 20, and will adjourn at about noon on June 22.


Meeting is open to public. For information on seating, changes to the agenda, and/or written comments, contact Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, P.O. Box 1001, Hato Rey, P.R. 00919, telephone 809-733-4926.


WINIFRED H. MEBISH,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-14446 Filed 5-23-78; 8:45 am]

[3510-08]
COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE
Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the Coastal Zone Management Advisory Committee (the "Committee") will meet Thursday and Friday, June 8-9, 1978 at 9 a.m. in The Penthouse, Page Building I, 2001 Wisconsin Avenue NW., Washington, D.C.

The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:45 a.m. until 12:15 p.m. on June 8 and from 11 a.m. until 11:15 a.m. on June 9, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Executive Secretary in advance of the meeting. A written version of an oral statement or a written statement may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whisthaven Street NW., Washington, D.C. 20235 (Attn: Dr. Richard Keating, Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at 202-634-4250.

The items for Committee discussion at the meeting will include the following:
1. June 8
9:00 a.m.—Call to order.
9:15 a.m.—Coastal Zone Management Program update and legislative review.
10:00 a.m.—"Beneficial Effects of Coastal Zone Management Programs: Case Studies." Office of Coastal Zone Management.
11:00 a.m.—Discussion of committee report.
11:45 a.m.—Oral statements (if any) from interested persons.
12:15 p.m.—Lunch.
2:00 p.m.—Panel presentation, "The Electric Utilities Industry and CZM." Donald Allen, Chairman.
3:30 p.m.—Committee discussion of CZM and electric utilities industry and tentative recommendations to the recommendations to the Administrator of National Oceanic and Atmospheric Administration.
4:30 p.m.—Formation of task forces.
4:15 p.m.—Agenda, date, and location of next meeting.
4:30 p.m.—Adjourn.

June 9
8:45 a.m.—Call to order.
9:00 a.m.—Panel presentation, "Balanced Growth, Coastal Zone Management and the Administration's Urban Package," Ann Jennings, Chairwoman.
10:30 a.m.—Committee discussion of balanced growth issues and tentative recommendations to the Administrator of National Oceanic and Atmospheric Administration.
11:00 a.m.—Oral statements (if any) from interested persons.
11:15 a.m.—Depart for Main Commerce Building.
11:30 a.m.—Presentation of committee report to Secretary of Commerce (tentative).
12:30 p.m.—Return to Page Building and lunch.
2:00 p.m.—Presentation on Oceans Management, Office of Oceans Management.
3:30 p.m.—Adjourn.


T. P. GLITZER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.
[FR Doc. 78-14530 Filed 5-23-78; 8:45 am]

[3510-04]
National Technical Information Service
GOVERNMENT-OWNED INVENTIONS
Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and...
NOTICES

COUNCIL FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

May 19, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain wool and man-made fiber textile products from Romania during the twelve-month period which began on January 1, 1978, pursuant to the amended wool and man-made fiber textile agreement.

SUMMARY: The Governments of the United States and the Socialist Republic of Romania have exchanged notes amending the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977 to provide for the changeover to the new textile category system, which became effective on January 1, 1978. The agreement, as amended, establishes levels of restraint for certain specified categories of wool and man-made fiber textile products, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on January 1, 1978. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit to the designated levels of restraint the amounts of wool and man-made fiber textile products in Categories 438/439, 440/441, 442, 443, 459, 465, 600, 611, 612, 613, 614, 633, 634, 638/639, 640, 643/644, 645/646, 648, 659, and 666, produced or manufactured in Romania, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1978 and extends through December 31, 1978. The levels of re-

ROBERT E. SHEPHERD, Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.


Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977, pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 30, 1978 and for the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the foregoing categories in excess of the indicated levels of restraint:

Category and Twelve-Month Level of Restraint:

433/434—225,000 square yards equivalent.
458/459—3,333 numbers.
463—88,021 dozen.
459—75,000 pounds.
465—1,500,000 square feet.
610—2,000,000 square yards.
611—2,000,000 square yards.
612—2,000,000 square yards.
613—4,000,000 square yards.
614—1,000,000 square yards.
615—1,436 dozen.
634—53,269 dozen of which not more than 30,520 dozen shall be in T.S.U.S.A. numbers 360.0465, 360.8101, 360.8108, 360.8111, and 791.7460 and not more than 16,949 dozen shall be in the remaining T.S.U.S.A. numbers in Category 654.

1The levels of restraint have not been adjusted to account for any imports after December 31, 1977.

638/639—2,975,000 square yards equivalent.
640—50,000 dozen.
643/644—25,000 units.
645/646—236,094 units.
646—50,631 dozens.
659—192,308 pounds.
666—256,410 pounds.

Wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Romania and exported to the United States prior to January 1, 1978, shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that: (1) with the exception of Categories 443, 643/644 (not knit) and 645/646 for which the adjustment has already been made, specific limits within the applicable group limits may be exceeded by designated percentages to account for flexibility; (2) specific ceilings may be increased for consumers and forwarders and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.


In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool and man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to include foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ROBERT E. SHEPHERD, Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978]
NOTICES

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 Hearings and Appeals, Department of Energy, Washington, D.C. 20546.


MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

APPENDIX.—List of cases noted by the Office of Hearings and Appeals (Week of Apr. 28, through May 5, 1978)

<table>
<thead>
<tr>
<th>Date</th>
<th>Name and location of applicant</th>
<th>Case No.</th>
<th>Type of submission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Service, Inc., would receive a stay of the provisions of the revised remedial order issued Mar. 21, 1978, by DOE Region IX pending a final determination on the appeal of that order which the firm intends to file.</td>
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<td></td>
<td>Butler &amp; Fought Exxon Service, Little Rock, Ark.</td>
<td>DEE-1068</td>
<td>Exception to the reporting requirements.</td>
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<tr>
<td></td>
<td>If granted: Butler &amp; Fought Exxon Service</td>
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<td></td>
<td>would not be required to file form ELA-8 (Retail Motor Fuels Service Station Survey).</td>
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<td></td>
<td>Clyde’s Service Station, Minneapolis Minn. If granted: Clyde’s Service Station would not be required to file form ELA-8 (Retail Motor Fuels Service Station Survey).</td>
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<td></td>
<td>Brite, Gibson, Robert Ling,公社 &amp; Co. would not be required to file form ELA-8 (Retail Motor Fuels Service Station Survey).</td>
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<td>If granted: The DOE’s Mar. 27, 1978 denial of appeal of the information request denials.</td>
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<td>Don Baldwin Oil, Gloversville, N.Y.</td>
<td>DEE-1062</td>
<td>Exception to the reporting requirements.</td>
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<td>If granted: Don Baldwin Oil would not be required to file form ELA-9 (No. 2 Heating Oil Supply/Price Monitoring Report).</td>
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<td>Fraser Mustang, Hideaway Park, Colo.</td>
<td>DEE-1061</td>
<td>Exception to the reporting requirements.</td>
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<tr>
<td></td>
<td>If granted: Fraser Mustang would not be required to file form ELA-4 (Retail Motor Fuels Service Station Survey).</td>
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<td>Landay-Thoard Oil Co., South Gate, Calif.</td>
<td>DEE-1057</td>
<td>Exception from the entitlements program.</td>
</tr>
<tr>
<td></td>
<td>If granted: Landay-Thoard Oil Co. would receive an exception from the provisions of 10 CFR 211.87 with respect to its entitlement purchase obligations for the months of June through November 1978.</td>
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<td>Maurice L. Brown Co., Kansas City, Mo.</td>
<td>DEE-1055</td>
<td>Price exception (sec. 212.73).</td>
</tr>
<tr>
<td></td>
<td>If granted: Maurice L. Brown Co. would be permitted to sell the crude oil produced from the S. E. Anderson Lease located in Lees County, N. Mex., at upper tier ceiling prices.</td>
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<td>Do_______</td>
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<td>If granted: New England Petroleum Corp. would receive a stay of the provisions of 10 CFR 211.87 and 101 CFR Pt. 213 pending a final determination in its application for exception.</td>
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<td></td>
<td>Sid Richardson Carbon &amp; Gasoline Co., Fort Worth, Tex.</td>
<td>DEE-1064</td>
<td>Extension of the relief granted in Sid Richardson Carbon &amp; Gasoline Co. Case No. DSG-0017. (unreported decision).</td>
</tr>
<tr>
<td></td>
<td>If granted: The applicant would be permitted to increase its prices to reflect non-product cost increases incurred in producing natural gas liquids and natural gas liquid products.</td>
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<td>Tenneco Oil Co., Houston, Tex.</td>
<td>DEE-0527</td>
<td>Price exception (sec. 212.165).</td>
</tr>
<tr>
<td></td>
<td>If granted: Tenneco Oil Co. would receive an adjustment in the exception relief granted in the Apr. 4, 1978 decision and order to account for the fact that the grantor of the original exception from the Wexner-Hunt lease had not declined since May 15, 1978.</td>
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<td></td>
<td>Universal, Inc., Luling, Tex.</td>
<td>DEE-1056</td>
<td>Price exception (sec. 212.93).</td>
</tr>
<tr>
<td></td>
<td>If granted: Universal, Inc. would receive an exception from the requirement of 10 CFR 212.83 that it calculate its inventory costs on a company-wide, single inventory basis for the period prior to May 1, 1976.</td>
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<td>Wilmot Oil Co., Seabrook, N.H.</td>
<td>DEE-1063</td>
<td>Exception from reporting requirements.</td>
</tr>
<tr>
<td></td>
<td>If granted: Wilmot Oil Co. would not be required to file form ELA-9 (No. 2 Heating Oil Supply/Price Monitoring Report).</td>
<td></td>
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</tr>
<tr>
<td>May 1, 1978</td>
<td>Atlantic Richfield Co., Los Angeles, Calif.</td>
<td>DRH-0025</td>
<td>Request for an evidentiary hearing.</td>
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<tr>
<td></td>
<td>If granted: Atlantic Richfield Co. would be granted an evidentiary hearing with respect to its pending appeal of the Aug. 1, 1977 remedial order.</td>
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<td></td>
<td>Louis K. Bell, Augusta, Ga.</td>
<td>DPA-0175</td>
<td>Appeal of the information request denial.</td>
</tr>
<tr>
<td></td>
<td>If granted: The DOE’s Mar. 27, 1978 denial of a request for information pertaining to Louis K. Bell would be rescinded.</td>
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<td></td>
<td>Ben R. Briggs, Dallas, Tex.</td>
<td>DPA-0176</td>
<td>Price exception (sec. 212.165).</td>
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<tr>
<td></td>
<td>If granted: Ben R. Briggs would be permitted to increase his prices to reflect non-product cost increases in excess of $0.005/gal for natural gas liquid products produced at the East Texas plant.</td>
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<tr>
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<td>Hugh M. Briggs, Dallas, Tex.</td>
<td>DEE-1067</td>
<td>Price exception (sec. 212.165).</td>
</tr>
<tr>
<td></td>
<td>If granted: Hugh M. Briggs would be permitted to increase its prices to reflect non-product cost increases in excess of $0.006/gal for natural gas liquid products produced at the East Texas plant.</td>
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<tr>
<td></td>
<td>Buck’s Butane and Propylene Service, Inc., San Jose, Calif.</td>
<td>DLA-0178</td>
<td>Price exception (sec. 212.165).</td>
</tr>
<tr>
<td></td>
<td>If granted: The DOE’s May 31, 1978 revised remedial order issued by DOE Region IX would be rescinded and Buck’s Butane and Propylene Service, Inc. would not be required to refund overcharges made in its sales of propane.</td>
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<td>If granted: C F Braun &amp; Co. would be permitted to increase its prices to reflect non-product cost increases in excess of $0.006/gal for natural gas liquid products produced at the Mooreland and Silvering plants.</td>
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<td></td>
<td>Joe K. Staley Oil Co., Greencarres, Wash.</td>
<td>DEE-0017</td>
<td>Request for special redress.</td>
</tr>
<tr>
<td></td>
<td>If granted: The Mar. 16, 1978 denial of Joe K. Staley Oil Co.’s motion to quash the Nov. 30, 1977 special report order would be rescinded.</td>
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<tr>
<td></td>
<td>Northern Illinois Gas Co., Chicago, Ill.</td>
<td>DEA-0174</td>
<td>Appeal of an assign order.</td>
</tr>
<tr>
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<td>Do_______</td>
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<tr>
<td></td>
<td>If granted: R. W. Tyson Producing Co., Inc. would be permitted to sell the crude oil produced from the No. 4 and No. 5 wells of the Stevens No. 1 lease located in Perry County, Miss., at exempt price levels.</td>
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<td>Do_______</td>
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<td>If granted: The DOE’s Apr. 19, 1978 proposed decision and order issued to the Texaco Corp. would be modified.</td>
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</tr>
<tr>
<td>May 2, 1978</td>
<td>66 Service Center, Birmingham, Ala.</td>
<td>DEE-1970</td>
<td>Exception to the reporting requirements.</td>
</tr>
<tr>
<td></td>
<td>If granted: 66 Service Center would not be required to file form ELA-8 (Retail Motor Fuels Service Station Survey).</td>
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<td></td>
<td>If granted: Carbon Pool Corners, Inc. would receive an exception from the provisions of 10 CFR 212.131 with respect to the certification of crude oil sold to Plateau, Inc.</td>
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<tr>
<td></td>
<td>Getty Oil Co., Los Angeles, Calif.</td>
<td>DEE-0086</td>
<td>Supplemental order in Getty Oil Co., 1 DOE Par. (Apr. 21, 1978).</td>
</tr>
<tr>
<td></td>
<td>If granted: The DOE’s Apr. 28, 1978 decision and order would be modified.</td>
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</tbody>
</table>

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

Week of May 1 through May 5, 1978

Notice is hereby given that during the period May 1 through May 5, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, part 206, were issued in proposed form on September 14, 1977 (42 FR 47210 (Sept. 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 the Proposed Decision and Order in final form may file a written Notice of Objection within 10 days of service. For purposes of the new procedures, 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. 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 which seeks to contest any finding or conclusion contained in a Proposed Decision and Order in final form must also file a detailed Statement of Objections in accordance with the requirements of that Order.

[3128-01]
NOTICES

PROPOSED DECISIONS AND ORDERS

Gulf Oil Corporation, Tulsa, Okla., D.E.E.-0612, Crude Oil

Gulf Oil Corp., (Gulf) filed an Application for Exception from the provisions of 10 CFR, part 212, subpart D. The exception request, if granted, would permit Gulf to sell the crude oil which it produces from the Kiefer Unit located in Creek County, Okla. at upper their ceiling prices. On May 2, 1978, the DOE issued a proposed decision and Order which determined that the exception request be granted in part.

MORAN PIPE & SUPPLY CO., INC., SEMINOLE, OKLA., D.X.E.-1028, CRUDE OIL

Morgan Pipe & Supply Co., Inc., filed an Application for Exception from the provisions, of 10 CFR, part 212, subpart D. The exception request, if granted, would permit Morgan to continue to sell a portion of the crude oil produced from the Cosar Lease located in Seminole County, Okla., at upper their ceiling prices. On May 2, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request should be granted.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Hearings and Appeals of the Department of Energy has issued a proposed decision and order granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processor listed below. The proposed exception relief permits the firm involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct cost increases:

<table>
<thead>
<tr>
<th>Company</th>
<th>Case</th>
<th>Plant</th>
<th>Location</th>
<th>Amount of price increase (per gallon)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mapco, Inc</td>
<td>D.E.E.-996</td>
<td>Altonah</td>
<td>Duchene/Utah</td>
<td>$0.1132</td>
</tr>
<tr>
<td></td>
<td>D.E.E.-997</td>
<td>Tyrone</td>
<td>Texas/Oklahoma</td>
<td>.6300</td>
</tr>
</tbody>
</table>

(FR Doc. 78-14297 Filed 5-23-78; 8:45 am)

[6740-02] Federal Energy Regulatory Commission

[Docket Nos. E-7562, E-7655; Project Nos. 176, 599]

ESCONDIDO MUTUAL WATER CO. ET AL.
Notice of Project Inspection

MAY 17, 1978.


Notice is hereby given that on June 1 and 2, 1978, Vice Chairman Don S. Smith and Commissioner George R. Hall will inspect the facilities of Project No. 176, Lake Henshaw and the La Jolla, Rincon, San Pasqual, Pauma and Pala Indian Reservations in conjunction with the proceeding for relicensing the said project which is pending before the Commission.

Representatives of the parties to the said proceeding may participate in the inspection. Such persons shall furnish their own meals and transportation and meet at 8 o'clock AM on June 1 and 2, 1978, in the parking area of the Mt. Vernon Motel, Escondido, Calif.

This notice shall be published in the

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

[6740-02] MICHIGAN CONSOLIDATED GAS CO.—INTERSTATE STORAGE DIVISION

Notice of Petition To Amend


Take notice that on March 13, 1978, Michigan Consolidated Gas Co.— Interstate Storage Division (Petitioner), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP77-274 a petition to amend the Commission’s order of December 9, 1977, as amended June 10, 1977, provides for the storage of up to 6,000,000 Mcf of gas for Off-Peak service, and the second storage agreement, dated November 1, 1976, as amended June 10, 1977, provides for the storage of up to 6,400,000 Mcf of gas for Off-Peak Service.

The petition states that in order to provide additional storage service needed by Panhandle’s customers, Petitioner and Panhandle have entered into an amendment to the October 31, 1967 gas storage agreement, dated February 1, 1978, which provides for the increase in the maximum volume of gas to be stored for 100-day gas storage service from 6,000,000 Mcf to 12,500,000 Mcf. It is stated that if Panhandle should elect to defer redelivery from one winter period to the next of any part of the volumes stored, to the extent that such deferred volumes exceed 2,450,000 Mcf, rather than 1,200,000 Mcf as originally provided in said agreement of October 31, 1976, Panhandle would furnish 2 percent of such excess as compressor fuel, to permit cycling of such excess gas to maintain storage capacity.

Petitioner indicates that to render the additional gas storage service beginning with the 1978-79 storage

[6740-02] FEDERAL REGISTER and copies shall be transmitted to all parties as their names and addresses appear on the service list of the said proceeding.

KENNETH F. FLUMEN, Secretary.
season, it would utilize the Taggart Storage Field and associated pipeline and compression facilities which the Commission has temporarily certificated in Docket No. CP76-264.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protesters parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMBE, Secretary.

[FR Doc. 78-14479 Filed 5-23-78; 8:45 am]

NOTICES

[6740-02] [Docket No. RP78-61]

MIDWESTERN GAS TRANSMISSION CO.

Order Instituting Investigation and Show Cause Proceeding


Article XVII, Part 4, of the General Terms and Conditions of Midwestern Gas Transmission Co.'s (Midwestern) tariff provides that Midwestern shall retain any refunds it may receive from its Southern System supplier, Tennessee Gas Pipeline Co. (Tennessee), until the Commission action requiring such refunds is final and nonappealable. Review and consideration of this tariff provision indicates that a Section 5 investigation should be instituted to determine the propriety of allowing the provision to remain in the tariff. For the reasons stated hereafter, the Commission will order Midwestern to show cause why this tariff provision should not be amended by summary disposition to require the immediate crediting of supplier refunds to Account 191 for the benefit of its customers.

Article XVII, Part 4 of Midwestern's tariff provides as follows:

4. Flow-Through of Gas Supplier Refunds

4.1 Credit of Gas Supplier Refunds Subject to Flow-Through: Gas Supplier Refunds Subject to Flow-Through are refunds (including interest received) which have been received by Seller from Suppliers pursuant to final and nonappealable action by the Commis-


4.2 Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account:

Seller shall flow through Gas Supplier Refunds Subject to Flow-Through to rebalance the Tennessee Gas Cost Account by the amount of such refunds. Seller shall be credited for each Supplier and at the time the related action of the Commission or the Courts becomes final and nonappealable, whichever is later. Seller shall not be required to flow through Gas Supplier Refunds Subject to Flow-Through.

This provision allows Midwestern to accept refunds resulting from collections in excess of prescribed just and reasonable revenues, but to refuse to flow such refunds through to its customers during the pendency of any review proceedings relating to such refunds.

There is no apparent justification for such a provision. The determination as to whether or not refunds shall be retained by the party who is initially obligated by a final Commission order to make such refunds, is made when the Commission and/or the reviewing Court determines whether or not to stay the refund obligation of that party pending judicial review. However, once the determination is made by the Commission and/or the Court that refunds should be made during the pendency of appeal, review, then the FERC must, to the limits of its power, ensure that refunds are flowed through. The reasoning supporting this policy is that, in the extent possible, the FERC should ensure, in this category of cases, that the ultimate consumer receive the benefits of the refunds during the pendency of the case before the Courts for judicial review. There is no apparent equitable or legal reason, other than self-interest, that would justify permitting Midwestern to retain supplier refund funds until such time as they are flowed through to the ultimate consumer.

*This is particularly true in this case where there is no provision that Midwestern pay interest on the retained amount if the supplier ultimately loses its case in Court.

*We note that Midwestern and its pipeline supplier, Tennessee Gas Pipeline Co., both divisions of Tenneco, Inc. This common ownership suggests an even more compelling reason to require flow-through of all refunds from Midwestern received from Tennessee related to Tennessee's own Section 4 rate cases.

*This policy requiring complete flow-through of supplier refunds was recently clarified and reaffirmed by the FPC in Area Rate Proceeding, et al., (Hugoton-Anadarko) order issued August 9, 1978, affirming the rehearing order issued May 30, 1975. As noted above, Article XVII of Midwestern's tariff plainly contravenes this policy.

For the above-stated reasons, the Commission, Massachusetts, proposes to institute a Section 5 investigation and order Midwestern to show cause why Article XVII of its existing tariff should not be found to be unjust and unreasonable for the reasons set forth above and why Article XVII of its tariff should not be modified by summary disposition to require Midwestern to immediately credit supplier refunds to its deferred account when they are received.

The Commission has, on several occasions, summarily disposed of issues that turned on question of law and policy, rather than fact. The courts have found that, "When there is no dispute on a factual issue, the application of an administrative policy does not require a hearing", Tennessee Gas Pipeline Company, et al. v. FPC, 561 F. 2d 965, 955, (D.C. Cir. 1977) citing Municipal Light Boards of Reading and Wakefield, Massachusetts, v. Ohio App. D.C. 294, 400 F. 2d 1341 (1971), cert. den., 465 U.S. 989 (1972).

The matter presently before us appears to raise no factual issue, only one of policy. It therefore appears entirely proper for the Commission, by summary disposition, to determine the


*This policy requiring complete flow-through of supplier refunds was recently clarified and reaffirmed by the FPC in Area Rate Proceeding, et al., (Hugoton-Anadarko) order issued August 9, 1978, affirming the rehearing order issued May 30, 1975. As noted above, Article XVII of Midwestern's tariff plainly contravenes this policy.
question whether Article XVII of Midwestern's tariff is unjust and unreasonable and whether such provision should be modified as mentioned above. We have found it appropriate, however, to provide, through the show cause proceeding instituted herein, an opportunity for Midwestern to show why the action proposed in this order is not appropriate.

The Commission finds: It is necessary and proper and in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission institute a Section 5 investigation and show cause proceeding as hereinafter ordered.

The Commission orders: (A) The Commission hereby institutes an investigation pursuant to Section 5 of the Natural Gas Act and, pursuant to Sections 1.6(d) and 1.9(c) of the Commission's Rules of Practice and Procedure, directs Midwestern to show cause within 20 days of the issuance of this order why Article XVII of its existing tariff should not be found to be unjust and unreasonable for the reasons set forth above and why such tariff provision should not be modified by summary disposition to read as follows:

4. Flow-Through of Gas Supplier Refunds

4.1 Gas Supplier Refunds Subject to Flow-Through: Gas Supplier Refunds Subject to Flow-Through are refunds (including interest received) which have been received by Seller, made payable to or otherwise accounted for to any person other than the holder of the gas supply contract involved in the refund, and paid by Seller to Gas Supplier pursuant to final action by the Commission applicable to gas purchased during the period beginning January 10, 1971, and continuing while Article XII is effective, except for refunds flowed through by Seller pursuant to Article III of the Amended Settlement Agreement dated May 24, 1973, in Docket Nos. RP71-16, et al. Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components on the basis as received by each Supplier, and any interest received on any refund shall be classified between demand and commodity components in proportion to the demand and commodity components of the amount refunded. Nothing in this Article XVII in any way changes the rights and obligations of Seller or its customer with regard to gas supplier refunds applicable to gas purchased prior to January 10, 1971.

4.2 Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account: Seller shall flow through Gas Supplier Refunds Subject to Flow-Through by reducing the balance of the Unrecovered Purchased Gas Cost Account by the amount of such refunds at the time of receipt by Seller.

(B) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[F.R. Doc. 78-14480 Filed 5-23-78; 8:45 am]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application


Take notice that on May 9, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-321 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 4,000 deka thermo-s (dth) equivalent of natural gas per day for Mid Louisiana Gas Co. (Mid Louisiana), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 4,000 dt of natural gas per day for Mid Louisiana pursuant to a transportation agreement dated March 31, 1978, which agreement provides that Mid Louisiana has natural gas available to it in the Lake Field, Plaquemines Parish, La. (Lake Washington) which Tennessee Gas Pipeline Co., a Division of Tennesseco Inc. (Tennessee), would transport and deliver to Applicant at the existing interconnection between their systems located in Allen Parish, La. (Allen Parish), and in Caddo Parish, La. (Caddo Parish), and the Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein or if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14482 Filed 5-23-78; 8:45 am]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MAY 18, 1978.

Take notice that on May 4, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, and St. James Parish, La. (Hester), it is said.

It is stated that for this service, Mid Louisiana would pay Applicant initial monthly charge of $6,400, and that Mid Louisiana would receive a credit to its monthly bill of 5.25 cents per dt for any quantities tendered within the contract demand quantity but not transported due to possible capacity limitations on Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1978, file a petition with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, or if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.
Tex. 77001, filed in Docket No. CP78-316 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, on an undivided perpetual basis, of natural gas not to exceed the dekatherm (dt) equivalent of 7,000 Mcf per day and 15,000 Mcf per day, for Delmarva Power & Light Co. (Delmarva) and Elizabethtown Gas Co. (Elizabethtown), respectively, for a period ending March 31, 1979, as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Delmarva and Elizabethtown have contracted with National Fuel Gas Supply Corp. (Supply Corp.) for one-year underground storage service in the amount of 1,000,000 Mcf and 1,500,000 Mcf, respectively. The party has requested Applicant to transport injection and withdrawal quantities for their respective accounts. Applicant indicates that injection quantities would be delivered to Supply Corp. through existing facilities at the Wharton Storage Field in Pennsylvania, and that withdrawal quantities would be delivered to Delmarva and Elizabethtown at existing points of delivery to those customers in Pennsylvania and New Jersey, respectively.

It is stated that of the quantities transported, 3 percent during injection and 4 percent during withdrawal would be retained by Applicant for compressor fuel and line loss makeup, subject to change in operating conditions warrant. For all quantities transported and delivered, Delmarva and Elizabethtown would pay Applicant an initial rate of 9.55 cents per dt.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission’s Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by sections 7 and 15 of the Natural Gas Act and the Commission’s Rules of Practice and Procedure, a

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary,
[PR Doc. 78-14484 Filed 5-23-78; 8:45 am]

EAST TENNESSEE NATURAL GAS CO.
Order Instituting Section 5 Investigation and Show Cause Proceeding

MAY 17, 1978.

Section 22, Part 4, of the General Terms and Conditions of East Tennessee Natural Gas Company’s (East Tennessee) tariff provides that East Tennessee shall retain any refunds it may receive from its suppliers, including Tennessee Gas Pipeline Company (Tennessee), until the Commission action requiring such refunds is final and nonappealable. Review and consideration of this tariff provision indicates that a Section 5 investigation should be instituted to determine the propriety of allowing the provision to remain in the tariff. For the reasons stated hereinafter, the Commission will order East Tennessee to show cause why this tariff provision should not be amended by summary disposition to require the immediate crediting of such refunds to the amount 191 for the benefit of its customers.

Section 22, Part 4 of East Tennessee’s tariff provides as follows:

22.4 Flow-Through of Gas Supplier Refunds

(a) 

Gas Supplier Refunds Subject to Flow-Through: Gas Supplier Refunds Subject to Flow-Through are refunds (including interest and other cost-recovery charges) which have been received by Seller pursuant to final and nonappealable action by the Commission or the Courts, applicable to gas purchased during the period beginning January 10, 1971, and continuing while Section 22 is effective, except for refunds made by East Tennessee pursuant to Section 8 of Article II of the Settlement Agreement in Docket Nos. RP76-114 et al., approved by the Commission’s order dated October 13, 1976, and refunds made by Supplier pursuant to Article II of the Settlement Agreement dated August 16, 1971, approved by the Commission’s Order No. 6 in Docket Nos. RP77-8 et al., Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components on the basis as received from Supplier, and any interest received from Supplier shall be classified between demand and commodity components in pro-
portion to the demand and commodity components of the principal amount of the refunds. Seller shall not be required to pay interest received from any such refunds. Nothing contained in this Section 22.4 in any way changes the rights and obligations of Seller or its jurisdictional customers with respect to refunds applicable to gas purchased prior to January 10, 1971.

(b) Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account. Seller shall flow-through Gas Supplier Refunds Subject to Flow-Through by reducing the balances of the demand and commodity subaccounts, as appropriate, of the Unrecovered Purchased Gas Cost Account by the amount of such refunds at the time of receipt by Seller or at the time the related action of the Commission or the Courts becomes final and nonappealable, whichever is later.

