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MONDAY, JUNE 26, 1978



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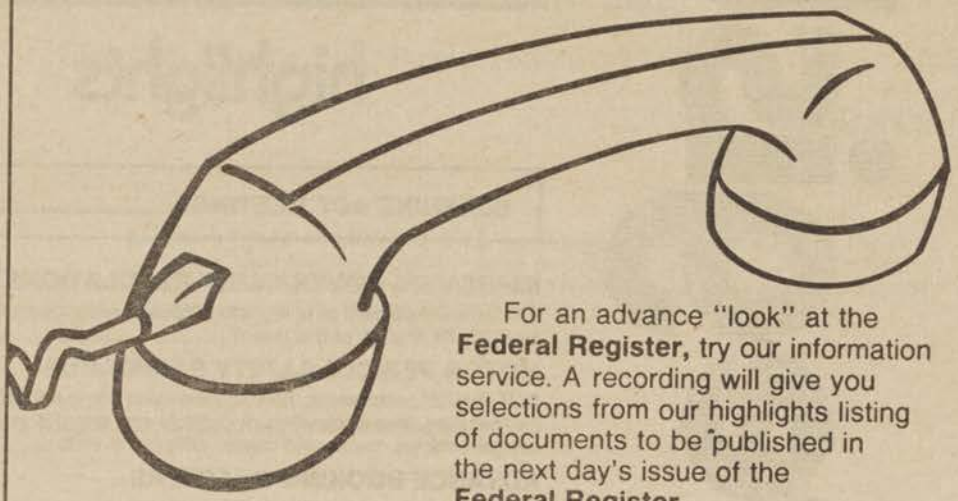
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[6110-01]

Title 1—General Provisions

CHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PART 305—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Miscellaneous Amendments

AGENCY: Administrative Conference of the United States.

ACTION: Recommendations.

SUMMARY: The Administrative Conference of the United States was established by the Administrative Conference Act, 5 U.S.C. 571-576, to study the efficiency, adequacy, and fairness of the administrative procedure used by administrative agencies in carrying out administrative programs, and to make recommendations for improvement to administrative agencies, collectively or individually, to the President, Congress, and the Judicial Conference of the United States (5 U.S.C. 574 (1)). The Administrative Conference of the United States at its Seventeenth Plenary Session, held June 8-9, 1978, adopted three recommendations. Recommendation 78-1 makes proposals for reducing delay in ratemaking cases, including use of rulemaking for resolution of generic issues, systematic collection of relevant data, and encouragement of settlements. Recommendation 78-2 makes a series of recommendations for improved handling of social security disability claims. Recommendation 78-3 expresses the Conference's conclusion that while reasonable timetables or deadlines for the completion of administrative proceedings can help reduce delay, it is preferable that such time limits be established by the agencies rather than by statute.

DATES: These recommendations were adopted June 8-9, 1978, and issued June 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard K. Berg, Executive Secretary, 202-254-7065.

1. The table of contents to Part 305 of Title 1, Chapter III, CFR is amended to add the following sections:

Sec.
305.78-1 Reduction of delay in ratemaking cases (recommendation No. 78-1).
305.78-2 Procedures for determining social security disability claims (recommendation No. 78-2).
305.78-3 Time limits on agency actions (recommendation No. 78-3).

2. Section 305.78-1 is added to Part 305 to read as follows:

§ 305.78-1 Reduction of delay in ratemaking cases (recommendation No. 78-1).

(a) The time regulatory agencies take to make decisions is widely criticized. Rate cases—that is, cases in which an agency must consider whether to approve a proposed schedule of charges for particular services—aptly illustrate the need to explore ways of making sound decisions more quickly. Because rate cases differ in kind and complexity, as well as in their immediate and future consequences, subjecting the decision process to unvarying time limits would be unwise. Nevertheless, steps that will reduce delays without jeopardizing the agencies' ability to bring relevant considerations to bear on the decision of each case are urgently needed.

(b) Delay in the ratemaking process occurs chiefly at two points:

(1) Developing the underlying data, a task shared by the proposer of rates, the agency staff, and other participants in the proceedings, and (2) writing and issuing opinions to support the agency's decision when finally made.

(c) The present recommendation urges utilizing rulemaking procedures to achieve a single resolution of issues that would otherwise arise in many separate cases. In this respect the recommendation builds upon the Conference's previous conclusion (recommendation 73-6) that licensing agencies should adopt generic procedures to resolve "environmental issues common to more than one application and appropriate for across-the-board treatment." If this were done in ratemaking matters, both of the main areas of delay noted above could be narrowed.

(d) The present recommendation also reaffirms the Conference's earlier judgment (recommendation 72-4) that "[s]ettlement of rate proceedings by agreement among the parties * * * is appropriate and desirable if the agency * * * is in a position to determine that the disposition is in the public interest." Implicit in the 1972 recommendation was the recognition, here explicitly stressed, that the interests of unrepresented groups must be considered before a settlement is approved. Increased emphasis upon settlement of cases should reduce the need for formal decisions and opinions.

(e) The recommendation calls on ratemaking agencies to collect data systematically rather than episodically as cases arise. Computer-based data collection and processing programs have the potential to improve both the speed and quality of rate determinations in some agencies. These techniques should be emulated whenever the mass or complexity of statistical material limits the prompt resolution of issues.

(f) The purpose of this recommendation is to improve ratemaking proceedings for the benefit of those regulated as well as for the benefit of the users of regulated services, by adding to the efficiency of ratemaking agencies. It is not intended that adoption of this recommendation in anyway expand the scope of regulation, have any adverse competitive impact, or add unduly to the costs of producing information.

RECOMMENDATION

A. USE OF RULEMAKING FOR GENERIC ISSUES

1. An agency charged with responsibility for setting or approving rates should identify policy issues that may arise repetitively and that may be appropriate for a generalized determination instead of individualized judgment. Examples might be deciding the proper treatment of tax credits, the proper use of automatic adjustment clauses, the cost of equity capital, the desirability of differential rates for residential and business customers, and the propriety of "lifeline" rates for poor or low volume users. Ratemaking agencies should, as to issues of that type, commence proceedings that will eventuate in rules adopted and published in accord with the requirements of the Administrative Procedure Act. The determinations reflected in the published rules should be binding in subsequent individual cases, but the agency should by rule provide that parties may seek different treatment upon a compelling showing that application of the general rule is not appropriate.

2. A ratemaking agency must of course reexamine its generic determinations when pertinent technological or economic circumstances change or when freshly available information indicates the need for further thought. Reexamination should ordinarily take place in another rulemaking proceeding. Where, however, the agency acts to

reexamine in whole or in part a rule embodying a generic conclusion, individual rate proceedings that involve an issue then under restudy should ordinarily go forward to a decision without awaiting the conclusion of the new rulemaking proceeding; the parties should be permitted to litigate the issue in the individual case unless completion of the rulemaking proceeding is imminent and decision of the individual case would therefore need to be only briefly postponed.

B. SYSTEMATIC COLLECTION OF DATA

1. An agency charged with responsibility for setting or approving rates should design means of accumulating on a continuing, periodic basis the kind of data that must now be submitted in support of rate change requests. These include, for example, general cost information, capital needs projections, data on actual receipts and estimates of growth of demand. The information should be obtained through restructuring of existing reporting formats in order to avoid increasing the regulated firm's paperwork burden. Agencies should assure that the information sought is likely to be of direct and focused relevance to forthcoming rate proceedings, and that the agency expects to make prompt use of the data. Accumulated information should be accessible to the public, to the extent permitted by law.

2. To assure efficient use of the information received the agencies must employ more sophisticated data processing techniques than are now in general use. The models adopted by the Commerce Department's experimental technology incentives program ("regulatory analysis model") and the Federal Energy Regulatory Commission ("regulatory information system") constitute helpful examples.

C. SETTLEMENT OF RATE CASES

Agencies charged with ratemaking responsibility should encourage the parties to controverted rate cases to settle them by agreement. Negotiated settlements must, however, take account of public interests other than those of the immediate disputants. Procedures to assure this may vary with circumstances and the agency. Authority to approve or disapprove settlements must be retained as a safeguard against unwise or improper settlements.

3. Section 305.78-2 is added to Part 305 to read as follows:

§ 305.78-2 Procedures for determining social security disability claims (recommendation No. 78-2).

(a) For at least two decades the Social Security Administration's hearings and appeals processes, particularly those for determining disability claims which account for 90 percent of all hearings, have been the subject of study, debate, and critical comment. Suggestions for improvement of these processes abound. It has been proposed that social security hearings be exempted from the formal hearing requirements of the Administrative Procedure Act; that administrative law judges not be used to decide these cases; that the decisions be made not after "hearing," but after "examination" by a panel of experts; that the hearing process be retained, but made fully adversary; that one or another level of agency review be abolished; that judicial review be precluded or shifted to magistrates or to an article I court; that the substantive standard be changed, or at least sharpened by the development of regulations or precedent decisions.

(b) The National Center for Administrative Justice has recently concluded the most comprehensive study yet undertaken of the social security hearings and appeals system. In developing the present recommendations, the Administrative Conference has reviewed and built upon that study, the general conclusion of which is that, given existing information, the more dramatic proposals for reform of the system are inadvisable. While the problems that have been identified by others do in various degrees infect the Social Security hearings and appeals system, the difficulties are not so overwhelming that the proposal of a markedly different system is required. Hence the recommendations that follow are for the most part interstitial and conservative. Their purpose is to prescribe improvements while reinforcing sound practice.

RECOMMENDATIONS

A. DECISIONAL BODY

1. The use of administrative law judges appointed in conformity with the Administrative Procedure Act to decide disability claims should be continued.

2. The Bureau of Hearings and Appeals (BHA) possesses and should exercise the authority, consistent with the administrative law judge's decisional independence, to prescribe procedures and techniques for the accurate and expeditious disposition of Social Security Administration claims. After consultation with its administrative law judge corps, the Civil Service Commission, and other affected interests, BHA should establish by regulation the agency's expectations concerning the administrative law judges' performance. Maintaining the administrative law judges' decisional independence does not preclude the articulation of appropriate productivity norms or efforts to secure adherence to previously enunciated standards and policies underlying the Social Security Administration's fulfillment of statutory duties.

B. EVIDENTIARY DEVELOPMENT

1. Although evidence must sometimes be collected after the administrative law judge hearing, prehearing development often may be necessary for an informed and pertinent exchange at the hearing. Administrative law judges should not therefore adopt an invariant policy of post-hearing development, but should develop the record during the prehearing stage whenever sound discretion suggests that such development is feasible and useful.

2. The Bureau of Hearings and Appeals should experiment with wider use of prehearing interviews as a means for case development and in order to provide increased opportunity for grants of benefits without the necessity of a hearing. Due regard should be paid to the convenience of the claimants and to the need for a suitable record of such interviews.

3. Better use should be made of treating physicians as sources of useful information. In this regard, Bureau of Hearings and Appeals should make more frequent use of available, standard-form questionnaires to treating physicians. And when the Bureau of Hearings and Appeals finds that consulting physicians' reports conflict with evidence supplied by treating physicians, it should inform claimants of the opportunity to have their treating physicians comment in writing on the consulting physicians' reports.

4. The Bureau of Hearings and Appeals should make better use of claimants as sources of information by: (a) Providing them with available State agency reasons for denial; (b) providing notice of the critical issues to be canvassed at the hearing; and (c) engaging in careful and detailed questioning of the claimant at the hearing.

5. In the absence of regulations structuring the administrative law judge's discretion when evaluating vocational factors, administrative law judges should take official notice at the hearing of vocational facts that can be established by widely recognized documentary sources or on the basis of agency experience.

6. When vocational experts are called as witnesses they should be examined in detail concerning: (a) the claimant's job-related skills; (b) the specific jobs that exist for persons with the claimant's skills and functional limitations; and (c) the number of regional location of jobs that the claimant can perform.

7. Claimants should not be asked to waive their rights to see evidence developed after the hearing.

8. Congressional inquiries should be processed by Bureau of Hearings and Appeals offices in a manner that will avoid any suggestion of preferential treatment of claimants either in the scheduling or outcome of hearings.

C. MONITORING, MANAGEMENT, AND CONTROL OF THE HEARING PROCESS

1. The Appeals Council should exercise review on the basis of the evidence established in the record before the administrative law judge. If a claimant wishes to offer new evidence after the hearing record has been closed, petition should be made to the administrative law judge to reopen the record. Where new evidence is offered when an appeal is pending in the Appeals Council, the Appeals Council should make that evidence a part of the record for purposes of the appeal only if a refusal to do so would result in substantial injustice or unreasonable delay.

2. The Social Security Administration should devote more attention to the development and dissemination of precedent materials. These actions include: (a) Regulatory codification of settled or established policies; (b) reasoned acquiescence or nonacquiescence in judicial decisions; (c) publication of fact-based precedent decisions; (d) periodic conferences of administrative law judges for discussion of new legal developments or recurrent problems.

3. The Bureau of Hearings and Appeals should continue an aggressive quality assurance program to identify errors, determine their causes and prevent their recurrence.

D. JUDICIAL REVIEW

When seeking a "Secretary-initiated" remand, pursuant to section 205 of the Social Security Act, the Secretary should state the reasons for each request.

E. REPRESENTATION

1. Bureau of Hearings and Appeals offices should fully inform claimants prior to the hearing of the availability of counsel and lay representation and of the means by which they may obtain counsel or representation in their local area on a fee or no-fee basis.

2. The Bureau of Hearings and Appeals should assist and cooperate with appropriate organizations in the development of training programs for attorneys and lay representatives.

4. Section 305.78-3 is added to Part 305 to read as follows:

§ 305.78-3 Time limits on agency actions (recommendation No. 78-3).

(a) Eliminating undue delay in administrative procedures has long been a public concern. Congress addressed the problem in general terms in the Administrative Procedure Act in 1946. Section 6(a) of the original Act required each agency to conclude any matter presented to it "with reasonable dispatch." Section 10(e)(A) of the Act authorized a reviewing court to enforce this command by compelling agency action "unlawfully withheld or unreasonably delayed." Although these two sections (now codified as section 555(b) and section 706(1) of Title 5) contain enforceable prohibitions against unlawful or unreasonable delay, they have contributed little to the reduction of delay. Because what constitutes unlawful or unreasonable delay is not readily ascertainable, courts have afforded relief from administrative dilatoriness only occasionally and in egregious cases. Courts have also recognized that the present statutory provisions are too general to deprive agencies of the broad discretion they need to allocate limited resources among competing demands for official attention.

(b) Frustration over the inability of agencies and courts to speed the course of administrative proceedings has occasionally led Congress to adopt a somewhat mechanistic approach to the problem. In recent years Congress has with increasing frequency enacted statutory provisions that require particular agencies to complete adjudicatory or rulemaking proceedings within prescribed periods of time. In these instances, the statutory limits are stated in terms of specific numbers of days or months; the statutes also identify the categories of agency proceedings that are subject to the prescribed schedules. Congress evidently expects that if it establishes a deadline for agency action, the affected agency will meet that deadline, or will at the least complete its assigned statutory duty more promptly than it would otherwise have done.

(c) Congressional expectations that statutory time limits would be effective have remained largely unfulfilled. There has been a substantial degree of noncompliance with all the statutory time limits studied. Agency officials often view statutory timetables as unrealistically rigid demands that disregard the agency's need to adjust to changing circumstances. Practical experience at diverse agencies lends support to this appraisal.

(d) Statutory time limits tend to undermine an agency's ability to establish priorities and to control the course of its proceedings. Such limits also enable outside interests to impose their priorities on an agency through suit or threat of suit to enforce them. When asked to enforce statutory time limits, courts have recognized that an agency's observance of the prescribed limits may conflict with other requirements of law (e.g., the right of interested persons or parties to a full and fair hearing) or with the requirements of sound decisionmaking. Judges have, therefore, treated the enforcement of statutory time limits as a matter lying within their own equitable discretion despite the precisely measured language of the statutes.

(e) A recent task force study for the Senate Committee on Governmental Affairs[1] has concluded that particularized timetables or deadlines established by individual agencies to govern their own proceedings can be useful tools for reducing delays and are preferable to seemingly more rigid legislative prescriptions. This finding fully accords with those of the study underlying the present recommendation of the Administrative Conference.

RECOMMENDATION

1. Reasonable timetables or deadlines can help reduce administrative delay. Generally, it is preferable that such limits be established by the agencies themselves, rather than by statute.

2. Before determining to impose statutory time limits for the conduct of agency proceedings, Congress should give due consideration to the alternative of requiring the agency itself to establish timetables or guidelines for the prompt disposition of various types of proceedings conducted by it. It may also require that significant departure from agency adopted timetables be explained in current status reports.

3. Whether or not required to do so by statute, each agency should adopt time limits or guidelines for the prompt disposition of its adjudicatory and rulemaking actions, either by announcing schedules for particular agency proceedings or by adopting regulations that contain general timetables for dealing with categories of the agency's proceedings.

4. Congress ordinarily should not impose statutory time limits on an agency's adjudicatory proceedings. Statutory time limits may be appropriate, however, when the beneficial effect of agency adjudication is directly related to its timeliness, as may be true in certain licensing cases or in clearance of proposed private activity where a delayed decision would deprive both the applicant and the public at large of substantial benefit. If Congress does enact time limits, for cases of any type, it should recognize that special circumstances (such as a sudden substantial increase in caseload, or complexity of the issues raised in a particular proceeding, or the presence of compelling public interest considerations) may justify an agency's failure to act within a predetermined time. Statutes fixing limits within which agency adjudication must be completed should ordinarily require that an agency's departure from the legislative timetable be explained in current status reports to affected persons or in a report to Congress.

5. Congress ordinarily should not impose statutory time limits on rulemaking proceedings. Purely as a practical matter, modern rulemaking proceedings are too complex and varied, and involve too many stages, to permit fixing unyielding time frames for agency decisionmaking. Strict time limits, moreover, may foreclose the use of procedural techniques that can be valuable in enhancing the degree of public participation and insuring completeness of information.[2] Congress should therefore enact statutory time limits applicable to rulemaking only when it can be relatively specific about what it expects the agency to do, and when it intends the agency to have relatively little discretion in doing it. Congress may appropriately indicate by statute the time within which an agency should respond to individual requests to commence rulemaking, but it should avoid combining that time limit with a restriction on the discretion the agency otherwise enjoys to commence or not commence proceedings and to establish priorities for its rulemaking activities.

6. If Congress does impose a statutory time limit on agency decisionmaking, whether in adjudicatory or rulemaking matters, it should be attentive to the need for revision. A time limit considered desirable at the outset may prove to have been unrealistic because it was based on incomplete information. If realistic at the time of enactment, the limit may cease to be so with the passage of time. Statutes imposing time limits therefore should provide for periodic reconsideration by the Congress or grant the agency authority to revise the limits under standards established by the Congress.

7. If a statutory time limit is imposed, Congress should expressly state whether affected persons may enforce the time limit through judicial action and, if so, the nature of the relief available for this purpose. In cases where the time limit is intended only as a norm by which the agency's performance is to be measured, a requirement that the agency report deviations from the time limit to Congress may be a desirable means of assuring oversight of its performance.

[1] Senate Committee on Governmental Affairs, 95th Cong., 1st sess., IV Study on Federal Regulation: Delay in the Regulatory Process, 132-52 (1977).

[2] See, for example, Administrative Conference Recommendations 76-3, 72-5, and 77-3.

Dated: June 20, 1978.

RICHARD K. BERG,
Executive Secretary.

[FR Doc. 78-17641 Filed 6-23-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 18066, Amdt. 39-3256]

PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault-Breguet Aviation Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires removal and remounting of the oxygen pressure reducing valve and replacement of oxygen low pressure tubing on certain Avions Marcel Dassault-Breguet Aviation (AMD-BA) Falcon 10 airplanes. The AD is needed because the oxygen pressure reducing valve orientation allows water condensation to collect and freeze. This could prevent valve operation in the event of a cabin depressurization thereby denying occupants necessary oxygen.

DATE: Effective Date: July 11, 1978. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Falcon Jet Corp., 90 Moonachie Avenue, Moonachie, N.J. 07074. A copy of the service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Avions Marcel Dassault-Breguet Aviation (AMD-BA) has determined that the oxygen pressure reducing (PR) valve on certain AMD-BA Model Falcon 10 airplanes are mounted with their expansion chambers pointed downwards. In this position, condensation water in the oxygen PR valve expansion chamber may freeze when the airplane is at altitude and prevent the valve from operating if there should be a need for supplemental oxygen for the airplane occupants. it has been determined that by rotating the oxygen valve 180° so that the expansion chamber is pointed upwards, water condensation and the possibility of freezing is greatly reduced.

AMD-BA Service Bulletin (SB) F10-0135 dated February 11, 1977 (Rev. 2, January 4, 1978) provides modification instructions for removal and reinstallation of the oxygen PR valve and associated oxygen tubing so that the valve expansion chamber is pointed upwards. The FAA has determined that oxygen PR valve installations on Falcon 10 airplanes that are not modified in accordance with AMD-BA Service Bulletin F10-0135 are subject to water condensation and possible freezing at altitude. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued to require modification of the oxygen PR valve in accordance with AMD-BA Service Bulletin F10-0135 or an FAA-approved equivalent.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Paul A. Cormaci, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT-BREGUET AVIATION (AMD-BA). Applies to Falcon 10 airplanes serial numbers 1 through 108, except serial numbers 93, 101, and 103, certificated in all categories.

Compliance is required within the next 150 hours time in service after the effective date of this AD, unless already accomplished.

To reduce the possibility of jamming of the oxygen pressure reducing valve due to water condensation freezing in the valve expansion chamber, modify the oxygen pressure reducing valve installation in accordance with AMD-BA Service Bulletin F10-0135 dated February 11, 1977, including Revision 2, dated January 4, 1978, or a modification approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

NOTE.—The oxygen pressure reducing valve is located in the righthand side of the noise landing gear wheel well.

This amendment becomes effective July 11, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

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

Issued in Washington, D.C., on June 16, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-17534 Filed 6-23-78; 8:45 am]

[4910-13]

[Docket No. 78-NW-11-AD, Amdt. 39-3246]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Airworthiness Directive 78-09-08 (Amdt. 39-3209) requires inspection of the cabin floor support structure of Boeing Model B-747 airplanes in the vicinity of the main landing gear wheel wells, and repair if necessary. The 747 Special Freighter airplanes have been modified with new floor beams as part of an earlier freighter conversion and the threshold requirement for the initial inspection is unnecessarily burdensome to these airplanes. Therefore, the AD is revised to relax the initial inspection requirement for these airplanes based on beam cycles and not on airplane cycles.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Iven Connally, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: The 747 Special Freighter airplanes are converted passenger airplanes which had new floor beams installed at the time of conversion. There is no reason to suspect that the new beams will develop problems before 5,000 pressurization cycles. For this reason the inspection threshold is placed on the beams instead of the airplane.

DRAFTING INFORMATION

The principal authors of this document are Iven Connally, Engineering and Manufacturing Branch, and Rich-

ard Salwen, Acting Regional Counsel, Northwest Region.

Since this amendment relieves a restriction, and imposes no additional burden on any person, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) as amended by Amendment 39-3209 is further amended as follows: Revise the applicability paragraph to read as follows:

BOEING: Applies to Model 747 series airplanes certificated in all categories with more than 5,000 landings, except the 747-100 airplanes modified to the Special Freighter configuration. On 747 Special Freighter airplanes, the inspections must be initiated upon accumulation of 5,000 landings after conversion to the Special Freighter configuration. Compliance required as indicated. To prevent floor beam structural failures accomplish the following:"

This amendment becomes effective June 30, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89.)

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

Issued in Seattle, Wash., on June 14, 1978.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc. 78-17537 Filed 6-23-78; 8:45 am]

[4910-13]

[Docket No. 18070, Amdt. 39-3254]

PART 39—AIRWORTHINESS DIRECTIVES

Burkhart Grob—Model G102 Astir CS Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires replacement of the rudder control lever on certain Burkhart Grob Model G102, Astir CS gliders. The AD is needed to reduce the possibility of failure of the intermediate rudder control lever which could result in the loss of rudder control during flight.

DATES: Effective Date: July 11, 1978. Compliance is required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable Technical Information may be obtained from: Messrs. B. Grob Flugzeugbau, Industriestrasse, D-8948 Mindelheim-Mattsies, West Germany. A copy of the Technical Information is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: There have been two reports of intermediate rudder control lever failure due to high rudder control system loads on Model G102 Astir gliders which occurred after the rudder was forced against the stops. These high rudder control system loads were imposed in one case by hand during glider assembly and in the second case during ground roll out. The levers both failed at a point where lightening holes are provided through the lever body. A partially failed rudder control lever might not be detectable during preflight and could subsequently fail during flight due to gust or flight loads and results in a loss of rudder control. Since this condition is likely to exist or develop on other gliders of the same type design, an AD is being issued to require replacement of the rudder control lever on certain Model G102 Astir CS gliders.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are P. A. Cormaci, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

BURKHART GROB. Applies to Model "G102" Astir CS gliders, serial numbers 1180 through 1536, certificated in all categories, that have rudder control levers with lightening cutouts.

Compliance is required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

To reduce the possibility of failure of the intermediate rudder control lever and subsequent loss of rudder control, replace the rudder control lever in accordance with Burkhart Grob, Technical Information TM 102-8, dated November 28, 1977, or equivalent approved by the Chief, Aircraft Certification Staff, FAA Europe, Africa and Middle East Region.

This amendment becomes effective July 11, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

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

Issued in Washington, D.C., on June 16, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-17533 Filed 6-23-78; 8:45 am]

[4910-13]

[Docket No. 78-CE-11-AD; Amdt. 39-3250]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 340, 402, 404, 414 and 421 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), applicable to certain Cessna 340, 402, 404, 414, and 421 series airplanes. The AD requires a one-time visual inspection of passenger seats for proper assembly and installation and correction, if necessary. This action will assure structural integrity of forward and aft facing passenger seats and will preclude failures which could result in injury in those situations wherein the seats and seat belts are relied on to restrain the passengers.

EFFECTIVE DATE: July 5, 1978. Within 25 hours time-in-service after the effective date of this AD.

ADDRESSES: Cessna Multi-Engine Service Letter No. ME78-17, dated May 15, 1978, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kans. 67201, telephone 316-685-9111. A copy of the Service Letter cited above is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106 and at Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Failure of the attachment of a passenger seat to the seat track in a recent accident, involving a Cessna Model 402B airplane, was caused by installation of incorrect (small) seat-to-seat track fittings (roller guides) on the aft (as related to aircraft direction of flight) legs of the seat. Four of these seat track fittings (one at the bottom end of each seat leg) are used to hold the seats to the seat tracks. Large, stronger seat track fittings must be installed on the aft (as related to aircraft direction of flight) legs of the passenger seat to carry the high uploads that exist at the aft seat legs during minor forward crash landings. Smaller seat-to-seat track fittings are sufficient for the front (as related to aircraft direction of flight) legs of passenger seats.

Two unacceptable conditions may exist: (1) Seats may not have been installed facing the direction (aft or forward) for which they were designed; (2) seats may not have the large seat-to-seat track fittings installed on the correct legs of the seats. These conditions can result in failure of the passenger seats during those situations wherein the seats and seat belts are relied on to restrain the passengers.