This provision allows East Tennessee to accept refunds resulting from collections in excess of prescribed just and reasonable revenues, but to refuse to flow such refunds through to its customers pending judicial review by the Commission. However, once the determination is made by the Commission and/or the Courts that refunds should be made during the pendency of appellate review, then the FERC must, to the limits of its power, ensure that such refunds are flowed through. The reasoning supporting this policy is that, to the extent possible, the FERC should ensure, in this category of cases, that ultimate consumers receive the benefits of the refunds during the pendency of the case before the Courts for judicial review. There is no apparent justification for such a provision. The determination as to whether or not such refunds are to be retained by the party who is initially obligated by a final Commission order to make such refunds, is made when the Commission and/or the reviewing Court determines whether or not to stay the refund obligation of that party pending judicial review by the Court. However, once the determination is made by the Commission and/or the Court that refunds should be made during the pendency of an administrative policy does not raise any factual issue, only a question of whether Section 22 of East Tennessee's tariff should remain credit supplier refunds to its deferred account when they are received.

The Commission has, on several occasions, summarily disposed of issues that turned on question of law and policy rather than fact. The courts have found that, "When there is no dispute on a factual issue, the application of an administrative policy does not require a hearing," Tennessee Gas Pipeline Company, et al. v. FPC, 861 F.2d 955, 958 (D.C. Cir. 1977) citing: Municipal Light Boards of Reading and Wakefield, Massachusetts, 146 U.S. App. D.C. 294, 400 F.2d 1341 (1971), cert. den., 405 U.S. 968 (1972).

The matter presently before us appears to raise no factual issue, only one of policy. It appears therefore entirely proper for the Commission, by summary disposition, to determine the question of whether Section 22 of East Tennessee's tariff is unjust and unreasonable and whether such provision should be modified as mentioned above. We have found it appropriate, however, to provide, through the show cause procedure instituted herein, an opportunity for East Tennessee to show why the action proposed in this order is not appropriate.

The Commission finds: It is necessary and proper and in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission institute a Section 5 investigation and show cause proceeding as hereinafter ordered.

The Commission orders: (A) The Commission hereby institutes an investigation pursuant to Section 5 of the Natural Gas Act and, pursuant to Sections 16(d) and 16(c) of the Commission's Rules of Practice and Procedure, directs East Tennessee to show cause within 20 days of the issuance of this order why Section 22 of its existing tariff should not be found to be unjust and unreasonable for the reasons set forth above and why such tariff provision should not be modified by summary disposition to read as follows:

22.4 Flow-Through of Gas Supplier Refunds

(a) Gas Supplier Refunds Subject to Flow-Through: Gas Supplier Refunds Subject to Flow-Through are refunds (including interest received) which have been received by Seller pursuant to final action by the Commission, applicable to gas purchased during the period beginning January 10, 1971, and continue while Section 22 is effective, except for refunds made by East Tennessee pursuant to Section 5, Article II of the Settlement Agreement in Docket Nos. RP71-6, et al. approved by the Commission's order dated October 13, 1976, and refunds made by Supplier pursuant to Article II of the Settlement Agreement dated August 16, 1971, approved by the Commission's Opinion No. 619 in Docket No. RP71-6, et al. Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components in proportion to the demand and commodity components of the principal amount of the refunds. Nothing contained in this Section 22.4 in any way changes the rights and obligations of Seller or its jurisdictional customers with regard to refunds applicable to gas purchased prior to January 10, 1971.

(b) Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account: Seller shall flow-through Gas Supplier Refunds Subject to Flow-Through by reducing the balances of the demand and commodity subaccounts, as appropriate, of the Unrecovered Purchased Gas Cost Account by the amount of such refunds at the time of receipt by Seller.

(B) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

KENNETH P. PLUMB, Secretary.
ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE PROGRAMS

Extension of Temporary Tolerances, O-Ethyl O-[4-(methylthio)phenyl] S-propyl phosphorodithioate

On June 10, 1977, the Environmental Protection Agency (EPA) announced (42 FR 29956) a renewal of temporary tolerances for combined residues of the insecticide O-ethyl O-[4-(methylthio)phenyl] S-propyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities cottonseed at 0.5 part per million (ppm), the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.01 ppm; and in milk and eggs at 0.001 ppm. These tolerances were established (41 FR 14512) in response to a pesticide petition (PP 6G1705) submitted by Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City, MO 64120. This renewal will expire June 3, 1978.

Chemagro Agricultural Div. has requested a one-year extension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 70 Stat. 751; 7 U.S.C. 137(a) et seq.).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that an extension of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are extended on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.
2. Chemagro Agricultural Div. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and of all reported information available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire June 3, 1978. Residues not in excess of 0.5 ppm remaining in or on cottonseed; 0.01 ppm remaining in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and 0.001 ppm remaining in milk and eggs after this expiration will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to the Special Registrations Branch, Registration Division (WH-567), Office of Pesticide Programs, Room 318, East Tower, 401 M Street, SW, Washington, D.C. 20460, 202-755-4851.

Dated: May 9, 1978.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

Federal Deposit Insurance Corporation

INCOME TAX REMITTANCE BY BANKS TO HOLDING COMPANY AFFILIATES

Statement of Policy

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Policy Statement.

SUMMARY: This policy statement reflects the judgment of the Corporation that certain questionable intercorporate tax practices may constitute unsafe and unsound banking practices. Notice is given that the agency intends to take appropriate supervisory action to obtain correction where such practices are found.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: This policy statement is issued pursuant to the Financial Institutions Supervisory Act, 12 U.S.C. 1818, and the supervisory authority of the Federal Deposit Insurance Corporation with respect to nonmember insured banks.

STATEMENT OF POLICY CONCERNING INCOME TAX REMITTANCE BY BANKS TO HOLDING COMPANY AFFILIATES

It is a common practice within the banking industry, as well as other industries, to use different accounting methods for IRS purposes and for the equivalent of permanent purposes. Because timing differences arise from the use of different accounting methods, income and expenses reported on the financial statements differ from what is reported on the tax return. Generally accepted accounting practices and the Corporation’s instructions for the preparation of the Re­port of Income Tax Returns require banks to provide for any deferred income taxes resulting from these timing differences.

A bank that is a subsidiary of a bank holding company will often join in the filing of a consolidated income tax return. Several methods are currently used in determining the amount which the parent holding company may collect for each subsidiary’s allocated share of the consolidated income tax obligation.

Some banks remit to their holding companies the entire amount of income tax expense computed for financial statement or Cash Flow purposes, plus both the current provision and deferred income taxes. The bank receives no benefit by transferring the equivalent of deferred income taxes to its parent. Further, the bank’s liquidity is unnecessarily reduced and/or the bank is deprived of income which may have been generated from the transferred funds.

Past transfers of the bank’s deferred income taxes shall be reinstated on the bank’s books. If cash or other consideration that the bank had previously paid to the parent cannot be restored immediately, that amount shall be recorded on its books as a loan to the parent company and an appropriate level of interest charged. This loan is subject to the provisions of section 18(i) of the Federal Deposit Insurance Act. Of course, as with any applicable insider transaction, the requirements of §337.3 of the FDIC rules and regulations apply.

Any future transfer of deferred income taxes by a bank, or a refund or release of past transfers, may constitute an unsafe and unsound banking practice. As with any bank practice which has been determined to be unsafe and unsound, the Corporation may take appropriate supervisory action against the bank, ranging from informal efforts to obtain voluntary correction to formal proceedings under Section 8 of the FDI Act.

In summary, cash transfers paid by the bank to the holding company as a result of the consolidated income tax obligation (a) shall not exceed, but may be less than, the amount of tax the bank would have paid had a tax return been filed on a separate return basis, and (b) shall not be made prior to the approximate time that estimated payments or income tax returns are submitted to the IRS. Additionally, a bank which incurs a taxable loss shall be reimbursed in cash by the holding company to the extent that there is a tax benefit arising from this loss. Last, in the consolidated return, as determined in a manner consistent with the allocation of taxes to profitable subsidiaries.

Finally, the establishment of a formal tax allocation agreement between the bank and the parent holding company would be consistent with the responsibilities of the bank’s board of directors.
NOTICES

[1610-01] GENERAL SERVICES ADMINISTRATION
PRIVACY ACT OF 1974
New General Routine Use

AGENCY: General Services Administration.

ACTION: Notification of new general routine use for the GSA systems of records.

SUMMARY: The purpose of this document is to give notice, pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a(e)(11), of intent to establish a new general routine use covering disclosures of information from the GSA systems of records to agents of GSA.

DATES: Any interested party may submit written comments regarding the proposal. To be considered, comments must be received on or before the 30th day following publication of this notice. The routine use shall become effective as proposed without further notice on June 23, 1978, unless comments are received which would result in a contrary determination.

ADDRESS: Address comments to General Services Administration (BR), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:
Mr. William Hiebert, Records Management Branch, Paperwork Management Division, 202-566-0674.

BACKGROUND:
Although experts, consultants, and contractors of GSA act as agents for the Government in the performance of Federal duties, in some situations they may not fulfill all the requirements of officers and employees for purposes of the disclosure provisions of 5 U.S.C. 552a(e)(11). Although we consider that GSA currently has authority to transfer medical records to physicians to conduct physical examinations, in some cases it is necessary to transfer personnel records and other records to a physician to apprise him of the employment background of the individual he is to examine. The proposed general routine use is to clarify the status of experts, consultants, and contractors and to allow disclosure of personnel records and other records to physicians. We believe that these disclosures of information are consistent with the purposes for which the records were compiled.

Proposed routine use: The proposed general routine use is to be added to the appendix following the GSA notices of systems of records. The current appendix was published on September 21, 1977 (42 FR 47782 and 47783). The proposed new general routine use reads as follows:

**Routine Use—GSA Agents**

A record from this system of records may be disclosed as a routine use: (1) to an expert, a consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty, and (2) to a physician to conduct a fitness-for-duty examination of a GSA officer or employee.


JANICE K. MENDENHALL,
Director of Administration.

[FR Doc. 78-14466 Filed 5-23-78; 8:45 am]

[6820-24] [Intervention Notice 65: Docket No. 199601]

VIRGINIA STATE CORPORATION COMMISSION, VIRGINIA ELECTRIC POWER CO.

Proposed Intervention in Electric Rate Increase Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Virginia State Corporation Commission involving an application of Virginia Electric Power Co. for an increase in rates charged for electric service. The Administrator of General Services represents the interests of the executive agencies of the U.S. Government as users of electric power.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0726, on or before June 23, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(See. Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)).)


JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-14494 Filed 5-23-78; 8:45 am]
NOTICES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Office of Human Development Services
[Announcement Number 13608-781]

CHILD WELFARE RESEARCH AND DEMONSTRATION GRANTS PROGRAM

Availability of Research and Demonstration Grants

The administration for Children, Youth and Families, Office of Human Development Services, announces the availability of Fiscal Year 1978 funds for research and demonstration grants under the Child Welfare Research and Demonstration Grants Program, as authorized by 42 U.S.C. 606(a)(1) (A) and (B) (section 426, Part B, Title IV of the Social Security Act as amended). The regulations applicable to this program are contained in 42 CFR Part 205. Applications must be received by July 21, 1978.

DEFINITIONS OF RESEARCH AND DEMONSTRATION

Research refers to a project to develop new knowledge or to evaluate existing knowledge in new settings. Demonstration and/or replication refer to activities designed specifically to show the method of operation or applicability of a research or program model.

SCOPE OF THIS PROGRAM ANNOUNCEMENT

Applications will be received and competitively reviewed for the award of research and demonstration grants relating to the purpose and objectives of the program. Grant support is not available for ongoing programs or services (such as the provision of day care services), for projects that demonstrate a service that has already been established in other communities and is generally accepted as part of a comprehensive child welfare or child development program, or for staff training projects.

Since ACYF will be funding new research and demonstration grants in Fiscal Year 1978 under its National Center on Child Abuse and Neglect, it will not consider or fund child abuse and neglect projects under the authority of the Child Welfare Research and Demonstration Grants Program.

A. PROGRAM PURPOSE AND OBJECTIVES

The overall purpose of the Child Welfare Research and Demonstration Grants Program is to support major research and demonstration efforts in selected areas of high impact and national concern where the utilization of findings is expected to make a substantial contribution to the development and welfare of children and their families. Grants will be made for projects which reflect the following four program objectives:

1. To test hypotheses and demonstrate the feasibility of specific program models which will enhance child and family development, child rearing, and family-institution relationships among families from different cultural groups, social class, and age groups. (ACYF is particularly interested in receiving grant applications which address the special concerns of teenaged parents and anticipate making approximately half of the grant awards within this program objective for projects which reflect these concerns.) All research or demonstration applications should address one or more of the hypotheses (questions) as follows:
   a. Child and Family Development.
      (1) Within a given culture subgroup or socioeconomic level, how do coping abilities of families differ as a function of relative stress and available supports, utilizing non-utilized? Is age of parents a factor (e.g., teenaged parents)?
      (2) Is family coping skill a significant predictor of child outcomes?
      (3) What are important family process variables which mediate the effects of a variety of family structures on child development outcomes?
      (4) What are the different supports needed by families at different stages in family development?
      (5) What are the important dimensions of family-child interactions which mediate effects of TV programming on the child's socialization?
   b. Child Rearing.
      (1) What are the effects of: (a) Parental expectations on the child's aspirations and developmental outcomes? (b) child behavior on parental expectations?
      (2) Are the interaction of family characteristics with school/program characteristics, and the quality of the relationship between the two systems, more powerful predictors of child outcome than the characteristics of either system alone?
      (3) Is the presence of siblings and the nature of child-sibling relationship a significant source of support (or stress) to the child in helping (or hindering) social adaptation and development?
      (4) Are interventions regarding child rearing most effective when they are sought by individuals rather than imposed upon them? And, if so, why is this the case?
      (5) What are the high risk combinations of constitutional and environmental factors that will provide for high risk targeting of appropriate interventions?
   c. Family-Institution Relationships.
      (1) What features of mediating structures (e.g., kinship networks, neighborhoods, churches, voluntary associations, and other primary support groups) make them more or less able to support family and child development?
      (2) In what ways do service systems by-pass and undermine the functioning of mediating structures that support family and child development?
      (3) What are the natural child-rearing functions of extended kin across family development stages and across ethnic groups?
   d. Child Abuse and Neglect.
      (1) Within a given culture subgroup or socioeconomic level, how does abuse differ as a function of relative stress and available supports, utilizing non-utilized? Is age of parents a factor (e.g., teenaged parents)?
      (2) Is family coping skill a significant predictor of abuse?
      (3) What are the important family process variables which mediate the effects of a variety of family structures on abuse?
      (4) What are the different supports needed by families at different stages in family development?
      (5) What are the important dimensions of family-child interactions which mediate effects of TV programming on the child's socialization?
      (6) What is the most useful typology for service systems that delineate types of intervention according to impact on mediating structures and hence on family and child development?
      (7) Does community control of service delivery enhance understanding by agency personnel of indigenous family forms and structures?
      (8) What are the critical intra-organizational policies in community linkages for a service system that are necessary for establishing a base of acceptance in the local community?

2. To coordinate the activities of a task force involving interested citizens, community group representatives, foster parents, private agency child welfare professionals, public agency staff, and other family and children's advocates in order for a State to review and assess its foster family service systems, develop recommendations for changes in policies, procedures, program and licensing standards, or legislation and regulations. Demonstration applications will propose to conduct not more than one of the following activities:
   a. Carry out an assessment of foster family care services within the State and develop recommendations for improving services in accordance with the revised standards to be published by the American Public Welfare Association.
   b. Where the state has already completed a comprehensive assessment of its foster family services within the last three years, write or revise its foster family care regulations which provide the basis for program operation. They may involve licensing regulations as well as those for services to the foster child, the biological family, and foster family.
   c. Assist the agency in revising its foster family services manual or program guidelines, to incorporate changes which are recommended as a result of a comprehensive assessment completed during the previous three years.
   d. Combine a comprehensive assessment of the foster family services system with the project objectives described in b above (revision of regulations) or c above (revision of services manual).

3. To demonstrate that the delivery of social services to children and their families is efficient and effective, or to test hypotheses or demonstrate the feasibility of specific program models which will enhance child and family development, child rearing, and family-institution relationships among families from different cultural groups, social class, and age groups (ACYF is particularly interested in receiving grant applications which address the special concerns of teenaged parents and anticipate making approximately half of the grant awards within this program objective for projects which reflect these concerns.) All research or demonstration applications should address one or more of the hypotheses (questions) as follows:

   a. Child and Family Development.
      (1) Within a given culture subgroup or socioeconomic level, how do coping abilities of families differ as a function of relative stress and available supports, utilizing non-utilized? Is age of parents a factor (e.g., teenaged parents)?
      (2) Is family coping skill a significant predictor of child outcomes?
      (3) What are important family process variables which mediate the effects of a variety of family structures on child development outcomes?
      (4) What are the different supports needed by families at different stages in family development?
      (5) What are the important dimensions of family-child interactions which mediate effects of TV programming on the child's socialization?
   b. Child Rearing.
      (1) What are the effects of: (a) Parental expectations on the child's aspirations and developmental outcomes? (b) child behavior on parental expectations?
      (2) Are the interaction of family characteristics with school/program characteristics, and the quality of the relationship between the two systems, more powerful predictors of child outcome than the characteristics of either system alone?
      (3) Is the presence of siblings and the nature of child-sibling relationship a significant source of support (or stress) to the child in helping (or hindering) social adaptation and development?
      (4) Are interventions regarding child rearing most effective when they are sought by individuals rather than imposed upon them? And, if so, why is this the case?
      (5) What are the high risk combinations of constitutional and environmental factors that will provide for high risk targeting of appropriate interventions?
   c. Family-Institution Relationships.
      (1) What features of mediating structures (e.g., kinship networks, neighborhoods, churches, voluntary associations, and other primary support groups) make them more or less able to support family and child development?
      (2) In what ways do service systems by-pass and undermine the functioning of mediating structures that support family and child development?
      (3) What are the natural child-rearing functions of extended kin across family development stages and across ethnic groups?
   d. Child Abuse and Neglect.
      (1) Within a given culture subgroup or socioeconomic level, how does abuse differ as a function of relative stress and available supports, utilizing non-utilized? Is age of parents a factor (e.g., teenaged parents)?
      (2) Is family coping skill a significant predictor of abuse?
      (3) What are the important family process variables which mediate the effects of a variety of family structures on abuse?
      (4) What are the different supports needed by families at different stages in family development?
      (5) What are the important dimensions of family-child interactions which mediate effects of TV programming on the child's socialization?
      (6) What is the most useful typology for service systems that delineate types of intervention according to impact on mediating structures and hence on family and child development?
      (7) Does community control of service delivery enhance understanding by agency personnel of indigenous family forms and structures?
      (8) What are the critical intra-organizational policies in community linkages for a service system that are necessary for establishing a base of acceptance in the local community?
families by public agencies can be improved through the utilization and implementation of Self-Assessment manuals and System Design materials geared toward improving the quality, timeliness, and efficiency of service delivery. (These two sets of materials, recently developed at the direction of the Children's Bureau, will be made available, in part, to prospective applicants as part of the application kit.) Two types of grants, service delivery demonstration projects and a collaborative research project, will be awarded.

a. Service delivery demonstration project applications will be expected to use the Self-Assessment and System Design materials in order to: (1) Assess current service delivery practices; (2) Identify, define and put in priority order areas for needed improvements; (3) Modify existing practices and procedures based on prior demonstrated successes and "best practices" from the field; (4) Implement needed changes to improve service delivery in one or more local agencies; (5) Implement changes county or State-wide based on the successes achieved in the local agencies; and, (6) Document and assess the steps taken to improve service delivery to inform the field.

b. Collaborative research project applications will be expected to: (1) Interpret the self-assessment and system design materials to the "service delivery projects" and others in the field; (2) Identify and interpret additional materials bearing on improving the delivery of social services to children and their families; (3) Assist the service delivery projects in achieving local agency as well as county-wide or State-wide improvements in service delivery; (4) Coordinate the research, systems design, development and implementation efforts among the service delivery project’s States; (5) Provide guidance to the service delivery projects to assess their own progress; (6) Promote technology transfer nationally to other State, county, or local agencies through refinement of existing materials or development of additional materials, dissemination and interpretation of materials, and other means; (7) Provide an annual analytic report synthesizing the collaborative experience.

4. To identify research and demonstration projects which are relevant to ACYF's objective of increasing knowledge regarding the development and welfare of children and their families. These applications will be subject to the same competitive review process and criteria for evaluating research and demonstration projects.

Applicant eligibility is noted below for each of the four program objectives discussed in Section A.

Objective 1—Enhancement of child and family development. Public or private nonprofit organizations may apply.

Objective 2—Assessment of States' foster family services systems. The single State agency or its organizational unit responsible for social services to families and children, including foster family care services, may apply.

Objective 3—Improvement of the delivery of social services to children and families.

Applicant eligibility is noted below for each of the four program objectives discussed in Section A.

Objective 1—Enhancement of child and family development. ACYF will award 10-12 grants totaling approximately $1,200,000 for one-three years, with an average award of $125,000 per year. ACYF will award seven grants totaling $550,000 for three years at $80,000 per year.

b. Collaborative research project. ACYF will award three-four grants totaling $250,000 for one-three years, with an average award of $75,000 per year.

D. GRANTEE SHARE OF PROJECT

Program regulations require that all grantees share in the costs of projects. It is generally expected that grantees will provide at least five percent of total project costs. Grantee contributions must be project-related and may be in cash or in kind.

E. THE APPLICATION PROCESS

1. Availability of application forms. In order to be considered for a grant under the Child Welfare Research and Demonstration Grants Program, an application must be submitted on the forms supplies and in the manner prescribed by the Administration for Children, Youth, and Families. Applicants kits which contain the prescribed application forms and information for the applicant may be obtained from:


2. Application submission. The prescribed application form must be executed by an individual authorized to act for the applicant agency and to assume financial obligations for the terms and conditions of the grant award, including the regulations of the Program.

One signed original and two copies of the grant application, including all attachments, are required. The original and the two additional copies may be mailed or hand-delivered to:


Hand-delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m.

3. Application consideration. The Commissioner for Children, Youth, and Families determines the final action to be taken with respect to each grant application. Applications which do not conform to this announcement, or are not complete, or which do not meet the deadline will not be accepted for consideration, and applicants will be notified accordingly. Otherwise, all applications will be considered for funding.

All accepted grant applications will be subjected to a competitive review and evaluation conducted by personnel independent of the program office who are experts in the areas of child and family development and welfare. The results of the competitive review supplement and assist the Commissioner's consideration of the competing applications. The Commissioner also takes into account the comments of the HEW Regional Offices and the headquarters program office. Comments on the applications may also be requested from appropriate specialists.
and consultants both within and outside the Government.

After the Commissioner has decided either to disapprove or not to fund a competing grant application, the unsuccessful applicant will be notified by letter of that decision. The letter will include an explanation of the reasons for disapproval or non-funding or will indicate that an explanation may be obtained upon request.

4. Grant awards. The Commissioner for Children, Youth, and Families makes grant awards consistent with the purposes of the legislation, the regulations, and program announcements within the limits of Federal funds available for the purpose of supporting research and demonstration projects. The official grant award document is the Notice of Grant Awarded (NGA). The NGA sets forth in writing to the grantee the amount of funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given, and the total grantee participation. The initial award also specifies the total project period for which support is contemplated, although support beyond the first year is dependent upon the grantee's satisfactory progress and the availability of funds.

F. CRITERIA FOR REVIEW AND EVALUATION OF APPLICATIONS

All competing grant applications will be reviewed and evaluated against the following criteria:

1. That the estimated cost to the government for the proposed project is reasonable considering anticipated results;
2. That project personnel are or will be well qualified, and that the applicant organization has adequate resources;
3. That the proposed methodology or procedures, if well executed, are capable of attaining project objectives. Reviewers will consider the following:
   a. Review of literature
   b. Innovativeness of approach/design
   c. Objectives/hypotheses clearly stated
   d. Procedures
      (1) Sample size
      (2) Comparison/control group(s)
      (3) Treatment(s)
      (4) Design
      (5) Measures/instruments
      (6) Data analysis plan
      (7) Time schedule
      (8) Reports.
4. That the project objectives are identical with or capable of achieving the specific program purpose and objectives defined in the program announcement (See Section AI-4);
5. Dissemination/utilization plan.
   a. Applicant indicates knowledge of appropriate users
   b. Applicant presents an appropriate utilization plan, i.e., understands potential implications of results with regard to whichever of the following may be relevant: policy, programs, service delivery systems, legislation, research and demonstration activities, training, teaching, staffing, etc.;
   c. Comparability of proposed study to other completed and/or ongoing studies.
   d. Applicant indicates awareness of related completed and/or ongoing projects.
   e. Applicant uses marker measures and marker variables for research comparability as appropriate.
   f. Protection of human subjects. If subjects are at risk, appropriate safeguards have been taken.

G. CLOSING DATE FOR RECEIPT OF APPLICATIONS

The closing date for receipt of applications under this program announcement is July 21, 1978. An application will be considered to have arrived by the closing date if:

1. The application was sent by registered or certified mail not later than July 18, 1978 as evidenced by the U.S. Postal Service postmark, or on the original receipt from the U.S. Postal Service; or
2. The application is received on or before July 21, 1978 by the OHDS receiving office.

H. LATE APPLICATIONS

Late applications are not accepted. They are returned without consideration, and applicants are notified accordingly. (Catalog of Federal Domestic Assistance Program Numbers 13.608 Child Welfare Research and Demonstration Grants Program.)


Blandina Cardenas,
Commissioner for Children, Youth and Families. Approved: May 19, 1978. Arabella Martinez,
Assistant Secretary for Human Development Services.

[FR Doc. 78-14499 Filed 5-23-78; 8:45 am]
SUPPLEMENTARY INFORMATION: This amendment is necessitated by the provisions of Pub. L. 94-202 which require that agencies furnish W-2 (Wage and Tax Statement), W-2P (Statement for Recipients of Annuities, Pensions, or Retired Pay), and W-3 (Transmittal of Income and Tax Statements) to the Social Security Administration starting with tax periods beginning January 1, 1978.

The Department has determined that an Environmental Impact Statement is not required with respect to this notice.

Note.—It is hereby certified that the economic and inflationary impacts of this notice have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, the Department amends the routine uses of system HUD/DEPT-34 to read as follows:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

System name: Pay and leave records of employees.

Notification: 42 FR 54765 (October 7, 1977).

FTD: 22246

NOTICES

System location: All Department offices. For a complete listing of offices, with addresses, see appendix A.

Categories of individual covered by the system:

HUD employees.

Categories of records in the system:

Name, social security number and employee number, grade, step, and salary; organization; retirement, or FICA data as applicable; Federal, State, and local tax deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial; institution code and employee account number; leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including leave applications and reports, individual daily time reports, adjustments to time and attendance, overtime reports, supporting data, such as medical certificates, number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending dates; cost of living allowances; mailing address; tax reform number; income beneficiary of bonds, marital status and number of dependents; and “Notification of Personnel Action.”

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See routine uses paragraphs in prefatory statement. Other routine uses: Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes. The reporting of W-2 statements to Internal Revenue Service, Social Security Administration, the individual, and taxing authorities of States, the District of Columbia, territories, possessions, and local governments, except Social Security numbers will be reported only to such authorities that have satisfied the requirement set forth in section 7(a)(2)(B) of the Privacy Act of 1974. To the Civil Service Commission concerning pay, benefits, retirement, deductions, and other information necessary for the Commission to carry on its Government-wide personnel functions; to GAO—for audit; to other Federal Government agencies—to facilitate employee transfers; and to State agencies—to verify workmen’s compensation injury claims.

For the convenience of the public, the Department is printing below the system of records in its entirety including the modification. The prefatory statement containing General Routine Uses applicable to all of the Department’s systems of records was published at 42 FR 54765 (October 7, 1977). Appendix A which lists the addresses of HUD’s field offices was published at 42 FR 54777 (October 7, 1977).

HUD/DEPT-34

System name: Pay and leave records of employees.
permitting processes of the Bureau of Land Management, Forest Service, and Geological Survey which will identify and document the sources of and reasons for delay. The data analysis will be followed by analysis of the effectiveness of alternative options for program modification. The effectiveness of alternative options will be assessed in terms of their relative ability to support the IGCC's projected geothermal power-on-line schedule while protecting the public interest and environment.

The purpose of the four public meetings announced below is to obtain public assistance in developing remedial options and receive public input to the decision making process. Comment is requested on the following options, and suggestions for additional alternatives are solicited.

**OPTION 1.**

**IMPROVE THE PRESENT SYSTEM THROUGH CHANGES IN PROCEDURAL AND ADMINISTRATIVE MEASURES**

This would maintain the basic features between the pre-lease and post-lease reviews but improve the procedures to conduct the reviews in a more uniform and efficient manner. This option could be implemented through procedural modifications such as the following:

1. Use regional or areawide environmental analysis in the pre-lease review and conduct site specific studies only during the post-lease permitting process.
2. Set time limits or timeframes (through administrative directives and/or regulations) for issuance of lease and permits.
3. Promote interagency coordination in all cases of pre- and post-lease activities.
   - (a) Establish in each agency, field level coordinators for the geothermal program.
   - (b) Modify and formalize the existing Memorandum of Understanding to include the Departments of Energy, Agriculture and Interior and to establish guidelines for interagency cooperation in implementing the geothermal program.
   - (c) Establish uniform policy and guidelines for application of special lease stipulations.
   - (d) Standardize special lease stipulations of similar nature and intent (i.e., archaeological, endangered species, etc.).
4. Institute formal nomination procedures for KGRA's and non-competitive leases.
5. Allow no-surface-occupancy leases and/or leases limited to exploratory drilling in (a) wilderness study and other special areas and (b) where requested.
6. Modify KGRA regulations to:
   - (a) Allow for reclassification of geologic and competitive KGRA's.
   - (b) Abolish competitive interest KGRA's.
   - (c) Provide for direct thermal utilization of geothermal energy.
7. Allow issuance of non-competitive leases unless the area is in a KGRA at time of application as opposed to time of lease issuance.

**OPTION 2**

**BASE LEASING DECISIONS ON AREAWIDE ENVIRONMENTAL ASSESSMENT IN COMBINATION WITH LAND MANAGEMENT PLAN CHANGES**

This option is based on the existence of the planning requirements imposed by the Federal Land Policy and Management Act of 1976 (Pub. L. 94-588) and the National Forest Management Act of 1976 (Pub. L. 94-583) on BLM and the Forest Service, respectively. Where land management plans have been completed, this mechanism could be effectively initiated. Where land management plans are not complete, or where the existing plan does not consider geothermal energy production and utilization, two alternatives are available:

1. Complete or amend the land management plan to consider geothermal development with environmental assessment.
2. Design the environmental assessment specifically for incorporation into the management plan at the next revision. This process would recognize the existing plan's limitations while providing supplementary information which could fulfill needs on a limited area for immediate leasing decisions. The area to be considered would be the area which might reasonably be assumed to be affected prior to scheduled revision.

**OPTION 3**

**PROVIDE FOR SEPARATE ENVIRONMENTAL ANALYSIS OF EXPLORATION AND DEVELOPMENT PHASES, WITH INITIAL REVIEW OF EXPLORATORY IMPACTS COMPREHENSIVE REVIEW ONLY AFTER A DISCOVERY IS MADE.**

"Exploration" would be redefined in the regulations to mean exploratory activities up to and including the drilling and testing of a deep well or wells to determine the presence or absence of a commercial resource. Leases would be issued with stipulations conditioning development on the results of a detailed environmental assessment after discovery. This option could be carried one step further by providing legislatively for reimbursement of exploration costs if development of a commercial resource is denied on environmental grounds. Other options have been considered by the Task Force but their implement...
NOTICES

Bureau of Land Management

(AA-6659-A)

ALASKA NATIVE CLAIMS SELECTION


On May 3, 1961, the State of Alaska filed selection application A-054379, as amended, pursuant to section 6(b) of the Alaskan Statehood Act of July 7, 1958 (72 Stat. 339-340; 48 U.S.C. Ch. 2, Sec. 6(b) (1970)) for certain lands in the Dillingham area. The State selection, as amended, included the lands in lot 3, U.S. Survey 2262 which was tentatively approved on April 5, 1971. On April 12, 1971, the State of Alaska issued quitclaim deed (AA-12820) to the United States for a portion of lot 3, U.S. Survey 2262. This quitclaim deed was delivered to the Bureau of Indian Affairs.

Subsequently, on September 7, 1971, the Bureau of Land Management issued patent No. 50-72-0016 to the State of Alaska, subject to all the United States' rights, title, privileges, immunities and appurtenances for lot 3, U.S. Survey 2262. Ownership and jurisdiction of all of lot 3, U.S. Survey 2262, including that portion contained in quitclaim deed AA-12820 was transferred from the United States to the State of Alaska by virtue of the patent.

In view of the above, Choggiung Limited was thereby rejected to that portion of lot 3 of U.S. Survey 2262 contained in quitclaim deed AA-12820, more particularly described as follows:

A portion of lot 3 of U.S. Survey 2262 described by metes and bounds as follows:

Commencing for reference at corner No. 1 of U.S. Survey 2430, being also corner No. 13 of U.S. Survey 2732 A:

Thence N. 0° 06' E., 26.25 feet, along a common boundary of U.S. Survey 2430 and U.S. Survey 2732 A, to corner No. 4 of U.S. Survey 2262, being also corner No. 12 of U.S. Survey 2732 A:

Thence N. 0° 06' E., 160.00 feet, along a common boundary of U.S. Survey 2430 and U.S. Survey 2262, to the point of beginning;

Thence N. 0° 06' E., 250.00 feet;

Thence N. 0° 06' E., 38 feet, to a northerly boundary of said lot 3;

Thence S. 89° 54' E., 52.00 feet, along a northerly boundary of said lot 3;

Thence S. 0° 06' W., 162.00 feet, along a westerly boundary of said lot 3;

Thence S. 0° 06' W., 156.00 feet, to the common boundary of U.S. Survey 2430 and U.S. Survey 2262;

Thence S. 0° 06' W., 200.00 feet, along the common boundary of U.S. Survey 2430 and U.S. Survey 2262, to the point of beginning.

Containing 0.955 acre (41,576 square feet), more or less.

Lot 5 of U.S. Survey 2262, containing 13.64 acres, was quitclaim deeded to the State of Alaska under section 46(a) of the Alaska Omnibus Act of June 25, 1959 (73 Stat. 152). On April 12, 1971, the United States acquired a portion of the surface estate of lot 5 of U.S. Survey 2262 in quitclaim deed AA-12820, containing approximately 0.193 acre.

In view of the foregoing, the surface estate of the following described land, selected pursuant to section 12(a), aggregating approximately .193 of an acre, is considered proper for acquisition by Choggiung Limited and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

A portion of lot 5 of U.S. Survey 2262 described by metes and bounds as follows:

Commencing for reference at corner No. 1 of U.S. Survey 2430, being also corner No. 13 of U.S. Survey 2732 A:

Thence N. 0° 06' E., 28.25 feet, along a common boundary of U.S. Survey 2430 and U.S. Survey 2732 A, to corner No. 4 of U.S. Survey 2262, being also corner No. 12 of U.S. Survey 2732 A:

Thence N. 0° 06' E., 198.00 feet, along a common boundary of U.S. Survey 2430 and U.S. Survey 2262;

Thence N. 89° 54' W., 198.00 feet, to the southerly corner of said lot 5 and the point of beginning;

Thence N. 89° 54' W., 52.00 feet along the southerly boundary of said lot 5;

Thence N. 0° 06' E., 162.00 feet;

Thence S. 89° 54' E., 52.00 feet to the easterly boundary of said lot 5;

Thence S. 0° 06' W., 162 feet, along the easterly boundary of said lot 5, to the point of beginning.

Containing 0.193 acre (8,424 square feet), more or less.

All bearings are from true north.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1978)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file AA-6659-EE are reserved to the United States and are subject to further regulation thereby:

(a) (EIN 29 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

(b) (EIN 30 C) Easements for the transportation of energy, fuel, and natural resources which are the prop-

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
ory of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of pipeline flow from the servient estate to the state of Alaska. These easements also include the right to build any related transportation systems, including those related facilities necessary during periods of pipeline flow from the servient estate to the state of Alaska.

The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement. Provided, however, That the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly reserved by the State of Alaska, as defined hereinabove, shall continue to be in force.

The reservation has not been conformed to the Departmental easement policy announced March 3, 1978. Conformance is contingent upon resolution of the litigation Calista, et al v. Andrus and implementation of the Secretary’s new easement policy.

The grant of the lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Any existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), or contract, permit, right-of-way, or easement and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. The reservation of all oils, gases, coal, ores, minerals, fissionable materials and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, and fossils, and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing, drilling, and working mines or wells on these or other lands and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to express reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants and attorneys at any and all times to operate, maintain, or terminate such buildings, machinery, roads, pipelines, power lines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserved to itself, its lessees, successors and assigns, as aforesaid, generally all rights and power in, to and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereinabove granted as are prescribed in said section; and

The terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Bristol Bay Native Corporation, Choggiung Limited and other Bristol Bay Native Corporations.

A copy of the agreement shall be submitted to the State of Alaska and the United States as soon as practicable after such agreement is made.

A copy of the agreement is located in the Bureau of Land Management easement file for the land described. A copy of the agreement may be obtained from the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska."
NOTICES

[FR Doc. 78-14460 Filed 5-23-78; 8:45 am]

[4310-84]

[NM 31870]

OKLAHOMA

Transfer of Jurisdiction of Acquired Indian Lands: Correction


FR Doc. Volume 43, No. 82 as published in the FEDERAL REGISTER of Thursday, April 27, 1978, on pages 18048 and 18049, is corrected as follows:

Page 18048, line 12, third column is corrected to read "S%SE%NW%" not "S%SE%NE%.

Page 18049, line 17, first column is corrected to read "NW%SE%NE%" not "NE%SE%E%E%".

Page 18049, line 28, first column, section 22 is corrected to read "N%N%N%W%".

Page 18049, line 52, column one is corrected to read "NW%SW%SE%" not S%SW%SE%.

Page 18049, line 71, column one includes "S%NW%SW%" in section 27, T. 14 N., R. 29 E.

FRED E. PADILLA,
Chief, Division of Technical Services.

[FR Doc. 78-14497 Filed 5-23-78; 8:45 am]

[3510-25]

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

DEPARTMENT OF COMMERCE

Industry and Trade Administration

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1978 Among Producers Located in Guam

AGENCY: Bureau of Trade Regulation, Industry and Trade Administration.

ACTION: Allocation of duty-free quotas for calendar year 1978 among producers located in Guam.

SUMMARY: Pursuant to Public Law 89-805 the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of watch quotas among watch assembly firms in the insular possessions. Section 303.5(a)(2) of the Departments' Watch Quota Rules (15 CFR 303, 42 FR 62907 (1977)) provides for the annual allocation of watch quotas. The criteria for the calculation of the 1978 watch quotas among producers in Guam are contained in Section 1 of the Final Watch Quota Allocation Rules published in the FEDERAL REGISTER dated February 1, 1978 (43 FR 4274 (1978)). In announcing the allocation of quotas for producers located in Guam, the Virgin Islands (43 FR 16797 (1978)), the Departments noted they had not completed their verification of the data on the annual application forms (ITA Form 334P) of the producers in Guam, and that the Guam allocation would be announced by separate notice as soon as the verification was completed. The Departments' verification of the Guam data has now been completed.

FOR ADDITIONAL INFORMATION CONTACT:
Mr. Richard M. Seppa, who can be reached by telephone on 202-377-2925.

SUPPLEMENTARY INFORMATION:
The duty-free watch quota allocations for calendar year 1978 among producers located in Guam are as follows:

<table>
<thead>
<tr>
<th>Name of firm</th>
<th>Number of units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Jerlian Watch Co., Inc</td>
<td>450,643</td>
</tr>
<tr>
<td>2. Phoenix Industries, Inc</td>
<td>86,387</td>
</tr>
<tr>
<td>Total</td>
<td>490,000</td>
</tr>
</tbody>
</table>

The preceding distribution of quota among the individual producers in Guam reflects: (1) Adjustments made in the data supplied on the producers' annual application forms as a result of the Departments' verification; and (2) Quota (150,000 units) set aside for allocation to new firms in Guam (Section 3 of the Annual Rules; 43 FR 4274 (1978); amended 43 FR 10718 (1978)). The number of watches and watch movements authorized for shipment from Guam reflects: (1) Adjustments made in the data supplied on the annual application forms as a result of the Departments' verification; and (2) Quota (150,000 units) set aside for allocation to new firms in Guam (Section 3 of the Annual Rules; 43 FR 4274 (1978); amended 43 FR 10718 (1978)). The number of watches and watch movements authorized for shipment from Guam reflects: (1) Adjustments made in the data supplied on the annual application forms as a result of the Departments' verification; and (2) Quota (150,000 units) set aside for allocation to new firms in Guam (Section 3 of the Annual Rules; 43 FR 4274 (1978); amended 43 FR 10718 (1978)).


RICHARD M. SEPPA,
Director, Statutory Import Programs Staff, Bureau of Trade Regulation, Industry and Trade Administration, Department of Commerce.

RUTH G. VAN CLEYE,
Director, Office of Territorial Affairs, Department of the Interior.

[FR Doc. 78-14538 Filed 5-23-78; 8:45 am]

[6820-41]

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

WORK PROGRAM: DISCUSSION, DEVELOPMENT AND REFINEMENT

Meeting

MAY 18, 1978.

Pursuant to section 10 of the Federal Advisory Committee Act of 1972
meeting will begin at 9:30 P.M.S.T. on Mont Hotel in Berkeley, Calif. The notice is hereby given that the National Advisory Council on Economic Opportunity will hold a two-day meeting on June 22 and 23, 1978 at the Claremont Hotel in Berkeley, Calif. The meeting will be to discuss, develop and refine a work program for the Advisory Council 1979 report. The Council will also visit the Spanish-speaking Unity Council of Oakland, Calif. as part of its field work for 1978.

The National Advisory Council on Economic Opportunity is authorized by section 805 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.


WALTER B. QUETSCH,
Executive Director.

[FR Doc. 78-14523 Filed 5-23-78; 8:45 am]

NOTICES

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authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10 (d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF on February 18, 1977.


M. REBECCA WINKLER,
Committee Management Coordinator.

[FR Doc. 78-14526 Filed 5-23-78; 8:45 am]
based upon an ECS evaluation development by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR 50.46 and Appendix K. The evaluation indicated that with the peaking factor of 2.32 which is now specified in the Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 109 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation. Using incorrect values for about half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCAs analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants. The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 220°F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the increased in peak clad temperature resulting from the incorrect use of the LOCAs model. Four of these areas were generic, applicable to all plants and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications describe in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate the peaking factor set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this Order and in the SER, operation of the Joseph M. Farley Unit No. 1 is being deferred pending the completion of the Commission's overall fire protection review of the facility. The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The application for the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 1.160(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this statement.

Further details with respect to this action, see (1) the application for amendment dated February 23, 1978, (2) the Commission's letter to the licensee dated November 28, 1977, (3) Amendment No. 25 to License No. DPR-67, and (4) the Commission's related Safety Evaluation issued November 28, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Fla. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 12th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch, Division of Operating Reactors.

[FR Doc. 78-14508 Filed 5-23-78; 8:45 am]
Docket No. 50-333]

NOTICES

FLORIDA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-67 issued to Florida Power and Light Co. (the licensee), which revised Technical Specifications for operation of St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Fla. The amendment becomes effective 60 days after its date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. For further details with respect to this action, see (1) the application for amendment dated February 23, 1978, (2) the Commission's letter to the licensee dated November 28, 1977, (3) Amendment No. 25 to License No. DPR-67, and (4) the Commission's related Safety Evaluation issued November 28, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Fla. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 12th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch, Division of Operating Reactors.

[FR Doc. 78-14508 Filed 5-23-78; 8:45 am]
Notices

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[7590-01]

[Docket Nos. 50-488A, 50-489A]

Houston Lighting & Power Co., City of San Antonio, City of Austin, and Central Power & Light Co. (South Texas Project, Units 1 and 2)

Special Prehearing Conference


In Houston Lighting & Power Company, et al. (South Texas Project, Units 1 and 2), CLI 77-15, 5 NRC 1303 (June 15, 1977), the Commission made a “determination” pursuant to Section 105c(2) of the Atomic Energy Act of 1954 as amended that there had been “significant changes” in the activities of Houston, a co-owner and co-construction permit holder of these nuclear units, which were sufficient to trigger the initiation of an operating license antitrust review. Houston’s request for a waiver of the FSAR filing requirement was granted in order to provide expedited review of the antitrust review. The Staff was directed to seek the antitrust advice of the Attorney General pursuant to Section 105c(1). (5 NRC at 1319, 1322).

On February 21, 1978, the Attorney General rendered the requested advice and concluded that changed circumstances required that an antitrust hearing be held on the operating license application. Houston filed a motion for the Commission “to order procedures” on February 22, 1978, which the Commission denied by its Order dated April 5, 1978 (7 NRC – ).

On February 21, 1978, the Attorney General rendered the requested advice and concluded that changed circumstances required that an antitrust hearing be held on the operating license application. Houston filed a motion for the Commission “to order procedures” on February 22, 1978, which the Commission denied by its Order dated April 5, 1978 (7 NRC – ). Such Order further directed the Director of Nuclear Reactor Regulation to issue a notice of antitrust hearing, Accordingly, a Notice of Antitrust Hearing on Operating License Application was duly published in the Federal Register (43 FR 15811, April 14, 1978).

This Licensing Board was designated in the notice of hearing to make a determination of whether the activities under the proposed operating licenses will create or maintain a situation inconsistent with the antitrust laws on the basis of significant changes in the Applicants’ activities which have occurred subsequent to the previous review by the Attorney General and the Commission in connection with the application for construction permits. In the event the Board makes an affirmative finding, it will also consider what relief, if any, would be appropriate. The parties to the hearing will be the Applicants, the NRC Staff, the Department of Justice if it so desires, and any other person admitted as a party pursuant to the provisions of 10 CFR 2.714. A petition for leave to intervene was filed by mail on April 28, 1978 by Texas Utilities Generating Company and Dallas Power & Light Company, Texas Electric Service Company, and Texas Power & Light Company, Applicants for construction permits. Such petition was filed by the Applicants City of San Antonio (May 3, 1978), Houston Lighting & Power Company (May 4, 1978), City of Austin (May 5, 1978) and Central Power and Light Co. (May 5, 1978).

The Board takes note of the expressed desire of all counsel for an expeditious resolution of relevant antitrust issues related to this operating license application and concur that it is in the public interest to minimize regulatory delays in the licensing process, and the active cooperation of counsel is essential for that purpose. In view of the professional attention these antitrust issues have received from expert counsel in this and other fora over an extended period of time, it is anticipated that protracted hearings will not be necessary in this proceeding. Schedules will be developed for the framing of issues and the conduct of an evidentiary hearing under these standards. The Federal Rules of Civil Procedure and the Federal Rules of Evidence will be applied by analogy wherever they are reasonably applicable. All testimony of witnesses will be oral except for good cause made known and ruled upon in advance. Concise summaries of the testimony of witnesses shall be exchanged in advance, as well as all proposed exhibits, studies and other documents. The liberal use of depositions to focus issues and to shorten trial testimony is encouraged.

Please take notice that a special prehearing conference pursuant to the provisions of § 2.751a as amended (such amendments are effective on May 26, 1978) will be held at 9:30 a.m., local time, on June 21, 1978 in the Nuclear Regulatory Commission’s Hearing Room, 5th Floor, East West Towers, located at 4350 East West Highway, Bethesda, Md. 20014.

All parties and any petitioners for intervention and counsel are directed to appear at such special prehearing conference where the Board will consider the identification of key issues in the proceeding, the delineation of the scope and dimension of the primary issues involved in the Commission’s decision in 5 NRC 1303, the ruling on intervention petitions, and the establishment of a schedule for further actions in the proceeding. A statement of issues and contentions involved in this proceeding shall be discussed by counsel prior to the conference. Counsel are requested to report on the nature and extent of discovery obtained in other proceedings which might be useful in this action. Copies of all prehearing statements, motions, briefs, points and authorities or other documents to be considered at the prehearing conference shall be in the hands of members of the Board by June 14, 1978.

It is so ordered.

Dated at Bethesda, Md., this 17th day of May 1978.

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER, Chairman.

[FR Doc. 78-14509 Filed 5-23-78; 8:45 am]

[7590-01] Low-Level Radiation Exposure

Decision Not to Conduct a Hearing to Refine or Reduce the Health Cost Figures Previously Adopted

The Nuclear Regulatory Commission announced its intention to conduct a rule making hearing to establish appropriate monetary values for the worth of reducing radiation doses to the public in its decision on Rulemaking Docket No. RM-50-2' (numerical guides for design objectives and limiting conditions for operation to meet the professional “as low as reasonably achievable” standard for radioactive materials in light-water-cooled nuclear power reactor effluents). In that decision, the Commission adopted interim values of $1,000 per total-body man-rem and $1,000 per man-thyroid-rem for use in a cost-benefit analysis of the need for additional radioactive effluent control systems to reduce population radiation exposures (Section IID of Appendix 1 to 10 CFR Part 50.) In adopting these values, the Commission noted that they were believed to be conservative as they were higher than previously published values of a dollar per man-rem value for the total body and that such arguments were advanced that the worth of reductions in the collective (man-thyroid-rem) dose to the thyroid should be lower than the value for the total body.

However, experience has shown that a more precise determination of appropriate dollar per man-rem and dollar per man-organ-rem values is now unnecessary. The NRC staff has performed 30 evaluations of the cost-benefit analyses submitted in support of nuclear power reactor license applications as required by Section IID of Appendix I of 10 CFR Part 50. In each of these cases, it was found that no additional effluent control equipment was necessary. Accordingly, the NRC has decided not to conduct a hearing to refine or reduce the health cost figures previously adopted.

1Published in the Federal Register of May 5, 1975 (40 FR 19439).

2This terminology was changed to “as low as is reasonably achievable” to conform to the terminology of the International Commission on Radiological Protection (Federal Register of December 19, 1975 at 40 FR 58847).
was required to meet the cost-benefit provisions of Section IIA of Appendix I beyond the equipment that was required to meet the individual dose design objectives contained in Section IIA, IIB, and IIC of Appendix I to 10 CFR Part 50. This experience indicates that, for most situations, the individual dose design objectives will be limiting, even for the conservative interim dollar per man-organ-rem values. Further refinements are expected to provide lower numerical values, which would be even less likely to affect effluent treatment system requirements. For this reason the interim values of $1,000 per man-thyroid-rem, although not precise, appear to remain usable values for regulatory decisionmaking. Moreover, the Environmental Protection Agency (EPA) has issued generally applicable environmental radiation standards for uranium fuel cycle operations. These standards provide limits on doses to individual members of the public and limits on the quantities of certain long-lived radionuclides released from the nuclear fuel cycle to the general environment. These standards were developed by EPA through consideration of the potential health risks associated with various levels of effluent releases in relation to the costs of achieving these levels by procedures that did not require a precise assessment of the cost of radiation exposures. In the statement of considerations accompanying the proposed standards, EPA concluded that the two types of proposed standards

**I.** are the most appropriate choice of criteria to provide effective limitation of the potential health impact on populations of short-lived and long-lived radiocarbon materials **II.**

In the Commission's view, these EPA standards provide further assurance, in addition to the requirements of Appendix I to 10 CFR Part 50, that both individual and population doses from light-water-cooled nuclear reactor effluents will be as low as is reasonably achievable. The EPA standards also ensure that doses from lightwater reactors and associated fuel cycle facilities will be maintained at or below levels that are, in EPA's view, environmentally acceptable, without the need for a precise determination of the worth of radiation exposure reductions.

Other developments also affect the timeliness of proceeding with the proposed rule making at this time. Recent amendments to the Clean Air Act provide for a study to be conducted by EPA to determine whether airborne emissions of radioactive materials contribute to air pollution which may be reasonably anticipated to endanger public health. This study and subsequent findings by the EPA might affect the present regulatory framework embodied in Appendix I and in 40 CFR Part 190 and, consequently, lessen the importance of undertaking this rule making hearing at this time. The above considerations have led the Commission to reconsider the need for further efforts to redefine the worth of reducing radiation exposure to the general population. Rather than further postpone the rule making hearing until an unspecified future time, the Commission believes that the uncertainties that would be introduced in the regulatory process can best be avoided by cancelling the proposed rule making. This action does not preclude the possibility that rule making may be reinitiated at a future time if a need develops for a more precise definition of dollar per man-rem and dollar per man-organ-rem values.

The cancellation of this rulemaking should not be interpreted as an abandonment by the Commission of the concept of a quantified cost-benefit analysis for defining as low as is reasonably achievable levels of radiation exposure. The Commission believes that the Appendix I rule making proceeding (Docket No. RM-50-2) and the subsequent experience with the Appendix I rule show that this concept has considerable merit and utility. In this regard, the Commission believes that the opinions of the Advisory Committee on the Biological Effects of Ionizing Radiation of the National Academy of Sciences—National Research Council that

such analyses could facilitate rational and cost-effective safety and control procedures and the avoidance of health hazards and economic dislocations associated with excessive or inadequate expenditures in relation to risk. Health benefit/cost assessments, even though present data are incomplete, can provide some guidance to decision makers, direct attention to gaps in knowledge, indicate priorities for research, and stimulate the accumulation of needed data and analysis, and contribute to public understanding of the relevant issues and problems.


The Commission will continue to strive for the reduction of radiation exposures from all licensed activities so low as is reasonably achievable (ALARA) levels and, where practicable, to employ a quantitative cost-benefit analysis to better define such ALARA levels. At the present time, however, efforts to make this analysis more precise do not appear to be warranted by our experience to date.

The NRC staff will continue to accumulate experience with the implementation of the design objectives and the cost-benefit analysis of Appendix I to 10 CFR Part 50. This experience is being and will be incorporated into the on-going NRC efforts to develop detailed implementation procedures for EPA's uranium fuel cycle standards in 40 CFR Part 190. These efforts and the efforts by EPA and NRC to comply with the provisions of the Clean Air Act Amendments of 1977 will provide a basis for any further changes in the current regulatory framework for controlling releases of radioactive materials from the normal operation of NRC licensed nuclear power and fuel cycle operations.

Dated at Washington, D.C., this 18th day of May 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-14504 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-335]

NORTHEAST NUCLEAR ENERGY CO., CONNECTICUT LIGHT AND POWER CO., HARTFORD ELECTRIC LIGHT CO., AND WESTERN MASSACHUSETTS ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-65 to Northeast Nuclear Energy Co., The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Conn. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to eliminate the monthly visual inspection of all inaccessible hydraulic snubbers with non-ethylene-propylene seal materials for the remainder of cycle 2. The visual inspection of such inaccessible snubbers is required if plant conditions allow access or if inspections of accessible snubbers reveal evidence of seal degradation.

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 26, 1978, as supplemented by letters dated April 11 and May 5, 1978, (2) Amendment No. 41 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 15th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-14510 Filed 5-23-78; 8:45 am]

NOTICES

OFFSHORE POWER SYSTEMS, (MANUFACTURING LICENSE FOR FLOATING NUCLEAR POWER PLANTS)

Memorandum and Order Granting in Part Applicant's Motion (No. 8) To Establish Schedule

On April 24, 1978, Applicant filed Motion (No. 8) To Establish Schedule. Natural Resources Defense Council (NRDC) filed a response on May 4th, the NRC Staff filed its response on May 8th, and Atlantic County Citizens Council on Environment (ACCE) filed a response on May 9, 1978.

In the fifth prehearing conference order of May 17, 1978, we had stated that the conditions, limitations and qualifications in the "Stipulation Containing Hearing Schedule" of the parties (except for NRDC) dated March 8, 1976 would be adhered to and the schedule therein would be followed as closely as is reasonably practicable. Further, as indicated in our Order of May 21, 1978, we had become increasingly concerned about the lack of progress toward the closing of the evidentiary record in this case, and we stated therein that we were prepared to reconsider ruling in the Order of June 21, 1977 that any future hearing would be held in one continuous session. Hearings in the instant case have not been held since May 20, 1977. Clearly it is our duty to take appropriate action if it might move to amend or expand contentsions (within a certain time) upon a showing of a rational connection between any new matters in the addendum to Part II and in Part III.

ORDER

In light of the discussion, supra, the Board allows in part, as hereinafter reflected, applicant's motion (No. 8) To Establish Schedule:

1. Public hearing will be resumed on July 10, 1978 at 1:30 p.m. at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Building, 4850 East-West Highway, Bethesda, Md. 20014.

Thereafter, commencing at 9:30 a.m., the hearing will continue on weekdays through July 28, if necessary.

2. Testimony will be taken on the following issues and Board Questions:

(a) Atlantic County Contention 1 (impact on resort economics). Cross-examination of applicant's panel will be concluded, and thereafter Atlantic County and staff will call their witnesses.

(b) ACCE Contention 3b (functional design of discharge outfall) admitted by order dated May 21, 1974, p. 6.

(c) ACCE Contention 3f (dredging), admitted by order dated May 21, 1974, p. 6.

(d) ACCE Contention II (net energy yield, cost-benefit balance), admitted by order of August 1, 1977, pp. 4 and 5.

(e) Issue retained By The Board:

"1. Section 12.10.4 of Part II of the FES is inadequate in that it does not take into account the special energy requirements needed to procure breakwater material, to construct the breakwater, to tow plants to the site and to provide shore to barge umbilicals". (Formerly Contention I. 4 in part of the City of Brigantine, which was retained as an issue in the Board's Order of August 1, 1977, pp. 12 and 13, after CB withdrew as a party).

(f) Board question:

"To what extent, if any, would the consideration of the utilization of heat pumps and of secondary and tertiary recovery from oil wells serve to modify the discussions and/or conclusions reached in Part II of the FES?" (Board's order of August 1, 1977, p. 10).

3. Written direct testimonies shall be submitted by no later than June 23, 1978 by the applicant and the staff. By said due date the intervening party who placed an issue (contention) into contest shall submit its written direct testimony, if any. With regard to the issue retained by the Board (par. 2f, supra) and with regard to the Board question (par. 2f, supra), by no later than June 23, 1978, the applicant and staff shall submit written direct testimonies, and the intervening parties, if desiring to do so, shall submit written direct testimonies by the aforesaid due date.

Dr. Schink concurs but was not available to sign the instant memorandum and order.

FEDERAL REGISTER, VOL. 43, NO. 101 — WEDNESDAY, MAY 24, 1978
NOTICES

Amendment No. 41 to Facility Operating License of the Commission has issued the Peach Bottom Atomic Power Plant operating license No. DPR-56 issued to City Electric Co., which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station Unit No. 3. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications for the Peach Bottom Atomic Power Station, Unit No. 3 to: (1) Permit operation of the facility during cycle 3 with up to 252 improved two water rod 8x8R reload fuel bundles, designed and fabricated by the General Electric Co. and having an average enrichment of 2.23 wt.% U, and (2) revise the maximum average planar linear heat generation rates as determined by the re-evaluation of the ECCS performance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, the Act, and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Notice of proposed issuance of amendment to Facility Operating License in connection with this action was published in the Federal Register on February 2, 1978 (43 FR 4468). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 19, 1977, as supplemented August 30, 1977, January 17, February 2 and 17, May 8 and 11, 1978, (2) Amendment No. 41 to License No. DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa., 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of May 1978.

For the Nuclear Regulatory Commission.

GEORGE LEBL, Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of May 1978.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Md., this 17th day of May 1978.