By reviewing its records, Cessna was able to determine which models and serial number airplanes were produced with passenger seats that are susceptible to the previously mentioned problems. Subsequent to its investigation, the manufacturer has issued Cessna Service Letter No. ME78-17, dated May 15, 1978. The Service Letter recommends a one-time visual inspection of passenger seats for proper assembly and installation, and correction, if necessary, on certain 340, 402, 404, 414, and 421 series airplanes within 10 hours time-in-service.

Accordingly, since an unsafe condition is likely to exist in other airplanes of the same type design, an AD is being issued applicable to certain serial numbers of Cessna 340, 402, 404, 414, and 421 series airplanes, making compliance with the Cessna Service Letter mandatory, except that the AD compliance time differs from that recommended in the Service Letter. In that regard, airplanes must first encounter a survivable crash landing with deceleration forces of considerable magnitude (but lower than the loads required by the FAA for Type Certification) before location of the large and small seat-to-seat track fittings becomes a critical factor. Issuance of an emergency AD requiring the inspections within 10 hours-in-service would place a substantial burden on operators of the approximately 3,400 airplanes involved. Therefore, the inspection will be required within 25 hours time-in-service after the effective date of this AD.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the Amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

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

CESSNA. Applies to the following models and serial number airplanes certificated in all categories.

Model	*Serial Nos.*
340	340-0001 and up.
340A	340A0001 through 340A0472.
402B	402B0301 through 402B1332.
404	404-0001 through 404-0223.
414	414-0251 and up.
414A	414A0001 through 414A0042.
421	421-0001 and up.
421A	421A0001 and up.
421B	421B0001 and up.
421C	421C0001 through 421C0478.

Compliance: Required as indicated unless already accomplished.

To detect seats with seat-to-seat track fittings improperly installed and seats installed facing the wrong direction, which if allowed to go uncorrected, could result in seat failure in those situations where the seats and seat belts are relied on to restrain the passengers, within 25 hours time-in-service after the effective date of this AD accomplish the following:

(A) Visually inspect all affected passenger seats for correct installation in the airplane and for proper assembly and correct any discrepancies prior to the next flight, all in accordance with Cessna Multi-Engine Service Letter ME78-17, dated May 15, 1978, or later revisions.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective on July 5, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).)

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

Issued in Kansas City, Mo., on June 16, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-17531 Filed 6-23-78; 8:45 am]

[4910-13]

[Docket No. 18067, Amdt. 39-3255]

PART 39—AIRWORTHINESS DIRECTIVES

Glaser-Dirks Model DG-100 Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airwothiness directive (AD) which requires modification of the horizontal stabilizer main attachment fitting pins on Glaser-Dirks Model DG-100 gliders. The AD also requires revisions of portions of the glider manual relating to tailplane assembly. The AD is needed to reduce the possibility of improper assembly of the glider tailplane and is prompted by a report of an in-flight separation of a horizontal stabilizer.

DATES: Effective date: July 11, 1978. Compliance is required within the next 20 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from: Glaser-Dirks Flugzeugbau GmbH, Postfach 47, 7520 Bruchsal 4, West Germany. A copy of the service bulletin is contained in the rules docket for this amendment in Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30

SUPPLEMENTARY INFORMATION: There has been a report of an accident involving the separation of the horizontal stabilizer of a Glaser-Dirks Model DG-100 glider. The FAA believes the separation occurred since it is possible to install the horizontal stabilizer without it being secured. This is the case because of the difficulty in determining visually that the locking pins have fully coupled the horizontal and vertical stabilizers. Since this con-

dition is likely to exist or develop on other gliders of the same type design, an AD is being issued to require modification of the horizontal stabilizer attachment fittings to improve the detectability of an incorrect tailplane assembly during pre-flight inspection. In addition the AD requires a revision of a portion of the Model DG-100 service manual relating to the tailplane assembly.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are P. A. Cormaci, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

GLASER-DIRKS. Applies to Model DG-100 gliders, certificated in all categories.

NOTE.—This AD does not apply to the DG-100G glider.

Compliance is required within the next 20 hours time in service after the effective date of this AD, unless already accomplished.

To reduce the possibility of the horizontal stabilizer not being fully seated and secured to the vertical stabilizer during assembly, accomplish the following:

(a) Modify the horizontal stabilizer attachment fitting by adding a plastic pin extension in accordance with Glaser-Dirks Technical Note No. 301/5 dated February 2, 1978, or an equivalent approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region.

(b) Revise the Model DG-100 Service Manual as follows:

(1) By adding a sentence to item 5 on page 18 relating to mounting the stabilizer that reads—"The cockpit trim control should be in the aft position".

(2) By adding to the amendments on page 2 the phrase—"Assembly of the all flying tailplane, page 18".

This amendment becomes effective July 11, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

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

Issued in Washington, D.C., on June 16, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-17532 Filed 6-23-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-43; Amdt. 39-3247]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Aviation Corp. Model AA-1, AA-1A and AA-1B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (A.D.) which requires the installation of a red-colored fuel float in the manometer type fuel measurement gauges installed on Grumman American AA-1, AA-1A and AA-1B airplanes. The A.D. is needed to provide better readability of the fuel measurement gauges and thus to enhance safety by reducing the number of instances of in-flight fuel exhaustion.

DATES: Effective date: June 30, 1978. Compliance is required within the next 200 hours in service after the effective date of this A.D. unless already accomplished.

ADDRESSES: The applicable Grumman American Service Letter 75-7 may be obtained from Grumman American Aviation Corp., P.O. Box 2206, Savannah, Ga. 31402. A copy of this sevice letter is contained in the Rules Docket in Room 264, Federal Aviation Administration, Southern Region, 3400 Whipple Street, East Point, Ga. 30344.

FOR FURTHER INFORMATION CONTACT:

W. S. Thomas, ASO-214, Propulsion Section, Engineering and Manufacturing Branch, Southern Region, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7435.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the installation of a red-colored fuel float in Grumman American AA-1, AA-1A and certain AA-1B airplanes was published in the FEDERAL REGISTER at 43 FR 13391.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Only one commenter submitted recommendations for changing the proposed amendment. One of the recommendations pertained to persons who could perform the work, considering the definition of "Instrument" in FAR 1, and the exclusion of instrument repairs in mechanic privileges in FAR 65.81(a). A new paragraph (b) has been inserted to add instructions in the A.D. to clarify that issue and permit mechanics to accomplish the modification.

Proposed paragraph (b) has been reidentified as (c). Another recommendation pertained to the statement in proposed paragraph (b) that "alternate methods of complying with this A.D. *may* be acceptable if approved . . .", and recommended use of the word "will" instead of "may." This statement has been clarified by inserting the word "used" in place of the word "acceptable" and thus resolves this issue.

Although no comment was received on the subject, and since no persons will be affected adversely, provisions have been added in new paragraph (d) in this amendment to permit issuance of special flight authorizations for purposes of flying an aircraft to a base where the required modification can be accomplished.

DRAFTING INFORMATION

The principal authors of this document are W. S. Thomas, Flight Standards Division, and Keith May, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN AVIATION CORP. Applies to airplanes Models AA-1, AA-1A, all serial numbers, and AA-1B Serial Number AA-1B 0001 through AA-1B 0542, certificated in all categories.

Compliance required within next 200 hours in service after the effective date of this A.D. unless already accomplished.

To provide increased visibility and readability of the fuel measurement gauge and thereby to minimize the occurrence of unintentional fuel exhaustion in flight, accomplish the following:

(a) Defuel both fuel tanks and gain access to the fuel measurement gauges by removing interior side panels and access panels on the underside of the wing root. *Caution:* Installation of the float involves opening of the fuel system within the cockpit. Observe appropriate safety practices concerning defueling and fuel system maintenance.

(1) Disconnect the line fittings from the top of the gauges, and from inside the wing root, disconnect the measurement gauge fuel supply lines. Also, disconnect primer line on the right gauge.

(2) Remove the two (2) screws in each of the four (4) clamps which mount the measurement gauges to the side panels.

(3) The measurement gauges may now be disassembled on the bench and each component individually inspected. Figure 1 shows details of the gauge in an exploded view.

(4) Place one (1) Grumman Part Number 401129-5 Fuel Float in each gauge, install two (2) new Part Number 14.2 "U" Cup Packings and reassemble in the reverse order.

NOTE.—To prevent damage from overtightening, assemble packings to caps and press assemblies onto glass tube until they bottom. Run nuts up equally on both ends until contact is made with caps. Complete assembly by turning each nut ¼ turn tighter.

(5) Install fuel measurement gauges in aircraft and check for leaks. Install interior side panels and access panels on the underside of the wing root.

(b) For the purpose of this A. D. this float fuel gauge is not considered an instrument as defined in FAR 1. Therefore, this modification may be accomplished by an appropriately certificated mechanic or repair station notwithstanding the limitations of FAR 65.81(a) and FAR 145.53.

(c) An equivalent method of complying with this A. D. is provided by complying with Grumman American Aviation Corporation Service Letter 75-7 dated Novermber 17, 1975. Alternate methods of complying with this A. D. may be used if approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region, Atlanta, Ga.

(d) An airplane may be flown in accordance with FAR 21.197 to a base for the accomplishment of the modifications required by this A. D.

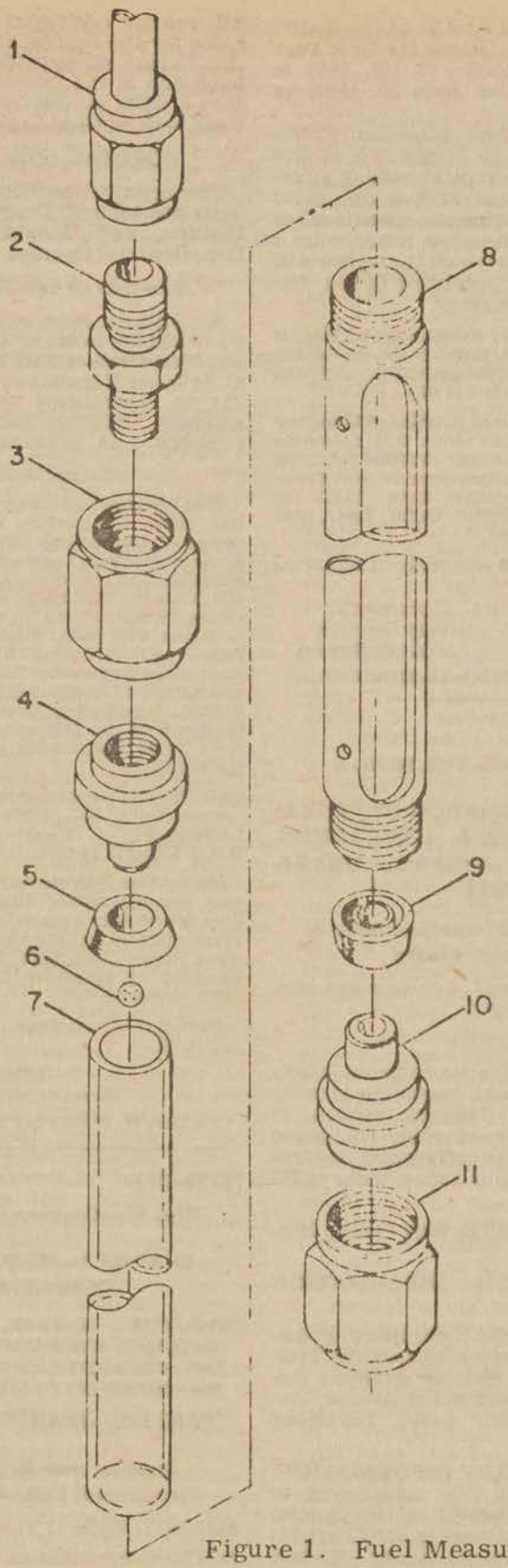
This amendment becomes effective June 30, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

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

Issued in East Point, Ga., June 14, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.



1. LINE FITTING
2. NIPPLE
3. NUT
4. VENT CAP
5. "U" CUP PACKING
6. FUEL FLOAT
7. GLASS TUBE
8. CASE
9. "U" CUP PACKING
10. INLET CAP
11. NUT

Figure 1. Fuel Measurement Gauge - Exploded View

[FR Doc. 78-17536 Filed 6-23-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-WE-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone; Stockton, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the effective hours of the control zone so as to coincide with the hours of operation for weather observations conducted at Stockton, Calif.

EFFECTIVE DATE: June 26, 1978.

ADDRESSES: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION: In Subpart F, § 71.171 (43 FR 355) of FAR Part 71, the Stockton, Calif. control zone is designated as full-time. The National Weather Service at Stockton, Calif. has reduced its hours of the hourly and special weather observations from full-time to part-time (0430 to 2230 hours local time daily). Since the effective hours of the control zone are dependent upon weather observations, it will be necessary to reduce the time of designation of the control zone to coincide with weather reporting capabilities.

This alteration will allow for control zone designation to exist when hourly and special weather observations are made. To make this possible, a change is required in the designation of the control zone to allow for part-time operation.

Since this alteration is mandated by regulation, we have determined that notice and public procedures provisions of the Administrative Procedures Act is unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 355) is amended, effective June 26, 1978, as follows:

In § 71.171 under Stockton, Calif., following * * * "to 1 mile NW of the OM." Add: This control zone is effective from 0430 to 2230 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.69.)

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

Issued in Los Angeles, Calif., on June 9, 1978.

LEON C. DAUGHERTY,
Acting Director,
Western Region.

[FR Doc. 78-17525 Filed 6-23-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-AL-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area at Galena, Alaska

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Galena, Alaska transition area by expanding the 700-foot portion in order to provide adequate controlled airspace to more efficiently control aircraft operations using radar ATC procedures.

EFFECTIVE DATE: 0901 G.m.t., September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

John G. Costello, Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501, telephone 907-265-4271.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Galena, Alaska, 700-foot portion of the transition area which will provide additional controlled airspace for the control of aircraft using the Galena airport. The NPRM was published in the FEDERAL REGISTER on May 4, 1978, (43 FR 19235). No objections were received to the NPRM.

DRAFTING INFORMATION

The principal authors of this document are John G. Costello, Air Traffic Division, and Donald H. Boberick, Esq., Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 G.m.t., September 7, 1978, as follows:

GALENA, ALASKA

That airspace extending upward from 700 feet above the surface within a 19-mile radius of the Galena VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 28-mile radius of the Galena VORTAC; within a 40-mile radius of the Galena VORTAC extending from the 240° radial clockwise to the 298° radial and extending from the 28-mile radius area to 40 miles W of the VORTAC; and within a 35-mile radius of the Galena VORTAC extending from the 089° radial clockwise to the 119° radial and extending from the 28-mile radius area to 35 miles E of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69.)

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

Issued in Anchorage, Alaska on June 15, 1978.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc. 78-17538 Filed 6-23-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER H—RULES, REGULATIONS, STATEMENTS AND INTERPRETATIONS UNDER THE HART-SCOTT-RODINO ANTITRUST IMPROVEMENTS ACT OF 1976

PART 800—TRANSITIONAL RULE

Mergers and Acquisitions; Transitional Rule; Amendment

AGENCY: Federal Trade Commission.

ACTION: Amendment of final transitional rule.

SUMMARY: The purpose of this document is to amend the Commission's transitional rule relating to premerger notification under the Hart-Scott-Rodino Antitrust Improvements Act of 1976. The amendment conforms the transitional rule to changes made in the Commission's final rules implementing the premerger notification program. The effect of the amendment is to make it possible for parties to certain additional transactions to take advantage of the transitional rule.

EFFECTIVE DATE: July 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Associate Director for Premerger Notification, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, telephone 202-523-3894.

SUPPLEMENTARY INFORMATION: Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 added a new § 7A to the Clayton Act, 15 U.S.C. 18a, which requires that certain acquisitions and mergers must in advance of their consummation be reported to the Federal Trade Commission and to the Assistant Attorney General in charge of the Antitrust Division of the Justice Department. After filing notification, the parties to such transactions must wait a specified period before completing the transactions. The transitional rule modifies the waiting period requirements of § 7A under certain circumstances during the first 30 days following the effective date of the Commission's final implementing rules.

As originally published (42 FR 6365, corrected 42 FR 63883) the transitional rule would have modified the waiting period requirements only if both parties to a transaction filed notification on the effective date of the rules. However, in the case of a tender offer, the modification of the waiting period was conditioned upon filing of notification only by the acquiring person.

This amendment of the transitional rule changes the conditions under which the waiting period requirements may be modified. If the other conditions of the transitional rule are satisfied, the waiting period requirements are modified when only the acquiring person files notification of a contemplated tender offer, acquisition of voting securities on a national securities exchange or over-the-counter, acquisition of voting securities from a third party, secondary acquisition, conversion of convertible voting securities, and certain other transactions listed in § 801.30(a) of the Commission's final implementing rules, which will be formally promulgated and published in the FEDERAL REGISTER in the near future. In all other acquisitions covered by the Act, both the acquiring and acquired persons still must file notification on the effective date of the rules, in order to take advantage of the transitional rule.

The first sentence in subparagraph (c)(1)(A) of the transitional rule promulgated by the Commission on January 27, 1977 (42 FR 6365, February 2, 1977; corrected 42 FR 63883, December 21, 1977), is hereby amended to read:

All persons required by this section and the rules to file notification with respect to such acquisition (or in the case of an acquisition described by § 801.30(a) of the rules, the acquiring person) file notification with both the Federal Trade Commission and the Assistant Attorney General, in the manner prescribed by the rules, on the effective date of the form and rules.

Paragraph (e) of the transitional rule is hereby amended to read:

In the case of an acquisition described by § 801.30 of the rules and falling within paragraph (c) of this rule, persons other than the acquiring person shall file such notification as is required by this section and the rules.

Under the transitional rule, the modification of the waiting period requirements is subject to three conditions. The first of these conditions is stated in subparagraph (c)(1)(A) of the transitional rule and requires that all persons who must file notification with respect to a particular transaction shall file such notification on the effective date of the rules. (Notifications received before the effective date of the rules are under the transitional rule deemed filed on the effective date.) However, this condition was subject to one exception. As originally worded, the transitional rule provided that in a tender offer only the acquiring person must file its notification on the effective date. The reason was that in a tender offer the waiting period begins when only the acquiring person files notification, and the acquired person is not required to file its notification until 15 days after the acquiring person (10 days in the case of a cash tender offer). Thus if an acquiring person in a tender offer filed its notification on the effective date of the rules, and if the other two conditions stated in subparagraphs (c)(1)(B) and (c)(1)(C) of the transitional rule were satisfied, the waiting period requirement would be eliminated with respect to that transaction.

Under § 801.30 of the Commission's final rules, the treatment accorded to tender offers has been extended to certain other kinds of acquisitions. In all transactions described by § 801.30(a), the waiting period begins when only the acquiring person files notification, and the acquired person must file its notification 15 days thereafter (10 days thereafter in the case of a cash tender offer). The Commission believes it appropriate to extend the modification of the waiting period under the transitional rule to all transactions described by § 801.30(a), so that all such transactions (including tender offers) are treated alike for that purpose.

The transitional rule, as amended, would thus extend to all transactions described by § 801.30(a). If the acquiring person in any such transaction files notification on the effective date of the rules, and if the remaining conditions of the transitional rule are satisfied, the waiting period is eliminated, and the acquired person must thereafter file its notification in accordance with § 7A and the rules.

This amendment is promulgated under authority of 7A(d)(2)(C) of the Clayton Act, 15 U.S.C. 18A(d)(2)(C), with the concurrence of the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice. The amendment is effective July 26, 1978.

The transitional rule, as amended, appears below in its entirety.

§ 800.1 Transitional rule.

(a) This rule is promulgated under the authority of subsection (d)(2)(C) of section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Pub. L. 94-435, 15 U.S.C. sec. 18A, hereinafter referred to as "this section." References to specific subsections refer to subsections thereof.

(b) An acquisition shall be exempt from all requirements of this section if made on or after February 27, 1977, and before the effective date of the notification and report form and rules promulgated by the Federal Trade Commission under the authority of this section (hereinafter referred to as the "form" and "rules" respectively). Such date shall be identified in the FEDERAL REGISTER at least 30 days in advance.

(c) (1) An acquisition made on or after the effective date of the form and rules shall be exempt from the waiting period required by paragraph (a) of this section, except as provided by subparagraph (2) of this paragraph, if:

(i) All persons required by this section and the rules to file notification with respect to such acquisition (or in the case of an acquisition described by § 801.30(a) of the rules, the acquiring person) file notification with both the Federal Trade Commission and the Assistant Attorney General, in the manner prescribed by the rules, on the effective date of the form and rules. Notification received by the Federal Trade Commission and Assistant Attorney General prior to the effective date of the rules shall be deemed to be filed on the effective date of the form and rules;

(ii) Neither the Federal Trade Commission nor the Assistant Attorney

General requests additional information or documentary material, pursuant to subsection (e) and the rules, from any person filing notification with respect to such acquisition, prior to the consummation of the acquisition, and

(iii) The acquisition is consummated no later than 30 (or, in the case of cash tender offers, as defined in the rules, 15) calendar days after the effective date of the form and rules.

(2) In the event of a request for additional information or documentary material, the waiting period normally deriving from such a request, pursuant to paragraph (e) of this section and the rules, shall take effect at the time of such request, and shall expire, or be terminated, or terminated, or extended thereafter in accordance with this section and the rules.

(d) All acquisitions otherwise subject to the requirements of this section, and not falling within paragraphs (b) or (c) of this rule, shall be subject to the requirements of this section and the rules.

(e) In the case of an acquisition described by § 801.30 of the rules and falling within paragraph (c) of this rule, persons other than the acquiring person shall file such notification as is required by this section and the rules.

Originally issued: January 27, 1977.

Amendment issued: June 20, 1978.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-17696 Filed 6-23-78; 8:45 am]

[4910-22]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 140—REIMBURSEMENT

Reimbursement for Railroad Work; Technical Amendment to Appendix A

AGENCY: Federal Highway Administration, DOT.

ACTION: Amendment to final rule.

SUMMARY: This document updates the allowable rates for labor surcharge and payroll taxes for railroad employees pursuant to an agreement between the Federal Highway Administration and the Association of American Railroads.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Howard Bander, Office of Fiscal Services, 202-426-0575; or Lee Burstyn, Office of the Chief Counsel, 202-426-0799. Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

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.

The Federal Highway Administration (FHWA) amends Appendix A of Subpart I of Part 140 of Title 23, Code of Federal Regulations as set forth below:

1. The following is added to the labor surcharges table in Appendix A(I):

1978	1.475	400	15.55	8.0	23.30

2. The following is added to the payroll tax table in Appendix A(I):

Jan. 1, 1978 until changed	12

3. Also, in the payroll tax table the words "until changed" are deleted from the line beginning "Jan, 1, 1977" and the date "Dec. 31, 1977" is substituted therefor.

Issued on: June 14, 1978.

H. A. LINDBERG,
Associate Administrator for Engineering and Traffic Operations.

[FR Doc. 78-17601 Filed 6-23-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2813]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Burnham, Mifflin County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Burnham, Mifflin County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Borough of Burnham, Mifflin County, Pennsylvania.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Burnham, Mifflin County, Pennsylvania, are available for review at the Borough Office, 1st Avenue, Burnham.

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

Source of flooding	Location	Elevation in feet above mean sea level
Kishacoquillas Creek.	Downstream corporate limits.	502
	Confluence with Hungry Run.	508
	Freedom Ave.	512
	Next upstream corporate limits.	529
	ConRail	533
	State Route 4	536
	Dam	546
	North Derby St.	557
Hungry Run	Mouth at Kishacoquillas Creek.	508

Source of flooding	Location	Elevation in feet above mean sea level
	Walnut St. and Freedom Ave.	518
	1st Ave	528
	Upstream limit of detailed study.	528

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

Issued: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17259 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3124]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Groton, Brown, County, South Dakota

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Groton, Brown County, South Dakota.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Groton, Brown County, South Dakota are available for review at the Auditor's Office, 209 North Main Street, Groton, South Dakota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Groton, Brown County, South Dakota.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An oppportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, above mean sea level
West Ditch	5th Ave	1,302
	U.S. Highway 12	1,302
4th St. Drainageway.	6th St	1,301
	U.S. Highway 12	1,301

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

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17261 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3193]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Pinconning, Bay County, Michigan

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 Pinconning, Bay County, Michigan. 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 Pinconning, Michigan.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Pinconning, are available for review at Township Hall, 208 Maitou Street, Pinconning, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Township of Pinconning, Michigan.

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
Pinconning River	Pinconning Rd. Bridge at Tower Beach Rd.	588
	Hunter Rd. over Pinconning River.	590
	Detroit & Mackinaw RR	591
	Mackinaw Rd	599
Saginaw Bay	Avalon Rd	585
	Wirbell Rd. 800 ft east of intersection with Maloney Rd. and all the way to end of road.	585
	Newman Rd. east of 2 Mile Rd.	585

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17254 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3388]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Morristown, Lamoille County, Vermont

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 Morristown, Lamoille County, Vermont. 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 Morristown, Vermont.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Morristown, are available for review at Village Hall, Morrisville, Vermont.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Town of Morristown, Vermont.

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 based 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
Kenfield Brook	Town Highway 23	780
	Shady Hill Rd	761
Ryder Brook	Town Highway 56	715
	Vermont Route 100	699
	Town Highway 33	640
Lamoille River	Vermont Route 15A	652
	Bridge St	590
	Cady's Falls Dam	587
	Cady's Falls Rd	551
	Ten Bends Bridge	543

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17264 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3404]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Unincorporated Areas of Iberville Parish, Louisiana

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 Iberville Parish, Louisiana. 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 Iberville Parish, Louisiana.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Iberville Parish, Louisiana, are available for review at the Police Jury Office, Iberville Parish, Louisiana.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 unincorporated areas of Iberville Parish, Louisiana.

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
Mississippi River	Eastern parish limits	36
	Upstream of the town of White Castle.	38
	Upstream of the city of Plaquemine.	42
Bayou Paul	Upstream of Bayou Paul Lane.	17
	Downstream of Route 327.	23
Bayou Maringouin	Upstream of Sparks St.	19
	Downstream of Maringouin.	19
Lower Grand River.	Pigeon	6
	Bayou Sarrel locks	7
Mound Ditch	Confluence with Lower Grand River.	8

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

Issued: November 29, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17250 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3408]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Lincoln, Middlesex County, Massachusetts

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 Lincoln, Middlesex County, Massachusetts. 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 Lincoln, Middlesex County, Massachusetts.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Lincoln, Middlesex County, Massachusetts, are available for review at Town Hall, Lincoln, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Town of Lincoln, Middlesex County, Massachusetts.

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
Sudbury River	Upstream of Lee Bridge.	122
Farrar Pond Brook.	Downstream of South Great Rd.	125
	Downstream of the wooden foot bridge.	138
Pole Brook	Upstream of Concord Rd. (Route 126).	158
	Upstream of Lincoln Rd.	168
Hobbs Brook	Upstream of Mill St	174
Stony Brook	Upstream of Tower Rd...	172
	Upstream of Pierce Hill Rd.	199
	Upstream of Sandy Pond Rd.	230
Valley Pond	Southern corporate limit, just west of Conant Rd.	176

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17251 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3435]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Diamondville, Lincoln County, Wyoming

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 Diamondville, Lincoln County, Wyoming. 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 Diamondville, Wyoming.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Diamondville, are available for review at Town Hall, Diamondville, Wyoming.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C., 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 Town of Diamondville, Wyoming.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hams Fork	Railroad bridge (upstream).	6,880
	Railroad bridge (downstream).	6,879
	East 4th St. Bridge	6,875

(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 delega-

tion of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17269 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3494]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Fairview Heights, St. Clair County, Illinois

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 Fairview Heights, St. Clair County, Illinois. 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 Fairview Heights, Illinois.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Fairview Heights, are available for review at City Hall, 10251 Lincoln Trail, Fairview Heights, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Fairview Heights, Illinois.