Dated at Bethesda, Md., this 17th day of May 1978.
NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable and to limit operation to achieve a peaking factor not exceeding the value specified herein. Such commitments were confirmed by the licensees’ letter of April 10, 1978. The staff believes that the licensees’ action, under the circumstances, is appropriate and that this action should be confirmed by NRC order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission’s Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission’s local public document room at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, N.Y.

(1) Letter from Westinghouse to NRC dated April 7, 1978.
(2) Letter from Power Authority of the State of New York, to Mr. A. Schwencer, Operating Reactors Branch No. 1, dated April 10, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission’s rules and regulations in 10 CFR parts 2 and 50: IT IS ORDERED, That Facility Operating License No. DPR-64 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC Staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specifications limit for total nuclear peaking factor is limited to 2.23.

Dated at Bethesda, Md., this 27th day of April 1978.

For the Nuclear Regulatory Commission,

VICTOR STELLO JR.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[5790-01]

[Docket No. 50-372]

PUBLIC SERVICE GAS & ELECTRIC CO., SALEM GENERATING STATION, UNIT NO. 1

Order For Modification of License

I. The Public Service Gas & Electric Co. (the licensee), is the holder of Facility Operating License No. DPR-70 which authorizes the operation of the nuclear reactor known as Salem Generating Station, Unit No. 1 (the facility) at steady reactor power levels not in excess of 3,338 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corp. designed pressurized reactor (PWR) located at the licensee’s site in Salem County, New Jersey.

II. In accordance with the requirements of the Commission’s ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on December 27, 1976, an ECCS evaluation for proposed operation using 17 x 17 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission’s ECCS Acceptance Criteria, 10 CFR part 50.46 and appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with Westinghouse input in the model’s Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak cladding temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long-term cooling performance.

On March 23, 1978, Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak cladding temperature, which, for some plants, could result in calculated temperatures in excess of 2,200°F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak cladding temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from corrections to the model. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, the limiting peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this order and in the SER, operation of the Salem facility at the peaking factor limit specified in this order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, this limit provides reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a revised order of ECCS performance as promptly as practicable and to limit operation to achieve a peaking factor not exceeding the value specified herein. These commitments were confirmed by the licensees’ letter of April 17, 1978. The staff believes that the licensee’s action, under the circumstances, is appropriate and that this action should be confirmed by NRC order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission’s Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission’s local public document room at the Hendrick Hudson Free Library, 112 West Broadway, Salem, N.J.

(1) Letter from Westinghouse to NRC dated April 7, 1978.
(2) Letter from Public Service Gas & Electric Co., to Director NRR, dated April 17, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission’s rules and regulations in 10 CFR parts 2 and 50: IT IS ORDERED, That Facility Operating License No. DPR-70 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC Staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specifications limit for total nuclear peaking factor is limited to 2.21.

Dated at Bethesda, Md., this 27th day of April 1978.

ORDERED

22257

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
NOTICES

For the Nuclear Regulatory Commission.

VICTOR STELLO, JR.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[F.R. Doc. 78-14514 Filed 5-23-78; 8:45 am]

[7590-01]

[VIRGINIA ELECTRIC & POWER CO., (SURRY POWER STATION, UNIT NO. 2)]

Order For Modification of License

I. The Virginia Electric & Power Co. (the licensee), is the holder of Facility Operating License No. DPR-37 which authorizes the operation of the nuclear power reactor known as Surry Power Station, Unit No. 2 (the facility) at steady reactor power levels not in excess of 2441 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corporation designed pressurized water reactor (PWR) located at the licensee's site in Surry County, Va.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on August 9, 1977 an evaluation supplemented August 26, October 14 and November 16, 1977 an ECCS evaluation for proposed operation using 15 x 15 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term coolability.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some model modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for other plants. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this Order and in the SER, operation of the Surry Power Station, Unit No. 2, at the peaking factor limits specified in this Order, and in accordance with the operating surveillance requirements specified in this Order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable to limit operation to achieve a peaking factor not exceeding the value specified herein, and to submit operating surveillance procedures to assure operation within such limits. Such procedures were submitted and the commitments confirmed by the licensee's letter of April 7, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Swem Library, College of William and Mary, Williamsburg, Va.

(1) Letter from Westinghouse to NRC dated April 7, 1978.


Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: It is ordered, That Facility Operating License No. DPR-37 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (Fq) for the Surry Power Station, Unit No. 2 shall be limited to 1.81 for a steam generator tube plugging level of 20.8 percent or less and 1.79 for a steam generator tube plugging level of greater than 20.8 percent but less than 25 percent.

(3) Until further authorization by the Commission, the licensee shall conduct the operating surveillance program described in its letter of April 7, 1978 where APDM surveillance will be performed above 86 percent for Unit No. 2.

Dated at Bethesda, Md. this 28th day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, JR.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[F.R. Doc. 78-14515 Filed 5-23-78; 8:45 am]

[7590-01]

[WISCONSIN ELECTRIC POWER CO., (POINT BEACH NUCLEAR PLANT, UNIT NOS. 1 & 2)]

Order For Modification of License

I. Wisconsin Electric Power Co. (the licensee) is the holder of Facility Operating License Nos. DPR-24 and DPR-27 which authorize the operation of the nuclear power reactors known as Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) at steady reactor power levels not in excess of 1518 megawatts thermal (rated power). The facilities consist of
Westinghouse Electric Corp.-designed pressurized water reactors (PWRs) located at the licensee's site in Manitowoc County, Wis.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on October 27, 1976 an ECCS Evaluation Model, approved for operation using 14X14 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for these facilities. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facilities would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2300°F unless the allowed peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER set forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facilities are submitted using the revised and corrected model, they will demonstrate that the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facilities as soon as possible.

As discussed in this Order and in the SER, operation of the Point Beach facilities at a peaking factor limit of 32, which is defined in 10 CFR 50.46(b), and with other limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facilities will conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum clad oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

For the Nuclear Regulator Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-14517 Filed 5-23-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Revised Notice of Meeting

The meeting notice for the meeting previously scheduled on June 1-3, 1978 (published on May 17, 1978, FEDERAL REGISTER, volume 43, No. 96, pp. 21363-4) is revised as detailed below. This revision incorporates schedule changes due to the cancellation of the session for the Indian Point Nuclear Generating Station, Unit 3. The changes include cancellation of the session on Friday, June 2, 1978.

The agenda for the subject meeting will be as follows:

THURSDAY, JUNE 1, 1978

8:30 a.m.-9:00 a.m. Executive Session (open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities including the appointment of new Committee members.

This session will be open to the public except for those portions which must be closed to protect information the release of which would represent an unwarranted invasion of personal privacy.

The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for operation at increased power of the Maine Yankee Atomic Power Station. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter and provisions for physical protection of this unit.

3:00 p.m.-11:00 a.m. Maine Yankee Atomic Power Station (open)—The Committee will hear and discuss presentations by representatives of the NRC Staff and the Applicant related to the request to operate this unit at increased power. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter and provisions for physical protection of this unit.

7:00 p.m.-12:00 noon: Executive Session (open)—The Committee will hear and discuss reports of Subcommittees and Working Groups on a number of generic matters related to reactor safety including Anticipated Transients Without Scram and proposed revisions to NRC Regulatory Guides. The Subcommittee on the Vermont Yankee Nuclear Power Station will
also report on operating experience at this facility.

1:00 p.m.-2:15 p.m.: Report on Interagency Review of Nuclear Waste Management (open)—The Committee will hear and discuss a report by representatives of the NRC regarding NRC participation in the program for review of nuclear waste management and disposal.

2:15 p.m.-2:30 p.m.: Executive Session (open)—The Committee will discuss proposed use of Class 9 Accidents as a methodology for evaluation of alternate reactor sites.

2:30 p.m.-4:30 p.m.: Meeting with NRC Staff (open)—The Committee will hear and discuss a report by representatives of the NRC Staff regarding use of Class 9 Accidents as a methodology for evaluation of alternate sites for nuclear power plants.

4:30 p.m.-6:30 p.m.: Executive Session (open)—The Committee will discuss proposed ACRS positions and comments regarding generic matters related to nuclear power plant safety including the source term used in reactor safety analysis, the need for a quasi-judicial, statutory board to review reactor accidents, and radiobiological protection.

The Committee will also discuss its proposed report to the NRC on the Maine Yankee Nuclear Plant.

FRIDAY, JUNE 2, 1978

8:30 a.m.-11:30 a.m.: Meeting with NRC Staff (open)—The Committee will hear presentations from and hold discussions with members of the NRC Staff regarding recent licensing actions and operating experience including the seismic reevaluation of several nuclear power plants and review of a proposed safe shutdown system for the Oconee Nuclear Plant. A portion of this session will be closed to protect information related to nuclear power plant safety including the seismic reevaluation of several nuclear power plants and review of a proposed safe shutdown system for the Oconee Nuclear Plant.

Representatives of the NRC Staff and its contractors will also report to the ACRS on generic matters related to nuclear power plant safety including the seismic reevaluation of several nuclear power plants and review of a proposed safe shutdown system for the Oconee Nuclear Plant.

The future schedule for ACRS activities and topics proposed for consideration by the Committee will also be discussed.

11:30 a.m.-12:30 p.m.: Executive Session (open)—The Committee will discuss miscellaneous Committee activities including reorganization of ACRS Subcommittees and Working Groups and a proposed periodic report of ACRS activities.

1:30 p.m.-4:00 p.m.: Executive Session (open)—The Committee will discuss proposed ACRS comments regarding the establishment of a quasi-judicial, statutory board to investigate reactor accidents, and other generic matters considered during this meeting.

The Committee will also discuss its proposed report to the NRC on the Maine Yankee Nuclear Plant.

Procedures for the conduct of and participation in ACRS meetings were outlined in the Federal Register on October 31, 1977, page 56972. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff.

Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

I have determined in accordance with Subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)), to preserve the confidentiality of classified and proprietary information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b(c)(1) and (4)), and to protect information the release of which would represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). Separation of factual information from information considered exempt from disclosure during closed portions of the meeting is not considered practical.

Background information concerning items to be considered during this meeting can be found in documents on file and available for public inspection in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20555 and in the following Public Document Rooms:

Maine Yankee Atomic Generating Station, Wiscasset Public Library, High Street, Wiscasset, Me. 04578.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202-634-1371), between 8:15 a.m. and 5 p.m. e.d.t.


John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 78-14660 Filed 5-23-78; 8:45 am]

NOTICES

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFE-
GUARDS, SUBCOMMITTEE ON RELIABILITY
AND ACCIDENT PROBABILITIES

Meeting

The ACRS Subcommittee on Reliability and Accident Probabilities will hold an open meeting on June 8, 1978 in Room 1046C, 1717 H Street NW, Washington, D.C. 20555 to consider whether the Nuclear Plant Reliability Data System reporting requirements should be made mandatory by the NRC.

In accordance with the procedures outlined in the Federal Register on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff.

Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

THURSDAY, JUNE 8, 1978

11 a.m. until the conclusion of business—The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the nuclear industry, the NRC, its consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. John C. McKinley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m., e.d.t.


John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 78-14661 Filed 5-23-78; 8:45 am]
NOTICES

[Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008]


PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-14442 Filed 5-23-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1473]

RHODE ISLAND

Declaration of Disaster Loan Area

The area of the 200 Block of Front Street in the downtown section of the City of Pawtucket, Providence County, R.I., constitutes a disaster area because of damage resulting from a fire which occurred on April 12, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 17, 1978, and for economic injury until the close of business on February 16, 1979, at:

Small Business Administration, District Office, 57 Eddy Street, Room 710, Providence, R.I. 02903.

or other locally announced locations.


A. VERNON WEATHER, Administrator.

[FR Doc. 78-14441 Filed 5-23-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

JiINT COMMITTEE FOR AGRICULTURAL DEVELOPMENT OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10 (a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the seventh meeting of the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development on June 12 and 13, 1978.

The purpose of this meeting is to discuss progress of current planning activities of contractors on sorghum-millet, fisheries-aquaculture, and small ruminant animals for collaborative research support programs (CRSP's); discussion of Auburn University's domestic and international research and technical services activities in fisheries and aquaculture; AID procedures for making contracts and grants for collaborative research support programs; and future plans for CRSP's and achieving balance between centrally funded contract research and CRSP's in agriculture, food and nutrition.


FLETCHER E. RIGGS,
AID Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 78-14568 Filed 5-23-78; 8:45 am]
The meeting will convene at 9 a.m. and adjourn at 5 p.m. on June 13 and 14, 1978. The meeting will be held in Comer Hall, Rm. 109, School of Agriculture Administration Building, Auburn University, Auburn, Ala. The meeting is open to the public. Any interested person may attend, may file written comments with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Director, Office of Title XII Coordination, Development Support Bureau, is designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.


Erven J. Long,
AID Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FEDERAL REGISTER, Vol. 43, No. 101—Wednesday, May 24, 1978]

NOTICES

DEPARTMENT OF TRANSPORTATION

INTERNATIONAL AIR TRANSPORTATION NEGOTIATIONS

Provision Policy Statement

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of Provision Policy Statement and Invitation for Public Participation.

SUMMARY: This document sets forth the proposed United States policy for the conduct of international air transport negotiations. This policy is designed to give guidance to those agencies responsible for the conduct of bilateral negotiations and set forth objectives that the United States will seek to obtain in the negotiations.


ADDRESSES: Send comments on the proposed policy to: Docket Clerk, OST Room No. 4057, U.S. Department of Transportation, Washington, D.C. 20590. Comments will be available for public inspection and copying from 9 a.m. to 5:30 p.m. local time, Monday through Friday, except Federal holidays at Office of the Assistant General Counsel, Counsel for Regulation and Enforcement, Department of Transportation, Headquarters (Nassif) Building, Room 10100, 400 Seventh Street SW., Washington, D.C. 20590. Comments will be available for public inspection and copying from 9 a.m. to 5:30 p.m. local time, Monday-Friday.

FOR FURTHER INFORMATION CONTACT:

Robert A. Holland, Deputy Director of Public and Consumer Affairs, 202-426-4734, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 9 a.m. to 5:30 p.m. local time, Monday-Friday.

SUPPLEMENTARY INFORMATION: Over the last 8 months, an interagency group composed of the Departments of State, Transportation, Commerce, Defense, and Justice and the Office of Management and Budget, the Council on Wage and Price Stability, the Domestic Policy Staff and the Council of Economic Advisors has worked to prepare the new statement to govern the conduct of United States international aviation negotiations. This Administration group has also had the full participation and assistance of the Civil Aeronautics Board, an independent agency. As indicated in the draft statement, the United States policy is to seek the greatest possible benefit for travelers and shippers and further develop international air transportation. The drafters believe that these benefits can best be achieved through the present emphasis and extension of competition among airlines in a fair marketplace.

During the course of the policy review, an outline of the policy was made available to the public and the Department of Transportation accepted comments on behalf of the interagency group with respect to that outline. While these comments have been very helpful, the interagency group believes that the draft final statement should be published formally for public comment prior to its submission to the President for approval.

In addition, the interagency group also believes that a public hearing to give interested parties a full opportunity to participate in an open forum would be conducive to the development of the final statement. For that reason, a public hearing will be held at the Department of Transportation Headquarters (Nassif) Building on June 27, 1978. Representatives of the major interested agencies will participate in the hearing and will participate in evaluation of the comments received in order to prepare a final statement to send to the President for final approval. Commenters are requested to address the specific issues of concern to them and to present concise statements of proposed modifications in the policy, if any. One copy of the testimony should be submitted at the hearing for the record.


Charles Swinburn, Associate Administrator for Federal Assistance.
maximum public benefits. The United States believes this interest is best served by a policy of expansion of competitive opportunity rather than restriction. By offering more services to the public, in a healthy and fair competitive environment, the international air transport industry can stimulate the growth in traffic which contributes both to profitable industry operations and to maximum public benefits.

A. Goals of U.S. International Air Transportation Policy. The U.S. will work to achieve a system of international air transportation that places its principal reliance on actual and potential competition to determine the variety, quality and price of air service. An essential means for carrying out our international air transportation policy will be to work for greater competitive opportunities for U.S. and foreign airlines and to promote new-cost transportation options for travelers and shippers. Especially in major air transport markets, there can be substantial benefits for travelers, shippers, airlines and labor from increased competitive opportunities and reducing protectionist restrictions. Increasing the amount of U.S. flag air carrier transportation to and from the United States will contribute to the development of our foreign commerce, assure that more air lift resources are available for our defense needs, and promote and expand productivities and job opportunities in our international air transport industry.

B. Translating Goals into Negotiating Objectives. U.S. international air transportation negotiations involve implementation of the previous translation of objectives. Our objectives have to be achieved in the system of international agreements that form the framework for the international air transportation system. Routes, prices, capacity, scheduled and charter rules and competition in the market place are closely inter-related problems to be resolved independently. Thus, the following objectives will be presented in negotiations as an integrated U.S. position:

1. Creation of new and greater opportunities for innovative and competitive pricing to respond to the varied service and price needs of different consumers,

2. Liberalization of charter rules and elimination of restrictions on charter operations,

3. Expansion of competitive pricing through elimination of restrictions on capacity, frequency, and route and operating rights,

4. Elimination of discrimination and unfair competition faced by U.S. airlines in international transportation,

5. Flexibility to designate multiple U.S. airlines in international air markets, and

6. Encouragement of maximum traveler and shipper access to international markets by permitting service through more nonstop gateway cities and improving the integration of domestic and international airline services.

EXPLANATION OF OBJECTIVES

1. Pricing. The U.S. will strive for a more competitive and innovative international aviation industry by placing special emphasis on low prices. U.S. agencies will develop procedures to accommodate a more competitive system for establishing scheduled air fares and rates. For charter services the U.S. will continue to insist on competitive pricing.

2. Charters. The introduction of charters (whenever not subject to industry price agreements) acted as a major catalyst to the expansion of international air transportation in the 1960's. Charters are a competitive practice which generate new traffic and help stimulate expansion in all sectors of the industry. Restrictions which have been imposed on the volume, frequency and regulation of charter services as well as requirements for approval of individual charter flights have restrained the growth of traffic and tourism and do not serve the interests of either party to an aviation agreement. Strong efforts will be made to obtain liberal charter provisions in bilateral agreements.

3. Scheduled Services. We will seek to increase the freedom of airlines from capacity and frequency restrictions. We will also work to maintain or increase the route and operating rights of our airlines where such actions improve international route systems, and offer the consumer more convenient and efficient air transportation.

4. Domestic and International Competitive Practices. U.S. airlines must have the flexibility to conduct operations and market their services in a manner consistent with a fair and equal opportunity to compete with the airlines of other nations. We will insist that U.S. airlines have the business, commercial and operational opportunities to compete fairly. The United States will seek to eliminate unfair or destructive competitive practices that prevent U.S. airlines from competing on an equal basis with the airlines of other nations. Charges for providing airway and airport properties and facilities should be related to the costs due to the facilities involved rather than to market conditions.

5. Multiple Airline Designations. The designation of new U.S. airlines in international markets that will support additional services is a way to create a more competitive environment and improve the average improved service and competitive pricing.

6. Maximum Access to International Markets. Increasing the number of gateway cities for non-stop air service offers the potential for increasing the convenience of air transportation for passengers and shippers and improving routing and market opportunities for international airlines. In addition, enhancing the integration of U.S. airline domestic and international air services benefits both consumers and airlines.

C. Negotiating Principles. The guiding principle of United States aviation negotiation policy will be to trade competitive opportunities, rather than restrictions, with our negotiating partners. We will aggressively pursue our interests in expanded air transportation and reduced prices rather than accept the self-defeating accommodation of protectionism. Our concessions in negotiations will be given in return for progress toward competitive objectives, and these concessions themselves will be of a liberalizing character.

Proposed bilateral agreements which do not meet our minimum competitive objectives will not be signed without prior Presidential approval.

[FR Doc. 78-14540 Filed 5-23-78; 8:45 am]

DEPARTMENT OF THE TREASURY
Fiscal Service

[FR Doc. 78-14522 Filed 5-23-78; 8:45 am]

AMERICAN AND FOREIGN INSURANCE COMPANY;
SAFEGUARD INSURANCE COMPANY

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

SUMMARY

ADVISORY COMMITTEE ON REVENUE ASSESSMENTS

With respect to any bonds currently in force with American and Foreign Insurance Company and Safeguard Insurance Company, bond-approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.


D. A. Pagliari,
NOTICES

[7035-01]

INTERSTATE COMMERCE COMMISSION

[AB 18 (SDM)]

THE CHESSIE SYSTEM

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chessie System, has filed with the Commission its amended color-coded system diagram map in docket No. AB 18 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on May 1, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 18 (SDM).

H. G. Homme, J. r.,
Acting Secretary.

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1AB 18 (SDM), The Chesapeake & Ohio Railway Co., AB 19 (SDM), The Baltimore & Ohio Railroad Co., and AB 69 (SDM), The Western Maryland Railway Co.
INDEX

**Chessie System Diagram Map**

**EX PARTE NO. 274 (SUB-NO. 2)**

**ABANDONMENT OF RAIL LINES & DISCONTINUANCE OF SERVICE**

**MARCH 8, 1978**

Dwg. No. 29820
THE BALTIMORE & OHIO RAILROAD COMPANY (ICC DOCKET NO. AB-19).

THE CHESAPEAKE & OHIO RAILWAY COMPANY (ICC DOCKET NO. AB-18).

THE WESTERN MARYLAND RAILWAY COMPANY (ICC DOCKET NO. AB-69).

TRACKAGE RIGHTS OVER OTHER RAILROADS

LINES CARRIER ANTICIPATES WILL BE SUBJECT OF ABANDONMENT APPLICATION WITHIN THREE YEARS.

LINES UNDER STUDY AND POTENTIALLY SUBJECT TO ABANDONMENT APPLICATION.

ABANDONMENT APPLICATION PENDING BEFORE I.C.C.

LINES BEING OPERATED UNDER SUBSIDY

LINE DESCRIPTION NUMBER

STANDARD METROPOLITAN STATISTICAL AREA

STANDARD METROPOLITAN STATISTICAL AREAS

1 NEW YORK, N.Y.
2 GARY
3 CHICAGO
4 MUNICIPAL
5 INDIANAPOLIS
6 TERENCE HAN
7 SPRINGFIELD
8 ST. LOUIS
9 NASHVILLE
10 NEWPORT NEWS-HAMPTON
11 RICHMOND
12 LYNCHBURG
13 CHARLESTON
14 HUNTINGTON
15 LEXINGTON
16 LOUISVILLE
17 CINCINNATI
18 HAMILTON-MIDDLETOWN
19 TOLEDO
20 ANN ARBOR
21 LANSING
22 KALAMAZOO
23 MUSKEGON-MUSKEGON HEIGHTS
24 GRAND RAPIDS
25 BAY CITY
26 SAGINAW
27 FLINT
28 DETROIT
29 MILWAUKEE

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
NOTICES

Description of Lines to Accompany the System Diagram Map

CATEGORY (1)

Lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within three years.

DELWARE

Map code [31]

Docket No. AB-19 (Sub. No. 3)

(a) Landenberg Branch.
(b) Located in State of Delaware.
(c) Located in New Castle County.
(d) Milepost 1.19 near Green Bank to milepost 10.18 near Hockessin.
(e) Open agency station at Yorklyn (milepost 7.9) served by a traveling agent from Wilmington.

Map code [73]

(a) South Side Extension.
(b) Located in State of Delaware.
(c) Located in New Castle County.
(d) Station 0+00 to station 21+17 near Wilmington, a distance of 0.40 mile.
(e) No agency stations located on the line.

INDIANA

Map code [19]

(a) Wabash Subdivision.
(b) Located in State of Indiana.
(c) Located in Starke, Porter, and Lake Counties.
(d) Milepost 222.01 near LaCrosse to milepost 260.0 at HY Tower.
(e) Agent located at Griffith (milepost 253.8).

KENTUCKY

Map code [22]

(a) Preston Street Yard.
(b) Located in Commonwealth of Kentucky.
(c) Located in Jefferson County.
(d) Station 4+20 to station 32+22 in Louisville, a distance of 0.33 mile.
(e) Agency station at Louisville would not be included in abandonment.
(f) Comments: Proposal calls for C&O to abandon operations at ConRail's Preston Street Yard and operate into K&IT's Youngstown Yard. C&O's viaduct track leading into yard would be abandoned.

MARYLAND

Map code [52]

(a) Canton Branch.
(b) Located in State of Maryland.
(c) Located in Baltimore City.
(d) Milepost 1.86 at Sparrows Point Junction to milepost 2.47.
(e) No agency stations on the line.

Map code [75]

(a) Coon creek subdivision.
(b) Located in Commonwealth of Kentucky.
(c) Located in Pike County.
(d) Milepost 0.0 at Johns Creek Junction to milepost 9.0 at Racoon.
(e) No agency stations on the line.

Map code [78]

(a) East Subdivision.
(b) Located in State of Maryland and Commonwealth of Pennsylvania.
(c) Located in Carroll and Frederick Counties, Maryland and Adams County in Commonwealth of Pennsylvania.
(d) Milepost 23.94 near Cedarhurst, Md, to milepost 69.14 at Highfield, Pa.
(e) Agent located at Union Bridge, Md., milepost 45.40.
(f) Comment: Proposal calls for Short Line Railroad to acquire and operate the segment of line between Keymar (milepost 49.10) and Westminster (milepost 52.20).

Map code [70]

(a) Fall Street area.
(b) Located in State of Maryland.
(c) Located in Baltimore City.
(d) Station 0+00 to station 69+53 at Baltimore, Md., a distance of .96 mile.
(e) Agency station at Camden (Baltimore) would not be included in abandonment.

Map code [49]

(a) Mt. Airy branch.
(b) Located in state of Maryland.
(c) Located in Frederick and Carroll Counties.
(d) Station 1729+50 to station 1688+90 at Mt. Airy, a distance of .38 mile.
(e) No agency stations on the line.

Map code [77]

(a) Williamsport branch.
(b) Located in State of Maryland.
(c) Located in Washington County.
(d) Milepost 0.00 at PV Junction to milepost 1.26 near Williamsport, Md.
(e) No agency stations on the line.

MICHIGAN

Map code [23]

(a) North Horn spur.
(b) Located in State of Michigan.
(c) Located in Muskegon County.
(d) Station 0+00 to station 55+71 at Muskegon, a distance of 1.02 miles.
(e) No agency stations on the line.

Map code [24]

(a) Superior Street spur.
(b) Located in State of Michigan.
(c) Located in Saginaw County.
(d) Station 15+00 to station 68+68 at Saginaw, a distance of 1.02 miles.
(e) No agency stations on the line.

NEW YORK

Map code [58]

(a) Dock Branch Rochester Belt Line.
(b) Located in State of New York.
(c) Located in Monroe County.
(d) Milepost 0.0 at Dock Junction to milepost 1.14. Milepost 6.89 to milepost 8.74 at R.W. & O. Junction.
(e) No agency stations on the line.

OHIO

Map code [20]

(a) Athens Branch.
(b) Located in State of Ohio.

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
Pennsylvania
Map code [40]

Docket No. AB-19 (Sub. No. 10)

(a) Indiana Branch.
(b) Located in Commonwealth of Pennsylvania.
(c) Located in Indiana County.
(d) Milepost 41.46 to milepost 44.69 near Blacklick Junction.
(e) No agency stations located on the line.

Map code [40]

(a) Lurgan Subdivision.
(b) Located in Commonwealth of Pennsylvania.
(c) Located in Franklin and Cumberland Counties.
(d) Milepost 32.65 near Lurgan to milepost 34.0 near Shippenburg.
(e) No agency stations located on the line.

Map code [41]

Docket No. AB-19 (Sub. No. 34)

(a) Northern Branch (includes Kane Branch—0.64).
(b) Located in Commonwealth of Pennsylvania.
(c) Located in Armstrong, Clarion, Forest, Elk and McKean Counties.
(d) Milepost 66.63 near Parkers Landing to milepost 162.68 at Mt. Jewett.
(e) Agents located at Knox (milepost 86.9), Marienville (milepost 121.3), and Kane (milepost 152.8). Open agency station at Foxburg (milepost 69.4) served by traveling agent from Petrolia. Non-agency stations at St. Petersburg (milepost 73.0), Alum Rock (milepost 77.5), and Turkey (milepost 79.1) are served by a traveling agent from Petrolia.

West Virginia
Map code [30]

(a) Sand Run.
(b) Located in State of West Virginia.
(c) Located in Tucker County.
(d) Milepost 0.00 near Williams, West Virginia to milepost 2.41 near Pierce, West Virginia. As information, station limits would be from station minus 1+11 to station 125+00, a distance of 12,711 feet.
(e) No agency stations on the line.

Chesapeake and Ohio System Lines

Description of Lines to Accompany System Diagram Map

Category (2)

Lines or portions of lines under study and potentially subject to abandonment application.

District of Columbia
Map code [61]

(a) Shepherd Industrial Track.
(b) Located in District of Columbia.
(c) Located in City of Washington.
(d) Milepost 5.78 at Shepherd Junction to milepost 11.78 at Shepherd.
(e) No agency stations on the line.

Map code [76]

(a) Georgetown Branch.
(b) Located in District of Columbia and Maryland.

Illinois
Map code [34]

Docket No. AB-19 (Sub. No. 26)

(a) Decatur Subdivision.
(b) Located in States of Illinois and Indiana.
(c) Located in Edgar, Douglas, Piatt, and Macon Counties of Illinois, and in Marion, Hendricks, Putnam, Parke, and Vermillion Counties of Indiana.
(d) Milepost 275.50 near Decatur, Ill., to milepost 245.75 near Ficklin, Ill. Milepost 225.0 near Newnan, Ill., to milepost 130.39 near Speedway, Ind.
(e) Open agency stations in Illinois are LaPlace (milepost 264.3), Hammond (milepost 237.6), Atwood (milepost 240.7) and Chrisman (milepost 200.0). These stations are served by traveling agent from Tuscola. Traveling agent located at Montezuma, Ind. (milepost 191.9), also serves Russellville, Ind. (milepost 168.5).

Indiana
Map code [34]

Docket No. AB-19 (Sub. No. 26)

(a) Decatur Subdivision.
(b) Located in States of Indiana and Illinois.
(c) Located in Marion, Hendricks, Putnam, Parke and Vermillion Counties of Indiana, and Edgar, Douglas, Piatt, and Macon Counties of Illinois.
(d) Milepost 130.39 near Speedway, Ind., to milepost 225.0 near Newnan, Ill. Milepost 245.75 near Ficklin, Ill., to milepost 275.50 near Decatur, Ill.
(e) Traveling agent located at Montezuma, Ind. (milepost 191.9), also serves Russellville, Ind. (milepost 169.5). Open agency stations in Illinois are LaPlace (milepost 264.3), Hammond (milepost 237.6), Atwood (milepost 250.7) and Chrisman (milepost 209.0). These stations are served by traveling agent from Tuscola.

Kentucky
Map code [17]

(a) Lexington Belt.
(b) Located in Commonwealth of Kentucky.
(c) Located in Fayette County.
(d) Station 127+26 to station 174+00, a distance of 0.89 mile.
(e) No agency stations on the line.
NOTICES

MARYLAND
Map code [76]
(a) Georgetown Branch.
(b) Located in State of Maryland and District of Columbia.
(c) Located in Montgomery County and City of Washington.
(d) Milepost 0.0 at Georgetown Junction, Maryland to milepost 10.98 at Georgetown, D.C.
(e) No agency stations on the line.

Finance Docket No. AB-19 (Sub. No. 25)
(a) Flora to Sangamon Junction (103.29-mile segment of the Springfield Subdivision).
(b) Located in State of Illinois.
(c) Located in Clay, Effingham, Fayette, Shelby, Christian, and Sangamon Counties.
(d) Milepost 76.0 near Flora to milepost 178.29 at Sangamon Jct.
(e) Agent located at Taylorville (milepost 165.7). Open agency stations at Flora (milepost 81.3), Edgewood (milepost 95.6), Altamont (milepost 106.7), Cowden (milepost 121.9). These four stations are served by traveling agent from Flora. Open agency stations at Owano (milepost 143.3), Edinburg (milepost 164.6), and Rochester (milepost 174.6). These three stations are served by traveling agent from Taylorville.

(b) Located in State of Michigan.
(c) Located in Ionia County.
(d) Milepost 72.25 near Montague to milepost 95.23 near Hart.
(e) Open agency station at Hart (milepost 95) served by traveling agent from Muskegon.

CHESSIE SYSTEM LINES
Description of Lines to Accompany the System Diagram Map

NEW YORK
Map code [90]
(a) Main Line Fourth Subdivision Silver Lake Branch.
(b) Located in State of New York.
(c) Located in Genesee, Wyo., Allegany, and Cattaraugus Counties.
(d) Milepost 93.71 at or near Ashford to milepost 26.60 near LeRoy. Milepost 0 at Silver Lake Junction to milepost 2.27 near Chase.
(e) Agent located at Silver Springs (milepost 1).

Ohio
Map code [21]
(a) Cheviot and Miami Subdivisions.
(b) Located in State of Ohio.
(c) Located in Hamilton and Butler Counties.
(d) Milepost 1.77 near Cincinnati to milepost 19.09 near Fernand.
(e) No agency stations on the line.

Finance Docket No. 26745
(a) Beardstown Branch.
(b) Located in State of Illinois.
(c) Located in Sangamon and Cass Counties.
(d) Milepost 184.46 near Coal Shaft to milepost 228.17 at Beardstown.
(e) Open agency station at Virginia (milepost 215) served by a traveling agent from Taylorville. Agent located at Beardstown, joint with Burlington Northern (milepost 220).
(f) Comments: ICC order, served June 1, 1976, authorized abandonment.

Finance Docket No. 26965
(a) Shawneetown Branch.
(b) Located in State of Illinois.
(c) Located in Clay, Wayne, White, and Gallatin Counties.
(d) Milepost 9.00 at Shawneetown to milepost 73.27 near Flora.
(e) Open agency stations at Cisne (milepost 26), Mill Shoals (milepost 43.5), Ridgeway (milepost 11.4), and Shawneetown (milepost 0.0). These stations are served by traveling agent from Flora.

(f) Comments: 5.36 miles of line between milepost 6.05 and milepost 0.69 are jointly owned by B&O and the Louisville & Nashville Railroad Company. Applicant seeks to abandon operations over this segment, but not the line of railroad. The Prairie Trunk Railway filed an application dated October 15, 1973, P.D. No. 27506, to acquire and operate the line. Application in F.D. No. 27506 was approved and application in F.D. No. 26965 was dismissed by order served March 15, 1977. Approval was appealed.

Michigan
Map code [15]
(a) Hart Branch.
(b) Located in State of Michigan.
(c) Located in Muskegon and Oceana Counties.
(d) Milepost 72.25 near Montague to milepost 95.23 near Hart.
(e) No agency stations on the line.

Finance Docket No. 26745
(a) Beardstown Branch.
(b) Located in State of Illinois.
(c) Located in Sangamon and Cass Counties.
(d) Milepost 184.46 near Coal Shaft to milepost 228.17 at Beardstown.
(e) Open agency station at Virginia (milepost 215) served by a traveling agent from Taylorville. Agent located at Beardstown, joint with Burlington Northern (milepost 220).
(f) Comments: ICC order, served June 1, 1976, authorized abandonment.

Finance Docket No. 26965
(a) Shawneetown Branch.
(b) Located in State of Illinois.
(c) Located in Clay, Wayne, White, and Gallatin Counties.
(d) Milepost 9.00 at Shawneetown to milepost 73.27 near Flora.
(e) Open agency stations at Cisne (milepost 26), Mill Shoals (milepost 43.5), Ridgeway (milepost 11.4), and Shawneetown (milepost 0.0). These stations are served by traveling agent from Flora.

(f) Comments: 5.36 miles of line between milepost 6.05 and milepost 0.69 are jointly owned by B&O and the Louisville & Nashville Railroad Company. Applicant seeks to abandon operations over this segment, but not the line of railroad. The Prairie Trunk Railway filed an application dated October 15, 1973, P.D. No. 27506, to acquire and operate the line. Application in F.D. No. 27506 was approved and application in F.D. No. 26965 was dismissed by order served March 15, 1977. Approval was appealed.

IOWA
Map code [51]
(a) Greenbrier, Chest and Elk Branch.
(b) Located in State of West Virginia.
(c) Located in Randolph, Pocahontas and Webster Counties.
(d) Milepost 31.80 near Cheat Bridge to Milepost 86.60 at Webster Springs. Station 0+00 to station 52+75 on Buck Fork Bridge near Webster Springs, a distance of one mile.
(e) No agency stations on the line.

Pennsylvania
Map code [54]
(a) 9th Street to Three Rivers Stadium in Pittsburgh.
(b) Located in Commonwealth of Pennsylvania.
(c) Located in Allegheny County.
(d) Station 7824+25 to station 7843+62, a distance of 0.36 mile.
(e) No agency stations on the line.

Finances
Docket No. 26745
(a) Beardstown Branch.
(b) Located in State of Illinois.
(c) Located in Sangamon and Cass Counties.
(d) Milepost 184.46 near Coal Shaft to milepost 228.17 at Beardstown.
(e) Open agency station at Virginia (milepost 215) served by a traveling agent from Taylorville. Agent located at Beardstown, joint with Burlington Northern (milepost 220).
(f) Comments: ICC order, served June 1, 1976, authorized abandonment.

Finance Docket No. 26965
(a) Shawneetown Branch.
(b) Located in State of Illinois.
(c) Located in Clay, Wayne, White, and Gallatin Counties.
(d) Milepost 9.00 at Shawneetown to milepost 73.27 near Flora.
(e) Open agency stations at Cisne (milepost 26), Mill Shoals (milepost 43.5), Ridgeway (milepost 11.4), and Shawneetown (milepost 0.0). These stations are served by traveling agent from Flora.

(f) Comments: 5.36 miles of line between milepost 6.05 and milepost 0.69 are jointly owned by B&O and the Louisville & Nashville Railroad Company. Applicant seeks to abandon operations over this segment, but not the line of railroad. The Prairie Trunk Railway filed an application dated October 15, 1973, P.D. No. 27506, to acquire and operate the line. Application in F.D. No. 27506 was approved and application in F.D. No. 26965 was dismissed by order served March 15, 1977. Approval was appealed.

Map Code [31]
Docket No. AB-19 (Sub. No. 27)
(a) Flora to Sangamon Junction (103.29-mile segment of the Springfield Subdivision).
(b) Located in State of Illinois.
(c) Located in Clay, Effingham, Fayette, Shelby, Christian, and Sangamon Counties.
(d) Milepost 76.0 near Flora to milepost 178.29 at Sangamon Jct.
(e) Agent located at Taylorville (milepost 165.7). Open agency stations at Flora (milepost 81.3), Edgewood (milepost 95.6), Altamont (milepost 106.7), Cowden (milepost 121.9). These four stations are served by traveling agent from Flora. Open agency stations at Owano (milepost 143.3), Edinburg (milepost 164.6), and Rochester (milepost 174.6). These three stations are served by traveling agent from Taylorville.

INDIANA
Map code [35]
Docket No. AB-19 (Sub. No. 37)
(a) Main Line Subdivision.
(b) Located in State of Indiana.
(c) Located in Lake County.
(d) Milepost 239.80 to milepost 251.76 in vicinity of Indiana Harbor.
(e) No agency stations on the line.

(f) Comments: Abandonment contingent on B&O, B&QCT and C&O acquiring trackage rights over ConRail from Pine Junction and Clark Junction to "HC" Tower, approximately 3.4 miles. Application in F.D. No. 41-18 (Sub. No. 28) covers the abandonment of trackage rights by Chesapeake & Ohio Railroad over the segment of the line as shown in (d) above. Applications were approved by order served November 9, 1977 and upheld on appeal by order served January 31, 1978.

WASHINGTON, D.C.
Located in State of Maryland.

(f) Comments: 5.36 miles of line between milepost 6.05 and milepost 0.69 are jointly owned by B&O and the Louisville & Nashville Railroad Company. Applicant seeks to abandon operations over this segment, but not the line of railroad. The Prairie Trunk Railway filed an application dated October 15, 1973, P.D. No. 27506, to acquire and operate the line. Application in F.D. No. 27506 was approved and application in F.D. No. 26965 was dismissed by order served March 15, 1977. Approval was appealed.

Map Code [31]
Docket No. AB-19 (Sub. No. 20)
(a) Hagerstown Branch; Antietam Branch.
(b) Located in State of Maryland.
(c) Located in Washington County.
(d) Station 0+00 near Weverton to station 980+00 at Rockburn, a distance of 18.56 miles and station 0+00 to station 130+00 near Security, a distance of 2.46 miles, a total distance of 21.02 miles.
(e) No agency stations on the line.
(f) Comments: By application, B&O sought to abandon portions described in (d) above and WM sought to lease portions of
NOTICES

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
Wisconsin
Map Code [6]
Docket No. AB-18 (Sub. No. 21)
(b) Located in States of Wisconsin and Michigan.
(c) Located in Milwaukee, Manitowoc, and Kewaunee Counties, Wis. Located in Mason County, Mich.
(d) Ludington to Kewaunee, approximately 61 miles. Ludington to Milwaukee, approximately 97 miles. Ludington to Manitowoc, approximately 60 miles. Milepost 137.54 to milepost 137.66 at Ludington.
(e) Agents located at Milwaukee (Jones Island), Manitowoc, and Kewaunee (Joint with GB&W). Agency station at Ludington (milepost 137) not included in abandonment.

West Virginia
Map Code [13]
Docket No. AB-18 (Sub. No. 12)
(a) Dingess Run Branch.
(b) Located in State of West Virginia.
(c) Located in Logan County.
(d) Milepost 1.63 near Fort Branch to milepost 3.48 near Wanda.
(e) No agency stations on the line.
(f) Comment: Application was approved by order served December 9, 1976, and certificate was served on March 16, 1977.

Map Code [12]
Docket No. AB-18 (Sub. No. 17)
(a) Greenbrier Branch.
(b) Located in State of West Virginia.
(c) Located in Greenbrier and Pocahontas Counties.
(d) Milepost 3.06 near North Caldwell to milepost 95.10 near Durbin.
(e) Agent located at Marlinton (milepost 50).
(f) Comments: The applicant and Western Maryland Railway filed a section 5(2) application on February 4, 1976, F. D. No. 28109, seeking authority for WM to lease and operate the portion of the branch between milepost 95.10 near Durbin and milepost 97.94 near Bartow. Applications were approved by initial decision served January 12, 1978. The approval was appealed.

Map Code [46]
Docket No. AB-19 (Sub. No. 24)
(a) Elk Branch.
(b) Located in State of West Virginia.
(c) Located in Clay and Kanawha Counties.
(d) Milepost 67.19 near Hartland to milepost 95.94 near Clendenin.
(e) No agency stations on the line.
(f) Comments: The applicant and Chesapeake & Ohio Railway filed a section 5(2) application on August 12, 1976, F. D. No. 28255, seeking authority for C&O to lease and operate the portion of the branch from milepost 95.94 near Clendenin to milepost 114.04 near Charleston. The abandonment application was approved by initial decision served March 8, 1977, and upheld on appeal by order served September 26, 1977. This decision was stayed by order served October 31, 1977. The lease application was approved by Initial Decision served March 7, 1978.

Map Code [45]
Docket No. AB-19 (Sub. No. 32)
(a) South Branch.
(b) Located in State of West Virginia.
(c) Located in Hampshire, Hardy, and Grant Counties.
(d) Milepost 0.61 near Green Spring to milepost 52.01 at Petersburg.
(e) Agent located at Petersburg (milepost 51.9).
(f) Comment: Application was approved by initial decision served December 29, 1977.

Appeal was filed and disposed of by order served February 27, 1978.

[7035-01]
[AB I (SDM)]
CHICAGO AND NORTH WESTERN TRANSPORTATION CO.
Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chicago and North Western Transportation Co, has filed with the Commission its amended color-coded system diagram map in Docket No. AB 1 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on May 10, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be requested at the office of the Commission, Section of Dockets, by requesting docket No. AB 1 (SDM).

H. G. Homme, Jr.,
Acting Secretary.
CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

AB-I

SYSTEM DIAGRAM MAP

49-CFR SEC. 1121.20

DATE: APRIL 13, 1978

STANDARD METROPOLITAN STATISTICAL AREAS

1. CHICAGO
2. Davenport-Rock Island
3. Peoria
4. Springfield
5. St. Louis
6. Rockford
7. Kenosha
8. Racine
9. Milwaukee
10. Madison
11. La Crosse
12. Green Bay
13. Appleton
14. Eau Claire
15. Duluth-Superior
16. Minneapolis-St. Paul
17. Rochester
18. Sioux Falls
19. Dubuque
20. Waterloo-Cedar Falls
21. Cedar Rapids
22. Sioux City
23. Lincoln
24. Omaha
25. Des Moines
26. St. Joseph
27. Kansas City

LEGEND

RED — CATEGORY 1. ANTICIPATED SUBJECT OF ABANDONMENT APPLICATION WITHIN 3 YEARS. 49 CFR SEC. 1121.20 (b)(1)
GREEN — CATEGORY 2. POTENTIALLY SUBJECT TO ABANDONMENT. 49 CFR SEC 1121.20 (b)(2)
YELLOW — CATEGORY 3. APPLICATION PRESENTLY PENDING BEFORE COMMISSION. 49 CFR SEC. 1121.20 (b)(3)
BROWN — CATEGORY 4. OPERATED UNDER SUBSIDY. 49 USC SEC. 1a (6)
BLACK — CATEGORY 5. OTHER LINES OWNED OPERATED. 49 CFR SEC. 1121.20 (b)(5)
BLACK — STATE BOUNDARY LINES
BLACK — COUNTY BOUNDARY LINES
BLACK — SMSA BOUNDARY LINES

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
NOTICES

Iowa

(a) Mallard to Ayrshire (10.6 mile portion of Tara Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Palo Alto County.
(d) M.P. 227.9 to M.P. 217.3
(e) Central agent at Rolfe (unaffected) is responsible for associate stations of Curlew and Ayrshire.

Comments.—This proposal does not involve industries located at Mallard. This segment is a portion of the Rolfe to Ayrshire segment that was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. The segment from Rolfe to Mallard (11.6 miles) will remain in category 2.

(a) Carroll to Harlan (40.2 miles—entire Harlan Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Carroll, Crawford and Shelby Counties.
(d) M.P. 421.7 to M.P. 461.9
(e) Agent located at Harlan and central agent located at Carroll (unaffected) is responsible for associate stations of Manning and Irwin, and closed station of Halbur.

Comments.—Proposal does not include industries located at Carroll. This segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. The segment from Rolfe to Mallard (11.6 miles) will remain in category 2.

(a) Watertown to Clark (20.5 mile portion of Red Wing Subdivision).
(b) Entire segment is located in the State of Wisconsin.
(c) Entire segment is located in Goodhue County.
(d) M.P. 64.3 to M.P. 94.8

Comments.—Proposal does not include industries located at Caledonia. This segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. The segment from Watertown to Clark (20.5 miles) is a portion of Wisconsin Rapids Subdivision.

(a) Cannon Falls to Red Wing (20.5 mile portion of Red Wing Subdivision).
(b) Entire segment is located in the State of Minnesota.
(c) Entire segment is located in Goodhue County.
(d) M.P. 74.3 to M.P. 94.8

Comments.—Proposal does not include industries located at Cannon Falls. This segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. Proposal now includes Dubuque and is no longer contingent on a trackage rights agreement with the C.M.St.P. & P. RR.

Minnesota

(a) Manly, Iowa to Austin, Minnesota (33.2 mile portion of Mason City Subdivision).
(b) Entire segment is located in the States of Iowa and Minnesota.
(c) Entire segment is located in Worth and Mitchell Counties, Iowa and Mower County, Minnesota.
(d) M.P. 18.0 to M.P. 14.8
(e) Central agent at Austin is responsible for associate station of Lyle and closed stations of Boian and Meltonville.

Comments.—Proposal does not include industries located at Austin, Minn. and is no longer contingent on a trackage rights agreement with the C.M.St.P. & P. RR.

(a) Oelwein to Dubuque (73.1 miles, entire Dubuque Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Fayette, Buchanan, Delaware and Dubuque Counties.
(d) M.P. 245.9 to M.P. 171.9
(e) Central agent at Dubuque is responsible for associate station of Dyersville and closed stations of Durango, Graf, Parley, Petersburg, and Almoral. Central agent at Oelwein (unaffected) is responsible for associate station of Aurora and closed stations of Thorpe, Dundee, Lamon, and Stanley.

Comments.—Proposal does not include industries located at Oelwein. This segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. Proposal now includes Dubuque and is no longer contingent on a trackage rights agreement with the C.M.St.P. & P. RR.

Wisconsin

(a) Wisconsin Rapids to Marshfield (21.9 mile portion of Wisconsin Rapids Subdivision).
(b) Entire segment is located in the State of Wisconsin.
(c) Entire segment is located in Wood County.
(d) M.P. 142.5 to M.P. 164.4
(e) Central agent at Wisconsin Rapids (unaffected) is responsible for closed stations of Vesper and Argyle.

Comments.—Proposal does not include industries located at Wisconsin Rapids or Marshfield. Proposal is contingent on agreement with C.M.St.P. & P. RR and Soo Line RR for trackage rights between Wisconsin Rapids and Marshfield. Proposal is for discontinuance of a trackage right segment only over 10.7 miles of Soo Line trackage, and abandonment operations and track for 11.2 miles.

[FR Doc. 78-14174 Filed 5-23-78; 8:45 am]
NOTICES

(c) Line is located in the Counties of Albany and Saratoga.

(d) Line extends from M.P. T-3.11 in the City of Cohoes to M.P. T-4.55 in the Village of Waterford, constituting 7,596 feet or 1.22 miles of line, 4,326 feet, or 0.82 mile, in Albany.

(e) There are no agency or terminal stations located on the line in question.
THE PITTSBURGH & LAKE ERIE RAILROAD CO.

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, §1121.23, that the Pittsburgh & Lake Erie Railroad Co., has filed with the Commission its amended color-coded system diagram map in Docket No. AB 158 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on April 27, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the Office of the Commission, Section of Dockets, by requesting docket No. AB 158 (SDM).

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

Red.—All lines or portions of lines which are anticipated to be the subject of an abandonment or discontinuance application to be filed within three years following April 30, 1977.

Green.—All lines or portions of lines potentially subject to abandonment which are under study and believed to be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs as compared to potential revenues.

Yellow.—All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission as of April 30, 1977.

Brown.—All lines or portions of lines which are being operated under the Rail Services Continuation provisions of the Interstate Commerce Act or the Regional Rail Reorganization Act of 1973 as of April 30, 1977.

Black.—All other lines or portions of lines which are owned and operated either directly or indirectly.

The lines of the The Pittsburgh and Lake Erie Railroad Co. designated in Categories Red, Green or Yellow are described as follows:

**Red—Pennsylvania**

1. (a) Ellwood City Track (Ellwood City Branch); (b) State of Pennsylvania; (c) Beaver and Lawrence Counties; (d) Milepost 1 to milepost 3.7 (end); (e) No agency stations.

2. (a) Mahoning State Line Track (Old Walford Branch); (b) State of Pennsylvania.

(c) Lawrence County; (d) Milepost 3.6 to milepost 7.8; (e) No agency stations.

**Green—Pennsylvania**

(a) Mahoning State Line Track (Old MSL RR); (b) States of Pennsylvania and Ohio; (c) Lawrence County, PA, and Mahoning County, OH; (d) Milepost 0 to milepost 3.6; (e) No agency stations;

**Green—Ohio**

(a) Mahoning State Line Track (Old MSL RR); (b) States of Pennsylvania and Ohio; (c) Lawrence County, PA, and Mahoning County, OH; (d) Milepost 0 to milepost 3.6; (e) No agency stations.

[PR Doc. 78-14150 Filed 5-23-78; 8:45 am]

**Petitions for declaratory order; Administrative Procedure Act**

**MAY 18, 1978.**

On March 6, 1978, eighteen railroads filed a petition for a declaratory order under section 554(3) of the Administrative Procedure Act. The petitioners seek a determination that named tariffs, as set forth in the appendix hereto, published by Traffic Executive Association-Eastern Railroads, where reference to certain ex parte general increases had been omitted, the increases were nonetheless applicable.

The proceeding has been assigned Docket No. 38884.

The petitioning railroads state that over 3,000 claims have already been filed based on the omission of reference to those ex parte increases.

It has come to the attention of the Commission that some of these claims have been declined by the railroads. On the other hand, it seems that many shippers and/or receivers have not as yet filed claims with the railroads. In any event, shippers and/or receivers of traffic moving under the tariff involved, whether or not they have filed claims with the railroads, should file informal complaints with the Commission's Bureau of Traffic for the purpose of tolling the statute under section 16(3) of the Interstate Commerce Act. Such complaints should conform with the Commission's General Rules of Practice, make reference to this notice and be addressed to:

Mr. Scott Walker, Chief, Section of Rates & Informal Cases, Bureau of Traffic, Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. 20423.

H. G. Homme, Jr., Acting Secretary.
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[FR Doc. 78-14338 Filed 5-23-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978
ASSIGNMENT OF HEARINGS


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.

No. BB 10 (Sub-No. 11), Norfolk and Western Railway Co. abandonment between New Castle and Rushville, IN, and No. AB 10 (Sub-No. 12), Norfolk and Western Railway Co. abandonment between Connersville and New Castle, IN, now assigned July 24, 1978, at New Castle, IN, are postponed to September 11, 1978 (1 week), at New Castle, IN, in a hearing room to be later designated.

MC-P-13499, B. J. McAdams, Inc.—Control—Southern Trucking Corp., is now assigned for further Pre-hearing conference on the 31st day of May 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.


MC 121649 Sub-No. 5, Milan Express, Inc., is now assigned for hearing July 10, 1978 (1 week) at the Holiday Inn, Room 402, Junction I-40 and U.S. 45 Bypass, Jackson, TN; and will continue July 17, 1978 (1 week) at the Holiday Inn, Rhodes Room, Junction U.S. 45 and U.S. 78-North, Tupelo, MS.

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

[FR Doc. 78-14537 Filed 5-23-78; 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)).

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[6320-01]

1

(M-130; Amdt. 2, May 19, 1978)

CIVIL AERONAUTICS BOARD.

Notice of deletion and addition of items to the May 19, 1978, meeting agenda.


STATUS: 1–27, open; 28, closed.

PERSON TO CONTACT:
Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION:
On April 19, 1978, the Board orally granted a blanket waiver to all air carriers and charter operators of various provisions of the charter rules, including permitting charter operators who are forced to cancel a flight due to insufficient sales to transfer passengers to a comparable scheduled flight. By Order 78-5-85, dated May 15, 1978, the Board stayed, "effective immediately", the charter-scheduled service transfer provision of the blanket waiver. A number of questions have been raised as to the meaning of "effective immediately", and particularly whether agreements entered into before the date of the stay may still be honored. Because the Board's decision in Order 78-5-85 may affect numerous flights, and to avoid further confusion, the Board must meet as soon as possible to clarify its action.

The Chief Judge wishes to attach some comments and he did not receive Item 24 on time to do so and still have the item considered at Friday's meeting. Accordingly, the following Members have voted that agency business requires Item 6a be added to the May 19th agenda and Item 24 be deleted and rescheduled for May 25, 1978 agenda and that no earlier announcement of these changes was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[5-1089-78 Filed 5-22-78; 3:51 pm]

[6320-01]

2

(M-130; Amdt. 3)

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the May 19, 1978 meeting agenda.


STATUS: Open.

PERSON TO CONTACT:
Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION:
In order to provide OGC with sufficient time to do additional work Item 13, Docket 27918 was deleted from the May 19th agenda and added to the May 25, 1978 meeting agenda. Accordingly, the following Members have voted that agency business requires the addition of Item 10a on the May 25th agenda and that no earlier announcement of this change was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[5-1091-78 Filed 5-22-78; 3:51 pm]

[6320-01]

3

(M-132; Amdt. 1)

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the May 25, 1978 meeting agenda.


SUBJECT: 10A Docket 27918, North Atlantic Fares Investigation (Memo No. 5317-G, BPDA).

STATUS: Open.

PERSON TO CONTACT:
Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION:
In order to provide OGC with sufficient time to do additional work Item 13, Docket 27918 was deleted from the May 19th agenda and added to the May 25, 1978 meeting agenda. Accordingly, the following Members have voted that agency business requires the addition of Item 10a on the May 25th agenda and that no earlier announcement of this change was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[5-1091-78 Filed 5-22-78; 3:51 pm]

[6320-01]

4

(M-132; May 18, 1978)

CIVIL AERONAUTICS BOARD.


SUBJECT:
1. Ratification of items adopted by notation.
2. Dockets 28848, 29445, 29186, 29115, 29162, and 28860, Improved Authority to Wichita Case; Las Vegas-Dallas/Fort Worth Nonstop Service Investigation; Memphis-Twin Cities/Milwaukee Case; Midwest-Atlantic Nonstop Service Investigations; Ohto/Indiana Points Nonstop Service Investigation; Phoenix-Des Moines/Milwaukee Route Proceeding (Instructions to Staff) (OGC).
SUNSHINE ACT MEETINGS

PLACE: Room 600, 1730 K Street NW, Washington, D.C.

[7910-01] 9

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, June 8, 1978; 9:30 a.m.


STATUS: Closed to public observation.


CONTACT PERSON FOR MORE INFORMATION:


HARRY R. VAN CLEVE, Acting Chairman.

[8010-01] 10

SECURITIES AND EXCHANGE COMMISSION.


STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

PREVIOUSLY ANNOUNCED TIME AND DATE: Wednesday, May 17, 1978, 9 a.m.; Thursday, May 18, 1978, 1:30 p.m.

CHANGES IN THE MEETINGS: Additional items considered or to be considered.

The following additional items were considered by the Commission at a closed meeting immediately following the open meeting on Wednesday, May 17, 1978:

Suspension of trading; Settlement of injunctive action; Formal orders of investigation; and Other litigation matter.

The following additional item will be considered by the Commission at the closed meeting on Thursday, May 18, 1978:

Formal order of investigation.

Chairman Williams, Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.


HARRY R. VAN CLEVE, Acting Chairman.

[8030 -01] 11

BOARD OF TRUSTEES, RESELLERS OF TELEPHONE SERVICE TO THE DISADVANTAGED, BOARD MEETING.

DATE AND TIME: Tuesday, May 23, 1978; 9:30 a.m.


STATUS: Closed meeting.

MATTER TO BE CONSIDERED:
Consideration of applicant qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION:
William A. Lubbers, Executive Secretary, Washington, D.C. 20570, 202-254-9430.


HARRY R. VAN CLEVE, Acting Chairman.

[8030-01] 11
SMALL BUSINESS ADMINISTRATION

DEPARTMENT OF THE ARMY, Corps of Engineers

GENERAL SERVICES ADMINISTRATION/Public Buildings Service

DEPARTMENT OF THE TREASURY

FLOODPLAIN MANAGEMENT AND WETLANDS PROTECTION

Implementation of Executive Orders 11988 and 11990
Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 1, Amdt. 1]

PART 116—POLICIES OF GENERAL APPLICATION

Subpart D—Floodplain Management and Wetlands Protection

INTERIM RULE

AGENCY: Small Business Administration.

ACTION: Interim rule.