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
Ogles Creek	Private drive bridge	569
	Route 50	568
	St. Clair west entrance	565
	St. Clair east entrance	560
	Foot bridge (2,800 ft upstream of Old Collinsville Rd.).	557
	Mount Vernon Dr	556
	Foot bridge (2,040 ft upstream of Old Collinsville Rd.).	555
	Hampton Dr	553
	Foot bridge (300 ft upstream of Old Collinsville Rd.).	551
	Old Collinsville Rd	549

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

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17248 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3504]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Dane County, Wisconsin

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Dane County, are available for review at City-County Building, Madison, Wisconsin.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Dane County, Wisconsin.

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
East Branch Starkweather Creek.	Chicago, Milwaukee, St. Paul, & Pacific RR.	852
	Milwaukee St. culvert	851
Nine Springs Creek.	Syene Rd	854
	County Trunk Highway MM.	851
Pheasant Branch	County Trunk Highway K.	951
	Schneider Rd	932
	Airport Rd	923
Spring Creek	Fisher Rd	935
	Pheasant Branch Rd	914
	Meffert Rd., upstream crossing.	902
	County Trunk Highway K.	863
	County Trunk Highway M.	854

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spring Creek	North Shore Bay Rd	852
Six Mile Creek	Pheasant Branch Rd	921
	State Highway 113	916
	Division St	897
	Mill Rd	883
	Woodland Dr	860
	County Trunk Highway M.	852
Token Creek	Egre Rd	913
	County Trunk Highway C.	892
	Portage Rd	870
	Park Rd	863
	Chicago, Milwaukee, St. Paul, & Pacific RR.	854
Yahara River	U.S. Highway 51	936
	River Rd., upstream crossing.	916
	Windsor Rd	872
	Interstate Highway 90-94.	868
	Westport Rd	852
	U.S. Highway 12 and 18	848
	County Trunk Highway B.	843
	County Trunk Highway N.	815
Wisconsin River	U.S. Highway 12	746
East Branch Badger Mill Creek.	County Trunk Highway PD.	983
Badger Mill Creek	Nesbit Rd	962
	County Trunk Highway PB.	952
	State Highway 69	927
Sugar River	Riverside Rd	920
	County Trunk Highway MM.	899
	State Trunk Highway A.	878
	Fahey Rd	856
Koshkonong Creek.	Chicago & Northwestern RR.	856
	U.S. Highway 18	831
	County Trunk Highway B.	823
	Hoopen Rd	808
	Aarback Rd	800
Manunesha River	County Trunk Highway TT.	856
	State Highway 19	844
	Spillway Crest	830
Black Earth Creek	Chicago, Milwaukee, St. Paul, & Pacific RR.	913
	Stagecoach Rd	897
	Church St	873
	Market St	862
	U.S. Highway 14 (downstream crossing).	856
	Scherbel Rd	842
	South Valley Rd	830
	Chicago, Milwaukee, St. Paul, & Pacific RR.	806
	Olson Rd	798
	Hudson Rd. (U.S. crossing).	776
	Chicago, Milwaukee, St. Paul, & Pacific RR.	753

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

FR Doc. 78-17267 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3527]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Oxford, Lafayette County, Mississippi

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 Oxford, Lafayette County, Mississippi. 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 Oxford, Mississippi.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Oxford, are available for review at City Hall, 107 South Lamar Street, Oxford, Mississippi.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Oxford, Mississippi.

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
Burney Branch	Hospital entrance Rd.*	353
	State Highway 7 bypass Bailey Branch.	367
	Garfield Ave	397
	Jackson Ave	419
	North entrance to Oxford High School.	427
	Park Rd.*	448
Bailey Branch	Lamar Blvd. exit	376
	Abandoned road	401
East Goose Valley Creek.	State Highway 6*	362
East Goose Valley Creek tributary 1.	Trailer Park Rd	360
	State Highway 6	365
Davidson Creek	College Hill Rd	366
	Abandoned road	390
	Molley Barr Rd	399
Davidson Creek tributary 1.	Clubview Rd	369
	College Hill Rd	385
Davidson Creek tributary 2.	Phillip Rd	388
	Stone Rd.*	397
	Washington Ave. (downstream side).	403

*Upstream side.

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17255 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3618]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Chichester, Merrimack County, New Hampshire

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 Chichester, Merrimack County, New Hampshire. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the Na-

tional Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Chichester, Merrimack County, New Hampshire, are available for review at Town Hall, Chichester, New Hampshire.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Town of Chichester, Merrimack County, New Hampshire.

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
Suncook River	Downstream of Depot Rd. Bridge.	345
	Downstream of Webster Mills Rd. Bridge.	393
Sanders Brook	Downstream of Pittsfield Rd. Bridge.	347

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17256 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3619]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of Voorhees, Camden County, New Jersey

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 Voorhees, Camden County, New Jersey. 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 Voorhees, New Jersey.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Voorhees, are available for review at Voorhees Township Hall, 620 Berlin Road, Voorhees, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Township of Voorhees, New Jersey.

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
Cooper River	Evesham Rd	43
	White Horse Rd.*	54
	.....do.**	62
Tributary 1 to Cooper River.	Confluence with north fork of Tributary 1 to Cooper River.	83
Tributary 2 to Cooper River.	Rural Ave	54
	Patco RR.**	56
North Branch, Cooper River.	Kresson Rd.*	86
Tributary 1 to North Branch, Cooper River.	.....do.**	101
Tributary 2 to North Branch, Cooper River.	.....do.**	96
Nicholson Branch.	Haddon Ave.**	97
	.....do.*	100
Barton Run	Route 73*	86
	Victor Blvd.*	118
	Sunset Rd.**	128
	.....do.*	134

*Upstream.
**Downstream.

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17257 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3625]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Commonwealth of Puerto Rico

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Commonwealth of Puerto Rico. 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 Commonwealth of Puerto Rico.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Oxford, are available for review at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Commonwealth of Puerto Rico.

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[1] in meters, national geodetic vertical datum
Espiritu Santo River Basin, Espiritu Santo River, Rio Grande.	Puerto Rico Highway 3 (downstream crossing).	2.7
	Puerto Rico Highway 3 (upstream crossing).	3.5
Rio Yauco Basin, Rio Yauco.	New Highway 2 (upstream side).	28.7
	Old Highway 2 (upstream side).	29.3
Quebrada Berrenchin.	New Highway 2	28.4
	Highway 368	37.5
Quebrada Berrenchin Tributary No. 1.	Highway 128	40.9
	Highway 376	43.2
Rio Grande De Arecibo Basin, Rio Cidra.	Puerto Rico Route 10 (upstream crossing) (upstream side of bridge).	510.4
	Rius Rivera St.	483.4
	T. Figueroa St.	481.2
	Puerto Rico Route 10 (downstream crossing) (upstream side of bridge).	474.4
Town of Coamo, PR Rio Coamo.	Puerto Rico Highway 556.	113.8
	Puerto Rico Highway 153 (upstream).	85.8
	Puerto Rico Highway 153 (downstream).	84.0
Town of Jayuya, PR Rio Grande de Jayuya.	Puerto Rico Highway 144.	436.4
	Confluence with Rio Zamas.	395.8
Town of Utuado, PR Rio Grande de Arecibo.	Puerto Rico Highway 603.	148.4
	Puerto Rico Highway 111.	135.0
Rio Vivi	Herrera Avenue	138.7
Other areas in the commonwealth:.		
Rio Culebrinas	Puerto Rico Highway 459.	(*)
Rio Grande de Manati.	Puerto Rico Highway 2	(*)
Rio Grande de Loiza.	C. Brewer RR line	(*)
Rio Tanama	Puerto Rico Highway 111.	(*)
Rio de la Plata	Puerto Rico Highway 167.	(*)
Rio Blanco	Puerto Rico Highway 191.	(*)
Rio Yaquez	Puerto Rico Highway 2	(*)
Rio Loco	Puerto Rico Highway 116.	(*)
Rio Tallaboa	Puerto Rico Highway 2	(*)
Rio Toa Vaca	Puerto Rico Highway 150.	(*)
Rio Guayanes	Puerto Rico Highway 3	(*)

[1]Meters Above Mean Sea Level.
*Approximate 100-Year Flood Boundaries Delineated in These Areas.

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

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17260 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3627]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Shrewsbury, Rutland County, Vermont

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 Shrewsbury, Rutland County, Vermont. 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 Shrewsbury, Rutland County, Vermont.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Shrewsbury, Rutland County, Vermont, are available for review at Town Hall of Shrewsbury, Town Clerks Office, Cuttingsville, Vermont.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Town of Shrewsbury, Rutland County, Vermont.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mill River	Approximately 170 ft downstream of northern crossing of State Route 103.	946
	Downstream of southern crossing of State Route 103.	993
Shrewsbury Brook	Town Hill Rd.	1,042
Freeman Brook	Downstream of Beaver Dam.	1,490
Cold River	Approximately 200 ft downstream of Wilmouth Hill Rd.	1,357

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17266 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3642]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Millsboro, Sussex County, Delaware

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 Millsboro, Sussex County, Delaware. 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 Millsboro, Delaware.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Millsboro, are available for review at Town Hall, Railroad Avenue, Millsboro, Delaware.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Town of Millsboro, Delaware.

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 Insurane 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
Iron Branch	Tidal Estuary	6
	ConRail Bridge (downstream side).	9
	ConRail Bridge (upstream side).	13
	Mitchell St.	14
	Route 113	15
Indian River	State Route 24	6

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

FR Doc. 78-17247 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3649]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Essexville, Bay County, Michigan

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 Essexville, Bay County, Michigan. 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 Essexville, Michigan.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Essexville, are available for review at City Hall, 1007 Woodside, Essexville, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Essexville, Michigan.

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
Saginaw River	Detroit & Mackinaw RR	585

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17252 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3650]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Oscoda, Iosco County, Michigan

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 Oscoda, Iosco County, Michigan. These base (100-year) flood elevations are the basis for the flood plain management measure 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 Oscoda, Michigan.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Oscoda, are available for review at Township Hall, 110 South State Street, Oscoda, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Township of Oscoda, Michigan.

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 vetical datum
Au Sable River	U.S. 23	584
	Mill St.....	584
	West River Rd	585
	Detroit & Mackinac RR.	586
Van Ettan Creek ...	Highway F-41 (M-171) ...	589
	Detroit & Mackinac RR.	592
	Van Ettan Dam.....	593

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17253 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3662]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Burlington, Chittenden County, Vermont

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 Burlington, Chittenden County, Vermont. 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 Burlington, Chittenden County, Vermont.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Burlington, Chittenden County, Vermont, are available for review at City Hall, Office of City Planning, Burlington, Vermont.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Burlington, Chittenden County, Vermont.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Champlain....	Entire Shoreline.....	102
Winooski River.....	Just upstream of Vermont Route 127.	109

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Approximately 120 feet upstream of Central Vermont Railroad.	115
	Just upstream of U.S. Routes 2 and 7.	153
	Just upstream of Interstate 89.	168

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

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17263 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3669]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Silver Lake, Kenosha County, Wisconsin

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Silver Lake, Kenosha County, Wisconsin. 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 Silver Lake, Wisconsin.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Silver Lake, are available for review at Village Hall, 113 South First Street, Silver Lake, Wisconsin.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Village of Silver Lake, Wisconsin.

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
Fox River	County Trunk Highway F.	747
	Silver Lake corporate limits*.	748
Silver Lake outlet	County Trunk Highway F*.	749
	County Trunk Highway F**.	748
Silver Lake	Areas along the shoreline.	749

*Upstream side.
**Downstream side.

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17268 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3689]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Calcasieu Parish, Louisiana

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Calcasieu Parish, Louisiana. 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 Calcasieu Parish, Louisiana.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Calcasieu Parish, are available for review at Calcasieu Parish Building, Lake Charles, Louisiana.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Calcasieu Parish, Louisiana.

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
Houston River	Confluence with Bearhead Creek.	30
	Louisiana Highway 388	23
	Louisiana Highway 27	16
Indian Bayou	Upstream limit of study at Parish Rd.	18
	Sam Houston Dr	12
West Fork Calcasieu River.	Confluence with Little River.	15
	Jace Rd	12
	Confluence with Calcasieu River.	9
Bayou Verdine	Rigmaiden St	15
	Trousdale Rd	14
	Interstate Highway 10	12
	Confluence with Calcasieu River.	8
Little Bayou D'ine tributary.	Wright Rd	10
	Confluence with Little Bayou D'ine.	10
Little Bayou D'ine	Patton St	13
	Wright St	11
	Confluence with Bayou D'ine.	10
Maple Fork	Southern Pacific RR	14
	Interstate Highway 10	9
Bayou D'ine	Interstate Highway 10	11
	Kansas City Southern RR.	10
	Confluence with Calcasieu River.	8
Bayou Choupique	Southern Pacific RR	19
	Dugas Rd	11
	Hackberry Highway	7
East Fork English Bayou.	U.S. Highway 90	19
	Southern Pacific RR	17
	Confluence with English Bayou.	14
Houston River tributary.	Jim Pickens Rd	16
Antoine Gully	Louisiana Highway 397	16
	U.S. Highway 90	13
	Interstate Highway 10	12
Kayouche Coulee	East Prien Lake Rd	14
	Fruge St	12
	Interstate Highway 10	11
English Bayou	Southern Pacific RR	14
	Louisiana Highway 397	12
	U.S. Highway 171	11
East Branch Bayou contraband.	Common St	18
	Link Rd	16
Bayou contraband	Interstate 210	8
Calcasieu River tributary.	Weaver Rd	14
	Elliot Rd	13
	Big Lake Rd	8
Calcasieu River	U.S. Highway 171	11
	Interstate 10	8
	Confluence with intracoastal waterway.	7
Bayou Lacassine	Lorrain Rd	8
	Southern Pacific RR	7

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17249 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3737]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Lordsburg, Hidalgo County, New Mexico

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 Lordsburg, Hidalgo County, New Mexico. 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 Lordsburg, Hidalgo County, New Mexico.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lordsburg, Hidalgo County, New Mexico, are available for review at City Hall, Lordsburg, New Mexico.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Lordsburg, Hidalgo County, New Mexico.

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
Animas Wash	Approximately 60 ft upstream of U.S. Highway 80.	4,243
	Just upstream of Ownby St.	4,250
Cemetery Wash	Pine St. (extended)	4,306
Olliver Wash	Just downstream of Mountain View Rd.	4,189
School Wash	Thirteenth St. (extended).	4,300
	Cactus Dr	4,320

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17258 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3748]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Sachse, Dallas and Collin Counties, Texas

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 Sachse, Dallas and Collin Counties, Texas. 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 Sachse, Dallas and Collin Counties, Texas.

ADDRESSES: Maps and other information showing the detailed outlines

of the flood-prone areas and the final elevations for the City of Sachse, Dallas and Collin Counties, Texas, are available for review at City Hall, Route 2, Box 153C, Garland, Texas 75040.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Sachse, Dallas and Collin Counties, Texas.

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
Muddy Creek	Approximately 100 ft upstream of the confluence of Long Branch.	452
	Approximately 150 ft downstream of Pleasant Valley Rd.	462
Stream 2E8	Approximately 100 ft upstream of the Soil Conservation Service dam.	473
Long Branch	Just upstream of Pleasant Valley Rd.	460
	Approximately 150 ft upstream of Merritt Rd.	487
	Just upstream of Sachse Rd.	493
	Just upstream of Williford Rd.	513
	Approximately 150 ft downstream of Dewitt Rd.	538
Stream 2E3	Just downstream of Miles Rd.	504
Stream 2E7	Just upstream of Williford Rd.	514
Rowlett Creek	Just upstream of the intersection of Pleasant Valley Rd. and Miles Rd.	466

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17262 Filed 6-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3749]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Rutland, Rutland County, Vermont

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 Rutland, Rutland County, Vermont. 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 Rutland, Rutland County, Vermont.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Rutland are available for review at Rutland Town Hall, Route 4, Rutland, Vermont.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 Town of Rutland, Rutland County, Vermont.

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
Otter Creek	At corporate limits with town of Proctor.	487
	Just upstream of U.S. Route 4.	492
	Center Rutland Dam	516
	At corporate limits with city of Rutland (2,450 ft upstream of Depot Lane).	519
	At corporate limits with city of Rutland (700 ft downstream of Park St.).	534
	At corporate limits with town of Clarendon.	535
Clarendon River	At confluence with Otter Creek.	488
	At corporate limits with West Rutland.	490
East Creek	Patch Dam (corporate limits with city of Rutland).	604
	Just upstream of McKinley Ave.	607
	Upstream of U.S. Route 7.	643
	300 ft downstream of confluence with Curtis Brook.	663
	Upstream of Chittenden Rd.	679
	3,340 ft upstream of Chittenden Rd.	727
	5,340 ft upstream of Chittenden Rd.	758
Tenny Brook	At corporate limits with city of Rutland.	623
	At confluence of North and South Branches of Tenny Brook.	629
North Branch Tenny Brook.	1,660 ft upstream of confluence with South Branch.	640
	3,550 ft upstream of confluence with South Branch.	688
South Branch Tenny Brook.	2,440 ft upstream of confluence with North Branch.	636
	970 ft downstream of U.S. Route 4.	667

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	530 ft downstream of U.S. Route 4.	675
	Upstream of U.S. Route 4.	701
Creed Brook	At confluence with East Creek.	633
	520 ft downstream of U.S. Route 7.	653
	420 ft downstream of U.S. Route 7.	661
	Just downstream of U.S. Route 7.	666
Curtis Brook	At confluence with East Creek.	665
	Upstream of Blueberry Lane.	682
	800 ft downstream of Tamarack Lane.	687
	Just downstream of Tamarack Lane.	698
Mussey Brook	At corporate limits with city of Rutland.	587
	920 ft upstream of corporate limits with city of Rutland.	587
	1,530 ft upstream of corporate limits with city of Rutland.	601
	2,060 ft upstream of corporate limits with city of Rutland.	605
	580 ft downstream of confluence with Cold Brook.	613
	540 ft upstream of confluence with Cold Brook.	614
	Just upstream of Stratton Rd.	632
	Just downstream of Little Eddy Pond Dam.	644
Pinnacle Ridge Brook.	At corporate limits with town of Pittsford.	655
	Just upstream of North Grove St.	671
	780 ft upstream of North Grove St.	674
	1,280 ft upstream of North Grove St.	686
	1,680 ft upstream of North Grove St.	688

(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 aurhority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17265 Filed 6-23-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-188]

PART 25—CLAIMS

Redelegation of Authority

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the general regulation contained in Part 25 of Title 33, Code of Federal Regulations in order to increase the redelegation authority of District Commanders for claims arising under the Military Personnel and Civilian Employees' Claims Act. District commanders will have the option of redelegating their authority to certain District Units which receive a significant number of claims. Redelegation would provide a speedier and more economic resolution of certain claims submitted by Coast Guard employees.

EFFECTIVE DATE: This amendment is effective on June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Mr. James K. Augustine, Project Manager, and Michael N. Mervin, Project Attorney, both of the Office of Chief Counsel.

SUPPLEMENTARY INFORMATION: This revision simply broadens the authority of the District Commanders to redelegate their adjudicatory function under the Military Personnel and Civilian Employees' Claims Act to certain field units. Some District Commanders have found, since publication of the initial delegation of authority in 41 FR 9328 (March 4, 1976), 25 CFR 25.127 that certain field units, by virtue of their duties, receive a significant number of claims from Coast Guard personnel. These claims must now be forwarded to the District Commander, but could be handled by the field units involved. Since this amendment relates to agency practice and procedure, and also involves only claims submitted by Coast Guard employees, the notice of proposed rulemaking and public procedure described in 5 U.S.C. 553(b) is not required, and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER, because 5 U.S.C. 553(d) does not apply.

Accordingly, part 25 of Title 33, Code of Federal Regulations, is amended as follows:

1. By revising § 25.127 to read as follows:

§ 25.127 Redelegation of authority.

The authority delegated in this subpart to the District Commanders and Commanding Officers of certain Headquarters Units may, unless otherwise limited, be redelegated, in whole or in part, by a District Commander to his Chief of Staff and to any law specialist on his staff in an assigned legal billet and by a Commanding Officer of a Headquarters Unit to his Executive Officer and to any law specialist on his staff in an assigned legal billet. No further redelegation is authorized except for military personnel and civilian employees' claims. The Commander of any Coast Guard District may delegate his authority to settle such claims to the Commanding Officer of any district unit having a permanent legal officer billet, who may in turn delegate his authority to his Executive Officer or law specialist.

(14 U.S.C. 633, 49 U.S.C. 1655(b); 49 CFR 1.45(a)(2).)

Dated: June 20, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 78-17678 Filed 6-23-78; 8:45 am]

[3410-11]

Title 36—Parks, Forest and Public Properties

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 222—RANGE MANAGEMENT

Grazing and Livestock Use on National Forest System

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: The Forest Service issues final rule amendments covering grazing advisory boards to limit membership and other activities to holders of term grazing permits. The minor changes in this final rule docu- ment are to clarify the intent and to authorize issuance of two additional kinds of Livestock Use Permits. The amendments are to facilitate management and conform to ongoing practices in range management and the Forest Service-permittee relationship. The amendments do not represent policy additions or major changes in policies which have applied to the administration of grazing permits on the National Forest System.

EFFECTIVE DATE: July 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Don Seaman, Assistant Director, Range Management Staff, Forest Service, P.O. Box 2417, Washington, D.C. 20013, telephone 703-235-8139.

SUPPLEMENTARY INFORMATION: This amendment makes minor desirable changes. These regulations were

substantively changed on November 28, 1977, to implement provisions of the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579) (FEDERAL REGISTER, Vol. 42, No. 208, Friday, October 28, 1977, pp. 56430-56737). Minor changes in this amendment are to clarify the intent and to authorize issuance of two additional kinds of Livestock Use Permits. The regulations covering grazing advisory boards are amended to limit membership and other activities to holders of term grazing permits. It has been determined that publication of these amendments in accordance with the proposed rulemaking procedures of the Administrative Procedure Act, 5 U.S.C. 533, is unnecessary, because the amendments either remove provisions no longer having practicable application or clarify the language of provisions to resolve conflicts in the application of the revised November 1977 regulations. The amendments are to facilitate management and conform to ongoing practices in range management and the Forest Service-permittee relationship. The amendments do not represent policy additions or major changes in policies which have applied to the administration of grazing permits on the National Forest System.

The minor changes being made by this amendment are explained as follows:

(1) Previously in § 222.3(c)(2)(i)(A) there was provision for use of other available forage while resting or otherwise improving range normally used by a term permit holder. This provision is unnecessary and is removed. The use of such forage by a term grazing permit holder can be authorized through modification of the existing term grazing permit rather than by issuance of a temporary grazing permit.

(2) This amendment includes provision in § 222.3(c)(2)(i)(A) to allow for issuance of temporary permits to use range while a term grazing permit holder's permit is held in suspension. This change makes it possible to utilize available forage which would otherwise not be used. This clarifies when temporary permits can be issued.

(3) Subsection (H) is added to § 222.3 (c)(2)(ii) to authorize issuance of livestock use permits for breeding animals without requiring ownership of such animals by the holder of the term grazing permit. This minor change recognizes and authorizes a recognized practice in the livestock industry where the owner of livestock need not own the sires used to breed his herd.

(4) Subsection (I) is added to § 222.3 (c)(2)(ii) to authorize issuance of livestock use permit or co-op agreements to make possible the use of grazing animals to bring about desirable manipulation of vegetation. Permits have been issued to cover this kind of use in the past. This amendment adds a kind of livestock use permit which would authorize this use.

(5) Section 222.11 Grazing Advisory Boards was written to authorize and establish boards of offer advice and made recommendations concerning commercial grazing operations on the National Forest System. To clarify that participation is limited to holders of term grazing permits, the words "term" and "term grazing" are added to clearly state the intent.

In light of the foregoing, 36 CFR Chapter II is amended as follows:

(1) §§ 222.3(c)(2)(i) is revised and (ii) is amended by adding a new (H) and (I) to read as follows:

§ 222.3 Issuance of grazing and livestock use permit.

(c) * * *

(2) * * *

(i) Temporary grazing permits for periods not to exceed one year, and on a charge basis, may be issued:

(A) To allow for use of range while a term grazing permit is held in suspension.

(B) To use forage created by unusually favorable climatic conditions.

(C) To use the forage available when the permit of the normal user's livestock is in nonuse status for reasons of personal convenience.

(D) To allow a person to continue to graze livestock for the remainder of the grazing season where base property has been sold, the permit waived, and a new term permit issued.

(E) To allow grazing use in the event of drought or other emergency of National or Regional scope where such use would not result in permanent resource damage.

(ii) * * *

* * * * *

(H) Paid permits to holders of grazing permits for breeding animals used to service livestock permitted to graze on lands administered by the Forest Service.

(I) Paid permits or cooperative agreements entered into as a management tool to manipulate revegetation on a given parcel of land.

§ 222.11 [Amended]

(2) Section 222.11 Grazing Advisory Boards is amended as follows:

Paragraph (a) insert the word "term" after the word "holding" in the first sentence, so as to read, "Persons holding term permits to graze * * *."

Subparagraph (a),(1) insert the word "term" after the word "of" in the first sentence, so as to read, " * * * a simple majority (more than 50 percent) of term grazing permittees * * *."

Paragraph (b) insert the words "term grazing" after the word "System" so as to read, " * * * who are National Forest System term permittees under * * *" and by inserting the word "term" after the words "elected by" so as to read, " * * * shall be elected by term grazing permittees * * *."

Paragraph (c) insert the words "term grazing" after the words "with all" in the second sentence so as to read " * * * petitions with all term grazing permittees under * * *." In the third sentence, insert the words "term grazing" after the words "with each" so as to read, " * * * secret ballot with each term grazing permittee in the area * * *." In the next to the last sentence, insert the word "term" after the word "System" so as to read, " * * * representing National Forest System term grazing permittees in the areas * * *."

Paragraph (g)(2)(i) insert the words "term grazing" after the words "majority of the" so as to read, "A majority of the term grazing permittees for the area * * *."

(Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551); sec. 1, 33 Stat. 628 (16 U.S.C. 472); sec. 32, 50 Stat. 525, as amended (7 U.S.C. 1011); sec. 19, 64 Stat. 88 (16 U.S.C. 5801); Title IV, Pub. L. 94-579, 90 Stat. 2771 (43 U.S.C. 1751, et seq.).)

DAVID G. UNGER,
Deputy Assistant Secretary for Conservation, Research, & Education.

JUNE 16, 1978.

[FR Doc. 78-17510 Filed 6-23-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAM

[FRL 916-1]

PART 116—DESIGNATION OF HAZARDOUS SUBSTANCES

Final Rulemaking; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction notice.

SUMMARY: EPA regulations printed on the designation of hazardous substances in the FEDERAL REGISTER on March 13, 1978, (43 FR 10474-10488) have been found to need some corrections. The changes are not substantive in nature and therefore do not require notice and comment. In addition to the changes in the regulations themselves, the preamble omitted language necessary to incorporate the statutory change which extended the jurisdiction of section 311 of the Clean Water Act of 1977.

EFFECTIVE DATE: June 12, 1978, except for vessels. For vessels the effective date is September 11, 1978.

FOR FURTHER INFORMATION CONTACT:

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

Dated: June 12, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

Part 116 and its preamble are corrected as follows:

1. Page 10474 FR, second column line 37, after "* * * up to $5,000.", insert "Any such discharges in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States are also cause for imposition of this penalty, but in the case of a vessel, only if the owner, operator, or person in charge is otherwise subject to the jurisdiction of the United States."

2. Page 10474 FR, third column line 62, delete "which" and insert in its place "was a possible candidate for further consideraton against discharge potential if it".

3. Page 10475 FR, first column, line 10, replace semicolon with a period and delete remainder of the sentence.

4. Page 10476 FR, third column, twelfth line from bottom, delete "accepted an" and insert "accepted as".

5. In the authorty citation of page 10479 FR, third column, line 3, delete "Section 31(b)(2)(A)" and insert "Section 311(b)(2)(A)".

6. In § 116.3 beginning on page 10479, alphabetize the definitions.

7. In § 116.3 on page 10480, first column, 11 lines from the bottom in the definition of "Territorial seas", after "miles", indent and start a new paragraph.

8. In § 116.4 make the following corrections to Table 116.4A:

a. Page 10482 FR, Table 116.4A delete "Benzen" and insert "Benzene".

b. Page 10482 FR, Table 116.4A, on line commencing with "Calcium chromate", delete "yellow untramarine" and insert "yellow ultramarine"

c. Page 10482 FR, Table 116.4A, after "Chlorobenzene", delete "Monochlorobenzen, Benzen chloride" and substitute "Monochlorobenzene, Benzene chloride".

d. Page 10482 FR, Table 116.4A, delete "Coabaltous formate" and insert "Cobaltous formate".

e. Page 10483 FR, Table 116.4A, on line commencing with "Disulfoton", delete "D1-syston" and insert "Disyston".

f. Page 10484 FR, Table 116.4A after "Ferrous sulfate", delete "Green vitrol, Iron vitrol" and insert "Green vitriol, Iron vitriol".

g. Page 10484 FR, Table 116.4A, on line commencing with "Formaldehyde", delete "methanol" and insert "methanal".

h. Page 10484 FR, Table 116.4A, on line commencing with "Maleic anhydride," delete "cis/butenedioic anhydride", and insert "cis-butenedioic anhydride".

i. Page 10486 FR, Table 116.4A, line 1, delete "10028247" from first column and insert "10028247" in second column.

j. Page 10486 FR, Table 116.4A, on line commencing with "2,4,5-T acid", delete "2,4,5-trichlorophenoxy-acetic acid" insert "2,4,5-trichlorophenoxy acetic acid".

k. Page 10486 FR, Table 116.4A on line commencing with "2,4,5-T ester", delete "2,4,5-T ester" and "2,4,5-trichlorophenoxy/acetic esters" and insert "2,4,5-T esters" and "2,4,5-trichlorophenoxy acetic esters".

l. Page 10486 FR, Table 116.4A, on line commencing with "Trichlorophenol" insert in the last two columns the respective isomers and CAS No.:

(2,3,4-)	15950660
(2,3,5-)	933788
(2,3,6-)	933755
(2,4,5-)	95954
(2,4,6-)	88062
(3,4,5-)	609198

m. Page 10486 FR, Table 116.4A, first column, delete "Xyleneol" and insert "Xylenol".

n. Page 10486 FR, Table 116.4A, first column, delete "Zinc phenosulfonate" and insert "Zinc phenolsulfonate."

o. Page 10486 FR, Table 4A, on line commencing with "Zinc silicofluoride", dedete "Zinc floursilicate" and insert "Zinc fluosilicate".

p. Page 10486 FR, Table 116.4A, delete "Zirconium tetra-chloride" and insert "Zirconium tetrachloride".

q. Page 10486 FR, Table 116.4A, delete "Zirconium tetra-chloride" and insert "Zirconium tetrachloride".

[FR Doc. 78-17766 Filed 6-23-78; 8:45 am]

[6560-01]

[FRL 916-7]

PART 117—DETERMINATION OF REMOVABILITY OF HAZARDOUS SUBSTANCES

Final Rulemaking; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction notice.

SUMMARY: EPA regulations on determination of removability of hazardous substances printed in the FEDERAL REGISTER on March 13, 1978 (43 FR 10488-10489) have been found to need some corrections. The changes are not substantive in nature and therefore do not require notice and comment.

EFFECTIVE DATE: June 12, 1978, except for vessels. For vessels the effective date is September 11, 1978.

FOR FURTHER INFORMATION CONTACT:

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

Dated: June 12, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

Part 117 and its preamble are corrected as follows:

Page 10488 FR, second column, line 4, delete "it" and insert "It".

Page 10489 FR, first column, 18 lines from bottom, delete "The substance is covered by these regu-" and insert "the substance is not covered by these regu-".

[FR Doc. 78-17768 Filed 6-23-78; 8:45 am]

[6560-01]

[FRL 916-8]

PART 118—DETERMINATIONS OF HARMFUL QUANTITIES FOR HAZARDOUS SUBSTANCES

Final Rulemaking: Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction notice.

SUMMARY: EPA regulations on the determination of harmful quantities for hazardous substances printed on March 13, 1978 (43 FR 10489-10495) have been found to need some corrections. The changes are not of substantive nature and therefore do not require notice and comment.

EFFECTIVE DATES: June 12, 1978, except for vessels. The effective date for vessels is September 11, 1978.

FOR FURTHER INFORMATION CONTACT:

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

Dated: June 12, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

Part 118 and its preamble are corrected as follows:

Page 10490 FR, second column, line 50, delete "quality" and insert "Quality".

Page 10492 FR, first column, delete body of table and insert:

A..... LC50<1 mg/l..... 1.0(0.454)
B..... 1 mg/l<LC50<10 mg/l.....10(4.54)
C..... 10 mg/l<LC50<100 mg/l.....100(45.4)
D..... 100 mg/l<LC50<500 mg/l ...500(227)

Page 10492 FR, second column, delete body of table and insert:

X..... LC50<0.1 mg/l..... 1.0(0.454)
A..... 0.1 mg/l<LC50<1 mg/l.....1.0(.454)
B..... 1 mg/l<LC50<10 mg/l.....100(45.4)
C..... 10 mg/l<LC50<100 mg/l.....1000(454)
D..... 100 mg/l<LC50<500 mg/l ...5000(2270)

Page 10493 FR, second column, line 70, delete "Part" and insert "Section".

Page 10494 FR, Table 118.4, first column, on line commencing with "Calcium hypochlorite", under category column, delete "A 10(4.54)" and insert "B 100(45.4)".

Page 10494 FR, Table 118.4, second column, on line commencing with "Phosphorus pentasulfide", under Category column delete "C 1,000 (454)" and insert "B 100 (45.4)".

Page 10494 FR, Table 118.4, third column, on line commencing with "Resorcinol," delete "D 5,000 (2270)" and insert "C 1,000 (454)".

Page 10495 FR, First column, line 23, delete "a person in charge of a vessel not oth-" and insert "a person in charge of a vesel who is not oth-".

Page 10495 FR, First column line 29 delete "(b) The owner or operator of a vessel" and insert "(b) The owner, operator, or person in charge of a vessel".

Page 10495 FR, First column, line 38, delete "a vessel not otherwise subject to the" and insert "a vessel who is not otherwise subject to the".

[FR Doc. 78-17767 Filed 6-23-78; 8:45 am]

[6560-01]

[FRL 916-8]

PART 119—DETERMINATION OF UNITS OF MEASUREMENT AND RATES OF PENALTY FOR HAZARDOUS SUBSTANCES

Final Rule; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction notice.

SUMMARY: EPA regulation on the determination of imports of units of measurement and rates of penalty for hazardous substances printed in the FEDERAL REGISTER on March 13, 1978 (43 FR 10495-10505) have been found to need some corrections. The changes are not substantive in nature. Therefore they do not require notice and comment.

EFFECTIVE DATES: June 12, 1978, except for vessels. For vessels the effective date is September 11, 1978.

FOR FURTHER INFORMATION CONTACT:

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

Dated: June 12, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

Part 119 and its preamble are corrected as follows:

Page 10496 FR, Third column, delete body of table and insert:

X . . .. 1 (0.454).....LC50<0.1 mg/l
A . . .. 10 (4.54)..... 0.1 mg/l<LC50<1 mg/l
B . . .. 100 (45.4) .....1 mg/l<LC50<10 mg/l
C . . .. 1000 (454) ....10 mg/l<LC50<100 mg/l
D . . .. 5000 (2270) ..100 mg/l<LC50<500 mg/l

Page 10497 FR, first column, last line above Table III: Delete "greater than 10 mm Hg and a solubility" and insert "less than 10 mm Hg and a solubility".

Page 10498 FR, third column, line 7, delete "Part" and insert "Section".

Pages 10499, 10500, 10501, 10502, 10503 and 10504, Heading of Table 119.5, delete "μM pounds (kilograms)" and insert "UM in pounds (kilograms)" also delete "ROP (dollars per μM)" and insert "ROP (dollars per UM)".

Page 10500 FR, on line commencing with Cadmium chloride, in the next to last column delete "1,000", and insert "490".

Page 10501 FR, Table 119.5, delete "Fumeric acid" and insert "Fumaric acid".

Page 10503 FR, Table 119.5, on line commencing with "Phosphorus pentasulfide", delete "C 1,000(4.54)" and insert "B 100(45.4)".

Page 10503 FR, Table 119.5, on line commencing with "Resorcinol", delete "D 5000(2270)" and insert "C 1,000(4.54)".

Page 10503 FR, Table 119.5, on line commencing with "Sodium nitrite", delete "1,000(45.4)" and insert "100(45.4)".

Page 10505, third column, line 12, delete "ceipt of such decision, the person as -" and insert "ceipt of the Regional Administrator's decision the person as -".

Page 10505, third column, line 28, delete "receipt of the Presiding Officer's deci-" and insert "receipt of the Regional Administrator's deci-".

[FR Doc. 78-17769 Filed 6-23-78; 8:45 am]

[6820-35]

Title 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1611—ELIGIBILITY

Amendment

AGENCY: Legal Services Corporation.

ACTION: Final rule; amendment.

SUMMARY: The Legal Services Corporation is required by law to establish maximum income levels for individuals eligible for legal assistance. This document revises specified income levels to reflect amendments to the Official Poverty Threshold as defined by the Office of Management and Budget.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Linda Horn, Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005, 202-376-5113.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act, 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that income shall be taken into account along with other specified factors. Section 1611.3(b) of Corporation Regulations establishes a maximum income level equivalent to one-hundred and twenty-five percent (125%) of the Official Poverty Threshold as defined by the Office of Management and Budget. That definition was revised on April 5, 1978. Accordingly, 45 CFR 1611 is amended by revising appendix A to read as follows:

Appendix A—Maximum Income Levels Authorized by the Legal Services Corporation Regulation 1611.3(b)

GUIDELINES FOR ALL STATES EXCLUDING ALASKA AND HAWAII

Size of family unit	Amount
1	$3,925
2	5,200
3	6,475
4	7,750
5	9,025
6	10,300

For family units with more than six members, add $1,275 for each additional member.

GUIDELINES FOR HAWAII

Size of family unit	Amount
1	$4,925
2	6,513
3	8,100
4	9,688
5	11,275
6	12,863

For family units with more than six members, add $1,588 for each additional member.

GUIDELINES FOR ALASKA

Size of family unit	Amount
1	$4,525
2	5,988
3	7,450
4	8,913
5	10,375
6	11,838

For family units with more than six members, add $1,463 for each additional member.

ALICE DANIEL,
General Counsel, Legal Services Corporation.

[FR Doc. 78-17631 Filed 6-23-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 78-93; RM-3011]

PART 73—RADIO BROADCAST SERVICES

Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a class A FM channel to Greenville, Ky., as that community's first FM assignment. The channel would provide for a station which could render a first full-time aural broadcast service to the community.

DATE: Effective July 31, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: June 16, 1978.

Released: June 20, 1978.

1. The Commission herein considers the Notice of Proposed Rulemaking, adopted March 8, 1978, 43 FR 11835, in the above-entitled proceeding instituted in response to a petition filed by Hayward F. Spinks ("petitioner"). The petition proposes the assignment of Channel 288A to Greenville, Ky., as a first FM channel to that community. Petitioner filed supporting comments in which he reaffirmed his intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Greenville (pop. 3,811), in Muhlenberg County (pop. 27,074),[1] is located approximately 97 kilometers (60 miles) southeast of Evansville, Ind. There is no local aural broadcast service in Greenville.

3. Channel 288A could be assigned to Greenville in conformity with the minimum distance separation requirements, provided the transmitter site is located 13 kilometers (8 miles) southeast of Greenville. Since the station must be located some distance from Greenville, petitioner was requested to indicate whether there were any obstructions to the signal propagation from the intended site and to support this showing with profile graphs. The submitted information indicates that there are no obstacles to the signal propagation located between the proposed transmitter site and Greenville. Thus an FM station should be able to provide the requisite city-grade signal to Greenville as required by section 73.315(b) of the Commission's rules.

4. Petitioner states that the proposed station would provide local news and weather forecasts; a local outlet for programs and announcements to assist local civic organizations; local sports; farm market reports; local advertising; and local religious programming.

5. We believe the public interest would be served by the assignment of FM Channel 288A to Greenville, Ky. An interest has been shown for its use, and an FM station would provide the community with a first full-time local aural broadcast service.

6. Authority for the adoption of the amendment contained herein appears in Sections 4(i), and 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. Accordingly, *It is ordered*, That effective July 31, 1978, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments is amended as it pertains to the community listed below:

City and Channel No.
Greenville, Ky.; 288A.

8. *It is further ordered*, That this proceeding is terminated.

[1] Population data are taken from the 1970 U.S. Census.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

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

[FR Doc. 78-17629 Filed 6-23-78; 8:45 am]

[6712-01]

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

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Haines, Alaska; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a Class A FM channel to Haines, Alaska. The proposed station could be used to provide a first noncommercial educational broadcast service to the community.

EFFECTIVE DATE: July 28, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: June 14, 1978.

Released: June 19, 1978.

In the matter of amendment of §73.202(b), *Table of Assignments*, FM Broadcast Stations. (Haines, Alaska), BC Docket No. 78-39, RM-2996.

1. The Commission has under consideration its Notice of Proposed Rulemaking, adopted February 1, 1978, 43 FR 6112, inviting comments on a proposal to assign FM Channel 272A to Haines, Alaska, to be used there as a reserved channel for noncommercial educational purposes. This proceeding was instituted on the basis of a petition filed by the Alaska Public Broadcasting Commission ("APBC"). Supporting comments were filed by petitioner. No oppositions were received.

2. Haines (pop. 463)[1] is located approximately 121 kilometers (75 miles) north of Juneau, Alaska. APBC claims that neither Haines nor any community between Juneau to the south and Yakutat to the northwest—roughly a distance of 320 kilometers (200 miles)—has an FM assignment of its own.

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

3. APBC reaffirms its intent to apply (through a school district or a noncommercial educational corporation functioning under its aegis) for Channel 272A, if assigned.

4. Channel 272A can be assigned to Haines without disturbing any existing assignments and in compliance with the minimum distance separation requirements. Preclusion would occur on Channel 272A and the adjacent channels. However, APBC states that many other FM channels are available for assignment to the communities in the precluded areas.

5. We are of the opinion that the public interest would be served by assigning Channel 272A to Haines, Alaska. It would provide for an FM station which could render a needed first noncommercial educational FM broadcast service to the community.

6. The Canadian Government has given its concurrence to the assignment of Channel 272A to Haines, Alaska.

7. In view of the foregoing: *It is ordered*, That effective July 28, 1978, §73.202(b) of the Commission's rules, as regarding Haines, Alaska, is amended as follows:

City and channel No.
Haines, Alaska—*272A.

8. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §0.281 of the Commission's rules.

9. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

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

[FR Doc. 78-17640 Filed 6-23-78; 8:45 am]

[6712-01]

[BC Docket No. 78-87; RM-3014]

PART 73—RADIO BROADCAST SERVICES; FM BROADCAST STATION IN ST. MARY'S, GA.

Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first Class A FM channel to St. Marys, Ga. Petitioner, Camden County Broadcasters, states the proposed assignment would provide for a station which could render a first full-time local aural broadcast service to the community.

EFFECTIVE DATE: July 27, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: June 13, 1978.

Released: June 14, 1978.

By the Chief, Broadcast Bureau:

1. The Commission herein considers the Notice of Proposed Rule Making, adopted March 3, 1978, 43 FR 10710, the above-captioned proceeding instituted in response to a petition filed by Camden County Broadcasters ("petitioner"). The petition urged the assignment of Channel 228A on a hyphenated basis to the communities of St. Marys and Kingsland, Ga. However, in the Notice it was proposed to assign the channel to St. Marys, the larger community. Petitioner filed supporting comments in which it reaffirmed its intention to file an application for the channel, if assigned. No oppositions to the proposal were received.

2. St. Marys (pop. 3,408) in Camden County (pop. 11,334),[1] is located in the southeastern part of Georgia, approximately 45 kilometers (28 miles) north of Jacksonville, Fla. There is no local aural broadcast service in St. Marys.

3. In support of its proposal, petitioner claims that a recent U.S. Census projection indicates the population of Camden County, as of July 1, 1975, has increased nearly 6 percent in 5 years. It asserts that economic growth in the area has been impressive with retail sales in Camden County increasing in recent years by more than 57 percent. Petitioner also submitted information to indicate a level of manufacturing and other activities in the county. All of this appears to provide adequate basis for the proposed station.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 228A to St. Marys, Ga. The channel would provide for a first local outlet for the community and a first full-time aural broadcast service to Camden County. The assignment can be made in conformity with the minimum distance separation requirements.

5. Accordingly: *It is ordered*, That effective July 27, 1978, section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended as it pertains to the community listed below:

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

City and channel No.
St. Marys, Georgia—228A.

6. Authority for the action taken herein is found in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's rules.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303).

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

[FR Doc. 78-17636 Filed 6-23-78; 8:45 am]

[6712-01]

[BC Docket No. 78-65; RM-2987]

PART 73—RADIO BROADCAST SERVICES; FM BROADCAST STATION IN BELPRE, OHIO

Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a Class A FM channel to Belpre, Ohio, as that community's first FM assignment. The channel will provide for a station which can render a first local aural broadcast service to Belpre.

EFFECTIVE DATE: July 28, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: June 14, 1978.

Released: June 16, 1978.

By the Chief, Broadcast Bureau:

1. On February 17, 1978, at the request of Max Bungard ("petitioner"), the Commission adopted a Notice of Proposed Rule Making, 43 FR 8273, proposing the assignment of Channel 296A to Belpre, Ohio, as that community's first FM assignment. Petitioner filed supporting comments reaffirming his intention to apply for the channel, if assigned. A statement in support of the assignment was filed by John Wharff. No oppositions to the proposal were received.

2. Belpre (pop. 7,189), situated in Washington County (pop. 57,160)[1], is

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

located approximately 256 kilometers (160 miles) east of Cincinnati, Ohio, and 120 kilometers (75 miles) southwest of Wheeling, W. Va. There is no local aural broadcast service in Belpre.

3. Petitioner states that there was a 32.7 percent increase in Belpre's population between 1960-1970. He claims that the Belpre subdivision of Washington County is expanding and growing faster than most other county subdivisions and has become the home of a large base of industry, finance, transportation, and education. Petitioner asserts that the proposed station would give the residents of Belpre and surrounding area in the southern part of Washigton County their first local full-time facility.

4. Because Belpre is part of a metropolitan area (Marietta, Ohio, approximately 19 kilometers (12 miles) distant, and Parkersburg, W. Va., approximately 8 kilometers (5 miles) distant) the proposal was examined in terms of the preclusion it would cause on otherwise possible assignments. It would not be an impediment as three of the four communities located in the preclusion area have FM assigments and the fourth (Williamstown), which has no local aural service, is located immediately across the river from Marietta with a number of local broadcast services.

5. In support of its proposal, petitioner has submitted sufficient information with respect to Belpre and its need for a first FM channel assignment. Therefore, the Commission believes it would be in the public interest to assign Chanel 296A to Belpre, Ohio. A demand has been shown for its use, and an FM station there would provide the community with a first local aural broadcast service. The channel assignment can be made without affecting any of the existing assignments and would be consistent with the applicable minimum distance separation requirements.

6. The Canadian Government has given its concurrence to the assignment of Channel 296A to Belpre, Ohio.

7. In view of the foregoing: *It is ordered,* That effective July 28, 1978, section 73.202(b) of the Commission's Rules and Regulations, the FM Table of Assignments, is amended with respect to the city listed below:

City and Channel No.
Belpre, Ohio—296A.

8. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

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

[FR Doc. 78-17628 Filed 6-23-78; 8:45 am]

[6712-01]

[BC Docket No. 78-71; RM-3010]

PART 73—RADIO BROADCAST SERVICES; FM BROADCAST STATION IN CRESSON, PA.

Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first class A FM channel to Cresson, Pa. The proposed station could render a first full-time local aural broadcast service to the community.

EFFECTIVE DATE: July 28, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: June 14, 1978.

Released: June 19, 1978.

By the Chief, Broadcast Bureau: 1. The Commission herein considers the Notice of Proposed Rulemaking, 43 FR 9511, in the above-captioned proceeding, instituted in response to a petition filed by The Great American Wireless Signal Co., Inc. ("petitioner"). The petition proposed the assignment of Channel 232A to Cresson, Pa. Petitioner filed supporting comments in which it reaffirmed its intention to apply for a construction permit to construct an FM broadcast station at Cresson, if the channel were assigned. No oppositions to the proposal were received.

2. Cresson (pop. 2,446), in Cambria County (pop. 186,785) [1] is located approximately 16 kilometers (10 miles) west-southwest of Altoona and approximately 32 kilometers (20 miles) northeast of Johnstown, Pa. There is no local aural broadcast service in Cresson. Channel 232A could be assigned to Cresson in conformity with the minimum distance separation requirements if the transmitter site were to be located at least 1.6 kilometers (1 mile) south of the community.

3. In support of its proposal, petitioner submitted information with respect to Cresson's need for a first full-time local aural broadcast service.

4. We have given careful consideration to the proposal and believe that Channel 232A should be assigned to Cresson, Pa. Since an interest has been shown for its use, it would be in the public interest to make the assignment as an FM station would provide the community with its first local aural broadcast service.

5. The Canadian Government has given its concurrence to the assignment of Channel 232A to Cresson, Pa.

6. Authority for the adoption of the amendment contained herein appears in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules.

7. Accordingly, *It is ordered,* That effective July 28, 1978, section 73.202(b) of the Commission's Rules and Regulations, the FM Table of Assignments, is amended as it pertains to the community listed below:

City and Channel No.
Cresson, Pa., 232A.

8. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

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

[FR Doc. 78-17637 Filed 6-23-78; 8:45 am]

[1] Population data are taken from the 1970 U.S. Census.

[6712-01]

[BC Docket No. 78-86; RM-3013]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Bellows Falls, Vt.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a Class A FM channel to Bellows Falls, Vt., as that community's first FM assignment. The channel would provide for an FM station which could furnish a first full-time aural broadcast service to the community.

EFFECTIVE DATE: July 27, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: June 13, 1978.

Released: June 15, 1978.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM

Broadcast Stations. (Bellows Falls, Vt.), BC Docket No. 78-86, RM-3013.

1. The Commission herein considers the Notice of Proposed Rule Making, adopted March 3, 1978, 43 FR 10943, in the above-captioned proceeding instituted in response to a petition filed by We Trust In Jesus Broadcasting, Inc. The petition proposed the assignment of Channel 296 to Bellows Falls, Vt., as a first FM channel to that community. Numerous letters were submitted by local citizens expressing their support for a local FM channel. Petitioner states that it will apply for the channel, if assigned.

2. Bellows Falls (pop. 3,505), in Windham County (pop. 33,074),[1] is located approximately 32 kilometers (20 miles) north of Brattleboro, Vt., and about 16 kilometers (10 miles) south of Springfield, Vt. Channel 296A could be assigned to Bellows Falls in conformity with the minimum distance separation requirements if the transmitter site were to be located 3 kilometers (2 miles) northwest of the community. The Canadian Government has given its concurrence to the assignment of Channel 296A to Bellows Falls.

3. In support of its proposal, petitioner submitted information with respect to Bellows Falls which is persuasive as to its need for a first FM channel assignment.

4. We believe the public interest would be served by the assignment of Channel 296A to Bellows Falls, Vt. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first full-time local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. *Accordingly, it is ordered,* That effective July 27, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments is amended as it pertains to the community listed below:

City and Channel No.

Bellows Falls, Vt., 296A

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

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

[FR Doc. 78-17639 Filed 6-23-78; 8:45 am]

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

[6712-01]

[BC Docket No. 78-85; RM-3005]

PART 73—RADIO BROADCAST SERVICES, FM BROADCAST STATION IN LEXINGTON, VA.

Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a first commercial FM channel to Lexington, Va. The channel could be used to furnish a first local commercial FM service to the community.

EFFECTIVE DATE: July 28, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: June 14, 1978.

Released: June 16, 1978.

By the Chief, Broadcast Bureau: 1. The Commission has under consideration its Notice of Proposed Rule Making, 43 FR 10413, adopted March 1, 1978, inviting comments on a proposal filed by Energy Exchange, Inc. ("petitioner") to assign FM Channel 244A to Lexington, Va., as a first commercial FM assignment to that community. Supporting comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned. Comments were also filed by Rockbridge Communications, Inc., stating its support for the proposed assignment and its intention to file for its use, if assigned.

2. Lexington (pop. 7,597), seat of Rockbridge County (pop. 16,637),[1] is located approximately 64 kilometers (40 miles) northeast of Roanoke, Va. Lexington is served by full-time AM Station WREL and non-commercial educational FM Station WLUR (Channel 218), licensed to Washington and Lee University in Lexington.

3. Petitioner states that Lexington is a non-manufacturing community with the major areas of employment being in services, government and the wholesale and retail trade. It also claims that tourism is fast becoming a major industry and is expected to stimulate growth since Lexington is a community rich in history. Petitioner states that there is no daily newspaper in Rockbridge County and asserts that the proposed assignment would serve the residents by providing the needed additional coverage of community affairs.

4. The Commission believes it would be in the public interest to assign FM Channel 244A to Lexington, Va. An interest has been shown for its use, and the assignment could provide for an FM station which could render a first local commercial FM broadcast service to the community. The assignment can be made in conformity with the minimum distance separation requirements.

5. Since Lexington, Va., is located within the Radio Quiet Zone, applicants for the use of Channel 244A must comply with the provisions of Section 73.215(a) of the rules.

6. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, *it is ordered,* That effective July 28, 1978, the FM Table of Assignments (Section 73.202(b) of the Rules) is amended with respect to the community listed below:

City and Channel No.

Lexington, Va., 244A

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

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

[FR Doc. 78-17619 Filed 6-23-78; 8:45 am]

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

[6712-01]

[BC Docket No. 78-32; RM-2970]

PART 73—RADIO BROADCAST SERVICES; TELEVISION BROADCAST STATIONS IN MARION, AND URBANA, ILL. AND MADISON, WIS.

Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns UHF Television Channel 27 to Marion, Ill. The channel would provide for a station which could render a first local television service to Marion and provide a second commercial television station to the southern Illinois area. The carrier frequency offset on Channel 27, on which Station WKOW-TV at Madison, Wis., operates, is changed from minus to plus.

EFFECTIVE DATE: July 27, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Adopted: June 13, 1978.

Released: June 20, 1978.

By the Chief, Broadcast Bureau: 1. The Commission now considers the Notice of Proposed Rule Making, 42 FR 6113, adopted January 25, 1978, in response to a petition filed by Dennis F. Doelitzsch ("petitioner"). The petition proposed the assignment of television Channel 27 to Marion, Ill. Supporting comments were filed by petitioner in which he reaffirmed his intention to file for the channel, if assigned. Oppositions were filed by Pyramid broadcasting Corp., ("Pyramid") applicant for Channel 13, Mount Vernon, Ill., and Horizons Communications Corp. of Wisconsin ("Horizons"), licensee of Station WKOW-TV, (Channel 27) Madison, Wis.

2. Marion (pop. 11,724), in Williamson County (pop. 49,021),[1] is located in the extreme south central part of Illinois. there are no television channels assigned to Marion. It receives service from WSIL-TV, Harrisburg, Ill., WPSD-TV, Paducah, Ky., and KFVS-TV, Cape Girardeau, Mo. Petitioner states that the proposed channel would bring a second commercial television station to the southern Illinois area and would increase the number of program choices for area residents. He also asserts that the area proposed to be served receives no independent (non-network) television service.

3. The Notice indicated that the proposed assignment would meet the Commission's minimum distance separation requirements and other technical criteria, provided a change in the channel offsets was made on unoccupied Channel 27 at Urbana, Ill., from zero to minus and on Channel 27 (Station WKOW-TV), at Madison, Wis., from minus to plus. The Notice therefore contained a Show Cause Order to Horizons Communications Corp. of Wisconsin, licensee of WKOW-TV, Madison, Wis., proposing to modify its license specifying a change in the offset from Channel 27– to Channel 27+.

4. Horizons, in its comments, states it has no major objection to the proposal, but believes that the cost of the required change must be borne by the ultimate licensee of Channel 27 at Marion. Horizons expresses concern as to the possibility of interference to WKOW-TV's signal after the change in its frequency offset, and proposes that a 90-day experiment be conducted to determine if signal integrity can be maintained. It also states that the cost of the experiment should be borne by petitioner.

5. In opposing comments, Pyramid, who is an applicant for Channel 13 at Mount Vernon, Ill., contends that its proposed Grade B coverage contour encompasses Marion, and that the proposed Mount Vernon station would serve much of the area that might receive service from a station operating on Channel 27 at Marion. It claims that the proposed Mount Vernon facility would provide a second commercial channel and increase program choices for residents of southern Illinois. Pyramid argues that the need for a third commercial television channel to serve the southern Illinois area has not been demonstrated by petitioner.

6. In reply comments, petitioner states that he will reimburse Horizons for the reasonable costs associated with the change in frequency offset if he becomes the ultimate licensee of Channel 27 at Marion. However, he sees no need for the proposed experiment suggested by Horizons and indicated he does not agree to bear any associated costs. Petitioner also contends that it is inconceivable that Pyramid's Mount Vernon station would provide local service of the type that would be provided by a local facility in Marion. He asserts that he does not consider the Mount Vernon area as part of the southern Illinois area with which the proposal is concerned. Petitioner argues that Pyramid has failed to demonstrate that the establishment of a Mount Vernon station has any bearing on the need for a local service in Marion, Ill.

7. We cannot agree with Horizons that there is a need to conduct a test to establish whether the integrity of its service area would be maintained. There is no co-channel station in operation within 580 kilometers (360 miles) of Station WKOW-TV, Madison, Wis., and it is improbable that it would be able to discern whether interference would be caused as a result of the offset change. Pyramid's assertion that the proposed Mount Vernon station would provide a second commercial TV station to southern Illinois is not the key point to consider. Rather, it is the need for a station at Marion to serve the needs of that community and its environs. Only a station licensed to Marion could be expected to carry programs directed to the special needs, interests and problems of the community. The assignment of a channel to Marion would satisfy the needs for a local television broadcast service.

8. The ultimate licensee of Channel 27 at Marion, Ill., is expected to provide reimbursement pursuant to guidelines furnished in previous reimbursement cases. The licensee of Station WKOW-TV, Horizons Communications Corporation of Wisconsin, Madison, Wis., is entitled to be reimbursed for the reasonable costs incurred as a result of a change in frequency offset, and Horizons Communications Corp. of Wisconsin should negotiate in good faith with the ultimate Marion licensee to determine reasonable costs and means of repayment. See *Circleville, Ohio*, 8 FCC 2d 159 (1967).

9. In view of the foregoing, we conclude that it would be in the public interest to make the requested assignment so as to provide Marion, Ill., with its first local television service. Accordingly, it is ordered, that effective July 27, 1978, the Television Table of Assignments (Section 73.606(b) of the Commission's Rules) is amended with respect to the cities listed below to read as follows:

City and Channel No.
Marion, Ill., 27
Urbana, Ill., *12–, 27–
Madison, Wis., 3, 15, *21–, 27+, 47+

10. It is further ordered, that effective July 27, 1978, and pursuant to Section 316 of the Communications Act of 1934, as amended, the following outstanding license is modified as follows:

Horizons Communications Corp. of Wisconsin, WKOW-TV, Madison, Wis., Channel 27+, subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than July 27, 1978, specifying when it will be able to effectuate the change.

(b) The licensee may continue to operate under its present authorization for one year from the effective date of this Order or until 60 days after the grant of a construction permit on Channel 27 at Marion, Illinois, whichever is later, or effect the change sooner if desired. The Commission should be informed of the progress and any problems faced in accomplishing the offset modification.

(c) The licensee shall not commence operation with the newly authorized frequency offset until the Commission specifically authorizes it to do so.

(d) Ten days after commencing operation with the newly authorized frequency offset, the licensee shall submit acceptable data indicating that the frequency tolerance of the visual and aural carriers is being maintained as required by Section 73.688 of the Rules.

11. Authority for the action taken herein is found in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules.

12. It is further ordered, that this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

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

[FR Doc. 78-17620 Filed 6-23-78; 8:45 am]

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

[6712-01]

[BC Docket No. 78-66; RM-2984; RM-3097]

PART 73—RADIO BROADCAST SERVICES; FM BROADCAST STATION IN WEST SALEM, WIS.

Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a Class A FM channel to West Salem, Wis., as that community's first FM assignment. The channel would provide for a station which could render a first full-time local aural broadcast service to the community.

EFFECTIVE DATE: July 28, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: June 14, 1978.

Released: June 16, 1978.

By the Chief, Broadcast Bureau: 1. The Commission adopted a Notice of Proposed Rule Making on February 17, 1978, 43 FR 8274, in response to a petition filed by Everybody's Mood, Inc. ("petitioner"), which proposed the assignment of FM Channel 261A to Onalaska, Wis.

2. In issuing the Notice, the Commission had raised a question about petitioner's being able to provide the required city coverage to Onalaska, if the channel were assigned. Petitioner was asked to provide engineering showings on this issue.

3. Then, on April 12, 1978, petitioner filed a counterproposal [1] requesting that Channel 261A, originally proposed for Onalaska, be assigned instead to West Salem, Wis. This, it said, was necessary because the possible shadow effects of a 1,200 foot mountain peak between the proposed transmitter site and Onalaska would make it impossible to show that the entire community would be encompassed within the city coverage (70 dBu) contour as required by Section 73.315(a) of the rules. No oppositions were filed to the counterproposal.

[1] Public Notice of the counterproposal was given on April 24, 1978, Rept. No. 1114.

3. West Salem (pop. 2,180) in La-Crosse County (pop. 80,468),[2] is located on Interstate 90 approximately 14 kilometers (9 miles) northeast of La-Crosse, Wis. There is no local aural broadcast service in West Salem. It receives service from AM Stations WIZM, WKTY and WLCX and FM Stations WIZM-FM, WSPL-FM and WLXR-FM in LaCrosse and WCOW and WCOW-FM, Sparta, Wis.

4. Petitioner states that West Salem has experienced a 28-percent population increase between 1960 and 1970 and its growth is expected to continue. It asserts that it is an agricultural center with many mills and farm supply operations in addition to being the location for the LaCrosse Interstate Fair. In support of its proposal, petitioner has submitted information with respect to West Salem and its need for a first local aural broadcast service.[3]

5. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign FM Channel 261A to West Salem, Wis. A demand has been shown for its use. An FM station would provide the community with a first local aural broadcast service. The assignment can be made without affecting any of the existing assignments and would be consistent with the applicable minimum distance separation requirements.

6. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules, *It is ordered,* That effective July 28, 1978, the FM Table of Assignments (Section 73.202(b) of the Rules) is amended with respect to the following community:

City and Channel No.	
West Salem, Wis.,	*261A*

7. *It is further ordered,* That the petition of Everybody's Mood, Inc., proposing the assignment of FM Channel 261A to Onalaska, Wis., is dismissed.

8. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

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

[FR Doc. 78-17627 Filed 6-23-78; 8:45 am]

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

[3] The station would also provide 1 mV/m coverage to Onalaska.

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—PIPELINE SAFETY

[Amdt. 192-32; Docket No. 77-10]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Qualification and Design of Steel Pipe; Correction

AGENCY: Materials Transportation Bureau.

ACTION: Correction.

SUMMARY: This document corrects a final rules document that appeared at page 18553 in the FEDERAL REGISTER of Monday, May 1, 1978 (FR Doc. 78-11813) by changing the date of the first applicable edition of API Standard 5LX shown in Appendix A to Part 192 from "1976" to "1967." The corrected Appendix A reads as follows:

Appendix A—Incorporated by Reference

* * * * *

II. * * *

A. * * *

(6) API Standard 5LX "API Specification for High-Test Line Pipe" (1967, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

* * * * *

FOR FURTHER INFORMATION CONTACT:

Peggy Hammond, 202-426-0135.

(Sec. 3, Pub. L. 90-481, 82 Stat. 721, (49 USC 1672); for offshore gathering lines, sec. 105, Pub. L. 93-633, 88 Stat. 2157, (49 USC 1804); 49 CFR 1.53, App. A to Part 1, and App. A to Part 102).

Issued in Washington, D.C., on June 19, 1978.

CESAR DE LEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc. 78-17520 Filed 6-23-78; 8:45 am]

[4910-59]

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

[Docket No. 1-18; Notice 13]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Controls and Displays

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice expands the application of the standard for the location, identification, and illumination of driver controls and displays (e.g., gauges and meters) by establishing requirements for additional controls and by introducing selected displays which, if furnished, must be located and illuminated under specified conditions and identified by a specified symbol and/or selected word. The purpose of the requirements is to encourage international standardization and harmonization of controls and displays in order to convey information more quickly to drivers and with less chance of human error. This will reduce the interval during which a driver's attention is diverted from the roadway to his controls and displays, thus decreasing the possibility of an accident.

EFFECTIVE DATE: September 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Nelson Erickson, Office of Motor Vehicle Programs, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2155.

SUPPLEMENTARY INFORMATION: This notice establishes new requirements for the location, identification, and illumination of controls and displays in passenger cars, multipurpose passenger vehicles, trucks, and buses. The new rule is designated 49 CFR 571.101-80, *Controls and Displays*, and becomes effective September 1, 1980. The existing rule on this subject, 49 CFR 571.101, *Control Location, Identification, and Illumination*, is amended to permit, at the vehicle manufacturer's option, compliance with that standard or the new requirements of Standard No. 101-80 before September 1, 1981.

On October 21, 1976, the National Highway Traffic Safety Administration published (41 FR 46460) a notice proposing to update the existing controls and displays standard (Standard 101) by incorporating all pertinent amendments and interpretations published since the original issuance on January 31, 1967. It also proposed to consolidate the control and display requirements of other standards in one regulation. This notice takes final action on that proposal. All comments were considered and the major ones are discussed below.

The notice issued in October 1976 proposed that most controls and displays be required to be identified with specified symbols which are internationally standardized. Words would have been permitted in addition to the symbols, although the choice of words would have been limited to ensure uniformity. Specified words would have been required for those controls and displays for which no symbols had been established.

The rationale behind the proposed requirement of symbols was that they can convey information more quickly and with less chance of human error than words. This is particularly true with respect to the large foreign language speaking population of this country. By simplifying the identification of controls and displays, the standard should reduce the problems resulting from driver's attention being diverted from the roadway to his controls and displays. An additional benefit cited in the proposed notice is that manufacturers who sell vehicles both in and outside of the United States could realize significant cost savings by utilizing internationally standardized symbols.

The National Motor Vehicle Advisory Council and the Vehicle Equipment Safety Commission did not take positions on the proposal. The majority of commenters favored the use of symbols in the interest of international standardization and harmonization. The final rule, therefore, requires the use of symbols and allows the use of additional words if the manufacturer so chooses.

One of the major concerns of manufacturers commenting was that the proposed rule would inhibit the design and development of electronic "readout" panels which can effectively present to the driver specific information concerning vehicle and environmental conditions affecting safety. These displays are currently capable of exhibiting information and warnings with word messages and not with symbols. The optional use of symbols or words will permit the continued development of informational readout displays. The NHTSA supports the development of more efficient and effective control and display information systems and has, consequently, permitted informational readout displays to be identified by words only so as to not impede the development of electronic displays.

The symbols that are permitted by this rule to identify controls and displays are those developed by the International Standards Organization (ISO). By specifying symbols adopted by the ISO, this agency is facilitating the achievement of an international uniform identification system. New symbols for five controls and eight displays are added to those presently designated in the existing standard. Additional symbols will be added when the NHTSA determines which ones will be readily recognizable, thus reducing driver diversion.

Some commenters noted that a few of the symbols, such as the clearance lamp symbol, deviate slightly from those adopted by the ISO. The NHTSA, while basing its symbols on those developed by the ISO, is not specifying ISO symbols which it determines will not adequately convey the intended message. Thus, the symbols proposed in the October notice are adopted, even though some of them deviate from the ISO symbols. Some existing ISO symbols are not included in this final rule due to the fact that additional data are needed on their recognizability. When such data have been accumulated and analyzed, the NHTSA will determine whether the symbols should be added to Standard 101-80.

A few commenters suggested the deletion of the symbols for the turn signal and high beam tell-tales because these have long been identified by color and operate only after deliberate operation by the driver. It is the belief of the NHTSA that these symbols should be retained. They are necessary to educate new drivers, to act as reminders to those who drive infrequently, and to further the uniformity and harmonization of symbols. It should be noted that the turn signal was inadvertently omitted from Table I. It was, however, listed in S5.1 as one of the hand-operated controls and discussed in the preamble.

Another question that was raised was whether the manufacturers could use symbols that deviate from those designated in the standard. As stated in previous notices on controls and displays, minor deviations are allowed, as long as the symbol used substantially resembles that specified in the standard.

Several commenters raised concerns about the color of various symbols. The hazard warning telltale was inadvertently designated as green in the proposed rule. That color should be red and the final rule has been corrected to reflect this. Several commenters mentioned that because of the technology of light emitting diodes, telltales are technologically feasible only in yellow, green, or red. One commenter noted that neon gas discharge displays emit a characteristic neon red-orange light, rather than red. These displays rate high in intensity, durability, and reliability and are low in cost. Because of these factors,

the final rule has been amended so that a designation of the color red can be either red or red-orange and the color blue may be either blue or blue-green.

Many of those commenting objected to the prohibition of any words other than the words specified in the table. The NHTSA has decided, to permit the manufacturer to use additional words, but only for clarification. For example, the manufacturer may combine an instruction with the specified identification, such as "pull to defrost," or it may use another word for the purpose of clarity, such as "unleaded fuel only." The manufacturer will be permitted to describe the "automatic vehicle speed system" in words of his choosing because over the years customers have become used to the various descriptors, such as "cruise control" and "speed control," which manufacturers have used. The NHTSA does not believe that either descriptor is superior to the other. In addition, the manufacturer will be permitted to describe the "automatic gear position" by words of his choosing since these controls are conspicuous and automatic transmissions are not uniform, some not providing a park (P) position and others with additional gears. In response to one question, it should be noted that "automatic gear position" by virtue of its being automatic is not a hand-operated control as referred to in S5.3.1.

In accordance with the suggestions of commenters, the final rule adopts the use of "volts" or "charge" in addition to "amp" for the electrical charge telltale and gauge. Many other alternate words were suggested, but the NHTSA believes that the ones adopted in the final rule best convey the appropriate information. With the allowance of additional words, objection to those required should no longer remain.

Manufacturers of vehicles over 10,000 pounds gross vehicle weight rating (GVWR) objected to the application of this rule to their vehicles. They emphasized that with the increased number of gauges and expanded level of display information utilized by such vehicles, the application of this rule would result in panels that are a "hodgepodge of symbols." It was also asserted that this application would necessitate redesign of the instrument panels, possibly increasing driver diversion instead of decreasing it. Most heavy duty trucks comply with SAE recommendations for the location standardization of controls and displays in the operator's compartment. The operators of vehicles in the heavy duty category are professionals who are familiar with these standardized locations and do not need to read a legend or symbol. In addition, heavy duty trucks are not subject to yearly redesign or model changes. Because of these concerns, the agency has decided that vehicles over 10,000 pounds GVWR need not meet display requirements of this standard. They must, however, meet the control requirements.

A large number of commenters requested that the location of the controls and displays be uniform. An additional request was made to require common carriers to maintain illumination devices on all equipment. While these recommendations are noteworthy, they are not the subject of this rulemaking action, but will be considered for possible future rulemaking.

In the October proposal, it was specified that the control identification be placed on or adjacent to the particular control. The display identification, on the other hand, was to be placed on the display, unless the exposed portion of the lens was in the shape of the required identification. The proposal also stated that the identification of the high-beam indicator and of any gauge could be placed on or adjacent to the display that it identified. In response to the comments that identification could be met equally well by placing the symbol adjacent to the telltale, the NHTSA has decided to leave it up to the manufacturer to determine whether the identification should be placed directly on the control or display or whether an adjacent position would be satisfactory. The final rule does require that the identification be visible to the driver. In response to one commenter, the NHTSA does recognize that the spokes of the steering wheel may at times interfere with the visibility of the controls and displays. The visibility requirement will be satisfied even if the driver needs to make minimal movements toward the front, to the left, and to the right to see the identifications. The NHTSA has determined that these minor necessary movements will have virtually no effect on the safe operation of the vehicle.

The designation of "Km" for kilometres has been corrected in the final rule to read "km". Any odometer that records distance in kilometres must be labeled "KILOMETRES" or "km" so as to avoid confusion. The October 1976 proposal provided an option regarding English or metric units for labeling speedometers. Any proposal setting forth alternatives implicitly carries with it the possibility that one or more of the alternatives may become mandatory. In light of this and in light of the decision in Federal Motor Vehicle Safety Standard No. 127, 43 FR 10919, to require speedometers to record speed in both English and in metric, this rule requires that both speed scales be labeled so as to avoid confusion. Therefore, for dual readings of MPH and km/h on speedometers the manufacturer is required to clearly label the appropriative display.

The proposed effective date for this rule was September 1, 1979. Due to the numerous comments received, indicating that more lead time would be desirable in order to permit the conversion of controls and displays to coincide with routine redesign of various vehicle models, an effective date of September 1, 1980, has been adopted.

The primary authors of this notice are Mr. Nelson Erickson, Office of Motor Vehicle Programs, and Ms. Kathleen DeMeter, Office of the Chief Counsel.

In consideration of the foregoing, Part 571 of Title 49 of the Code of Federal Regulations is amended as follows:

1. S4 of § 571.101, *Control location, identification, and illumination,* is amended to read:

§ 571.101-80 Standard No. 101, control location, identification, and illumination.

* * * * *

S4. *Requirements.* Each passenger car, multipurpose passenger vehicle, truck, and bus manufactured before September 1, 1980, with any control listed in S4.1 or in column 1 of Table 1, shall meet either the requirements of this standard or § 571.101-80 of this part (Standard No. 101-80) for the location, identification, and illumination of such control.

2. A new § 571.101-80, *Controls and displays,* is added, to read as set forth below:

§ 571.101 Standard No. 101-80, controls and displays.

S1. *Scope.* This standard specifies requirements for the location, identification, and illumination of motor vehicle controls and displays.

S2. *Purpose.* The purpose of this standard is to ensure the accessibility and visibility of motor vehicle controls and displays and to facilitate their selection under daylight and nighttime conditions, in order to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *Definitions.*

"Telltale" means a display that indicates, by means of a light-emitting signal, the actuation of a device, a correct or defective functioning or condition, or a failure to function.

"Gauge" means a display that is listed in S5.1 or in Table 2 and is not a telltale.

"Informational readout display" means a display using light-emitting diodes, liquid crystals, or other electro illuminating devices where one or

more than one type of information or message may be displayed.

S5. *Requirements.* Each passenger car, multipurpose passenger vehicle, truck and bus manufactured with any control listed in S5.1 or in column 1 of Table 1, and each passenger car, multipurpose passenger vehicle and truck or bus less than 10,000 pounds GVWR with any display listed in S5.1 or in column 1 of Table 2, shall meet the requirements of this standard for the location, identification, and illumination of such control or display.

S5.1 *Location.* Under the conditions of S6, each of the following controls that is furnished shall be operable by the driver and each of the following displays that is furnished shall be visible to the driver. Under conditions of S6, telltales and informational readout displays are considered visible when activated.

HAND-OPERATED CONTROLS

(a) Steering wheel.
(b) Horn.
(c) Ignition.
(d) Headlamp.
(e) Taillamp.
(f) Turn signal.
(g) Illumination intensity.
(h) Windshield wiper.
(i) Windshield washer.
(j) Manual transmission shift lever, except transfer case.
(k) Windshield defrosting and defogging system.
(l) Rear window defrosting and defogging system.
(m) Manual choke.
(n) Driver's sun visor.
(o) Automatic vehicle speed system.
(p) Highbeam.
(q) Hazard warning signal.
(r) Clearance lamps.
(s) Hand throttle.
(t) Identification lamps.

FOOT-OPERATED CONTROLS

(a) Service brake.
(b) Accelerator.
(c) Clutch.
(d) Highbeam.
(e) Windshield washer.
(f) Windshield wiper.

DISPLAYS

(a) Speedometer.
(b) Turn signal.
(c) Gear position.
(d) Brake failure warning.
(e) Fuel.
(f) Engine coolant temperature.
(g) Oil.
(h) Highbeam.
(i) Electrical charge.

S5.2 *Identification.*

S5.2.1 Any hand-operated control listed in column 1 of Table 1 that has a symbol designated in column 3 shall be identified by that symbol. Such a control may, in addition, be identified by the word or abbreviation shown in column 2. Any such control for which no symbol is shown in Table 1 shall be identified by the word or abbreviation shown in column 2. Additional words or symbols may be used at the manufacturer's discretion for the purpose of clarity. The identification shall be placed on or adjacent to the control. The identification shall, under the conditions of S6, be visible to the driver and, except as provided in S5.2.1.1 and S5.2.1.2, appear to the driver perceptually upright.

S5.2.1.1 The identification of a headlamp and taillamp control that adjusts control and display illumination by means of rotation, or of any other rotating control that does not have an off position, need not appear to the driver perceptually upright.

S5.2.1.2 The identification of a rotating control other than one described by S5.2.1.1 shall appear to the driver perceptually upright when the control is in the off position.

S5.2.2 Identification shall be provided for each function of any automatic vehicle speed system control and any heating and air conditioning system control, and for the extreme positions of any such control that regulates a function over a quantitative range. If this identification is not specified in Tables 1 or 2, it shall be in word form unless color coding is used. If color coding is used to identify the extreme positions of a temperature control, the hot extreme shall be identified by the color red and the cold extreme by the color blue.

Example 1. A slide lever controls the temperature of the air in the vehicle heating system over a continuous range, from no heat to maximum heat. Since the control regulates a single function over a quantitative range, only the extreme positions require identification.

Example 2. A switch has three positions, for heat, defrost, and air conditioning. Since each position regulates a different function, each position must be identified.

§5.2.3 Except for informational readout displays, any display located within the passenger compartment and listed in column 1 of Table 2 that has a symbol designated in column 4, shall be identified by that symbol. Such display may, in addition be identified by the word or abbreviation shown in column 3. Any such display for which no symbol is provided in Table 2 shall be identified by the word or abbreviation shown in column 3. Informational readout displays may be identified by the symbol designated in column 4 of Table 2 or by the word or abbreviation shown in column 3. Additional words or symbols may be used at the manufacturer's discretion for the purpose of clarity. The identification required or permitted by this section shall be placed on or adjacent to the display that it identifies. The identification of any display shall, under the conditions of S6, be visible to the driver and appear to the driver perceptually upright.

S5.3 *Illumination.*

§5.3.1 Except for foot-operated controls or hand-operated controls mounted upon the floor, floor console, or steering column, or in the windshield header area, the identification required by §5.2.1 or §5.2.2 of any control listed in column 1 of Table 1 and accompanied by the word "yes" in the corresponding space in column 4 shall be capable of being illuminated whenever the headlights are activated. However, control identification for a heating and air-conditioning system need not be illuminated if the system does not direct air directly upon windshield. If a gauge is listed in column 1 of Table 2 and accompanied by the word "yes" in column 5, then the gauge and its identification required by §5.2.3 shall be illuminated whenever the ignition switch and/or the headlamps are activated. Controls, gauges, and their identifications need not be illuminated when the headlamps are being flashed. A telltale shall not emit light except when identifying the malfunction or vehicle condition for whose indication it is designed or during a bulb check upon vehicle starting.

S5.3.2 Except for informational readout displays, each discrete and distinct telltale shall be of the color shown in column 2 of Table 2. The identification of each telltale shall be in a color that contrasts with the lens, if a telltale with a lens is used. Any telltale used in conjunction with a gauge need not be identified. The color of informational readout displays will be at the option of the manufacturer.

S5.3.3 Light intensities for controls, gauges, and their identification shall be continuously variable from: (a) A position at which either there is no light emitted or the light is barely discernible to a driver who has adapted to dark ambient roadway conditions to (b) a position providing illumination sufficient for the driver to identify the control or display readily under conditions of reduced visibility. Light intensities for informational readout systems shall have at least two values, a higher one for day, and a lower one for nighttime conditions. The intensity of any illumination that is provided in the passenger compartment when and only when the headlights are activated shall also be variable in a manner that complies with this paragraph. The light intensity of each telltale shall not be variable and shall be such that, when activated, that telltale and its identification are visible to the driver under all daytime and nighttime conditions.