SUMMARY: This rule adds a new subpart to the Small Business Administration regulation part 116 in order to implement Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands). Policy and procedures are being established for carrying out the Agency’s financial assistance programs in accordance with these Executive Orders.

DATES: Effective date: July 24, 1978.


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: On May 24, 1977, Executive Order 11988 was issued for the following purposes: (1) To avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains; and (2) to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. This Executive Order applies to Federal agencies engaged, among other things, in conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. This Executive Order (Sec. 2(d)) directs that Federal agencies issue regulations and procedures by May 24, 1978, and this interim rule is intended to comply with that requirement. The U.S. Water Resources Council (WRC) published guidelines in setting forth policy and procedures for floodplain management relating to disaster assistance granted under the Small Business Act, and this amend the Small Business Investment Act, as amended. The main emphasis of these regulations is on compliance with Executive Order 11988, Floodplain Management. However, in cases where Executive Order 11990—Protection of Wetlands would apply, these regulations also set forth policy and procedures to implement that Executive Order. Further, implementation of Executive Order 11990, as appropriate, will be included in revisions to other subparts of these regulations. Implementing this regulation is expected to increase processing time by 60 or 90 days for loans to which the Executive Order applies. Special reference is made to subpart B of this part. In order to assure that these regulations can be published in time to comply with the Executive Order's deadline of May 24, 1978, SBA has determined that it is necessary to publish this amendment as an interim rule effective upon July 24, 1978. Interested parties and government agencies are encouraged to submit written comments, suggestions, data, or arguments regarding this rulemaking to the Associate Administrator for Finance and Investment, whose address appears above. All such comments will be evaluated and acted upon in the same manner as if this document were a proposal. All comments shall be available for inspection at the address listed.

A finding of inapplicability with respect to economic impact has been prepared in accordance with Executive Order 11821. A Finding of Inapplicability of section 102(2)(c) of the National Environmental Policy Act of 1969 has been made. It is the position of the signatories to the finding that this regulation in itself has no significant impact on the human environment beyond those impacts of Executive Orders 11988 and 11990.

NOTE.—The Small Business Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11281 and OMB Circular A-107.


Subpart D—Floodplain Management and Wetlands Protection

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Subpart D—Floodplain Management and Wetlands Protection

§116.30 General.

(a) Purpose. The purpose of this subpart is to prescribe the policies and procedures for implementing Executive Orders 11988 and 11990.

(b) Scope. This subpart covers policies, procedures, standards, and criteria for determining the applicability of, Executive Orders 11988 and 11990 to all the financial assistance programs authorized by the Small Business Act and the Small Business Investment Act as amended. These regulations are intended for use by the Small Business Administration, which, for the purposes of the regulations, are designed to enable the Administrator to determine the applicability of Executive Orders 11988 and 11990 to financial assistance programs under the Small Business Act and the Small Business Investment Act, and to establish policies and procedures for implementing these Executive Orders.

(c) Responsibilities. The following personnel and agencies have responsibilities under these executive orders which are described briefly here and may be discussed in more detail elsewhere in this subpart.

(1) Administrator. The Administrator is responsible for assuring that all Federal assistance given under his statutory authority meets the requirements of these executive orders. Such authority may be delegated to Regional Director and to other agency personnel with loan approval authority as is deemed appropriate and published in the Federal Register.

(2) Participation. Eligible financial institutions who intend to request SBA participation in financial assistance to an applicant for a loan on an immediate or deferred (guaranteed) basis must have complied with the requirements of these Executive Orders before submitting the application for participation to the SBA.

(3) Direct. Applicants for direct financial assistance from SBA shall present with their applications evidence as to the location of the project, and the location of the financial assistance is proposed to be a floodplain; (ii) in a floodplain, that such assistance is in compliance with local land use plans; (iii) that any necessary construction or development of the project is in compliance with local land use plans; (iv) if the SBA approves such financial assistance, such assistance would be in accordance with the Executive Orders, these regulations and the "Guidelines

§ 116.31 Definitions.

Throughout this subpart, the following definitions shall apply:

(a) Base flood. Is that flood which has a 1 percent chance of occurring in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

(b) Base floodplain. An area subject to flooding by the base flood.

(c) Channel. A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.

(d) Critical area. Any activity for which even a slight chance of flooding would be too great.

(e) Facility. Any man placed item other than a structure.

(f) Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

(g) Floodplain. That relatively flat area or lowlands adjoining a river, stream or other waterbody (ocean, lake, wetland, or other standing water) which has been or may be covered by floodwater. Properly stated, a reference to floodplain is accompanied by a modifier indicating which level of flooding will inundate the referenced floodplain, e.g., the 0.2 percent chance (500-year) floodplain.

(h) 1 percent chance flood. The flood having 1 chance in 100 of being exceeded in any 1-year period (a large flood). The likelihood of exceeding this magnitude increases in a time period longer than 1 year. For example, there are two chances in three of a larger flood exceeding the 1 percent chance flood in a 100-year period.

(i) Practicable. Capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as the economic needs of the loan applicant who may be a disaster victim; the environment, cost, or technology.

(j) Structures. Walled or roofed buildings, including mobile homes and gas or liquid storage tanks that are primarily above ground (as set by the NFIP).

(k) Wetlands. Those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas, ponds, lakes, natural wet meadows, river overflows, mud flats, and natural ponds (as defined in Executive Order 11990, Protection of Wetlands).

§ 116.32 Inapplicable actions.

(a) General. The Administrator has determined that certain types of actions typically do not create adverse effects or incompatible development on wetlands or in the floodplain.

Therefore public review and a finding of inapplicability on a case-by-case basis in such instances is not necessary. For the following types of actions the Administrator by its responsible official on the advisability has been delegated may determine on a case-by-case basis that the situation does not warrant application of the full 8-step decision-making process after completion of Step 1:

(1) Actions located outside the base floodplain and critical actions located outside the 500-year floodplain which do not directly or indirectly support floodplain development and which do not impact on the base floodplain.

(2) Repairs to damaged Facilities. Repairs to Facilities in which the cost of the repairs, as determined immediately before the repairs, is less than fifty percent (50 percent) of the fair market value of the Facility.

(3) Replacement of building contents, materials and equipment. The determination of applicability of these procedures to this action will be guided by the determination for the Facility in which the materials and equipment are located. For instance, liquid gas storage Facilities might require the full determination process which would include an inventory and materials would not.

(4) Hazard Mitigation Measures. Actions taken by an applicant to mitigate natural hazards including safe land-use and construction practices.

(5) Generally, working capital loans of any amount solely for debt payment, carrying accounts receivables, acquisition of non-water degradable inventory and equipment as determined in the paragraph (f) of this paragraph;

(6) All SBA loan assistance of $300,000 or less;

§ 116.33 Actions covered by Executive Orders 11988 and 11990.

This section includes actions which because of the potential for harm to the Facility or to the Floodplain will generally require application of the full review and 8-step decision-making process as set forth in this subpart.

(a) Construction or acquisition of non-irretrievable facilities under other Section 7(a) of the Small Business Act (15 U.S.C. 636) or Section 502 of the Small Business Investment Act (15 U.S.C. 696).

(b) Repair and restoration of damaged structures in which the cost of repairs, as determined immediately before the repairs, is equal to or greater than fifty percent (50 percent) of the market value of the structure or, is the case of a physical disaster, the pre-disaster value of the Structure.

(c) Replacement of destroyed structures.

(d) No designation of a Neighborhood Business Revitalization Area will be made within a 1 percent Floodplain.

§ 116.34 Policies.

(a) SBA will ascertain the accuracy and completeness of the material relating to compliance with the Executive Orders and determine whether (1) there are feasible alternatives to the provision of financial assistance to businesses located in Structures within the Floodplain; (2) whether Structures built in or repaired and restored in full compliance with the Flood Insurance Protection Act; (3) SBA will also discuss with any applicant for assistance or participating institution the economic consequences of remaining in or locating in a floodplain area.

(b) SBA will continue to require Flood Insurance as set forth in Subpart B hereof and take appropriate action to assure that applicants are aware of their continuing responsibility to maintain such insurance and that no future Federal disaster assistance will be available if such insurance is not maintained.

(c) SBA will identify flood hazards and evaluate the potential effects of any non-exempt actions it may be requested to finance in Wetlands or in a Floodplain to achieve the goals and objectives set forth by the two executive orders.

(d) SBA will comply fully with the requirements of the two executive orders to give early public notice and full publicity to appropriate steps in the decision-making process set forth in this subpart.

(e) SBA will assure that its program implementation and budget requests reflect consideration of flood hazards, protection of the Wetlands, and Floodplain management in accordance with applicable standards and the WRC guidelines.

(f) SBA will coordinate its implementation of these two executive orders under this subpart with the implementation of NEPA to achieve the requirements of all these programs in the decision making process with minimum duplication or conflict.

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(a) General—Individuals responsible to the Administrator for executing this decision-making process must be thoroughly familiar with the two Executive Orders, the USWRC Guidelines, and the non-exempt action-funded by an SBA loan in the Wetlands or in a Floodplain (See Appendix A for flow chart of this 8-step process).

(b) Step 1—Determine if a proposed action is in the Base Floodplain. The first step in complying with the Order is to determine whether or not a proposed action is located in the Base Floodplain.

(1) Step 1.A. Types of Floodplain—(i) Riverine Floodplains. Riverine Floodplains are valley areas adjacent to any size stream or river which can be covered by floodwaters. Flooding in these areas results from excessive rainfall, snowmelt, or a combination thereof. If runoff is increased to the point that the carrying capacity of the channel is exceeded, flooding occurs. Flooding also occurs when the capacity of the stream channel is reduced by natural obstructions (ice or debris, dams, sediment, and vegetation) and man-made obstructions (Structures and Facilities). Some areas flood either from tributary stream overflow, backwater from a major stream, or from both simultaneously.

(ii) Coastal Floodplains. Coastal Floodplains border lakes, estuaries, oceans, or similar bodies of standing water. Flooding in these areas is due to landward flows caused by unusually high tides, high wave storm surges, tsunamis (large waves in the ocean), or similar bodies of standing water near the sea associated with very strong earthquakes or other impulsive disturbances, or by a combination of these causes.

(iii) Special Floodplain Areas. Special Floodplain areas encompass sheet flow or shallow flooding areas, Wetlands, and sinkholes. Sheet flow occurs where a clearly defined channel is absent and where the path of Flowing is unpredictable and indeterminate. In some cases, high velocity flow may occur with sheet flow, as it does commonly on debris cone Floodplains (alluvial fans). These cones build up from eroded geological debris that is carried by mountain streams and deposited when the stream encounters an abrupt decrease in slope. Other Flood problems are caused when development occurs in areas that are prone to ponding or flooding by sinkholes which often become plugged.

(2) Step 1.B. Limits of Flooding. For purposes of the Order, SBA will be concerned at a minimum with the Floodplain area which would be inundated by a Flood having a one percent chance of occurrence in any year—the so called “100 year or Base Flood” because the Administrator or his delegate may determine to conduct, support, or allow an action (i.e., “Structure”, “Facility” or “activity”) to be financially assisted in this area. In addition, such delegation is subject to the occurrence of a Flood larger than the Base Flood on the economics and safety of a proposed Floodplain action. If a proposed action would be especially dangerous when exposed to larger Floods, consideration must be given to the agency for the larger Floodplain area. (See (b)(4) “Critical Actions.”

(3) Procedures for Determining a Floodplain Location. The following is a guide for obtaining the Floodplain information needed to make a determination.

(i) Areas of Predominantly Private Land Ownership. If a decision involves a publicly or privately owned site within an area of private ownership, a map showing the Flood hazard areas will usually be available in the community or SBA Office or can be obtained from the Federal Insurance Administration (FIA). HUD. Detailed maps showing the elevations and boundaries of the “100-year” (Zones A and V) and “500-year” (Zone B) Floodplains are known as “Flood Insurance Rate Maps” (FIRM). Many of the communities which have FIRM’s also have a Flood Insurance Study Report (FIS) containing detailed Flood information. Some 13,000 less detailed maps showing the approximate areas of the base (Zone A) Floodplain are available for most of the remaining communities. These are called “Flood Hazard Boundary Maps” (FHBM). Similar information, some very detailed, is also available from the agencies in Appendix B. The search for Flood hazard information should follow the sequence below. The detailed map (FIRM) or the Flood Insurance Study (FIS) report should be consulted first. If a detailed map (FIRM) is not available, obtain an approximate boundary map (FHBM) from the same source as in the preceding step. If the proposed site is at or near the “100-year” boundary, if data on Flood elevations are needed, or if the map does not delineate the Flood hazard boundaries in the vicinity of the proposed site—seek detailed information and assistance from the agencies listed in Appendix B. If an approximate boundary map (FHBM) is not available or if the map does not delineate the Flood hazard boundaries in the vicinity of the proposed site—seek detailed information and assistance from the agencies listed in Appendix B. If the agencies listed do not have or know of detailed information and are unable to assist in determining whether or not the proposed site is in the Base Floodplain—report this fact to the nearest SBA office director and obtain guidance.

(c) Special Floodplains. Approval by such groups requires that applicants will have notified local and State officials of the proposed request for financial assistance, and any requirements for public hearings will have been initiated by
such requests for building permits, licenses, etc. However, SBA deciding officials will determine on a case-by-case basis if there is a need for further public publicity and public hearing and arrange for such additional dissemination of information, hearings, or written comments as are appropriate and necessary to comply with the intent and spirit of these Executive Orders and implementing regulations. Such determination must recognize SBA's responsibility to reach as broad an audience as possible and provide for public input before alternative actions have been preliminarily. If there is a reasonable likelihood that a plan or proposed action or its alternatives will impact on a Floodplain, then it should be announced as early as that is known, and not delayed until much more detailed information is developed. Public notice must precede major site identification and analysis so the public can have an input early in the decision-making process of preliminary site screening and selection. If not, public choice options, if needed, or conclusions will not be based on similarly detailed information bases. It is recognized, because of the type of financial assistance available from SBA and the limited effect on the site, assistance which is authorized only to individual businesses or homeowners in disaster areas, that public involvement will be minimal. It is the intention of this provision for public involvement to emphasize SBA's commitment to and desire to comply with the spirit and letter of the Executive Orders. It should also be noted that no SBA actions are subject to OMB Circular A 95 procedures which is a recognition of the minor impact of SBA actions.

(d) Step 3—Identify and Evaluate Practicable Alternatives to Locating in the Base Floodplain. Having determined that a proposed action is located in the Base Floodplain, the designated official is required to identify and evaluate practicable alternatives to locating in the Base Floodplain. Alternatives to be evaluated include: carrying out the proposed action at a location outside the Base Floodplain (alternative sites); other means which accomplish the same purpose as the proposed action (alternative actions) and no action.

(1) Step 3.A. Alternative Sites. Alternative sites must be identified and the practicability of such sites evaluated. If a practical site exists outside the Base Floodplain, the proposed action must not be located in the Base Floodplain. If no practical alternative in the Base Floodplain is the only practical alternative, the SBA analysis leading to this conclusion should be fully documented. In determining the practicability of a non-Floodplain site, the government's environmental impact. At a minimum site practicability shall be addressed in the light of the following:

(i) Natural (topography, habitat, hazards, etc.);
(ii) Social (aesthetics, historic and cultural values, land use patterns, etc.);
(iii) Economic (cost of space, construction, services, relocation, and the needs of the applicant, who may be a disaster victim); and legal (deeds, leases, etc.).

(2) Step 3.B. Alternative Actions. Alternative actions are discussed before a decision is made to carry out an action in the Base Floodplain. These are actions which substitute for the proposed action in that they comprise new solutions or approaches which serve the impact identification purposes that proposed, but which have less potential for harm.

(3) Step 3.C. No Action. No action is also an alternative, and assessment of this course is required. The alternative of no action probably cannot be fully evaluated until a determination has been made in Step 4 of the harm to or within the Floodplain resulting from the proposed action.

(e) Step 4—Identify Impacts of the Proposed Action. If the designated official has determined that the only practicable alternative is locating in the Base Floodplain, the impacts of the proposed action must be identified. Alternatively, if other practicable action is proposed to be located out of the Floodplain, the proposed will affect the Base Floodplain, impacts resulting from these actions must be identified. Since the Order is based primarily on NEPA, SBA can draw upon the impact identification and assessment experience and guidance which it has developed in its implementation of NEPA. The concepts of impact assessment applicable to both NEPA and the Order are identical, with the Order's focus being narrower. The following discuses step by step.

(1) Step 4.A. General Concepts. In his review of a proposed action that is not exempt, the designated official shall specifically consider and document:

(i) Impacts associated with modification of Wetlands or Floodplains; (ii) additional impacts which may occur when certain types of activities may support subsequent actions which have additional impacts of their own; (iii) adverse impacts of the proposed action on lives and property and on natural and beneficial Floodplain or Wetland values; and (iv) SBA's role in these impacts as discussed in the following paragraphs.

(2) Step 4.A.1. Direct and Indirect Support of Floodplain or Wetland Development. An action supports Floodplain development if it encourages, allows, serves, or otherwise facilitates additional Floodplain development. The designated official may consider whether or not proposed repair or restoration work has the effect of maintaining the status that existed prior to a major disaster in evaluating its impacts. Direct support results from actions located in Wetlands or on the Floodplain, while indirect support results from those outside. All such impacts shall be evaluated.

(3) Step 4.A.2. Types of Impacts. The three basic types of impacts which must be addressed are:

(i) Short-term impacts: both must be identified, even though the focus of impact identification and assessment is on negative or adverse impacts. This is necessary in order to identify the full range of impacts against which to weigh the practicability of a proposed action. In addition, it must be recognized that impacts which are beneficial to some, may be harmful to others.

(ii) Concentrated and dispersed impacts: Both may result from any action. The impact is concentrated if it occurs at or near the site of the action and is dispersed if it occurs at a site remote from the action.

(iii) Short and long-term impacts. Both must be analyzed in order to evaluate the total impact of an action. Short-term impacts are temporary changes occurring during or immediately following an action and usually persist for a short while. Long-term impacts occur during or after an action and may take the form of delayed changes or changes resulting from the cumulative effects of many individual actions. Long-term impacts may persist for a considerable time and may continue indefinitely.

(4) Step 4.A.3. Sources of Impacts. Regardless of the source of impacts, the designated official is required to identify the types of impacts discussed above which arise from proposed actions when these impacts affect the Floodplain. Thus, this requirement applies to actions proposed both in and out of the Base Floodplain (or the 500-year Floodplain where a Critical Action is proposed). The location of the action causing the impact determines which of the requirements of the Order must be met. For actions proposed in the Base Floodplain, however, the Order does not require that the public notice and findings discussed in Steps 2 and 7 be prepared. In such cases the action causing the Impact in the Base Floodplain is located outside of it, the practicability test (Step 3) is
not required. As a minimum, however, the designated official must identify these impacts and minimize ensuing harm to or within the Floodplain which would result if the action is taken as proposed. Because there is no requirement for public notice or the conduct, support or allowance of any public hearing, the designated official must rigorously apply the Order's charge to avoid these areas.

(8) Step 4.B.3. Evaluation of Flood Hazards. In preparing the Damage Survey Report for a proposed action in the Wetlands or in the Floodplain, the designated official shall make a determination in the field whether the 6-step decision making process may be involved and shall record his determination on the Damage Survey Report. If his determination is affirmative, he shall clearly identify and describe the hazard involved and shall answer the following:

(i) —Is the proposed action to be located in the floodway portion of the riverine Floodplain, or the coastal high hazard area?

(ii) —Is the proposed action in a flood-fringe area such as the flood-foredunes, where wave impact is the major chance (100-year or Base) Flood

(iii) —Is the flood hazard aggravated by the presence of, or potential for, destructive velocity flows, Flood-related erosion, subsidence or sinkholes, or other special problems?

(iv) —Is there a combination of Flood sources present which may Flood simultaneously in the area (e.g., river and ocean)?

(9) Step 4.C. Natural and Beneficial Floodplain Values. Water and the adjacent Floodplain exist in nature in a state of dynamic equilibrium. If one part of a coastal or riverine system is disturbed, the entire system usually readjusts toward a new equilibrium. Thus, Floodplain actions must be viewed with caution and a careful assessment made of their impact on natural and beneficial Floodplain values. Floodplains in their natural or relatively undisturbed state serve water resource values (natural moderation of Floods, water quality maintenance, and groundwater recharge), living resource values (fish, wildlife, and plant resources), cultural resources values (open space, natural beauty, scientific study, outdoor education, and recreation), and cultivated resource values (agriculture, aquaculture, and forestry).

(1) Step 5—Minimize, Restore, Preserve. (1) General. The requirements of the Order to minimize, restore, and preserve, apply if a proposed action will result in harm to or within the Floodplain. The term "harm," as used in the context of the Order, applies to both lives and property (Step 4.B.), and natural and beneficial Floodplain values (Step 4.C.). The concept of minimization (Step 5.A.), applies to harm. The concept of restoration and preservation (Step 5.A.) applies only to Floodplain values. Step 5.C. discuss some mechanisms which may be applied to achieve these three requirements.

(2) Step 5.A. Minimize. Minimize is a demanding standard and requires that harm be reduced to the smallest possible degree. From the standpoint of both lives and property, potential harm to or within the Floodplain must be reduced to the smallest possible amount or degree. The goal is to avoid increasing the Flood loss potential associated with the level of the Base Flood prior to the proposed action. Where a Critical Action is proposed (see Step 2.C.) the goal is associated with higher levels of flooding. The Order's requirement to minimize potential harm applies to (i) the investment at risk, or the Flood loss potential of the action itself, (ii) the impact the action may have on others, and (iii) the impact the action may have on Floodplain values. In his review and findings the designated official shall specify how floodplain values will be designed and modified to minimize harm to or within the Floodplain.

(3) Step 5.B. Restore and Preserve. In the context of this Order, "restore" focuses upon conditions existing as a result of prior action, while "preserve" focuses upon the impacts of a proposed action. Restore means to reestablish a setting or environment in which the natural and beneficial Floodplain values can again operate. Where Floodplain values have been degraded by past actions, the designated official must identify, evaluate, and implement measures to restore the values diminished or lost. Preserve directs that potential modification to the natural Floodplain cannot or must be maintained as closely as possible to its natural state. If an action will result in harm to or within the Floodplain, the designated official must design or modify the action to assure that it will be carried out in a manner which preserves as much of the natural and beneficial Floodplain values as is possible.

(4) Step 5.C. Methods of Minimize, Restore and Preserve. A wide range of methods have been developed over time to minimize harm to lives and property from Flood hazards. In the recent past, other methods directed toward minimizing harm to natural and beneficial environmental values, including those associated with the Floodplain, have also been developed. The technology and methodologies for achieving restoration and preservation are not as well documented nor understood, as methods of avoiding increasing attention. The tools and approaches, which are directed toward
attaining these three goals of the Order, should be considered and applied at all stages of a proposed action, as appropriate, e.g., during the planning, design, construction, operation, and maintenance of a proposed project.

(3) Step 6.B Limit Action. If an action proposed to be located in the Floodplain cannot satisfy the four requirements in Step 6.A., consider reducing the criteria for the proposed action. This would lower the threshold for what constitutes a practicable alternative. New alternative actions and sites could then be identified and previously rejected ones reevaluated for practicability based on scaled-down expectations.

(4) Step 6.C. No Action. If neither of the above courses of action is feasible, reevaluate the no action alternative.

(5) Step 6.D Findings and Public Explanation.—(1) General. If reevaluation results in the determination that there is no practicable alternative to locating in or impacting the Floodplain, a statement of findings and public explanation must be provided for the proposed action. The SBA Public Statement of Findings and Explanation should explain how any tradeoff analysis was conducted by the agency in making its findings. Some existing Regional public notice procedures may already satisfy part of the requirements of the Order. However, procedures must incorporate the development and issuance of a written statement of findings and public explanation which includes:

(i)—A description of why the proposed action must be located in the Floodplain;

(ii)—A description of all significant facts considered in making the determination including alternative sites and actions;

(iii)—A statement indicating whether the actions conform to applicable State or local Floodplain protection standards;

(2) In addition, and in keeping with the concept of the overall public involvement process discussed in Step 2, the following items should be included in the statement of findings and public explanation:

(i)—A statement, if appropriate, indicating why the NFIP criteria are demonstrably inappropriate for the proposed action (for instance, marinas, piers, docks, etc. must be at the water level);

(ii)—A provision for publication in the Federal Register or other appropriate vehicle;

(iii)—A provision for a brief comment period prior to agency action (15 to 30 days);

(iv)—A description of how the activity will be designed or modified to minimize harm to or within the Floodplain.

(v)—A statement indicating how the action affects natural or beneficial Floodplain values;

(vi)—A statement listing other involved agencies and individuals.

(3) Step 7.A. The Administrator must develop procedures to provide for similar notice and explanation of why a proposed action is to be located in a Floodplain.

(4) Step 7.B. Actions Subject to NEPA. For actions subject to NEPA which take place in the Base Floodplain, the public review requirements discussed above should include the nine items listed in the introduction to this step. Section 2(a)(4) of the Order requires the same public notice procedures for Federal actions in the Floodplain even though impacts are not significant enough to require the preparation of any environmental impact statement. (EIS) under Section 102(2)(C) of NEPA (Pub. L. 91-190).

Under NEPA procedures, a final EIS is circulated for public and interagency review and comment. A minimum of 30 days is required to allow a review and to receive responses from the public and governmental agencies. These comments must then be considered. The findings must be made in conjunction with a final SBA decision, and the formal statement of findings required by the Order must be issued prior to initiating the proposed action. A final EIS should explain, if appropriate, why the responsible official has recommended or why SBA might support an action located in a Floodplain.

(5) Step 7.C. All Actions Located in the Base Floodplain. A statement of findings (including the explanatory information discussed in 7.A.) must be issued by the Administrator in compliance with Section 2(a)(2) of the Order. This applies to all proposed actions located within or impacting on the Floodplain, including proposed actions whose impacts are not significant enough or are not otherwise required to complete and EIS.

(i) Step 8.—Implement Action. With the conclusion of the decisionmaking process described in Steps 1-7, the proposed action can be implemented. However, there is a continuing responsibility for ensuring that the action is carried out in compliance with the Order.
DECISION-MAKING PROCESS FOR E.O. 11988

**Steps**

1. **YES**
   - Determine if proposed action is in the Base* Floodplain
   - **NO**

2. Early Public Review

3. Identify & Evaluate Alternatives to locating in the Base* Floodplain
   - **No Action**
   - In the Base* Floodplain
     - Not in Base* Floodplain
     - Does the action have impacts in the Base* Floodplain
       - **Yes**
       - Does the action indirectly support floodplain development

4. Identify Impacts of Proposed Action
   - **Yes**
   - **No**

5. Minimize, Restore and Preserve
   - **No**

6. Reevaluate Alternatives
   - **No Action**
   - In the Base* Floodplain
     - Limit Action - return to Step 3

7. Findings and Public Explanation

8. Implement Action

* For critical actions substitute "500 year" for "base".
## SOURCES OF FLOODPLAIN INFORMATION AND TECHNICAL ASSISTANCE SERVICES FOR DETERMINING WHETHER A LOCATION IS IN A FLOODPLAIN

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<td>Department of the Army: Corps of Engineers</td>
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<td>Department of Commerce: National Oceanic Atmospheric Administration</td>
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<td>States</td>
<td>Varies from State to State</td>
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*See Appendix A, WRC Guidelines, for detailed description.


A. Vernon Weaver, Administrator.
SUMMARY: This proposed regulation prescribes policies to be used by the Corps of Engineers in implementing Executive Order 11988, Floodplain Management, as it pertains to the planning, design and construction of civil works projects, and to the activities under the operation and maintenance and the regulatory programs of the Corps.

DATE: Comments must be received by June 24, 1978.

FOR FURTHER INFORMATION CONTACT:


C. A. Selleck, Jr.,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

PART 239—WATER RESOURCES POLICIES AND AUTHORITIES: IMPLEMENTATION OF EXECUTIVE ORDER 11988 ON FLOODPLAIN MANAGEMENT

§ 239.1 Purpose.

The purpose of this regulation is to provide policy and guidance for Corps of Engineers implementation of Executive Order 11988, Floodplain Management, as it pertains to the planning, design and construction of Civil Works projects, and to the activities under the operation and maintenance and the regulatory programs of the Corps.

§ 239.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 239.3 References.


§ 239.4 Definitions.

(a) “Action” is any Federal activity including (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

§ 239.5 Background.

Executive Order 11988, Floodplain Management, signed May 24, 1977, revoked and replaced Executive Order 11296 issued August 10, 1966. The new Order is based in part on the National Environmental Policy Act of 1969 (NEPA) and adds new prominence to the environmental aspects of floodplain development that were not present in Executive Order 11296. Federal agencies are required, during the decisionmaking process, to recognize significant public values of floodplains and to consider the public benefits that will be derived from the restoration and preservation of floodplains. The new Order requires agencies to amend their existing policies and procedures one year in consultation with the Water Resources Council (WRC), Federal Insurance Administration (FIA) and the Council on Environmental Quality (CEQ). In this regard, a task force was formed under the leadership of WRC for the purpose of developing broad guidance on the interpretation of the Order to assist Federal agencies in developing their procedures and regulations. The efforts of the task force resulted in the publication of the Floodplain Management Guidelines for Implementing EO 11988 in the Federal Register on February 10, 1978 (43 FR 6030) (Reference 3b). The guidelines provide an explanation of key terms in the Order, floodplain management concepts, and procedures necessary to comply with the EO. The Order requires that agency procedures incorporate the conceptual framework of floodplain management as set out in the “Unified National Program for Floodplain Management.” (Reference 3c). The Unified Program has as a goal sound floodplain management that embodied the “wise use, conservation, development and utilization of interrelated land and water resources to serve objectives of economic efficiency, environmental quality and social wellbeing in consonant with responsibilities assigned to respective levels of government by law.”