S6. *Conditions.* The driver is restrained by the crash protection equipment installed in accordance with the requirements of §571.208 of this part (Standard No. 208), adjusted in accordance with the manufacturer's instructions.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on June 21, 1978.

JOAN CLAYBROOK,
Administrator.

TABLE 1
Identification and Illumination of Controls

Column 1	Column 2	Col. 3	Col. 4
Hand Operated Controls	Identifying Words or Abbreviation	Identifying Symbol	Illumination
Headlamps and Tail Lamps	Lights	 [2,4]	—
Turn Signal	—		—
Hazard Warning Signal	Hazard		Yes
Clearance Lamps System	Clearance Lamps or Cl Lps	 [3,4]	Yes
Windshield Wiping System	Wiper or Wipe		Yes
Windshield Washing System	Washer or Wash		Yes
Windshield Washing and Wiping Combined	Wash-Wipe		Yes
Heating and/or Air Conditioning Fan	Fan		Yes
Windshield Defrosting and Defogging System	Defrost, Defog or Def		Yes
Rear Window Defrosting and Defogging System	Rear Defrost, Rear Defog or Rear Def		Yes
Engine Start	Engine Start[1]	—	—
Engine Stop	Engine Stop[1]	—	Yes
Manual Choke	Choke	—	—
Hand Throttle	Throttle	—	—
Automatic Vehicle Speed	(Mfg. Option)	—	Yes
Identification Lamps	Identification Lamps or Id Lps	—	Yes
Heating and Air Conditioning System	(Mfg. Option)	—	Yes

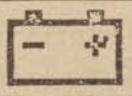
1. Use when engine control is separate from the key locking system.

2. Use also when clearance, identification, parking and/or side marker lamps are controlled with the headlamp switch

3. Use also when clearance lamps, identification lamps and/or side marker are controlled with one switch other than the headlamp switch.

4. Framed areas may be filled.

TABLE 2
Identification and Illumination of Internal Displays

Column 1 Display	Col. 2 Telltale Color	Column 3 Identifying Words or Abbreviation	Col. 4 Identifying Symbol	Col. 5 Illuminate
Turn Signal Tell-Tale	Green	Also see FMVSS 108	 [1] [5]	—
Hazard Warning Tell-Tale	Red [4]	Also see FMVSS 108	 [2] [5]	—
Seat Belt Tell-Tale	Red [4]	Also see FMVSS 208		—
Fuel Level Tell-Tale	Yellow	Fuel		—
Gauge	—	Fuel		Yes
Oil Pressure Tell-Tale	Red [4]	Oil		—
Gauge	—	Oil		Yes
Coolant Temperature Tell-Tale	Red [4]	Temp		—
Gauge	—	Temp		Yes
Electrical Charge Tell-Tale	Red [4]	Volts, Charge or Amp		—
Gauge	—	Volts, Charge or Amp		Yes
Speedometer	—	MPH and Km/h	—	Yes
Odometer	—	— [3]	—	—
Automatic Gear Position	—	Also see FMVSS 102	—	Yes
High Beam Tell-Tale	Blue [4]	Also see FMVSS 108	 [5]	—
Brake Air Pressure Position Tell-Tale	Red [4]	Brake Air Also see FMVSS 108	—	—
Malfunction in Anti-Lock or	Yellow	Anti-Lock Also see FMVSS 121	—	—
Brake System	Red [4]	Brake Also see FMVSS 121	—	—

1. The pair of arrows is a single symbol. When the indicators for left and right turn operate independently, however, the two arrows will be considered separate symbols and may be spaced accordingly.

2. Not required when arrows of turn signal tell-tales that otherwise operate independently flash simultaneously as hazard warning tell-tale.

3. If the odometer indicates kilometers, then "KILOMETERS" or "km" shall appear; otherwise, no identification is required.

4. Red can be red-orange. Blue can be blue-green.

5. Framed arrows may be filled.

[FR Doc. 78-17672 Filed 6-21-78; 4:55 pm]

[3510-22]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 285—ATLANTIC TUNA FISHERIES

Bluefin Tuna Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final rulemaking.

SUMMARY: The National Marine Fisheries Service amends the regulations regarding fishing for Atlantic bluefin tuna. These amended regulations close the purse seine fishing season for school size Atlantic bluefin tuna at 0001 hours e.d.t., June 24, 1978.

EFFECTIVE DATE: 0001 hours e.d.t., June 24, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On June 21, 1978, a notice of final rulemaking concerning the Atlantic bluefin tuna fishery was published in the FEDERAL REGISTER (43 FR 26581). 50 CFR 285.13 established a total annual quota for school-size Atlantic bluefin tuna at 1,000 short tons (910 metric tons). Of the total annual quota of 1,000 short tons, 800 short tons were made available for capture during the open season, and 200 short tons were reserved to be taken at any time during the year incidental to conducting a scientific bluefin tuna tagging project.

The 1978 open season quota of 800 short tons of school-size Atlantic bluefin tuna has been taken. The Assistant Administrator for Fisheries has determined that if purse seining of school-size Atlantic bluefin tuna continues substantial damage to this stock will occur. Consequently, for good cause, in accordance with § 285.12, the following closure is hereby announced. The purse seine fishing season for school-size Atlantic bluefin tuna is closed effective 0001 June 24, 1978.

Issued at Washington, D.C., and dated June 22, 1978.

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

[FR Doc. 78-17837 Filed 6-22-78; 4:21 pm]

[3510-22]

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

PART 611—FOREIGN FISHING

Amendment Governing Directed Longlining for Sablefish and Trawling in Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Amendment to the Foreign Fishing Regulations governing directed longlining for sablefish and trawling in the Gulf of Alaska.

SUMMARY: This amendment is intended to prevent gear conflicts between vessels of foreign nations using both trawl and longline gear and vessels of the United States using longline gear in the fishery conservation zone in the Gulf of Alaska. This amendment establishes three sanctuary areas which are closed to foreign trawl vessels, and expands the area closed to foreign longlining from east of 137° West longitude to east of 140° West longitude. The total allowable level of foreign fishing, and amount of trawl species (e.g. rockfishes, pollock and sablefish) allocated to foreign nations under the 1978 preliminary management plans and implementing regulations, remain unchanged.

EFFECTIVE DATE: This amendment is effective on July 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Harry L. Reitze, Director, Alaska Region, National Marine Fisheries Service, Box 1169, Juneau, Alaska 99802, telephone 907-586-7221.

SUPPLEMENTARY INFORMATION: The foreign fishing regulations for 1978 (50 CFR Part 611, 42 FR 60682, November 28, 1978) established areas closed to foreign trawl fishermen during certain seasons (§ 611.92(b)(3)), and closed the area east of 137° West longitude to foreign sablefish longliners (§ 611.94(c)(1)).

The North Pacific Fishery Management Council, based upon comments which it received during hearings and public meetings while preparing a fishery management plan (FMP) for Gulf of Alaska groundfish, requested that the Secretary of Commerce (Secretary) implement certain provisions of its proposed FMP by amending §§ 611.92 and 611.94 to establish three sanctuary areas which would be closed to foreign trawling, and to expand the area closed to foreign longlining to east of 140° West longitude. The request for amending § 611.92 was based upon comments that establishing the closed sanctuary areas would eliminate gear conflicts between foreign trawlers and domestic fixed gear fishermen. It was stated that gear conflicts were partly responsible for inhibiting the expansion of the domestic fishery. The amendments published today were published for public notice and comment along with other management measures proposed in the FMP, on April 21, 1978 (43 FR 17243) and comments were received until June 6, 1978.

COMMENTS

Some commentators, disagreeing with the establishment of closed sanctuary areas stated that: (1) The sanctuary areas were principal Pacific Ocean perch and rockfish fishing grounds for Japanese trawlers; (2) closing the areas would not aid in conserving the sablefish resource because Japanese trawl fishermen were already not allowed a directed fishery for sablefish (blackcod), and; (3) the sanctuary areas were an illegal extension of United States territoriality. Although the sanctuaries may be important Pacific Ocean perch and rockfish fishing grounds, in 1976 only about 2 percent of foreign fishing effort occurred in the sanctuary areas, known as Cross Sound Gully, Fairweather Gully and Salisbury-Edgecumber. These areas are established not for the purpose of sablefish conservation, but rather to prevent gear conflicts between fixed gear fishermen of the United States and foreign trawlers in order that U.S. fishing vessels may harvest to the full extent of their capacity. Measures that close certain areas to specified types of gear are not considered extensions of territoriality, but are part of the management measures authorized by the Fishery Conservation and Management Act of 1976 to achieve the objectives of the fishery management plans, including minimization of gear conflicts.

The request for amending § 611.94 was based upon comments stating that expanding the area closed to foreign longlining from east of 137° West longitude to east of 140° West longitude would prevent gear conflicts between foreign longliners and domestic fixed gear fishermen. It was also stated that gear conflicts within that area were inhibiting the expansion of the domestic fishery. Several commentators, disagreeing with proposed expansion of the area closed to foreign longlining, stated that: (1) The expansion will not affect the development of a United States fishery; (2) the measure will have a serious impact on the traditional Japanese longline fishery; (3) the proposed regulation will not aid in sablefish conservation because sablefish

are highly migratory; (4) longlines should not be barred in this area because they are species specific; (5) Japanese longliners voluntarily have limited their longlining to waters deeper than 500 meters thereby avoiding conflict with domestic fishermen; (6) conflicts with domestic fishermen can be minimized by other means; and (7) the amendments are disruptive when implemented in mid-season.

The purpose of the proposed regulation is to prevent domestic gear conflicts with foreign longline gear. Domestic fishermen have testified that they will not fish in the presence of foreign longline gear because of the possibility of gear loss or damage, therefore the expansion of the area closed to foreign longlining will aid the domestic industry. Although the regulations will have some adverse impact upon the Japanese longline fleet, additional areas for longline harvesting of Pacific cod by foreign vessels were authorized on April 13, 1978 (43 FR 15472). With regard to comments three and four above, the intent of the regulation is not sablefish conservation, but prevention of gear conflict. The contention that Japanese longline vessels voluntarily restrict their fishing to deeper waters than domestic fishermen is not substantiated by testimony presented at hearings on the FEIS or the FMP. Domestic fishermen testified that they would fish to depths of 640 meters. Because the Japanese longline fleet has voluntarily withdrawn from the area east of 140° West longitude, there is expected to be no disruption to these vessels as a result of these amendments.

The Assistant Administrator for Fisheries (Assistant Administrator) has determined:

(a) That the proposed changes to the foreign fishing regulations do not require a separate environmental impact statement because these measures were assessed in the environmental impact statement (EIS) for the proposed fishery management plan (FMP) (43 FR 17243). A draft EIS on the FMP was filed with the Council on Environmental Quality (CEQ) on July 18, 1977 and the final EIS was filed on October 21, 1977. The substance of these amendments to the regulations was duly noticed and discussed in public hearings on the FMP. A record of those discussions is available in the final EIS on the FMP. The FMP was approved on February 24, 1978 by the Assistant Administrator pursuant to delegation of authority from the Secretary. Proposed implementing regulations (containing the exact wording of these amendments) were published for public notice and comment on April 21, 1978 (43 FR 17242). Comments were received until June 6, 1978.

(b) That this amendment does not require the preparation of a regulatory impact analysis; and

(c) That there is good cause to implement these regulations in accordance with the 10-day notice requirement of § 611.3 for the following reasons:

(i) These amendments affect only the five nations possessing allocations in the Gulf of Alaska fisheries: Japan, Poland, Korea, Mexico, and the U.S.S.R. Of these nations, Mexico and Poland are not yet fishing in the Gulf of Alaska. Korea is fishing approximately 500 miles west of southeastern Alaska. Japan was represented at the Council meeting of May 22, 1978 when immediate implementation was recommended and has since withdrawn its vessels from the areas affected by the amendment. The U.S.S.R. has been informally notified of the proposed effective date and has not objected. Vessels of the U.S.S.R. are not now fishing in the areas in question.

Because foreign vessels are not presently fishing in these areas, it is less disruptive to implement the regulations in ten days than to wait until the FMP is implemented, during which time foreign vessels may arrive in the Gulf of Alaska or commence operations in these areas;

(ii) Section 611.3 provides that notice be given to the embassy of the foreign nation and to the agent of any foreign vessel whose permit is modified by regulation. This notice has been made in this case; and

(iii) This regulation confers a benefit on vessels of the United States. These fishing vessels traditionally begin longlining for sablefish in June. United States fishermen are refraining from fishing in the sanctuary areas because of fear of gear conflicts. Lost catch cannot be made up later in the year because of limited good weather. Therefore, there is good cause to implement these regulations as soon as possible consistent with the need of foreign vessels to prepare for implementation.

The Assistant Administrator has approved this document pursuant to delegation of authority from the Secretary.

Dated: June 22, 1978.

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

1. Section 611.92 is amended as follows:

§ 611.92 Gulf of Alaska Trawl Fishery.

(a) * * *
(b) * * *

* * * * *

(3) Closed areas.
(i) * * *

* * * * *

(vi) Three sanctuary areas are closed to foreign trawling at all times.

(A) Between 56°53′ N. lat. and 57°24′ N. lat. east of 137°00′ W. long.

(B) Between 57°50′ N. lat. and 58°12′ N. lat. east of 137°25′ W. long.

(C) The area bounded by rhumb lines connecting the following coordinates in the order listed: 58°28′ N. lat.—140°00′ W. long.; 58°48′ N. lat.—138°50′ W. long.; 58°10′ N. lat.—139°11′ W. long.; 58°28′ N. lat.—140°00′ W. long.

2. Section 611.94 is amended as follows:

§ 611.94 Directed Fishery for Sablefish (blackcod) in the Gulf of Alaska.

(a) * * *
(b) * * *
(c) Open areas.

(1) That portion of the Gulf of Alaska which is west of 140°00′ west longitude and which is both seaward of the 500 meter (273.3 fathom) depth contour and beyond 12 nautical miles from the baseline used to measure the territorial sea; and * * *.

[FR Doc. 78-17749 Filed 6-22-78; 2:23 pm]

[3510-22]

PART 651—ATLANTIC GROUNDFISH—COD, HADDOCK, AND YELLOWTAIL FLOUNDER

New Landing Restrictions

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Adjustment of landing restrictions.

SUMMARY: Section 651.7(e) of the fishing regulations regarding Atlantic groundfish (cod, haddock, and yellowtail flounder) (43 FR 14969) provides that the Assistant Administrator for Fisheries may adjust the landing restrictions for cod, haddock, and yellowtail flounder after 40 percent of the quarterly quota of cod, haddock, or yellowtail flounder has been taken or 45 days after the beginning of a quarter. The Assistant Administrator has determined that these conditions have been met, and that it is necessary to impose additional restrictions on the landings of those species.

EFFECTIVE DATE: 0001 hours e.d.t., July 2, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Section 651.7(e) of the fishing regulations regarding cod, haddock, and yel-

lowtail flounder (43 FR 14969 and 17361) provides that the Assistant Administrator for Fisheries may adjust the landing restrictions for Atlantic groundfish (cod, haddock, and yellowtail flounder) after 40 percent of the quarterly quota for those species has been taken or 45 days after the beginning of a quarter. The Assistant Administrator has determined that these conditions have been met. Fishing for cod and haddock at the levels specified on May 5 (43 FR 19429) would result in landings in excess of the quotas set in the fishery management plan. Therefore the Assistant Administrator finds it necessary to impose additional restrictions on the landings of cod and haddock.

The adjustments announced May 5 (43 FR 19429) were designed to reduce weekly landings by 30 percent for cod and 50 percent for haddock, for each vessel class. The landing statistics through June 15 show that the vessel classes are now catching cod and haddock at rates which do not correspond to each class' historic percentage. Therefore the Assistant Administrator, pursuant to section 651.7(f), has lowered the landing allowances by varying amounts to give each vessel class a better opportunity to take its historic percentage of the catch. In making these adjustments, the Assistant Administrator has also considered such factors as stock availability, capability of vessels to switch to other fisheries, and traditional fishing seasons and patterns.

The new restrictions are applicable to landings of cod and haddock per vessel as follows:

COD—GULF OF MAINE

	Weekly landings (pounds)	Allowable overrun per week (pounds)
Vessel class:		
0-60 GRT	2,000	500
61-125 GRT	1,000	500
126 GRT and over	3,000	1,000
Fixed gear	8,000	

COD—GEORGES BANK AND SOUTHERN NEW ENGLAND

	Weekly landings (pounds)	Allowable overrun per week (pounds)
Vessel class:		
0-60 GRT	1,000	500
61-125 GRT	1,500	1,000
126 GRT and over	7,000	2,000
Fixed gear	13,000	

HADDOCK

	Weekly landings (pounds)	Allowable overrun per week (pounds)
Vessel class:		
0-60 GRT	1,000	500
61-125 GRT	1,500	500
126 GRT and over	5,000	1,000
Fixed gear	8,000	

Landing restrictions for fixed gear remain unchanged from those published in the FEDERAL REGISTER on May 5, 1978 (43 FR 19429). There is no allowable overrun for fixed-gear vessels.

These landing restrictions for cod and haddock will become effective at 0001 hours e.d.t., July 2, 1978.

Dated: June 22, 1978.

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

[FR Doc. 78-17750 Filed 6-22-78; 2:23 pm]

[3510-22]

PART 652—ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

Extension of Reduction of Fishing Effort

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of extension of reduction of fishing effort.

SUMMARY: This notice specifies new effort restrictions under the Fishery Conservation and Management Act of 1976 for fishing for surf clams in the fishery conservation zone by continuing the present 24 hour fishing period through the third quarter of 1978 (July 1 through September 30).

EFFECTIVE DATE: 0001 hours, July 1, 1978, through September 30, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: 50 CFR 652.7(a)(2) provides that the Regional Director for the Northeast Region shall determine what level of effort will allow for continued catch of surf clams throughout the entire quarter. The Regional Director, after examining the previous completed quarter's catch statistics and the catch statistics through June 9, 1978, has determined that a continuation of the 24 hour fishing period should prevent the need for a closure at the end of the third quarter.

A number of comments have been received concerning the effort restrictions. These have included requests to voluntarily take one half of an owner's vessels out of the fleet for six months if the other half could fish at double the effort restrictions (in the third quarter that would allow for 48 instead of 24 hours); a request to fish for the total quarter's effort for each boat until the quota had expired; a vessel class allocation system and a boat quota system. Each of these has been rejected as either premature due to a lack of analysis, or as beyond the scope of the Mid-Atlantic Fishery Management Council's present surf clam plan.

The Mid-Atlantic Council is actively investigating alternative management measures to increase flexibility in the use of the fleet. Hearings on this issue will be held during the third quarter and amendments to the plan will be considered by the Secretary of Commerce shortly thereafter. Therefore, beginning at 0001 hours on July 1, 1978, and continuing through September 30, 1978, fishing for surf clams shall be restricted to 24 hours during any fishing week.

Signed at Washington, D.C., this 22d day of June 1978.

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

[FR Doc. 78-17747 Filed 6-22-78; 2:23 pm]

[3510-22]

SABLEFISH OF THE EASTERN BERING SEA AND NORTHEASTERN PACIFIC

Amendment to Preliminary Fishery Management Plan

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Amendment to Preliminary Fishery Management Plan for the sablefish fishery of the Eastern Bering Sea and Northeastern Pacific.

SUMMARY: This document amends the preliminary fishery management plan entitled "Sablefish Fishery of the Eastern Bering Sea and Northeastern Pacific" (42 FR 8534) originally published on February 10, 1977. The plan provides conservation and management measures for the foreign sablefish fishery in the Eastern Bering Sea and Northeastern Pacific. This amendment prohibits foreign fishing vessels from conducting a directed fishery for sablefish east of 140° west longitude in the fishery conservation zone in the Gulf of Alaska. The purpose of this action is to prevent gear conflicts between longline vessels of the United States and foreign nations which result in loss of, or damage to, the longline gear of vessels of the United States.

EFFECTIVE DATE: This amendment is effective on July 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry L. Rietze, Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 99802, telephone 907-856-7221.

SUPPLEMENTARY INFORMATION: Background: On February 10, 1977, a preliminary fishery management plan (PMP) entitled "Sablefish Fishery of the Eastern Bering Sea and Northeastern Pacific" was published by the Secretary of Commerce (Secretary) to provide conservation and management measures for foreign sablefish fisheries in the Eastern Bering Sea and Northeastern Pacific pursuant to section 201(g) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), as amended. The PMP was implemented by foreign fishing regulations for 1977 (42 FR 8813) and for 1978 (42 FR 60682). On April 21, 1978, a fishery management plan (FMP) entitled "Groundfish of the Gulf of Alaska" prepared by the North Pacific Fishery Management Council, was published by the Secretary and public comment was received upon the FMP until June 6, 1978 (43 FR 17243). The FMP listed among its management measures area closures designed to prevent gear losses to domestic longline vessels by foreign vessels using longline gear. Gear losses were cited as being partly responsible for inhibiting the expansion of the domestic fishery.

Purpose: The PMP was designed to authorize foreign fishing for sablefish to the extent consistent with the purposes of the FCMA. Prevention of gear conflicts is an important consideration of the PMP.

The Assistant Administrator for Fisheries (Assistant Administrator), under a delegation of authority from the Secretary, has determined that amendments to the PMP increasing the area closed to foreign longline vessels are necessary and appropriate to the interests of conservation and management of the sablefish fishery resource during the 1978 fishing season.

Since United States vessels traditionally fish for sablefish during the summer months, the Assistant Administrator has also determined that there is good cause to adopt certain of the area closures proposed by the FMP as amendments to the PMP to further reduce gear conflicts in 1978. The closures have been the subject of extensive consideration and public comment and are reasonably calculated to achieve the desired objectives of the fishery with a minimum of disruption to foreign fishing vessels in the Gulf of Alaska.

Impact: This action involves no change in the optimum yield of the species caught in the Bering Sea and Northeastern Pacific sablefish fishery, nor does it change the total allowable level of foreign fishing for those species. The action restricts, to a further degree, the area in which foreign vessels using longline gear are authorized to fish in order to prevent gear conflicts with domestic longliners. No adverse impact is anticipated to the groundfish resource or to domestic fishermen. This action is consistent with the fishery management policy for the Berling Sea and Northeastern Pacific with regard to total allowable level of foreign fishing expressed in section 5.A. of the PMP.

The Assistant Administrator has approved this document pursuant to delegation of authority from the Secretary.

Signed at Washington, D.C., this 22d day of June 1978.

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

The PMP is revised as follows:

1. Section 4.C third paragraph is to read as follows:

In the Gulf of Alaska the United States has the potential to harvest 4,000 metric tons (mt) of sablefish in 1978. This amount, plus the 3,000 mt reserve, leaves 8,000 mt available for allocation to foreign nations. Rapid expansion of the United States sablefish fishery which is taking place in the southeast Alaska and Yakutat areas, and socio-economic considerations necessitate foreign catch limitations. Gear conflicts between foreign longliners and United States fixed gear fishermen have been partially responsible for inhibiting expansion of the domestic fishery. According to the 1970-1976 trends, the total catch in the southeastern Alaska area should not exceed 4,000 mt. Of this amount, 3,200 mt is anticipated to be taken by United States fishermen and 800 mt is initially set aside as a reserve. It is also anticipated that elimination of gear conflicts will result in increased domestic fishing effort and harvest in that portion of the Yakutat area east of 140° West longitude. Therefore, no surpluis is available for foreign fisheries east of 140° West longitude in the Gulf of Alaska. The United States anticipates a small sablefish fishery in the Bering Sea. Although no specific United States capacity has been established, 600 mt will initially be reserved in that sub-area for potential domestic harvest.

2. Section 5.A.d. Catch Limitations. The second paragraph is revised to read as follows:

The United States sablefish fishery, as projected by the fishing industry, is capable of harvesting 4,000 mt of sablefish in 1978 in the Gulf of Alaska region, assuming gear conflicts are eliminated. Accordingly, the surplus available for foreign fishing (not including possible further allocations from the reserve) will be 8,000 mt. The domestic sablefish fishery is expanding rapidly off of southeastern Alaska and in the Yakutat area and no surplus is available to foreign fishermen longlining for sablefish east of 140° West longitude in the Gulf of Alaska.

[FR Doc. 78-17751 Filed 6-22-78; 2:23 pm]

[3510-22]

TRAWL FISHERY OF THE GULF OF ALASKA

Amendment to Preliminary Fishery Management Plan

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

SUMMARY: This notice amends the Preliminary Management Plan entitled "Trawl Fishery of the Gulf of Alaska" (42 FR 8782) which was published on February 11, 1977. The plan provides conservation and management measures for foreign trawl fisheries in the Gulf of Alaska. This amendment establishes three areas off southeastern Alaska which are closed to trawl vessels of foreign nations in order to prevent damage to fixed gear of vessels of the United States.

EFFECTIVE DATE: This amendment is effective on July 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry L. Rietze, Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone: 907-586-7221.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On February 11, 1977, a preliminary fishery management plan (PMP) entitled "Trawl Fishery of the Gulf of Alaska" was published by the Secretary of Commerce (Secretary) to establish conservation and management measures for foreign trawl fisheries in the Gulf of Alaska pursuant to Section 201(g) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et. seq.), as amended. The PMP was implemented by foreign fishing regulations for 1977 (42 FR 8813) and for 1977 (42 FR 60682).

On April 21, 1978, a fishery management plan (FMP) entitled "Groundfish of the Gulf of Alaska" prepared by the North Pacific Fishery Management Council, was approved and published by the Secretary. Public comment was received upon the FMP until June 6, 1978 (43 FR 17243). The FMP cited gear losses as being partly responsible for inhibiting the expansion of the domestic fishery. The FMP included among its management measures area closures designed to prevent gear losses to domestic longline vessels caused by foreign vessels using trawl gear. The Assistant Administrator for Fisheries (Assistant Administrator), under a delegation of authority from

the Secretary, has determined that amendments to the PMP establishing these three non-trawling areas off Southeastern Alaska are necessary and appropriate to conservation and management of the Gulf of Alaska fishery resources during the 1978 fishing season.

PURPOSE

The PMP was designed to authorize vessels of foreign nations, using trawl gear, to harvest that portion of the optimum yield for mixed species of bottomfish (e.g., rockfishes, sablefish, and pollock) which will not be harvested by vessels of the United States. Fishing by foreign trawl vessels in certain areas off southeastern Alaska has led to damage and loss of longline gear used by vessels of the United States to harvest sablefish. The purpose of this amendment is to establish three non-trawling areas in areas of high sablefish concentration in order to prevent gear conflicts in these areas and enable vessels of the United States to harvest fish to the full extent of their capacity.

Since U.S. vessels traditionally fish for sablefish during the summer months, the Assistant Administrator has also determined that there is good cause to adopt certain of the area closures proposed by the FMP as amendments to the PMP to further reduce gear conflicts in 1978. These closures have been the subject of extensive consideration and public comment and are reasonably calculated to achieve the desired objectives of the fishery with a minimum of disruption to foreign fishing vessels in the Gulf of Alaska.

IMPACT

This action involves no change in the optimum yield of species caught in the Gulf of Alaska trawl fishery, nor does it change the total allowable level of foreign fishing for those species. It provides three areas in which foreign trawlers may not fish in order to prevent gear damage to domestic longliners in these areas. No adverse impact is anticipated to the groundfish resources or to domestic fishermen. This action is consistent with the fishery management policy for the Gulf of Alaska with regard to total allowable level of foreign fishing expressed in Section 5.A of the PMP.

Signed at Washington, D.C., this 22d day of June 1978.

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

The PMP is revised as follows:

1. Section 5.A, as revised (42 FR 15472), is amended by adding a new subparagraph as follows:

(4) *Closed Areas.* Three non-trawling areas are established to prevent gear damage to domestic longliners by foreign trawlers. No trawling by foreign vessels is permitted in the following three areas at any time.

(a) Between 56°53′ N. lat. and 57°24′ N. lat. east of 137°00′ W. long.

(b) Between 57°50′ N. lat. and 58°12′ N. lat. east of 137°25′ W. long.

(c) The area bounded by rhumb lines connecting the following coordinates in the order listed: 58°28′ N. lat.–140°00′ W. long.; 58°48′ N. lat.–138°50′ W. long.; 58°10′ N. lat.–139°11′ W. long.; 58°28′ N. lat.–140°00′ W. long.

[FR Doc. 78-17748 Filed 6-22-78; 2:23 pm]

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of potatoes grown in Washington to be inspected and meet minimum grade, size, maturity, and pack requirements. The regulation should promote orderly marketing of such potatoes by keeping less desirable quality and sizes from being shipped to consumers.

DATE: Comments due July 11, 1978.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 113 and Order No. 946, both as amended, regulate the handling of Irish potatoes grown in the State of Washington. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The State of Washington Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon the recommendation made by the committee at its public meeting in Moses Lake, Wash., on June 7, 1978.

The recommendations of the committee reflect its appraisal of the composition of the 1978 crop of Washington potatoes and the marketing prospects for this season. Shipments are expected to begin in late July. The grade, size, cleanliness, maturity, and pack requirements proposed herein, which are similar to those currently in effect through July 31, 1978, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

This season potatoes of the Norgold variety would, beginning August 1, be required to have a minimum diameter of 2¼ inches. The committee believes that this ¼ inch increase in the minimum size from last season would help to improve the quality of the Norgold pack, particularly the smaller sizes remaining after the 50-pound cartons are packed.

The committee recommended retaining the additional 10 percent tolerance for damage due to internal defects for potatoes packed in 50-pound cartons. This problem usually occurs in the larger size potatoes—the predominant ones packed in cartons. Without this tolerance these larger potatoes would have to be shipped in bags which provide less protection to the potatoes and less ease of handling.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be allowed to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity, and pack requirements provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Seed would be exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Potatoes grown in the production area could be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oreg., District No. 5, and Spokane County in District No. 1 for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part. Therefore, shipments to processing outlets are exempt.

This season the minimum quantity exemption is increased to 20 hundredweight from 5 hundredweight. This should relieve the burden on handling noncommercial quantities of potatoes.

Requirements for export shipments differ from those for domestic markets. Quality requirements may differ in foreign markets and smaller sizes are more acceptable. Because of this, export shipments are exempt. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for prepeeling are exempt.

The proposal is as follows:

§ 946.332 [Removed]

1. *Termination of regulations:* Handling regulation § 946.332, effective August 1, 1977, through July 31, 1978 (42 FR 38380 and 39671) shall be terminated upon the effective date of this section.

2. Section 946.333 is added to read as set forth below.

§ 946.333 Handling regulation.

During the period July 20, 1978, through July 31, 1979, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) and (e) or (f) of this section.

(a) *Minimum quality requirements.*—(1) *Grade. All varieties.* U.S. No. 2, or better grade.

(2) *Size.*—(i) *Round varieties.* 1⅞ (47.6 mm) inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight except Norgold variety grown in Districts 1 through 4 must be 2¼ inches minimum diameter after July 31, 1978.

(3) *Cleanliness.* All varieties and grades—as required in the United States Standards for Grades of Potatoes.

(b) *Minimum maturity requirements.*—(1) *Round and White Rose varieties.* Not more than "moderately skinned."

(2) *Other long varieties (including but not limited to Russet Burbank and Norgold).* Not more than "slightly skinned."

(c) *Pack.* Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes which fail to meet the U.S. No. 1 grade only because of internal defects may be shipped provided the lot contains not more than 10 percent damage by any internal defect or combination of

internal defects but not more than 5 percent serious damage by any internal defects or combination of internal defects.

(d) *Special purpose shipments.* The minimum grade, size, cleanliness, maturity, and pack requirements set forth in paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Livestock feed;

(2) Charity;

(3) Seed;

(4) Prepeeling;

(5) Canning, freezing, and "other processing" as hereinafter defined;

(6) Grading or storing at any specific location in Morrow and Umatilla Counties in the State of Oregon; in District 5, or in Spokane County of District 1; or

(7) Export, except to Alaska or Hawaii.

Shipments of potatoes for the purposes specified in subparagraphs (1) through (7) of this paragraph shall be exempt from inspection requirements specified in paragraph (g) of this section except shipments pursuant to subparagraph (6) shall comply with inspection requirements of (e)(2) of this section. Shipments specified in (1), (2), (3), and (5) shall be exempt from assessment requirements specified in § 946.41.

(e) *Safeguards.* (1) Handlers desiring to make shipments of potatoes for prepeeling shall:

(i) Notify the committee of intent to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipments;

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration; such appeal shall be in writing;

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon, in District No. 5, or in Spokane County in District No. 1 shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipments and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (d) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanliness, maturity, and pack requirements specified in paragraphs (a), (b), and (c) of this section;

(iii) If reshipment is for any of the purposes specified in paragraph (d) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraph (e) of this section.

(3) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's list of canners, freezers, or other processors of potato products maintained by the committee, or to persons not on the list provided the handler furnishes the committee, prior to such shipment, evidence that the receiver may reasonably be expected to use the potatoes only for canning, freezing, or other processing;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(4) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall:

(i) Complete and return an application form for consideration of approval as a canner, freezer, or other processor of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(5) Each handler desiring to make shipments of potatoes for export shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Such information shall include the quantity of potatoes to be shipped and the name and address of the exporter;

(ii) After the certificate is approved and the shipment is made, furnish the committee with a copy of the on-board bill of lading applicable to such shipment;

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(f) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed 20 hundredweight of potatoes to any person without regard to the inspection and assessment requirements of this part, but this exemption shall not apply to any shipment over 20 hundredweight of potatoes.

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no handler may handle any potatoes regulated hereunder unless an appropriate inspection certificate had been issued by an authorized representative of the Federal-State Inspection Service with respect thereto and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (7 CFR 2851.1540-2851.1566), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 (United States Standards for Gades of Peeled Potatoes) (7 CFR 2852.2421-2852.2433). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes the application of heat or cold to such an extent that the natural form or stability of the commodity

undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended and this part.

(i) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August in the effective period of this section shall meet the minimum grade, size, quality and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

Dated: June 21, 1978.

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

[FR Doc. 78-17713 Filed 6-23-78; 8:45 am]

[3410-30]

Food and Nutrition Service

[7 CFR Part 210]

NATIONAL SCHOOL LUNCH PROGRAM

Extension of Comment Period

AGENCY: Food and Nutrition Service, USDA.

ACTION: Extension of comment period.

SUMMARY: Notice is hereby given that the period is extended for receipt of comments on the proposed rule, published April 25, 1978 (43 FR 17476), delineating certain competitive foods that the Secretary of Agriculture has proposed not be approved for sale to children on school premises until after the last lunch period, for schools participating in programs under the Child Nutrition Act of 1966, and the National School Lunch Act. The Department continues to receive a large volume of public comments. In view of the number of comments received to date, and due to the complex nature of the competitive food issue, the Department considers it to be in the public interest to continue receiving comments beyond June 23. Therefore, the public comment period will be extended for an additional 7 days to June 30, 1978. The Department does not anticipate that this extension will result in any extension of the proposed rule's effective date.

DATES: To be assured of consideration, comments must be received on or before June 30, 1978.

ADDRESS: Comments should be sent to: Margaret O'K. Glavin, Acting Director, School Programs Division, USDA, FNS, Washington, D.C. 20250, 202-447-8130.

FOR FURTHER INFORMATION CONTACT:

Margaret O'K. Glavin, Acting Director, School Programs Division, USDA, FNS, Washington, D.C. 20250, 202-447-8130.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Service.

[FR Doc. 78-17763 Filed 6-22-78; 2:44 pm]

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Part 220]

[Reg. T, Docket No. R-0080]

CREDIT BY BROKERS AND DEALERS

Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Extension of time for proposed rulemaking.

SUMMARY: The Board has received a request for an extension of time for comments on a proposed amendment to Regulation T, "Credit by Brokers and Dealers", that would permit brokers and dealers to extend and maintain credit on unlisted nonconvertible corporate bonds (43 FR 21008 May 16, 1978). In light of the Board's desire to encourage public participation, the comment period is extended to July 7, 1978.

DATE: Comments should be received by July 7, 1978.

ADDRESS: Comments should be sent to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 and should include the docket number R-0080.

FOR INFORMATION CONTACT:

Laura M. Homer, Chief Attorney, Securities Regulation, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2786.

Board of Governors of the Federal Reserve System, June 14, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-17616 Filed 6-23-78; 8:45 am]

[6210-01]

[12 CFR Part 225]

[Reg. Y, Docket No. R-0050-B]

BANK HOLDING COMPANIES

Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Extension of time for proposed rulemaking.

SUMMARY: The Board has received a request for an extension of time for comments on a proposed amendment to Regulation Y, "Bank Holding Companies", relating to permissible insurance activities by bank holding companies. (43 FR 23589 May 31, 1978). In light of the Board's desire to encourage public participation, the comment period is extended to August 1, 1978.

DATE: Comments should be received by August 1, 1978.

ADDRESS: Comments should be sent to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and should include the docket number R-0050-B.

FOR INFORMATION CONTACT:

Richard M. Whiting, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3786.

Board of Governors of the Federal Reserve System, June 15, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-17617 Filed 6-23-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 108]

[Rev. 4 Amdt. 7]

LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Loans—LDC Participation and Reasonable Fees

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule change would reduce the amount of the Local Development Company's (LDC) participation (cash or in-kind) in a project from 20 percent to 10 percent of project cost and also establish a ceiling on certain fees chargeable by applicant to beneficiary small business concern (SBC). The intent of these changes is to reduce the confusion now existing in connection with the LDC participation and to clarify fees allowed.

DATE: Comments must be received by July 26, 1978.

ADDRESS: Comments submitted in duplicate are to be addressed to Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

William B. Dean, Chief, Development Company Loan Program, Small Business Administration, Washington, D.C. 20416, 202-653-6842.

SUPPLEMENTARY INFORMATION: Part 108.502-1(e) sets the reasonable participation of the LDC as 20 percent of project cost with exceptions allowable in ghetto or target areas. It is proposed to reduce the participation to 10 percent of project cost without regard to location of project.

Part 108.502-1(j)(3) allows LDC to recover administrative costs and a reasonable sum as a reserve for contingencies to cover unusual costs or expenses. In the past, the LDC's have charged only a minimal amount, if any at all. Recent developments have shown a desire on the part of some LDC's to charge exorbitant fees, which raise the costs to the beneficiary small businesses. As stated in the definitions, a development company is formed for the purpose of furthering the economic development of a community and to promote the growth and development of small businesses; therefore, it is our opinion that a ceiling needs to be set on such fees.

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 11821 and OMB Circular A107.

Accordingly, pursuant to authority contained in section 308(c) of the Small Business Investment Act of 1958 (SBI Act), 15 U.S.C. 687, as amended notice is hereby given that SBA proposes to amend § 108.502-1 as follows:

(a) By amending the first four sentences of paragraph (e);

(b) By amending paragraphs (j) by reserving subparagraph (2) and revising subparagraph (3);

(c) By forming a new paragraph (j-1).

§ 108.502-1. Section 502 loans.

* * * * *

(e) *Participation by the development company.* A development company may be required to furnish a reasonable part, as determined by SBA, of the funds necessary to accomplish the plant acquisition, construction, conversion or expansion, or the acquisition of land. For the purposes of this paragraph, the furnishing of not less than 10 percent of the necessary funds generally is considered a reasonable part. Exceptions for a lesser amount may be granted in extreme hardship cases where a project with a high impact would otherwise be lost to the community. SBA may require that the funds to be furnished by the development company be derived from paid-in capital or surplus of the development company, as well as from other sources. * * *

* * * * *

(j) *Use of proceeds.* (1) * * *

(2) [Reserved]

(3) Evidence, satisfactory to SBA, shall be submitted prior to approval and disbursement of said loan, that the identifiable small business concern intends or has the right to use the said plant during a period of time equal at least to the maximum contract term of the section 502 loan or 5 years after full disbursement of the section 502 loan, whichever is the longer period; and that use of said proceeds will assist only the identifiable small business concern. Evidence of such intent and purpose shall be deemed to exist where the proceeds of the section 502 loan will be used by the development company to:

(i) Relend to the identifiable small business concern for acquisition, construction, conversion, or expansion of a plant owned, occupied, and used by said concern;

(ii) Acquire, construct, convert, or expand a plant to be sold immediately to the identifiable small business concern for its occupancy and use;

(iii) Acquire, construct, convert, or expand a plant owned by the development company to be leased to the identifiable small business concern with the right in such concern to apply rentals, under a purchase option arrangement, on the purchase price of the plant;

(iv) Acquire, construct, convert, or expand a plant owned by the development company to be leased to the identifiable small business concern without a purchase option arrangement, but with the right in such concern to occupy the plant during a period of time equal at least to the maximum contract term of the section 502 loan or 5 years after full disbursement of the section 502 loan, whichever is the longer.

(j-1) *Contract terms.* The contract between the development company and said concern will set forth terms that will provide the development compay with total funds not in excess of those necessary, (1) to repay with interest the section 502 loan; (2) for applicable taxes upon and maintenance of the plant; (3) to recover administrative costs and provide a reasonable sum as a reserve for contingencies to cover unusual costs or expenses—the total of such administrative costs and reserves shall not exceed 3/10 percent monthly, of the LDC's participation or $100, whichever is the lesser; and (4) to recover capital investments and expenditures of the development company's own funds in the project with a reasonable return on such capital investments and expenditures as may be acceptable to SBA.

* * * * *

(Catalog of Domestic Assistance Programs No. 59.013, State and Local Development Company Loans.)

Dated: June 16, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-17542 Filed 6-23-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 18069]

AIRWORTHINESS DIRECTIVES

Agusta Model A109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to add an airworthiness directive (AD) that would require an inspection of main rotor blades on Costruzioni Aeronautiche Giovanni Agusta Model A109A helicopters for corrosion and proper sealing, blade replacement or repair, as necessary, the application of a protective tape, and repetitive visual inspections of the tape condition. The AD is needed to prevent excessive corrosion which could result in an inflight rotor blade failure.

DATE: Comments must be received on or before August 28, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24) Docket No. 18069, 800 Independence Avenue SW., Washington, D.C. 20591. The applicable service bulletin may be obtained from: Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Fed-

eral Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

It has been determined that the scarf joint area on the main rotor blade of Agusta Model A109A helicopters is subject to corrosion which could lead to a rotor blade failure. Since this condition is likely to exist or develop on other helicopters of the same type design, the proposed AD would require a rotor blade inspection for corrosion and proper sealing, replacement or repair of defective blades, as necessary, the application of a protective tape on the blades, and daily inspection of the tape condition, on Agusta Model A109A helicopters.

DRAFTING INFORMATION

The principal authors of this document are M. E. Gaydos, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

COSTRUZIONI AERONAUTICHE GIOVANNI AGUSTA. Applies to model A109A helicopters, certificated in all categories, that have main rotor blades, P/N 109-0103-01-07, installed.

Compliance is required as indicated, unless already accomplished.

To detect and prevent corrosion, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, accomplish the following in accordance with part I of the "Accomplishment" paragraph of Agusta Bollettino Tecnico No. 109-7, dated February 6, 1978, or an FAA-approved equivalent:

(1) Inspect the main rotor blade leading edge abrasion strip inner end and scarf joint for filler erosion, filler release, bond separation, and corrosion.

(2) If no filler erosion, filler release, bond separation, or corrosion is found during the inspection specified in paragraph (a)(1) of this AD, apply a polyurethane tape to the blade and comply with paragraph (b) of this AD.

(3) If filler erosion or release is found during the inspection specified in paragraph (a)(1), clean the area and inspect for corrosion and bond separation.

(4) If corrosion or bond separation is not found during the inspection specified in paragraph (a)(3), fill with an urethane adhesive, apply a polyurethane tape to the blade, and comply with paragraph (b) of this AD.

(5) If corrosion is not found during the inspection required by paragraph (a)(3) but marginal bonding separation not deeper than 5 mm (0.2 in.) is found, clean and flush the area, fill with an urethane adhesive, apply a polyurethane tape to the blade, and comply with a paragraph (b) of this AD.

(6) If corrosion or bond separation deeper than 5 mm (0.2 in.) is found during an inspection required by this paragraph, replace the blade with a serviceable blade of the same part number, or a part number approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region, and comply with paragraph (b) of this AD.

(b) After the last flight of each day in which the helicopter is operated after compliance with paragraph (a) of this AD, inspect the main rotor blade polyurethane tapes for condition and adhesion in accordance with part II of the "Accomplishment" paragraph of Agusta Bollettino Tecnico No. 109-7, dated February 6, 1978, or an FAA-approved equivalent.

(c) If during an inspection required by paragraph (b) of this AD, a tape defect or abnormal condition including bond separation is found, comply with paragraph (a) of this AD before further flight, except that the helicopter may be flown in accordance with FAR 21.197 and 21.199 to a base where the work can be performed.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

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

Issued in Washington, D.C., on June 16, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-17528 Filed 6-23-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 18065]

AIRWORTHINESS DIRECTIVES

Dornier Model Do 28 D-2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to add an airworthiness directive (AD) that would require an inspection of the engine fire extinguishing system of Dornier GmbH Model Do 28 D-2 airplanes for corrosion and chafing of pipelines, and modification of the system if necessary. The AD is prompted by reports of failures of the engine fire extinguishing system which could result in the inability to extinguish an engine fire.

DATES: Comments must be received on or before: August 28, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 18065, 800 Independence Avenue SW., Washington, D.C. 20591. The applicable service bulletin may be obtained from: Dornier GmbH, Vertrieb U. Kundendienst, Sales and Service Department, D-8000 Munchen 66, POB 2160, Federal Republic of Germany. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of failures of the engine fire extinguishing system of Dornier Model Do 28 D-2 airplanes attributable to corrosion caused by the entrance of water into the system pipelines. In addition, it has been determined that the pipelines of the engine fire extinguising system are prone to chafing. This condition also could result in failure of

the engine fire extinguishing system. Since these conditions are likely to exist or develop on other airplanes of the same type design, the proposed AD would require an inspection of the engine fire extinguishing system pipelines for chafing and corrosion, and modification if necessary, on Dornier Model Do 28 D-2 airplanes.

DRAFTING INFORMATION

The principal authors of this document are M. E. Gaydos, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

DORNIER GmbH. Applies to Model Do 28 D-2 Skyservant airplanes, serial numbers 4050 and 4301 through 4307, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To detect and eliminate corrosion and chafing of the engine fire extinguishing system pipelines, accomplish the following in accordance with Dornier Service Bulletin No. 2062-2828, dated April 1, 1977, or an FAA-approved equivalent:

(a) Within the next 25 hours time in service after the effective date of this AD, inspect the engine fire extinguishing system for corrosion, accumulation of water, and pipeline chafing.

(b) If corrosion or water accumulation is found during the inspection required by paragraph (a), before futher flight, except as provided in paragraph (d) of this AD, modify the system by—

(1) Installing a pipeline seal;

(2) Incorporating pipeline water drainage holes;

(3) Installing a drain valve; and

(4) Replacing corrosion-prone pipelines with stainless steel pipelines between the engine fire extinguisher bottle and frame 6020.

(c) If pipeline chafing is found during the inspection required by paragraph (a), before further flight, except as provided in paragraph (d), modify the system by—

(1) Incorporating anti-abrasive protection; and

(2) Installing a pipeline securing clamp.

(d) Airplanes may be flown in accordance with FAR 21.197 and 21.199 to a base where the modifications required by paragraphs (b) and (c) of this AD can be performed.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

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

Issued in Washington, D.C., on June 16, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-17530 Filed 6-23-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 18071]

AIRWORTHINESS DIRECTIVES

Rolls-Royce Dart Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to add an Airworthiness directive (AD) that would require repetitive inspections of the control box mounting bolts for integrity and replacement of failed bolts on Rolls-Royce Dart engines until bolts of new design are installed. The proposed AD is prompted by reports of failures of the control box mounting bolts which caused power lever movement to be restricted in one instance and also could cause movement of the high pressure fuel shut-off valve operating lever to be restricted. This could result in a loss of engine control.

DATES: Comments must be received on or before August 28, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 18071, 800 Independence Avenue SW., Washington, D.C. 20591. The applicable service bulletin may be obtained from: Rolls-Royce Ltd., P.O. Box 31, Derby DE 2 8 BJ, England. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of instances involving detachment of the head of the control box mounting bolts on Rolls-Royce Dart engines. The bolts were introduced into the engine design by Rolls-Royce Modification 1525 (Service Bulletin Da 72-351). The cause of failure was primarily due to hydrogen embrittlement caused by diffusion of the cadmium protective coating into the bolt material. A failed bolt could restrict power lever and fuel shut-off lever movement, either separately or simultaneously, and result in partial loss of engine control. Since this condition is likely to exist or develop in other engines of the same type design the proposed airworthiness directive would require the inspection of the control box mounting bolts, replacement of failed bolts when found, and repetitive inspection of the bolts until a newly designed bolt is installed.

DRAFTING INFORMATION

The principal authors of this document are M. F. Rammelsberg, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

ROLLS-ROYCE Ltd. Applies to Rolls-Royce Dart engines and all variants of those engines listed below which have Rolls-Royce Dart Modification 1525 incorporated (covered in Rolls-Royce Dart Service Bulletin Da 72-351), as installed on, but not necessarily limited to the airplanes listed below.

Dart Engine and Airplane

506, 510, 525: Vickers Viscount Model 744, 745D, 810

511, 514, 528, 532: Fairchild F-27 & FH-227 series and Fokker F-27 series

526: Armstrong Whitworth AW-650 series 1

527: Handley Page Herald Type 300

529: Grumman G-159 and Fairchild F-27 and FH-227 series

532: Hawker Siddeley 748 series 2

542: General Dynamics Model 240 with STC No. SA1054WE installed (or Models 600), General Dynamics Model 340/440 with STC No. SA1096WE installed (or Model 640), and Nihon YS-11 and YS-11A series.

Compliance required as indicated, unless already accomplished.

To prevent restricted movement of the engine power lever or the high pressure fuel

shut-off valve control lever caused by control box mounting bolt failure accomplish the following:

(a) Within the next 100 hours engine time in service or one month after the effective date of this AD, whichever occurs first, inspect the engine control box mounting bolts for integrity as specified in paragraph 5 of Rolls-Royce Service Bulletin Da 76-A17, Revision 1, dated April 4, 1978, or an FAA-approved equivalent (hereinafter referred to as the service bulletin).

(b) If, during an inspection required by this AD, a bolt head is found to be detached or missing, before further flight replace both mounting bolts either:

(1) With new bolts of the same part number in accordance with paragraph 6 of the service bulletin and, continue to inspect the bolts in accordance with paragraph (a) of this AD at intervals not to exceed 400 hours engine time in service or 4 months, whichever occurs first; or

(2) Install control box mounting bolts, in accordance with Rolls-Royce Service Bulletin Da 76-16, dated April 18, 1978, or an FAA approved equivalent.

(c) If a detached or missing bolt head is not found during the inspection required by paragraph (a) of this AD, continue to inspect the bolts in accordance with that paragraph at intervals not to exceed 400 hours engine time in service or 4 months, whichever occurs first.

(d) The inspections required by paragraphs (b)(1) and (c) of this AD may be discontinued upon the installation of control box mounting bolts in accordance with Rolls-Royce Service Bulletin Da 76-16, dated April 18, 1978, or an FAA approved equivalent.

(e) Airplanes may be flown in accordance with FAR 21.197 and 21.199 to a base at which the inspections and part replacement required by this AD may be accomplished, provided the control box mounting bolt integrity is established.

(f) Upon request of an operator, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium, may adjust the inspection interval specified in paragraphs (b) and (c) of this AD or approve modifications equivalent to those specified in paragraphs (c) and (d) of this AD provided that such requests are made through an FAA maintenance inspector and the request contains substantiating data to justify the request for that operator.

(Secs 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 1949, and OMB Circular A-107.

Issued in Washington, D.C., on June 16, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-17535 Filed 6-23-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 18068]

AIRWORTHINESS DIRECTIVES

Short Brothers Ltd. Model SD3-30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to add an airworthiness directive (AD) that would require replacement of life-limited bolts attaching the engine support tube brackets to the engine ring on Short Brothers Ltd. Model SD3-30 airplanes. The manufacturer's fatigue testing program has established that failure of the bolts could occur if they are left in service beyond 6000 landings. Failure of the bolts could result in separation of the engine.

DATES: Comments must be received on or before: August 28, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 18068, 800 Independence Avenue SW., Washington, D.C. 20591. The applicable service bulletin may be obtained from: Manager, Spares and Support, Product Support Department, Short Brothers Ltd., P.O. Box 241—Airport Road, Northern Ireland. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the rules Docket.

The FAA has determined that failure of the engine support tube bracket attachment bolts could occur on early production Short Brothers Ltd. Model SD3-30 airplanes if they are left in service beyond 6000 landings. The life limit has been established by the manufacturer as a part of its continuing fatigue testing program. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being proposed which would require replacement of the original bolts with an improved standard bolt prior to accumulating 6000 landings.

DRAFTING INFORMATION

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, and Mr. S. Podberesky, Office of the Chief Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

SHORT BROTHERS LTD. Applies to Model SD3-30 airplanes, S/N's 3003 through 3017, certificated in all categories.

Compliance is required prior to the accumulation of 6000 total landings or prior to the accumulation of 25 landings after the effective date of this AD, whichever occurs later, unless already accomplished.

To prevent fatigue failure of the bolts, P/N A111-5-G (10 places) and A111-5-J (2 places), attaching the engine support tube brackets to the engine ring, replace the bolts and associated hardware with new bolts, P/N MS. 21250-05008 (10 places) and MS. 21250-06008 (2 places), and associated hardware in accordance with Section 2, "Accomplishment Instructions" of Short Brothers Ltd. Service Bulletin SD3-71-04, dated February 14, 1978, or an FAA approved equivalent.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

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

Issued in Washington, D.C., on June 16, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-17529 Filed 6-23-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-50-42]

TRANSITION AREA, CHATTANOOGA, TENN.

Proposed Alteration

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: A public use Standard Instrument Approach Procedure, ILS Runway 2, is being developed for Lovell Field, Chattanooga, Tenn., and additional controlled airspace is required for containment of IFR operations. This proposed rule will alter the Chattanooga, Tenn., transition area by lowering the base of controlled airspace south of Lovell Field from 1,200 to 700 feet.

DATES: Comments must be received on or before August 7, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; telephone 404-763-7646.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 7, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Administration Regulations (14 CFR Part 71) to alter the Chattanooga, Tenn., transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at Lovell Field.