§ 239.6 The objective of the order.

The objective of the Executive Order is to avoid to the extent possible the long and short term adverse impacts associated with occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development whenever there is a practicable alternative. The Order requires Federal agencies to provide leadership and take action to:

(a) Avoid the base floodplain unless it is the only practicable alternative;
(b) Reduce the hazard and risk of flood loss;
(c) Minimize the impact of floods on human safety, health and welfare; and
(d) Restore and preserve the natural and beneficial floodplain values. Direct support of floodplain development is an action in the floodplain that encourages, allows, serves or otherwise facilitates additional floodplain development. An example of direct support would be provision of flood protection measures to undeveloped or underutilized floodplain lands for the purposes of permitting future development and growth.

§ 239.7 General policy.

It shall be Corps policy to formulate projects which, to the extent possible,
avoid the adverse impacts associated with use of floodplains and avoid inducing development in the base floodplain unless there is no practicable alternative to the development. The decision on whether a practicable alternative exists shall be based on the advantages and disadvantages of floodplain sites and non-floodplain sites. Factors to be considered include conservation, economics, aesthetics, natural and beneficial values served by floodplains, impact of floods on human safety, locational advantage, the functional need for locating the development in the floodplain, historic values, fish and wildlife habitat values, endangered and threatened species, Federal and State designations of wild and scenic rivers, refuges, etc., recreation, water supply, water quality, food production, and, in general, the needs and welfare of the people. The test of practicability will apply to both the Corps action and any induced development caused by the action. When it is determined that no practicable alternative to actions in the floodplain exist, the features or qualities of the floodplain that make it advantageous over alternative non-floodplain sites shall be described and adequately supported. The practicability analysis is not required for lots or small tracts of vacant lands in closely spaced urban areas, unless these vacant areas have retained most of the unique environmental values associated with undisturbed floodplains.

§ 239.8 General procedures.

The basic determinations necessary to implement the Executive Order are:

(a) Determine whether the proposed action is in the base floodplain.

(b) If so, determine whether there is a practicable alternative to locating the action in the base floodplain as outlined in § 239.7.

(c) Identify adverse impacts due to the action and the induced development and identify losses of natural and beneficial values of the floodplain.

(d) If the proposed action induces development in the base floodplain, determine if there is a practicable alternative to the development as outlined in § 239.7.

(e) As part of the multiobjective planning approach under the Principles and Standards, determine viable methods to minimize the adverse impacts of the action and the induced development and methods to restore and preserve the natural and beneficial values of the floodplain. Successive iterations of the planning process as called for in ER 1105-2-200 should be used to develop methods for minimization (see paragraphs 10 and 11). This includes reevaluation of the no action alternative.

(f) Advise the general public if the proposed action will be located in the floodplain. The policies and procedures of ER 1105-2-502 shall be utilized to the extent possible to advise the public.

(g) Recommend the most desirable plan responsive to the established planning objectives and consistent with the requirements of the Executive Order stated in § 239.6 above.

§ 239.9 Assessment of impacts.

The determination called for in § 239.8c above, requires an assessment of the impacts of the action. Impact identification and analysis apply to both the Corps action and to the induced development, if any, that would occur in the base floodplain with the proposed action, but not in the absence of the action. Existing procedures and guidance for identifying and assessing impacts are contained in ER 1105-2-240 for multifaceted planning and ER 1105-2-507 for responding to NEPA requirements. These procedures are designed to ensure that all significant adverse and beneficial effects of actions are identified and measured. ER 1105-2-240 requires identifying sources of impacts, tracing impacts, describing the magnitude of impacts and the projected location, timing, and duration of impacts. ER 1105-2-507 generally requires the identification of impacts and effects of an action on the environment. In this regard, impact identification and assessment of existing regulations meet the requirements of the EO and shall be followed.

§ 239.10 Minimize.

As previously defined, minimize is to reduce to the smallest possible amount or degree. The goal of minimization is to avoid the adverse impacts associated with induced floodplain use. "Minimize" as defined in the WRC guidelines is broad and open-ended. There is the acceptance of practical limitations which makes it consistent with the Principles and Standards. It is expected that all practicable workable means and measures will be utilized to minimize adverse impacts. Application of "minimization" to Corps activities and programs will require careful consideration and evaluation of the floodplain action and any adverse impacts of induced floodplain development. For example, successive iterations of the planning process should normally result in the deletion of separable segments of a project when such segment protects undeveloped land and induces development in the floodplain which there would be another practicable non-floodplain alternative.

§ 239.11 Restore and preserve.

Restoration and preservation are methods of enhancing the natural and beneficial values of floodplains. Such values are primarily environmental quality (EQ) objectives. Therefore, restoration and preservation should be considered as EQ components of overall plans or as EQ Plans under the Principles and Standards and the ER 1105-2-200 series. The implementation of actions or measures to restore or preserve floodplain values shall be recommended in reporting documents if they fall under existing Corps authorities. If they are not within existing authorities of the Corps, the report shall describe other means and measures that could be taken to restore floodplain values as follows:

(a) Relocate non-conforming structures and facilities out of the floodplain.

(b) Reestablish damaged floodplain ecosystems.

(c) Restore, preserve, and create wetlands, marshes, and etc.

(d) Implement measures that will enhance fish and wildlife values.

(e) Restore and revegetate damaged beaches and dunes.

§ 239.12 Regulatory.

The policy in this regulation is consistent with the general policies for evaluating permit applications under the Corps of Engineers regulatory program as contained in reference 3d. Section 2(c) of the Order pertaining to the issuance of permits or licenses requires agencies to:

(a) Consider and evaluate flood hazards for actions in floodplains;

(b) Provide early public review of plans or proposals in floodplains for which the impact is not significant to require preparation of an EIS, and

(c) Provide guidance to applicants to enable them to evaluate the effects of their proposal on the floodplain prior to submitting an application.

§ 239.13 Reporting requirements and public involvement.

When a determination has been made that there is no practicable alternative to locating an action in the floodplain, the EO requires the reporting of this finding by various procedures. In addition, the Order requires early public review of plans whenever an action is proposed for the floodplain. The Order requirements generally include and relate to reporting procedures that are presently accomplished under existing Corps regula-
ditions, with some minor exceptions. The following additional information shall be included in existing reporting requirements, as appropriate, for general investigation studies, projects in engineering and design stages, studies under the special continuing authorities program, and activities under the operations and maintenance program.

(a) Section 2(e)(2). If there is no practicable alternative to locating an action in the floodplain, a public notice shall be prepared and circulated to the general public. The notice shall include the following: (1) A description of why the action must be located in the floodplain; (2) a description of significant facts considered in making the determination to locate in the floodplain, including alternative sites and actions considered and any tradeoffs that were made; and (3) a statement indicating whether the proposal conforms to applicable State or local floodplain protection standards.

(b) Section 2(a)(3) requires the submission of a notice, not to exceed three pages in length, including a location map, to State and area-wide A-46 Clearinghouse for the geographic area affected, when an action is to be located in the floodplain. Continuation of existing procedures and requirements stated in ER 1105-2-811 will comply with the intent of the Order with the exception that future notices to clearinghouses shall also include the additional information requested in paragraph (a) of this section.

(c) Section 2b. Requests for new authorizations or new appropriations for construction starts transmitted to the Office of Management and Budget shall provide information on whether a proposed action or action modification will be located in the floodplain. If the proposed action is located in the floodplain the transmittal to OMB shall provide information on compliance with the EO. This shall include statements on whether the action affects the natural and beneficial values of the floodplains; steps taken to minimize potential harm to or within the floodplain caused by the action; and steps taken to restore and preserve the natural and beneficial floodplain values of the floodplain area.

(d) Statement of findings. Since Corps actions in the floodplain are subject to NEPA, the Statement of Findings that accompanies the EIS (paragraph 6b of ER 1105-2-509), or covered in the feasibility report will include, in addition to existing requirements, the following:

f) Reasons why the proposed action must be located in the floodplain.

f) Facts considered in making the determination to locate in the floodplain, including alternative sites and actions considered.

f) Statement whether the proposed action conforms to applicable State or local floodplain protection standards.

f) Statement on whether the action affects the natural and beneficial values of the floodplain.

f) Description of steps taken to design or modify the proposed action in order to minimize potential harm to or within the floodplain; and

f) A general listing of other involved agencies, groups, and organizations.

(e) Public involvement. To insure that adequate information and opportunities are provided early in the decision-making process, public participation activities performed under Public Law 84-99 shall be carried out in a manner that reflects compliance with the spirit and intent of the Executive Order. This shall include providing leadership and taking actions to:

f) Avoid harm to the natural and beneficial values of floodplains;

f) Minimize the impact of floods on human safety, health and welfare;

f) Restore the natural and beneficial floodplain values that have been impacted by an emergency action.

[FEDERAL REGISTER, VOL 43, NO. 101—WEDNESDAY, MAY 24, 1978]
NOTICES
FEDERAL REGISTER, VOL 43, NO. 101—WEDNESDAY, MAY 24, 1978

22309

[6820-23]

GENERAL SERVICES ADMINISTRATION
[GS A Order ADM 1095.]
CONSIDERATION OF FLOOD PLAINS AND WETLANDS IN DECISIONMAKING
GSA Procedures Regarding Floodplains and Wetlands

AGENCY: General Services Administration.

ACTION: Request for public comments.

SUMMARY: This notice announces that GSA is publishing internal procedures to be followed in implementing the laws and Executive orders concerning all GSA actions that affect flood plains and wetlands. This notice is intended to inform the public of the actions that will be taken within GSA to minimize the impact of floods on human safety, health, and welfare; to minimize the destruction, loss, or degradation of wetlands; and to preserve and enhance the natural beneficial value of flood plains and wetlands.

DATE: Comments must be received on or before June 23, 1978.

ADDRESS: Comments should be addressed to the General Services Administration (PRE), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:


JAMES B. SHEA, JR.,
Commissioner,
Public Buildings Service.

[ADM 1095.]

GSA ORDER
CONSIDERATION OF FLOOD PLAINS AND WETLANDS IN DECISIONMAKING

1. Purpose. This order prescribes the uniform procedures to be followed in implementing the laws and Executive orders concerning all GSA actions that affect flood plains and wetlands, consistent with the basic statutory responsibilities governing GSA program operations. This order also provides a basis for publication, when required, of service and staff office orders and instructions explicitly directed toward the particular functions, activities, and personnel of each organization.


b. Section 1 of the Flood Plains and Wetlands Orders requires that each agency shall provide leadership and shall take action to minimize the impact of floods on human safety, health, and welfare, to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of flood plains and wetlands. The Flood Plains and Wetlands Orders are designed to restrict Federal activities in flood plains and wetlands and in furtherance of the National Environmental Policy Act, the National Flood Insurance Act, and the Flood Disaster Protection Act. They are intended to prevent to the extent possible the long- and short-term adverse impacts associated with the occupancy, destruction, or modification of flood plains and wetlands and to avoid direct or indirect support of floodplain development and new construction in wetlands wherever there is a practicable alternative.

c. Compliance with the Flood Plains and Wetlands Orders is required for the following Federal activities:

(1) The acquisition, management, and disposition of Federal lands and facilities.

(2) The provision of federally undertaken, financed, or assisted construction and improvements; and

(3) The planning for and conducting of Federal activities and programs affecting land use, including but not limited to water and related resources planning, regulating, and licensing activities.

d. The more detailed requirements of the Flood Plains Order apply to actions which impact upon both flood plains and wetlands.

3. Responsibilities. The Head of the Service or Staff Office or Regional Administrator under whose jurisdiction the action is being planned, hereinafter referred to as the responsible official, is responsible for the implementation of this order.

4. Requirements. a. Before taking any action in or affecting a flood plain or wetland, the responsible official shall:

(1) Determine if the proposed action is in a base flood plain or wetland, as defined in par. 1 of the attachment.

(2) Provide public notice and allow early public review of the preliminary proposal.

(3) Identify and evaluate alternatives which do not affect the base flood plain or wetland.

(4) Determine whether the action would significantly impact or indirectly support development in the base flood plain or wetland.

(5) Determine how to minimize the adverse impacts.

(6) Present the finding to the public for review.

(7) Reevaluate the alternatives to the proposed action.

b. The responsible official shall take no action in or affecting flood plains or wetlands unless the Administrator determines that it is the only practicable alternative.

5. Applicability. a. This order applies to the following actions involving flood plains and wetlands, including, but not limited to:

(1) Real property acquisition, (2) facility design and construction, (3) buildings alternation, (4) buildings operation, (5) stockpile management and operation, and (6) real property disposal to non-Federal public or private parties.

b. If a Federal agency requests conveyance of a property containing a flood plain or wetland, that agency is responsible for compliance with the Flood Plains and Wetlands Orders.

ATTACHMENT

1. Definitions. a. Flood plains. “Flood plains” are the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including, at a minimum, that area subject to a 1 percent or greater chance of flooding in any given year. Flood plains may be, but are not necessarily, wetlands.

b. Wetlands. “Wetlands” are those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or, seasonally saturated, soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river outflows, mud flats, and natural ponds. Wetlands may be, but are not necessarily, located in flood plains.

c. Based flood plains. “Based flood plains” are those flood plains where have a 1 percent or greater chance of flooding in any given year, the so-called 100-year flood plains.

d. Critical actions. “Critical actions” are those actions which should not be executed without a slight chance of flooding. For example, activities for storage of volatile, toxic, or water-
Water Resources Council Guidelines described in part II, step 1 of the and technical assistance services are property or by referring to a more de­

Development flood plain maps of the wetland.

Department of Housing and Urban plains should be made by inspecting those areas that have a 0.2 percent chance of flooding any given year, the so-called 500-year flood plains.

2. Meeting goals. The goals of the Flood Plains and Wetlands Orders shall be met by the following:

(a) The GSA site selection processes shall be amended to preclude the acquisition of facilities through purchase or lease of flood-prone areas.

(b) Base flood plains and wetlands, areas which may involve the use of or have an impact upon a base flood plain or wetland.

(c) Critical action flood plains, if the proposed use would be especially dangerous when exposed to larger floods.

(1) Base flood plains and wetlands,

(2) Areas in which the action would adversely impact or indirectly support development of the base flood plain or wetland, and

(3) Critical action flood plains, if the proposed use would be especially dangerous when exposed to larger floods.

Exceptions are permissible only when the Administrator determines that no practicable alternative exists.

b. Land use plans shall be formulat­
ed in a manner which will avoid adverse impacts to flood plains and wetlands.

c. The alteration of facilities shall be discouraged within base flood plains and wetlands if the action would enlarge or modify the use of the facility and increase or change the environmental impacts on natural or human resources. Normal maintenance and repair to existing buildings are exempt from this requirement.

d. When it is proposed to dispose of any interest in surplus real property located in a flood plain or wetland to non-Federal public or private parties, the responsible official shall permit public review of the sale of the property and by applying the definition in subpar. 1b. However, if a determination cannot be made on the basis of the definition and inspection, the information should be obtained from the Department of the Interior, the Corps of Engineers, the Environ­
mental Protection Agency, or from city or county planning and zoning agencies.

(2) When a determination is made that the action will not involve the use or disposal of a base flood plain or wetland, the responsible official shall determine if the proposed action will have any indirect impact by performing the analysis in d, below.

b. Early public review. As soon as it becomes apparent that the proposed action may involve a base flood plain or wetland, the action shall undergo early public review to allow interested parties the opportunity to offer their views.

(1) Distribution of notices for early public review shall occur:

(1) At the time the Administrator makes a determination that a surplus property is in a flood plain or wetland,

(2) As soon as possible after the establishment of a delineated area which does not specifically exclude base flood plains and wetlands as acceptable sites, or

(3) As soon as possible after it becomes apparent that any GSA action may involve the use of or have an impact upon a base flood plain or wetland.

(2) The responsible official shall pro­vide those individuals and groups who normally receive EIS's and those groups having specific interest in flood plain and wetland management a de­
delineation of the property, plan or pro­posal and (for flood plains only) as much of the material that has been developed to date to satisfy the A-95 clearance review requirements of the Floodplains Order.

c. Alternatives. If the proposed action could be in a base flood plain or wetland or could affect a base flood plain or wetland, the responsible official shall consider the following alter­
natives:

(1) Carrying out the proposed action at a location outside the base flood plain or wetland (alternative sites),

(2) Using other means which accom­plish the purpose of the proposed action (alternative actions), and

(3) Taking no action.

d. Impacts. The impacts of each alter­native shall be identified and ana­lyzed as discussed in part II, step 4 of the Water Resources Council Guide­lines.

(1) The responsible official shall con­sider economic, environmental, and other pertinent factors when evaluating the impacts of the alternatives.

The NEPA implementation processes are the principal means of identifying impacts. The three basic types of im­

The responsible official may assume that he has complied with this order if the proposed action is not located in a base flood plain or wetland and the impact analysis concludes that the action will have neither direct nor indirect impact on the base flood plain or wetland.

e. Decision. (1) After the environ­
mental assessment, final EIS, or other impaction studies have been completed on an action which would be located in or which may have an impact upon a base flood plain or wetland, the responsible official shall decide the course of action. The Administrator may decide to take the action only if: (a) No practicable alternative exists, or (b) the requirements of subpar. 2d are followed for real property dispositions.

(2) If the conditions in a or b, above, are met and the action is the subject of an environmental assessment or an EIS, the environmental assessment or the final EIS shall state that the preferred alternative involves a base flood plain or wetland.

f. Minimize impacts. (1) If the action is to be undertaken in a base flood plain, it must be in accordance with the standards and criteria, and requirements for eligiblity under the National Flood Insurance Program (24 CFR 1909). It may deviate from this only to the extent that the standards and requirements for eligibility under the Flood Insurance Program even through GSA projects are not insured under this program.

(2) All reasonable actions shall be taken to”floodproof” the project and to design or modify the project to minimize potential harm to or within the flood plain. Elevation of the structure above the flood level shall always be taken instead of filling in land.

(3) If the action is to be undertaken in a wetland, the action shall be de­
signated as appropriate for the action to the public's benefit. The Adminis­
tistrator may decide to take the action only if: (a) No practicable alternative exists, or (b) the requirements of subpar. 2d are followed for real property dispositions.

g. Public notice. Public notices are not required by the Wetlands Order. However, the responsible official shall consider the impacts of the action and the level of concern the public has shown, or would show if it were aware of the action, and determine whether
the public interest would be served by a public notice. The public notice shall be prepared and issued as follows:

(1) The responsible official shall prepare the public notice, not exceeding three pages in length, which shall include: (a) An explanation why the action is proposed in the base flood plain or wetland and (b) a statement indicating whether the action conforms to State and local flood plain or wetland standards, (c) a list of the alternatives considered, and (d) a location map.

(2) The public notice shall be transmitted to: (a) State and areawide A-95 clearinghouses, (b) individuals and groups who normally receive EIS's on the actions in the geographical area, and (c) groups which have special interest in flood plain or wetland management.

(3) Distribution of the public notice for actions affecting a base flood plain or wetland shall occur as soon as possible after: (a) The distribution of a final EIS which states a preferred alternative, (b) the approval of an environmental assessment and negative declaration, or (c) the decision to take an action which is not included in categories a and b, above.

The transmittal letter for the final EIS may serve as the public notice if the transmittal letter meets the content requirements of subpar. 1, above.

(4) The public notice shall be circulated for a commenting period of not less than 15 days prior to commencement of the action. The 15 days may run concurrently with the 30-day commenting period on the final EIS if the final EIS transmittal letter serves as the public notice.

(5) All GSA notices on actions subject to OMB Circular A-95 must state, if known, whether or not the action is located in a base flood plain or wetland.

Public hearings may be held when the responsible official determines that public hearings are the best method of notifying the public about the proposed action. A decision to hold a public hearing shall be based on the significance of the impact of the action on the base flood plain or wetland and the degree of interest the public has expressed or would express if it were aware of the action. If public hearings are held under the EIS process on the proposed action, these hearings will meet the requirement for hearings under the Flood Plains Order.

h. Reevaluate. The Administrator shall reevaluate his decision to take an action affecting a base flood plain or wetland if significant new information is revealed in comments on the final EIS or comments received during the public review period.

i. Implement. When the actions in a thru h, above, have been taken, the proposed action may be implemented.


The development of proposals which are critical actions shall follow the decisionmaking process in par. 3, substituting the term "critical action flood plain" for "base flood plain.

5. Requests for authorization or appropriation. When the proposed action necessitates a request for Congressional authorization or appropriation, the request to OMB must indicate the action is in compliance with the policy and mandatory provisions of the Flood Plains and Wetlands Orders.

[FR Doc. 78-14521 Filed 5-23-78; 8:45 am]

[4810-25]

DEPARTMENT OF THE TREASURY
Office of the Secretary
FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS
Implementation of Executive Order 11988 and 11990

AGENCY: Department of the Treasury.

ACTION: Implementation of Executive Orders 11988 and 11990, dated May 24, 1977, in accordance with section 2(d) of Executive Order 11988, and section 8 of Executive Order 11990.

SUMMARY: This Treasury memorandum is published for public review as required by Council on Environmental Quality (CEQ) and U.S. Water Resources Council (WRC) guidelines for implementing Executive Order 11988.

COMMENT DATE: Written comments must be received on or before June 23, 1978.

ADDRESS: Comments should be mailed or delivered to: Director of Administrative Programs, room 2438, Main Treasury, Department of the Treasury, Washington, D.C. 20220, Attention: AAE.

FOR FURTHER INFORMATION CONTACT:
Mr. James M. Wright or Mr. Gerald W. Coe at 202-376-0289.

SUPPLEMENTARY INFORMATION: Since the Department of the Treasury does not, as a general rule, engage in activities which would impact upon floodplains or wetlands, no separate Departmental procedures will be issued to implement these Executive Orders. The Treasury Procedures for Preparation and Coordination of Environmental Impact Statements (39 FR 14796, April 26, 1974) will, however, be revised to include requirements concerning floodplain management and protection of wetlands.


ROBERT R. FREDLUND,
Director of Administrative Programs.

EXECUTIVE ORDERS 11988, FLOODPLAIN MANAGEMENT, AND 11990, PROTECTION OF WETLANDS

MAY 18, 1978.

My memorandum of October 28, 1977, subject as above, provided you with copies of Executive Orders 11988 and 11990 and advised that further Departmental instructions would be forthcoming. Since the Department does not, as a general rule, engage in activities which would impact upon floodplains or wetlands, no separate Departmental procedures will be issued to implement these Executive Orders. The Treasury Procedures for Preparation and Coordination of Environmental Impact Statements (39 FR 14796, April 26, 1974) will, however, be revised to include requirements concerning floodplain management and protection of wetlands.

In the event any bureau should contemplate action within or adjacent to, or which would impact upon a floodplain or wetlands, it shall be the joint responsibility of the Bureau Environmental Quality Officer and Bureau Facility Managers to assure compliance with the provisions of Executive Orders 11988 and 11990 in accordance with the Treasury Environmental Impact Statement (EIS) Procedures. Floodplain management and protection of wetlands should be addressed, as necessary, in the current format of Treasury environmental impact statements or assessments until such time as the Treasury EIS Procedures are revised, or the Council on Environmental Quality issues its new regulations under the National Environmental Policy Act (NEPA). All matters pertaining to floodplains and wetlands shall be immediately brought to the attention of the Assistant Director (Environmental Programs), Office of Administrative Programs.

Treasury Administrative Circular No. 243, Evaluation of Flood Hazards, dated August 27, 1974, is hereby rescinded.

ROBERT R. FREDLUND,
Director of Administrative Programs.

[FR Doc. 78-14529 Filed 5-23-78; 8:45 am]
Applications for Permit to Fish off Coasts of U.S.
DEPARTMENT OF STATE

[Federal Register Volume 43, Number 101, Wednesday, May 24, 1978]

NOTICES

[4710-09]

FISHERY CONSERVATION AND MANAGEMENT

ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the “Act”) provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the Federal Register.

Additional applications for fishing during 1978 have been received from the Governments of the Republic of Cuba, Mexico, the Polish People’s Republic, and the Union of Soviet Socialist Republics, and are published here-with.


JAMES A. STORER,
Director,
Office of Fisheries Affairs.
Fishing Vessel Identification Form (Foreign) No. CU-78-0128

1. Name of Vessel: "Golfo de Guanacayabo"
2. Filer (Call Sign): CCFG
3. Type of Vessel: REFRIGERATED CARGO
4. Length: 121.00 mts.
5. Gross Tonnage: 10,540.07 T; Net Tonnage: 426.66 T
6. Speed (knots): 12.5
7. Owner’s Name and Address: Empresa "Flota Cubana de Pesca", Muelle "Osvaldo Sánchez", Desamparados y Mercado, Luyano, Apartado 74, Havana, Cuba.
8. Types of Processing Equipment: None.
9. Fisheries for Which Permit is Requested: Silver and Red Hake directed fisheries.
10. Are Fishing Activities Requested in Support of Vessels of a Different Flag?: No.

Fishing Vessel Identification Form (Foreign) No. MY-78-0054

1. Name of Vessel: "CONCHITA PELAYO"
2. Filer (Call Sign): XCAF
3. Type of Vessel: STEAM Trawler
4. Length: 89.89 m
5. Gross Tonnage: 360 T; Net Tonnage: 250 T
6. Speed (knots): 15.0
7. Owner’s Name and Address: SALMADINA DE MEXICO S.A.
   AV. JUAREZ NO. 14, 77 Piso - Mexico, D.F.
8. Types of Processing Equipment: DEEP SEA FISHING AND FISHING SERVICE ENTERPRISE "DAHONER" 81 - 963 GDYNIA POLAND
9. Fisheries for Which Permit is Requested:
   WELM "LONG FINNED SQUID"
   SHORT FINNED SQUID MIO-WATER
   BOTTLE TRAWL X X
   MID-WATER TRAWL X X
10. Are Fishing Activities Requested in Support of Vessels of a Different Flag?: No.

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Federal Register, Vol. 43, No. 101—Wednesday, May 24, 1978
**FISHING VESSEL IDENTIFICATION FORM (PORTUGAL)**

1. Name of Vessel: **SULAK**
2. Visual Identification: **0**
3. Type of Vessel: FISH PROCESSING BASE
4. Length: 174
5. Gross Tonnage: 1801.1
6. Net Tonnage: 11076
7. Speed (Knots): 14.3
8. Owner's Name and Address:
   **Vladivostok, USSR**
9. Types of Processing Equipment:
   - FISHERY PRESERVES, PRESERVES LIKE,
   - FISHMEAL PLANT,
   - FISH DRESSING LINE
10. Fisheries for Which Permit Is Requested:

<table>
<thead>
<tr>
<th>Fishery</th>
<th>Species</th>
<th>Gear To Be Used</th>
<th>Catching</th>
<th>Processing</th>
<th>Other Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOA</td>
<td>Pollock</td>
<td>-</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
   - No

To conduct the support operation to U.S. catchers working for Marine Resources Co., Inc.

**UR-78-0238**

Support of approximately 5-6 U.S. flag vessels fishing for Marine Resources Co. of Seattle.

- **FISHERY**: GOA
- **SPECIES**: pollock and about 20% of other finfish as a by-catch
- **QUANTITIES**: approximately 10,000 MT to be processed for Marine Resources Co. from catches they will purchase from U.S. fishing vessels
- **DATES**: July - December 1978

[FR Doc. 78-14474 Filed 5-23-78; 8:45 am]
IMPROVING GOVERNMENT REGULATIONS

Proposals for Implementing Executive Order 12044

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<td>Selective Service System</td>
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<tr>
<td>National Aeronautics and Space Administration</td>
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<tr>
<td>Office of Management and Budget</td>
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<td>21997</td>
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<tr>
<td>Civil Service Commission</td>
<td>May 23</td>
<td>22157</td>
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</tbody>
</table>

### PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

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<thead>
<tr>
<th>Agency</th>
<th>1978 Date of Issue</th>
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</thead>
<tbody>
<tr>
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<tr>
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<tr>
<td>National Foundation on the Arts and the Humanities</td>
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<td>Council on Environmental Quality</td>
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<td>Railroad Retirement Board</td>
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<td>Housing and Urban Development Department</td>
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<td>Community Services Administration</td>
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<td>Pension Benefit Guaranty Corporation</td>
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<td>Equal Employment Opportunity Corporation</td>
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<td>Labor Department</td>
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<td>Health, Education, and Welfare Department</td>
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<tr>
<td>Environmental Protection Agency</td>
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<td>Transportation Department</td>
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</tbody>
</table>
DEPARTMENT OF THE TREASURY
Office of the Secretary

DRAFT REPORT FOR IMPLEMENTATION OF EXECUTIVE ORDER 12044 ON IMPROVING GOVERNMENT REGULATIONS

AGENCY: Department of the Treasury.

ACTION: Draft implementation report required by Executive Order 12044.

SUMMARY: This draft report is published for public comment as required by section 5(a) of Executive Order 12044. A copy has also been provided to the Office of Management and Budget. Subsequent to review and comment, a revised report will be submitted to the Office of Management and Budget for approval before final publication in the Federal Register in accordance with section 5(b) of the Order.

COMMENT DATE: Written comments must be received on or before July 24, 1978.

ADDRESS: Comments must be mailed or delivered to: the Assistant Secretary (Administration), Room 3442, Main Treasury, Department of the Treasury, Washington, D.C., 20220, Attention: RIIP.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony V. DiSilvestre, Regulatory Improvement Implementation Project (RIIP) Coordinator, at 202-566-2966.

SUPPLEMENTARY INFORMATION: This draft report is in three parts. Part One briefly describes the current process by which the Treasury Department develops regulations. Part Two describes the proposed process for funding development of regulations in accordance with Executive Order 12044. The proposed process, in the form of a draft Treasury directive, includes criteria for defining significant regulations, for identifying which regulations will require regulatory analyses, and for selecting existing regulations to be reviewed. Part Three provides a list of Treasury regulations proposed to be considered for an initial review in accordance with sections 4 and 5(a) of the Executive Order.

Consideration will be given to public comments on Parts Two and Three of this draft report in the preparation of a revised Treasury report. Comments received on the draft report will be available for public inspection, and reproduction (at a cost of ten cents per page), in the Treasury Library, Room 5030 Main Treasury.
the regulatory office within the bureau.

C. Federal Register Publication:
(1) The proposed regulation is certified by the regulatory office and sent to the Federal Register for publication. The U.S. Customs Service also publishes proposed rulemaking in the Customs Bulletin.
(2) The notice of proposed rulemaking allows the public 30-60 days to comment on the proposed regulation. All written comments are ordinarily available for public inspection. Some bureaus also schedule public hearings or allow members of the public to request hearings on proposed regulations.
(3) If a public hearing is held on a proposed regulation, officials from the bureau or Office of the Secretary will attend. Transcripts of hearings, when recorded, are made available to the public at cost.

III. FINAL REGULATION (TREASURY DECISION)
A. Evaluation of Comments. Written comments and oral testimony from public hearings are evaluated by the bureau. The regulatory office usually summarizes comments received and furnishes them to other offices within the bureau.

B. Preliminary Draft. The regulatory office then may prepare a preliminary draft of the final regulation, modified, if necessary, by public comments. If radical changes are made, the notice of proposed rulemaking may be withdrawn and a new one issued. The preliminary draft is next reviewed within the bureau as outlined in section IIA above.

C. Final Draft. The regulatory office will then prepare a final draft of the regulation which will be reviewed within the bureau and Office of the Secretary as outlined in section II.B above. For some regulations, an Economic Impact Statement may be prepared in accordance with Treasury Directive 50-04.D, "Inflation Impact Statements for proposed Legislation, Regulations or Rules", dated October 8, 1976.

D. Federal Register Publication.
(1) After approval of the final regulation by the Office of the Secretary, it is returned to the regulatory office, certified, and sent to the Federal Register for publication. The U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms, and the Internal Revenue Service also publish final regulations in their own publications.
(2) Final regulations will ordinarily be effective not less than 30 days after publication in the Federal Register. A bureau may, however, under 5 U.S.C. 553(d), determine that an earlier effective date is necessary.
(3) After Federal Register publication, the regulation is incorporated into the next annual revision of the appropriate title of the Code of Federal Regulations.
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the purposes of this Directive, are divided into three categories. The first category consists of internal directives, generally published in "Treasury directives systems. The second consists of regulations which impact on the public and which are published in the Federal Register and codified in the Code of Federal Regulations. The third consists of notices and other essentially nonpermanent matters published in the Federal Register but not codified in the Code of Federal Regulations. The policies set forth in paragraph 7 and the responsibilities assigned by paragraph 14 of this Directive govern all three categories. The military or police of this Directive is to implement Executive Order 12044. In recognition of this, the criteria and procedures described in paragraphs 8 through 13 relate principally to the second category of regulations.

b. The Secretary and other policy officials of the Department are to certify whether the criteria and procedures set forth in paragraphs 8 through 13 do not apply to:

(1) Internal management documents issued in the Department of the Treasury Directives Manual, the Treasury Personnel Manual, the Treasury Fiscal Requirements Manual, the Treasury Procurement Regulations, and similar or related constituent unit directives systems;

(2) Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 558, 557); and

(3) Regulations issued with respect to a Foreign Affairs function of the United States.

c. Notice section material. Materials which are published in the Notice section of the Federal Register are also not subject to the criteria and procedures in paragraphs 8 through 13. The Federal Register publication of these materials shall include an express statement to the effect that the published material does not meet the Department's criteria for significant regulations.

d. Waiver. The provisions of paragraphs 8 through 13 may be waived with respect to regulations, otherwise subject to those provisions, when the regulations are issued in response to an emergency, or are governed by short-term deadlines imposed by a statute or judicial decision. However, when such waiver is necessary, the Federal Register publication of the regulation shall include a statement of the waiver or contrary to the public interest to follow the procedures of this Directive, together with the name and title of the policy official responsible for the determination.

6. Effective date. The provisions of this Directive are effective as of May 22, 1978. However, any regulation in the process of preparation on that date, as of September 1, 1978, either is published in the Federal Register in proposed form, or has been, or was scheduled to be, the subject of a public hearing, will not require a work plan (paragraph 9.d.) or a regulatory analysis (paragraph 9.b.) unless otherwise directed by higher authority. This period of transition is provided in order that the issuance of any regulation, which has already been published or is now close to publication as a notice of proposed rulemaking, will not be delayed. Also, in the case of any regulation on which work has been commenced prior to May 22, 1978, but which has not been published in proposed form, or has not been, or has not been scheduled to be, the subject of a public hearing, a work plan will not be required until further work is performed with respect to that regulation.

7. Policy. It is the policy of the Department of the Treasury that the spirit as well as the letter of Executive Order 12044 be followed in the development of regulations. To achieve this objective, regulations shall be developed through a process which ensures that:

a. The need for, and the purposes of, the regulation are clearly established;

b. The Secretary and other policy officials are able to exercise effective oversight;

c. Opportunity exists, as otherwise required, for early participation and comment by other Federal agencies, State and local governments, businesses, organizations, and individual members of the public;

d. Meaningful alternatives are considered and analyzed before the regulation is issued; and

e. Compliance costs, paperwork and other burdens on the public are minimized.

8. Criteria for Significant Regulations. Each regulation or amendment to an existing regulation which is to be (or has been) issued by the Department of the Treasury or a component thereof, published in the Federal Register, and codified in the Code of Federal Regulations is considered to be a significant regulation. Any document which is not published in the Federal Register, or published there, but not codified in the Code of Federal Regulations, is not significant and may not be a regulation. A Regulation which would otherwise be eligible for consideration as a significant regulation may be deemed, with Secretarial approval, to be determined not to be a significant regulation. Such determination shall be expressly justified. Examples of qualifying justifications are the following. The regulation or amendment:

a. Is required to implement a statute, an international agreement, a court order, or implementation of another agency, bureau, or office, and no substantial element of discretion is afforded the rulemaker;

b. Is non-substantive;

c. Is essentially procedural;

d. Does not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected thereby;

e. Is addressed to, and primarily impacts, Federal officials or employees, and not the general public, business entities or State and local governments.

9. Development or Review of Regulations—a. Approval to develop or review regulations. No action, other than preliminary studies, on any regulation which is to be, or has been, published in the Federal Register and codified in the Code of Federal Regulations, shall be undertaken without Secretarial approval of a work plan.

b. Work plan to be furnished the Secretary. The initiating office wishing to gain approval of such a regulation project shall prepare a work plan in memorandum form from the bureau or office head, through the appropriate policy review officials to the Secretary. Each work plan shall be serially numbered by the bureau or office. The work plan shall contain the following information:

(1) A description of the subject matter of the regulation project and whether a new regulation, or revision or rescission of an existing regulation is proposed;

(2) A justification of the need for a new or revised regulation or other action proposed;

(3) The statutory basis for the regulation;

(4) The name and telephone number of a knowledgeable official;

(5) If applicable or possible, a statement of whether a regulatory analysis will be prepared, or a statement as to when and how it will be determined whether such an analysis will be prepared;

(6) A brief description of the policy issues involved;

(7) A brief discussion of potential alternative approaches to be explored for solving the issue(s);

(8) The plan for obtaining public comments, which shall address whether a public hearing or conference will be held; and

the target dates for completion of the following steps in the development of the regulation:

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in October of each year, and may publish a supplement at any time. The head of each bureau or office shall submit the semiannual agenda, or supplement thereto, for the semiannual rulemaking publication by signing below the subscription, “By direction of the Secretary of the Treasury.”

(a) Completion of advance notice of proposed rulemaking or notice of intent (if any), and proposed publication date for such notice;
(b) Completion of the draft regulatory action and the preliminary draft of the notice of proposed rulemaking;
(c) Completion of the final draft of proposed rulemaking, the period of review within Treasury, and the proposed date for publication in the Federal Register;
(d) Expiration of the period for written comments and completion of hearing, if any;
(e) Completion of the final draft of the regulatory action, if applicable, and the preliminary draft of the final rulemaking; and
(f) Completion of the final draft, the period for review within Treasury, and the proposed date for publication in the Federal Register.

(10) If applicable, the reasons why the regulation should not be considered significant in accordance with paragraph 8; and
(11) A recommendation that the work plan receive Secretarial approval.

b. Work plan for non-significant regulations. If a work plan in accordance with b.(10) above states reasons why the regulation should not be considered significant, the work plan shall fully address the matters in b.(1) through b.(5) and b.(10), and may address all other matters in an abbreviated, conclusionary manner. For example, with respect to b.(9), only the information in b.(9)(f) need be specified.

c. Approval of work plan. Any reviewing official may disapprove or direct that work plan be revised. By concurring and forwarding the work plan to the next reviewer, each reviewing official may recommend approval of the work plan as presented. Approval of a work plan is limited to the Secretarial level. The initiating office may be required to revise the work plan prior to, or as a condition of, approval. An approved work plan is a commitment by the initiating bureau or office that the regulation project will be undertaken in conformity with the approved plan. Bureau and office heads will be held accountable for carrying out the plan as approved, whether revised or amended.

d. Revision or amendment of work plan. (1) The originating office may, at any time during the development or a regulation, initiate a revision of an approved work plan. Unless the Secretary has determined the regulation not to be significant, a material, substantive revision of items (1), (2), (3), (4), (5), (6), or (8) of the work plan, prior to publication of a notice of proposed rulemaking, requires resubmission for Secretarial approval. Any such revision made to the work plan after such publication does not require resubmission, but shall be explained in connection with approval of the final regulation under paragraph 13.c. A revision of item (9) also requires resubmission, if the target dates under (a), (c), or (f) are to be delayed for more than three months. In such event, the resubmission for approval shall state the reasons for the delay. Revision of item (10) requires resubmission for Secretarial approval.

(2) Non-material, non-substantive changes in any item, and changes in item (9), other than as specified in e.(1) above, of approved work plans for significant regulations, or any changes other than to item (10) to work plans covering regulations identified as non-significant, may be accomplished by amendment. Amendments do not require Secretarial approval.

(3) Revisions or amendments to approved work plans shall be made by placing brackets “[ ]” around material to be deleted and underlining new language. This will permit immediate focus on changes or additions. Each resubmission for Secretarial approval.

f. Opportunity for public participation. As otherwise required, and in accordance with paragraph 7.c., each bureau and office shall give the public, in general, and State and local governments or their representatives, in particular, an early and meaningful opportunity to participate in the regulatory process. Bureaus and offices may consider a number of ways to provide this opportunity, including:

(1) Publishing an advance notice of proposed rulemaking;
(2) Holding open conferences or public hearings;
(3) Sending notices of proposed regulations or their representatives, in particular, an early and meaningful opportunity to participate in the regulatory process. Bureaus and offices may consider a number of ways to provide this opportunity, including:

(1) Publishing an advance notice of proposed rulemaking;
(2) Holding open conferences or public hearings;
(3) Sending notices of proposed regulations to publications likely to be read by those affected;
(4) Notifying interested parties directly. Bureaus and offices shall allow at least 60 days for comment on proposed significant regulations. If this is not possible, the regulation shall be accompanied by a brief statement of the reason why a shorter time period is necessary.

10. Semiannual Agenda—a. Schedule of semianual agenda. Each year, by September 1, starting in 1978, the head of each bureau or office shall submit to the Executive Secretary, a statement of the dates on which the bureau or office proposes to publish its semianual agenda. The Executive Secretary shall compile the Department's publication schedule on the basis of these submissions and, with Secretarial approval, submit the schedule for publication in the Federal Register on the first Monday in October of each year, starting in 1978.

b. Expiration of the period for review, consent exception. Each bureau or office shall publish its semianual agenda in accordance with the schedule published in the Federal Register.

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c. Discretion. In addition to the specific criteria in b. above, a work plan submitted for Secretarial approval may provide that a regulatory analysis shall be prepared on any proposed significant regulation or amendment to an existing regulation. The Secretaries may also direct that such an analysis be prepared as part, or as a condition, of Secretarial approval of the original or revised work plan.

d. Preparation of draft regulatory analysis. When an approved work plan requires a regulatory analysis, the originating office shall prepare a draft prior to, or at the time of, the actual drafting of the proposed regulation. The originating office shall obtain such information, expertise, assistance, or review as is necessary from any available source within and outside the Government. However, no essential data shall be sought (other than data protected from disclosure by law) from the private sector, that is, data is already available to the Government, even if in some other form. If it, nonetheless, becomes necessary to seek essential data from the private sector, it shall be sought in the most burdensome manner, and in accordance with applicable laws concerning reports by the public and the safeguarding of proprietary information. Each regulatory analysis shall contain, as a minimum, the following:

(1) A succinct statement of the problem;
(2) A description of the major alternative ways of dealing with the problem that were considered; and factors affecting the economic consequences of each alternative and a detailed explanation of reasons for choosing one alternative over the others.

e. Preparation of final regulatory analysis. The originating office shall prepare the final regulatory analysis using the same process as with the draft, to reflect changes resulting from public participation in the rulemaking process. The final regulatory analysis shall accompany the final rulemaking through all review and approval levels, including Secretarial approval.

f. Availability. An explanation of the regulatory approach selected or favored and a short description of other alternatives considered shall be included in both the notice of proposed rulemaking and the final rulemaking. Also, a statement shall be included as to how the public may obtain a copy of the draft or final regulatory analysis.

13. Approval of regulations—a. Proposed regulations. Each advance notice of proposed rulemaking, or notice of intent to hold a public hearing, or notice of intent to make a final rulemaking, or notice of intent to hold a public hearing, or notice of intent to make a final rulemaking, or notice of intent to hold a public hearing shall be included in the notice that the regulation does not meet the Treasury criteria for a significant regulation. In such instances, the statement shall be included in the notice that the regulation does not meet the Treasury criteria for a significant regulation.

b. Nonsignificant final regulations. Final regulations which have been determined not to be significant in an approved work plan shall be signed by the bureau or office head, approved, if otherwise required, by the appropriate policy officials, and submitted by the bureau or office to the Federal Register for publication. The final rulemaking shall include a statement that the regulation does not meet the Treasury criteria for a significant regulation, or the Secretarial determination that the regulation should be approved for publication in the Federal Register. The Secretarial determination shall be requested by a memorandum from the appropriate policy official. The memorandum shall contain or transmit the following:

(1) The justification of the need for the new or revised regulation or other final action;
(2) A brief discussion demonstrating the adequacy of consideration given to both the direct and indirect effects of the regulation;
(3) A brief discussion of alternative approaches considered and the reasons why those chosen are considered the least burdensome of the acceptable alternatives;
(4) Evidence that public comments received during the development of the regulation have been considered and that an adequate response has been prepared, addressing the issues raised by the comments;
(5) Documentation of new reporting burdens or recordkeeping requirements necessary for compliance;
(6) A plan for evaluating the effectiveness of the regulation after its issuance;
(7) A copy of the final regulatory analysis, where applicable; and
(8) A recommendation for Secretarial authorization to publish the regulation.

Approval of the recommendation to authorize publication of the regulation will evidence that the Secretary has determined the regulation to be needed and that all steps preliminary...
to publication have been satisfactorily completed. It will also evidence that the regulation has been reviewed, that it is written in plain English, and that it contains the name, address, and telephone number of a knowledgeable, responsible official. After approval, the regulation shall be submitted to the Federal Register for publication by the bureau or office.

14. Responsibilities—a. Heads of bureaus and offices shall ensure that:

(1) The initiation, preparation, publication, and review of regulations by their respective organizations are conducted in accordance with this Directive;

(2) Proposed regulation projects, which require a work plan, are submitted for Secretarial approval with well-articulated work plans responsive to the requirements of this Directive and that work plans are accomplished as approved and by the specified target dates; and

(3) The President's objectives as expressed in Executive Order 12044 and this Directive are met as fully as possible.

b. Under Secretaries, the General Counsel, and Assistant Secretaries shall ensure that heads of bureaus and offices reporting to them receive the cooperation and assistance they may require to carry out their responsibilities under this Directive, and that every responsibility is carried out.

c. The Assistant Secretary for Economic Policy and, where appropriate, the Assistant Secretary for Tax Policy shall assist and cooperate with heads of bureaus and offices in preparing regulatory analyses, when required, and review, and advise the Secretary on, the adequacy of such analyses. The Office of Tax Analysis shall prepare those portions of regulatory analyses respecting Internal Revenue Service regulations dealing with economic consequences.

d. The Executive Secretary shall serve as the principal point of contact with the Office of Management and Budget and other agencies on the implementation of regulations and provide staff support to the Secretary by:

(1) Compiling and publishing the annual listing of semiannual agenda publication dates;

(2) Reviewing work plans;

(3) Maintaining a current file of approved work plans;

(4) Monitoring bureau and office publication and compliance with semiannual agendas and, for that purpose, maintaining a current file of published agendas;

(5) Reviewing, and maintaining a current file of, regulatory analyses in draft and final form;

(6) Reviewing final rulemaking requests and ensuring that each such request and final rule complies with this Directive and is ready for Secretarial approval; and

(7) Monitoring and evaluating the effectiveness of this Directive, in terms of the Executive Order which it implements, and providing a report on such effectiveness to the Secretary by January 15, 1980.

15. Judicial Review—Nothing in this Directive is intended to provide new grounds for judicial review or to be interpreted as superseding any existing statutory obligation governing rulemaking.


17. Office of Primary Interest—Office of the Executive Secretary, Immediate Office of the Secretary.

W. Michael Blumenthal.

PART THREE

LIST OF EXISTING REGULATIONS SELECTED FOR INITIAL REVIEW

The following Department of the Treasury regulations have been selected for the initial review required by section 5(a)(4) of Executive Order 12044. The regulations are listed by bureau or office, in alphabetical order, and are identified by: (1) Code of Federal Regulations (CFR) or United States Code (U.S.C.) citation; (2) title or subject matter; and (3) the reasons for the proposed review based on the numbered criteria of paragraph 11a. of the proposed directive set forth in part Two.

A. BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

(1) 27 CFR part 4, Labeling and advertising of wine (10).

(2) 27 CFR part 5, Labeling and advertising of distilled spirits (10).

(3) 27 CFR part 6, Inducements furnished to retailers (10).

(4) 27 CFR part 7, Labeling and advertising of malt beverages (10).

(5) 27 CFR part 201 subpart Q, Distilled spirits plants, stamps (1).

(6) 27 CFR part 211, Distribution and use of denatured alcohol and rum (10, 11).

(7) 27 CFR part 213, Distribution and use of tax-free alcohol (10, 11).

(8) 27 CFR part 240, Wine (10, 11).

(9) 27 CFR part 245, Beer (10, 11).

B. COMPTROLLER OF THE CURRENCY

(1) 12 CFR part 1, Investment securities regulations (2).

(2) 12 CFR 4.1a, Central and field organization; delegations (4).

(3) 12 CFR part 7 subpart B, Loans secured by real estate (1, 4).

(4) 12 CFR part 9, Fiduciary power of national banks and collective investment funds (4).

C. CUSTOMS SERVICE

(1) 19 CFR part 4, Vessels in foreign and domestic trades (10, 11).

(2) 19 CFR part 6, Air commerce regulations (10, 11).

(3) 19 CFR part 7, Customs relations with insular possessions and Guantanamo Bay Naval Station (10, 11).

(4) 19 CFR parts 12, Special classes of merchandise (1).

(5) 19 CFR part 11, Packing and stamping; marking (10, 11).

(6) 19 CFR part 12, Special classes of merchandise (10, 11).

(7) 19 CFR part 18, Transportation in bond and merchandise in transit (10, 11).

(8) 19 CFR part 19, Customs warehouses, container stations, and control of merchandise therein (10, 11).

(9) 19 CFR part 22, Drawback (10, 11).

(10) 19 CFR part 24, Customs financial and accounting procedure (10, 11).

(11) 19 CFR part 54, Certain importations temporarily free of duty (10, 11).

(12) 19 CFR 4.71 and 6.8, Exportation of livestock by air (10).

(13) 19 CFR 6.14(d), Color of aircraft to be furnished Customs (10).

(14) 19 CFR parts 10, 12, 162, 171, and 172, Relief from fines, penalties, forfeitures, and liquidated damages (2).

(15) 19 CFR 101.3, Realignment of Customs stations; extension of port of entry limits (2, 4).

(16) 19 CFR 101.4, Elimination of Customs stations; designation of ports of entry (2, 4).

(17) 19 CFR part 103, Availability of information (1).

(18) 19 CFR 111.30, Annual status report/customhouse brokers (1).

(19) 19 CFR 141.89, Classification of imported footwear (7).

(20) 19 CFR part 146, Foreign Trade Zone processing costs (9).

(21) 19 CFR 152.24, American selling price for footwear (2).

(22) 19 CFR 6.7(d), Foreign repairs and equipment purchases by U.S. aircraft (3).

(23) 19 CFR 123.9, Correction of manifest; border traffic (9, 10).

(24) 19 CFR 4.22 and part 148, Conforming amendments required by Panama Canal Treaty (1).

(25) 19 CFR part 8, Control of aircraft liquor kits (6, 10, 11).

(26) 19 CFR part 8, Designation of international and landing rights airports (4).

(27) 19 CFR 6.2(a), Compensation for aircraft inspection at other than international airports (10).

(28) 19 CFR 6.10, Use of navigation lights by aircraft from contiguous foreign country (10).

(29) 19 CFR 6.13, Revocation of international airport status—Akron, Ohio (4).

(30) 19 CFR parts 10, 18, 19, 54, 112, 148, and 151, Record retention requirements (10).
IMPROVING ACTION REGULATIONS

Response to Executive Order 12044

AGENCY: ACTION.

ACTION: Request for Public Comment.

SUMMARY: ACTION is issuing this notice to obtain comments on its proposal for implementing Executive Order No. 12044, Improving Government Regulations (43 FR 12661, March 24, 1978) “the Executive
Order”. The proposals include procedures for developing new regulations and analyzing their potential impact, revising existing outdated or burdensome regulations, and increasing public participation in the development of regulations. New regulations will include a statement classifying them as major, significant, or non-significant.

DATE: Comments by July 31, 1978.

ADDRESS: Send comments to Harry N. MacLean, General Counsel, ACTION, Room M-607, 806 Connecticut Avenue NW., Washington, D.C. 20525, 202-254-3116.

FOR FURTHER INFORMATION CONTACT:


DRAFT REPORT:

I. Background
II. Proposals for Implementation
III. Comment Procedure

I. BACKGROUND

In the Executive Order the President directed each Executive Agency to improve existing and future regulations so that they are clear, effective, efficient, and not unnecessarily burdensome. The Director of ACTION supports the objectives of the Executive Order, especially the objective of providing for early and meaningful public participation in the development of ACTION regulations.

Public awareness of and participation in ACTION programs focuses on the agency's assignment of Volunteers in Service to America (VISTA) to public agencies and private nonprofit organizations, the award of grants to operate Older American Volunteer Programs (OAVP) to such agencies and organizations, and the assignment of Peace Corps Volunteers for service abroad.

ACTION's proposals for improving its regulations emphasize the goals of early participation by interested members of the public in the development of clearly written regulations.

For purposes of the draft report, “regulations” include advance notices of proposed rulemaking, proposed regulations, final regulations, and guidelines which are published in the Federal Register.

II. PROPOSALS FOR IMPLEMENTATION

This draft report outlines ACTION’s response to Section 5 of the Executive Order, Implementation. In accordance with the requirements of Section 6 of the Executive Order, Coverage, this draft report covers regulations concerning grants awarded by ACTION. Regulations concerning volunteers are exempt from coverage under Section 6(b)(3), as they are matters related to agency management and personnel. The draft report proposals are divided into the four (4) areas described in Section 5.

1. A BRIEF DESCRIPTION OF THE PROCESS FOR DEVELOPING REGULATIONS AND THE CHANGES THAT HAVE BEEN MADE TO COMPLY WITH THE EXECUTIVE ORDER.

In the past, ACTION has not used a formal process to develop regulations. The agency intends to set up a process in which:

a. Employees responsible for initiating and implementing agency programs and policies will propose the regulation and indicate whether they consider the proposed regulation significant;

b. A working group composed of representatives of the Evaluation Division of the Office of Policy and Planning, the Office of Administration and Finance, the Office of General Counsel, and the relevant program office (Domestic and Anti-Poverty Operations, International Operations, Policy and Planning, Voluntary Citizen Participation) will evaluate the proposed regulation to determine whether a regulation is necessary to accomplish the stated purpose, to examine alternatives to the issuance of the proposed regulation, and to determine the potential effect of the proposed regulation on agency policy and the public;

c. If the working group finds that the proposed regulation is significant, a notice and brief synopsis of the proposed regulation will be published in the Federal Register setting a time 60 days later and place for an open meeting at which interested members of the public may submit oral and/or written comments; comments will also be solicited from state and local governments or their representative organizations through notices in their trade journals; if it is not deemed significant, a notice providing for a 60-day comment period only will be published in the Federal Register;

d. The Director of Communications, or her designee, will review and edit the proposed regulation to ensure that it is clearly and simply written;

e. The General Counsel, or his designee, will review the proposed regulation to ensure that it is legally sufficient and consistent with agency policy;

f. After the meeting or at the end of the comment period, the working group, the Director of Communications (or her designee) and the General Counsel, or his designee, will review the proposed regulation and the comments received in response to the Federal Register and trade journal notices; if it is deemed significant it will be forwarded to the Director of ACTION with information sufficient for him to determine whether:

(1) There is a need for such a regulation;

(2) There are direct and indirect effects of such a regulation;

(3) The issuance of such a regulation is the least burdensome of the listed alternatives considered;

(4) Public comments have been considered and responded to adequately;

(5) The regulation is written in plain English and understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens and record-keeping requirements necessary for compliance with it;

(7) The name, address, and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed by the Evaluation Division of the Office of Policy and Planning;

g. When the Director is satisfied that the proposed regulation is significant regulations under paragraph f have been met, he shall sign the regulation and it shall be published in the Federal Register as a final regulation; if the proposed regulation is not significant, it will be forwarded to the responsible official for signature and publication as a final regulation in the Federal Register.

2. THE PROPOSED CRITERIA FOR DEFINING SIGNIFICANT AGENCY REGULATIONS

An ACTION regulation concerning grant eligibility, grant requirements, or other grant-related factors, will be considered significant if it falls within one or more of the following categories:

a. the regulation causes substantial public interest or controversy;

b. the regulation affects an important agency policy or program;

c. The regulation imposes substantial compliance and reporting requirements.

3. THE PROPOSED CRITERIA FOR IDENTIFYING WHICH REGULATIONS REQUIRE REGULATORY ANALYSIS

ACTION does not issue regulations with major economic consequences which will result in (a) an annual effect on the economy of $100 million or more; or (b) a major increase in costs or prices for individual industries, levels of government or geographic regions. Therefore, no criteria are proposed. If, in the Director's discretion, a regulatory analysis is necessary, ACTION will establish and publish criteria at that time.

4. THE PROPOSED CRITERIA FOR SELECTING EXISTING REGULATIONS TO BE REVIEWED AND A LIST OF REGULATIONS THAT THE AGENCY WILL CONSIDER FOR ITS INITIAL REVIEW

a. ACTION's proposed criteria for selecting existing grant-related regulat-
tions to be reviewed will be the same as those for defining significant regulations:
(1) The regulation causes substantial public interest or controversy; or
(2) The regulation affects an important agency policy or program; or
(3) The regulation imposes substantial compliance and reporting requirements.

b. ACTION will consider for its initial review the following regulations:
(1) 45 CFR § 1209.2-3, Retired Senior Volunteer Program (RSVP) Cost Sharing. This regulation section sets forth required percentages of local cost sharing for ACTION-funded RSVP grants. The agency proposes to alter both the policy of requiring local cost sharing and the RSVP program by rescinding § 1209.2-3 and abolishing the local cost sharing requirement.
(2) 45 CFR Part 1206, Grants and Contracts—Suspension and Termination and Denial of Application for Refunding. This part sets forth the rules and procedures for the suspension and termination of financial assistance to grantees and for the denial of applications for refunding of continuation grants. There are no current proposals to alter agency policy regarding this part, but ACTION intends to review the regulation and examine its impact on affected grantees.
(3) 45 CFR Part 1222, Participation of Project Beneficiaries. This part provides the requirements for the meaningful participation of specified project beneficiaries in the planning, development, and implementation of project activities. ACTION will review the requirements of this part as they affect project beneficiaries who receive assistance from the Office of Policy and Planning to run demonstration grant programs.
c. In addition to reviewing existing published regulations, ACTION intends to review the agency's internal directives that affect grant assistance and recipients to determine whether any such directives should be developed and published in accordance with the regulation development process described in this draft report.
d. ACTION will publish semiannually an agenda of significant regulations under development or review. On October 2, 1978, ACTION will publish a schedule in the Federal Register showing the dates during fiscal year 1979 when the semiannual agenda will be published. Each agenda will:
(1) Be approved by the Director of ACTION prior to publication;
(2) Describe the existing or proposed regulations being considered;
(3) Explain the need and legal basis for the action being taken;
(4) Contain the status of regulations previously listed on the agenda; and
(5) Include the name and telephone number of a knowledgeable agency official.

III. COMMENT PROCEDURE
ACTION invites interested members of the public to participate in the development of the procedures to implement the Executive Order. Written comments should be submitted to Harry N. MacLean, General Counsel, ACTION, Room M-607, 806 Connecticut Avenue NW., Washington, D.C. 20525. Indicate “Executive Order Comments” on the envelope. ACTION will consider all comments received by July 31, 1978, before taking further action on these matters.
The procedures and policies contained in this draft report, unless extended, will expire on June 30, 1980.
SAM BROWN, Director.

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