DRAFTING INFORMATION

The principal authors of this document are Ronald T. Niklasson, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 (43 FR 440) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

CHATTANOOGA, TENN.

Within 4.5 miles west and 9.5 miles east of the south ILS localizer course extending from the 19-mile and 15-mile radius areas to 18.5 miles south of the OM.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

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

Issued in East Point, Ga., on June 15, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-17527 Filed 6-23-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-WE-12]

TRANSITION AREA, RIVERSIDE, CALIF.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the 700 foot transition areas at Riverside, Calif. to provide additional controlled airspace for radar vector service to be provided by Ontario Approach Control.

DATES: Comments must be received on or before July 17, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261, telephone 213-536-6270.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261. All communications received on or before July 17, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261, or by calling 213-536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and Dewitte T. Lawson, Jr., Esquire, Regional Counsel, Western Region.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Riverside, California 700 foot transition area. This action will provide additional controlled airspace for radar vector service to be provided by Ontario Approach Control.

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

71.181 (AMENDED) RIVERSIDE, CALIF.

Delete all between latitude 33°38'00" N., longitude 117°09'00" W., and to latitude 33°46'00" N., longitude 117°45'00" W., and substitute therein:

to latitude 33°43'00" N., longitude 117°15'00" W.,
to latitude 33°43'00" N., longitude 117°25'00" W.,
to latitude 33°39'00" N., longitude 117°25'00" W.,
to latitude 33°39'00" N., longitude 117°30'00" W.

(Sec. 307 (a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348 (a)); sec. 6 (c) of the Department of Transportation Act (49 U.S.C. 1655 (c)); 14 CFR 11.65)

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

Issued in Los Angeles, Calif., on June 12, 1978.

LEON C. DAUGHERTY,
Deputy Director,
Western Region.

[FR Doc. 78-17526 Filed 6-23-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 371]

[Docket 32242]

ADVANCE BOOKING CHARTERS

Proposed Rulemaking To Liberalize Charter Rules

JUNE 20, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of oral argument.

SUMMARY: On March 17, 1978, the Board issued a notice (EDR-348, SPDR-64, 43 FR 11215) proposing to replace most of the existing charter forms with a simplified form known as a "public charter." Comments were requested by April 26, 1978, with replying comments due May 16, 1978. On March 24 and June 1, 1978, the Board issued notices (43 FR 24542, 43 FR 25141) that oral argument on this proceeding would be held before the Board on June 30, 1978.

DATES: Oral argument is scheduled for June 30, 1978, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. Because of the number of persons wishing to participate, the time the argument will begin has been changed to 9:30 a.m. (local time).

FOR FURTHER INFORMATION CONTACT:

Richard B. Dyson, Civil Aeronautics Board, Office of the General Counsel, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5444.

SUPPLEMENTARY INFORMATION: The argument will be structured to facilitate give and take among the participants, and between participants and Board members. Participants will be organized into four panels, so that after presentation of brief opening statements they will be conveniently situated to ask and answer questions. The four panels are:

PANEL 1

Eastern Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., Western Airlines, Inc.[1]
Department of Justice
Air Charter Tour Operators of America, Spantax, S.A., Davis Agency, Inc., Arthurs Travel Center, Inc.[1]
Pan American World Airways, Inc.
Trans International Airlines

PANEL 2

American Airlines
Suntour, Ltd., and Hamilton, Miller, Hudson & Fayne Travel Corp.[1]
American Society of Travel Agents
Capitol International Airways

PANEL 3

National Airlines
Department of Transportation
Evergreen International Airlines
Las Vegas Parties

PANEL 4

British Airways
World Airways
Council of International Educational Exchange
International Weekends
Bureau of Competition of the Federal Trade Commission

Panels 1 and 4, each of which has five participants, will be allotted a total of 95 minutes; panels 2 and 3, each of which has four participants, will be allotted a total of 75 minutes. Each panel participant will have 8 minutes for an opening statement; the rest of the time will be devoted to questions by the Board, and to answers to those questions and to each other's statements and comments.

The following is the approximate time schedule:

9:30-10:10 a.m. Opening statements by participants of Panel 1.
10:10-11:05 a.m. Question and answer period.
11:05-11:15 a.m. Break.
11:15-11:50 a.m. Opening statements by participants of Panel 2.
11:50-12:30 p.m. Question and answer period.
12:30-1:30 p.m. Lunch break.
1:30-2:05 p.m. Opening statements by participants of Panel 3.
2:05-2:45 p.m. Question and answer period.
2:45-2:55 p.m. Break.
2:55-3:35 p.m. Opening statements by participants of Panel 4.
3:35-4:30 p.m. Question and answer period.
4:30 Adjourn.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-17676 Filed 6-23-78; 8:45 am]

[1] To be jointly represented by single counsel.

[4410-09]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement Into Schedules IV and V of Preparations Containing Difenoxin in Combination with Atropine Sulfate

AGENCY: Drug Enforcement Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This is a notice of proposed rulemaking issued by the Administrator of DEA to place two preparations, one combining 1.0 mg. difenoxin with 0.025 mg. atropine sulfate, and the other combining 0.5 mg. difenoxin with 0.025 mg. atropine sulfate into Schedules IV and V respectively, of the Controlled Substances Act.

The effect of the present proposal would be to require that the manufacture, distribution, dispensing, importation and exportation of the 1 mg. difenoxin-atropine sulfate preparation be subject to controls for Schedule IV narcotic substances and that the manufacture, distribution, dispensing, importation and exportation of the 0.5 mg. difenoxin-atropine sulfate preparation be subject to controls for Schedule V narcotic drugs. This action does not affect the Schedule I status of any other form or preparation of difenoxin.

DATES: Comments should be received on or before July 26, 1978.

ADDRESS: Send comments in quintuplicate to: Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street NW., Washington, D.C. 20537. Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, Jr., Chief, Regula-

tory Control Division, Drug Enforcement Administration, telephone 202-633-1366.

SUPPLEMENTARY INFORMATION: On January 23, 1976, the Assistant Secretary for Health, Department of Health, Education, and Welfare sent a letter to the then Acting Administrator of the Drug Enforcement Administration which recommended that several drugs be placed into, transferred between or removed from certain schedules of the Controlled Substances Act (21 U.S.C. 801-966). The following recommendations were among those contained in the letter:

"(8) *Difenoxine and Difenoxine-Atropine*—The FDA is currently reviewing a New Drug Application for a difenoxine-atropine drug product as an antidiarrheal agent.

Difenoxine is currently a Schedule I substance under the CSA.

Data on difenoxine and the combination product containing atropine were reviewed by the FDA Controlled Substances Advisory Committee and FDA staff.

Based on this review we recommend that, should a New Drug Application be approved, difenoxine be controlled in the same manner as is diphenoxylate.

That is, we recommend that difenoxine be controlled in Schedule II of the CSA, and that the marketed formulation containing atropine in combination with difenoxine be controlled in Schedule V of the CSA."

As to the single entity narcotic difenoxin, the Administrator defers initiating rulemaking proceedings on that substance until the required certifications are made by the Assistant Secretary that difenoxin has a currently accepted medical use. However, a New Drug Application is pending issuance to permit marketing of two formulations of difenoxin with atropine sulfate: one combines 0.5 mg. difenoxin with 0.025 mg. atropine sulfate; the second formulation combines 1 mg. difenoxin with 0.025 mg. atropine sulfate.

To assist the Administrator in initiating rulemaking proceedings, the Assistant Secretary enclosed with his letter his summarized considerations. These were fully considered by the Administrator.

In addition, and paramount to these considerations, the Administrator evaluated the current drug control obligations of the United States under the United Nations Single Convention on Narcotic Drugs, 1961, as amended, in an effort to carry out the Assistant Secretary's recommendations and remain consistent with the requirements of the Single Convention.

Section 201(d) of the Act (21 U.S.C. 811(d)) authorizes the Administrator to consider the United States international drug control obligations, and to consequently determine the most appropriate schedule for the difenoxin-atropine sulfate preparations recommended for control by the Assistant Secretary. The Administrator finds that all forms of difenoxin are listed in Schedule I of the Single Convention except preparations of difenoxin which contain per dosage unit, not more than 0.5 milligrams of difenoxin and a quantity of atropine sulfate equivalent to at least 5 percent of the dose of difenoxin. Such preparations are in Schedule III of the Single Convention. The Administrator also finds that preparations other than those in Schedule III of the Single Convention are subject to the same measures of control as Single Convention Schedule I substances except that estimates (article 19) and statistics (article 20) distinct from those dealing with difenoxin are not required, and article 29, paragraph 2(c) (quotas on the manufacture of the preparations) and article 30, paragraph 1(b)(ii) (registration of distributors) need not apply.

In consideration of the Assistant Secretary's recommendation, and based upon the single convention, the Controlled Substances Act, and the Controlled Substances Import and Export Act (21 U.S.C. 951-966), the Administrator has determined that Schedule IV of the Controlled Substances Act is the most appropriate schedule for the 1 mg. difenoxin-atropine sulfate preparation and that Schedule V of that Act is the most appropriate schedule for the 0.5 mg. difenoxin-atropine sulfate preparation.

Therefore, pursuant to section 201(d) of the Controlled Substances Act (21 U.S.C. 811(d)) and the regulations of the Drug Enforcement Administration and of the Department of Justice, the Administrator of the Drug Enforcement Administration proposes that upon approval by the Food and Drug Administration of the New Drug Application for Motofen and Motofen Half-Strength, §§ 1308.14 and 1308.15 of Title 21, Code of Federal Regulations be amended to read as follows:

§1308.14 Schedule IV.

* * * * *

(b) *Narcotic drugs.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) *Depressants* * * *
(d) *Fenfluramine* * * *
(e) *Stimulants* * * *
(f) *Other Substances* * * *

§ 1308.15 Schedule V.

* * * * *

(b) *Narcotic drugs containing noncnarcotic active medicinal ingredients.* Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic alone:

* * * * *

(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

* * * * *

All interested persons are invited to submit their comments in writing regarding this proposal. These comments should state with particularity the issues concerning which the person desires to be heard. Comments should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

Dated: June 12, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-17602 Filed 6-23-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3176]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Milford, New Haven County, Connecticut; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 38526 of the FEDERAL REGISTER of July 28, 1977.

EFFECTIVE DATE: July 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, D.c. 20410, (202) 755-5581 or Toll Free Line (800) 424-8872.

The following additions are to be made:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Long Island Sound	Intersection of Grant Ave. and Broadway Ave.	11
	Intersection of Naugatuck Ave. and Broadway Ave.	11
	Intersection of Nettleton Ave. and East Broadway Ave.	11
	Intersection of Surf Ave. and East Broadway Ave.	11
	Intersection of Sea Breeze Ave. and Edgefield Ave.	11

(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)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17270 Filed 6-23-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4238]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Toledo, Lincoln County, Oregon

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Toledo, Lincoln County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Toledo, Oregon. Send comments to: Mr. Larry Hart, City Manager, City of Toledo, City Hall, P.O. Box 220, Toledo, Oregon 97391.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 the proposed determinations of base (100-year) flood elevations for the City of Toledo, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yaquina River	At confluence with Depot Slough.	13
	Butler Bridge Rd.*	13
Depot Slough	1st St.*	13
	Yaquina Bay Rd.*	13
Olalla Slough	SE 10th St.*	13

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17271 Filed 6-23-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4239]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Turner, Marion County, Oregon

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Turner, Marion County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Turner, Oregon. Send comments to: Honorable Robert Groves, Mayor, City of Turner, City Hall, P.O. Box 405, Turner, Oregon 97392.

FOR FURTHER INFORMATON CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 the proposed determinations of base (100-year) flood elevations for the City of Turner, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community

may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Turner By-Pass	4th St	285
	Southern Pacific RR*	286
	3d St	286
Mill Creek	Southern Pacific RR (downstream crossing).	268
	Battle Creek Rd	277
	Southern Pacific RR (upstream crossing).	280
	Turner-Aumsville Rd*	287

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17272 Filed 6-23-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4240]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Waldport, Lincoln County, Oregon

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Waldport, Lincoln County, Oregon. 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 ramain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 452 Hemlock Street, Waldport, Oregon. Send comments to: Mayor Joseph Bird, City of Waldport, P.O. Box K, Waldport, Oregon 97394.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 the proposed determinations of base (100-year) flood elevations for the City of Waldport, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Alsea Bay	Along U.S. Highway 101 south of the intersection of Star and Maple Sts.	13
	Along Port St	11
	At the intersection of East Pine and Mill Sts.	10
Red River	At the intersection of West Willow and Cedar Sts.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17273 Filed 6-23-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4241]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Yachats, Lincoln County, Oregon

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Yachats, Lincoln County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, West 7th Street, Yachats, Oregon. Send comments to: Honorable Charles Canfield, Mayor, City of Yachats, City Hall, West 7th Street, Yachats, Oregon 97498.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 the proposed determinations of base (100-year) flood elevations for the City of Yachats, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)),

42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yachats River	U.S. Highway 101 (upstream side).	9
Pacific Ocean	Along coast near Sunset Rd.	31
	Along coast near Marine Dr. and Ocean Dr.	27
	Along coast near 3d St. and Ocean Dr.	33
	Along coast near Driftwood Dr.	29

(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)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17274 Filed 6-23-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4242]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Chester, Delaware County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Chester, Delaware County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building Annex, 5th and Welsh Streets, Chester, Pennsylvania. Send comments to: Honorable H. Nacrelli, Mayor of Chester, Municipal Building, 5th and Welsh Streets, Chester, Pennsylvania 19013.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 the proposed determinations of base (100-year) flood elevations for the City of Chester, Delaware County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ridley Creek	Corporate limits (upstream).	41
	Chester Park Dam (upstream).	32
	Chester Park Dam (downstream).	31
	East 25th St. (upstream)	23
	Interstate Route 95 (upstream).	14
	4th St. (upstream)	12
Chester Creek	Corporate Limits (upstream).	28
	Chessie System (upstream).	26
	9th St. (upstream)	24
	2nd St. (upstream)	13

(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.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17275 Filed 6-23-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4243]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Erie, Erie County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Erie City Hall, 626 State Street, Erie, Pennsylvania. Send comments to: Honorable Louis J. Tullio, Mayor of Erie, Erie City Hall, 626 State Street, Erie, Pennsylvania 16501.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 the proposed determinations of base (100-year) flood elevations for the City of Erie, Erie County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Cascade Creek.	Yulcan St	690
	Shenley Ave	695
	Pittsburg Ave	699
McDaniel Run	At Lake Erie	577
	700 ft downstream of East Lake Rd.	630
	800 ft upstream of East Lake Rd.	641
	200 ft downstream of East 7th St.	646
	200 ft upstream of East 7th St.	650
	East 10th St	659
	Franklin Ave	665
	Upstream corporate limits.	673

(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.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17276 Filed 6-23-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4244]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of Mifflintown, Juniata County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Mifflintown, Juniata County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, Mifflintown, Pennsylvania. Send comments to: Honorable Larry Yetter, Mayor of Mifflintown, 26 North 3rd Street, Mifflintown, Pennsylvania 17059.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 the proposed determinations of base (100-year) flood elevations for the Borough of Mifflintown, Juniata County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

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

Source of flooding	Location	Elevation in feet above mean sea level
Moist Run	Front St.—both upstream and downstream.	443
	Main St. (William Penn Highway)—both upstream and downstream.	443
	Cross St.—30 ft downstream of bridge.	443
	Cross St.—60 ft upstream of bridge.	459
Juniata River	Confluence of Moist Run.	443
	Bridge St.—both upstream and downstream.	444
	Northern corporate limits—about 1,050 ft upstream of Bridge St. bridge.	444

(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.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17277 Filed 6-23-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4245]

CITY OF SPENCER, ROANE COUNTY, WEST VIRGINIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Spencer, Roane County, West Virginia. These base (100-year)

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 207 Court Street, Spencer, West Virginia. Send comments to; The Honorable Terry A. Williams, Mayor, City of Spencer, City Hall, 207 Court Street, Spencer, West Virginia 25276.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 the proposed determinations of base (100-year) flood elevations for the City of Spencer, 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)).

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spring Creek	At eastern corporate limit.	725
	Just upstream of Market St.	725
	Upstream of Main St	726
	2,320 ft upstream of Main St.	727
	At western corporate limits.	729
Goff Run	At confluence with Spring Creek.	726
	1,425 ft upstream of State Hospital Rd.	726
	2,530 ft upstream of State Hospital Rd.	735
	At southeastern corporate limit.	740
Tanner Run	At confluence with Spring Creek.	725
	275 ft upstream of Main St.	725
	845 ft upstream of Main St.	727
	1,560 ft upstream of Main St.	728
	At northwestern corporate limit.	733

(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 the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17279 Filed 6-23-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4246]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of New Buffalo, Perry County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of New Buffalo, Perry County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the office of the Borough Secretary, New Buffalo, Pennsylvania. Send comments to: Honorable Harlow Thompson, Mayor of New Buffalo, P.O. Box 14, New Buffalo, Pennsylvania 17069.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 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 the proposed determinations of base (100-year) flood elevations for the Borough of New Buffalo, Perry County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

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

Source of flooding	Location	Elevation in feet above mean sea level
Susquehanna River.	Downstream corporate limit of borough of New Buffalo.	367
	Upstream corporate limit of borough of New Buffalo.	368

(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.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17278 Filed 6-23-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 161]

[CGD 77-213]

U.S. MARINE SAFETY INFORMATION SYSTEM

Notification of Tank Vessel Ownership Information, Names and Country of Registry

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period.

SUMMARY: In the FEDERAL REGISTER of April 13, 1978 (43 CFR 15586), the Coast Guard proposed regulations to require all oil tankers of 20,000 tons deadweight or over, U.S. and foreign, that call at U.S. ports, places or deepwater ports to engage in commercial service to report certain ownership information, all registered names the vessel has had since it began operation, and the country of current registry. Written comments were accepted through June 12, 1978. This document reopens the docket, and sets out a new deadline for receipt of written comments because of considerable international interest and possible delays in the mails.

DATES: Written comments must be received on or before 31 July 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 77-213), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 77-213), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

Dated: June 21, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 78-17679 Filed 6-23-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 915-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Rulemaking Oklahoma Regulation No. 3

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This action proposes approval of Oklahoma Regulation No. 3, Defining Terms Used in Oklahoma Air Pollution Control Regulations. The revision to Regulation No. 3 includes the addition of new terms and words, and changes to previously defined terms and words. This revision should allow a better interpretation, implementation, and administration of Oklahoma's air pollution control program.

DATES: Comments on this proposed rulemaking must be received on or before July 27, 1978 in order to be considered by EPA in the final approval/disapproval decision.

ADDRESSES: Written comments may be submitted to the address below: Environmental Protection Agency, Region VI, Air Program Branch, 1201 Elm Street, Dallas, Tex. 75270.

Copies of the State's submittal are available for inspection during normal business hours at the above EPA regional office and at the address below: Environmental Protection Agency, Public Information Reference Unit, Room 2932, EPA Library, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Anita B. Turpin, Chief, Technical Support Section, Air Program Branch, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Tex. 75270, 214-767-2742.

SUPPLEMENTARY INFORMATION: On November 28, 1977, after adequate notice and public hearing, the Governor of Oklahoma submitted revisions to Regulation No. 3, Defining Terms Used in Oklahoma Air Pollution Control Regulations. The revisions include amendments to the regulation on June 2, 1974, and June 11, 1977.

ADDITIONAL TERMS AND WORDS

Definitions for the following terms and words are added to the revised regulation:

Best Available Control Technology
Construction
In Being
Modification
New Portable Source
Organic Solvents
Owner or Operator
Portable Source
Stationary Source

Best Available Control Technology (BACT): Best available control technology, as defined in section 169 of the Clean Air Act, is required for new or modified sources in attainment and unclassifiable areas. As defined in Oklahoma Regulation No. 3, BACT is not acceptable for determining control technology requirements for BACT. The State's definition of BACT would also not be acceptable for administration of New Source Performance Standards. For these reasons, BACT as defined in Oklahoma Regulation No. 3, is not considered approvable.

REVISED TERMS AND WORDS

Definitions of terms and words changed from the current Regulation No. 3 are discussed below:

Division: The definition is revised by citing the applicable law.

Fuel-Burning Equipment: The definition is completely revised. It includes "one or more boilers, furnaces, gas turbines or other combustion devices and all appurtenances thereto used to convert fuel or waste to usable heat or power."

CURRENT ACTION

This action proposes approval of the new definition of terms and words added to Regulation No. 3 and the revision of existing terms and words in regulation, excepting the definition for "Best Available Control Technology (BACT)."

This notice of proposed rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Dated: June 13, 1978.

ADLENE HARRISON,
Regional Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations as follows:

Subpart LL—Oklahoma

In § 52.1920, paragraph (c) is amended by adding a new paragraph (12) as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) * * *

(12) Revisions to Oklahoma Regulation No. 3, Defining Terms Used in Oklahoma Air Pollution Control Regulations, were submitted by the Governor on November 28, 1977. The revisions include amendments to the regulation on June 2, 1974, and June 11, 1977.

2. Subpart LL is amended by adding § 52.1926 as follows:

§ 52.1926 General requirements.

(a) The definition of "Best Available Control Technology (BACT)," as submitted by the Governor on November 28, 1977, is disapproved.

[FR Doc. 78-17613 Filed 6-23-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 915-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS: MISSOURI

Proposed Disapproval of State-Issued Variance Previously Approved as a Revision to the Missouri State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Through this notice, EPA proposes to reverse a prior rulemaking action which approved a compliance schedule extending until June 1, 1979, the legal deadline for Associated Electric Cooperative to achieve final compliance with air pollution control regulations at its Thomas Hill power plant, unit No. 2, Moberly, Mo. The effect of this action would be to reinstate the current effectiveness and enforceability of the applicable state emission regulations with respect to this facility. The compliance schedule is being disapproved due to deficiencies in the underlying control strategy demonstration.

DATE: Comments must be postmarked by no later than July 26, 1978.

ADDRESSES: (1) The state-issued variance and corresponding EPA evaluation reports are available for inspection at the Region VII office of the Environmental Protection Agency, 1735 Baltimore, Kansas City, Mo. 64108. (2) Comments should be sent to the Director, Enforcement Division, Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Mo. 64108.

FOR FURTHER INFORMATION CONTACT:

Michael J. Sanderson or Gale A. Wright, Enforcement Division, Legal Branch, Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Mo. 64108, telephone 816-374-2576.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 24, 1972, pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the State of Missouri submitted to EPA an implementation plan for attainment and maintenance of National Ambient Air Quality Standards. The plan contained state statutes, state and local regulations, control strategies and specified a final date of July 1, 1975, for attainment of national primary and secondary air quality standards throughout the state. On May 31, 1972, the Administrator of EPA approved the Missouri State Implementation Plan (SIP) with specific exceptions.

On March 25 and June 3, 1977, at 42 FR 16139 and 42 FR 28540, respectively, the Administrator approved six source-specific variances and compliance schedules which were submitted by the State of Missouri as revisions to the Missouri SIP. Each of the compliance schedules contained a final compliance date beyond the July 1, 1975, attainment date specified in the approved state plan.

On February 2, 1978, at 43 FR 4442, the Regional Administrator of EPA Region VII proposed disapproval of an additional six variances submitted by the State of Missouri as revisions to the Missouri SIP. The variances were determined to be unapprovable due to deficiencies in the accompanying control strategy demonstrations as required under 40 CFR 51.12. The requirements for a control strategy demonstration were summarized in the preamble to the February 2 proposed rulemaking action as follows:

> In seeking approval of an individual source variance or exemption as a plan revision, the state must demonstrate the adequacy of the overall control strategy as it may be affected by the proposed revision. This would require more than a demonstration that the emissions from the source will not cause a violation of the national standards. The demonstration must include, but would not necessarily be limited to, a consideration of measured or estimated ambient levels of a pollutant in the area affected by emissions from the source, the impact of emissions from sources that have been approved for construction (or from other reasonably anticipated growth during the period of the compliance schedule) which is not reflected in current ambient data, and the impact of the proposed plan revision. For sources indefinitely or permanently exempted from the approved regulation, broader consideration must be given to reasonably expected growth. A more detailed explanation of the general criteria employed by the Agency in determining the adequacy of a control strategy demonstration is contained in the preamble to the proposed Part 51 regulations relating to approval of variances as SIP revisions (40 FR 58317, December 16, 1975).

Comments were received in response to the February 2, 1978, notice of proposed rulemaking stating that the above-cited criteria was substantially different from that applied by EPA in evaluating and approving three of the particulate emission variances approved on March 25, 1977. In response to these comments, the agency has reviewed the basis for its determinations relative to all six state variances which were approved on March 25 and June 3, 1977. The variances approved on these dates were for Associated Electric Cooperative, New Madrid; A. P. Green Refractories Co., Mexico; St. Joseph Light and Power Co., St. Joseph; Farmers Chemical Co., Joplin; Associated Electric Cooperative, Thomas Hill Unit 2, Moberly; and Hercules, Inc., Carthage, Mo.

On the basis of this review, it has been determined that none of the variances approved by the Administrator on March 25 and June 3, 1977, was accompanied by an adequate control strategy demonstration meeting the minimum requirements of 40 CFR 51.12. The variances were approved based on a determination that emissions from the sources affected by the variance would not by themselves cause or substantially interfere with attainment of national ambient air quality standards; however, no consideration was given to existing air quality or the adequacy of the overall control strategy taking into account the air quality impact of emissions from sources other than that for which the variance was granted or any increase in emissions from anticipated growth in the affected area during the term of the variance. Since these factors were not adequately considered, the variances should not have been approved as revisions to the Missouri Implementation Plan. Action is therefore being taken to propose disapproval of the variance for Associated Electric, Thomas Hill Unit No. 2 which includes a final compliance date of June 1, 1979. No action is being taken with respect to the other five variances previously approved on March 25 and June 3, 1977, because in each case the final compliance date has expired and the respective source is presently required to be in compliance with all applicable requirements in the State implementation plan.

PUBLIC COMMENTS

Interested persons are invited to submit comments concerning the proposed action to the Regional Administrator, Attention: Director, Enforcement Division, 1735 Baltimore, Kansas City, Mo. 64108. Relevant comments received on or before July 26, 1978, will be considered. All comments received will be available for inspection during normal working hours at the EPA Region VII office.

AVAILABILITY OF DOCUMENTS

Copies of each of the variance orders and an evaluation report relative to each variance order mentioned in this preamble are available at the Environmental Protection Agency, Regional Office, Region VII, Enforcement Division, 1735 Baltimore, Kansas City, Mo. 64108.

(Section 110, Clean Air Act, as amended, 42 U.S.C. 7410.)

Dated: June 13, 1978.

KATHLEEN Q. CAMIN,
Regional Administrator, Region VII.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart AA—Missouri

1. In Section 52.1335, the table in subparagraph (a) is amended by deleting the following:

Associated Electric Cooperative, Thomas Hill, unit No. 2.	Moberly.....	S-VI (10 CSR 10-3.060), S-VIII (10 CSR 10-3.080).	Nov. 17, 1966.	.....do.....	June 1, 1979

2. In Section 52.1335, the table in subparagraph (b) is amended by adding the following:

§ 52.1335 Compliance Schedules.

* * * * * *

(b) * * *

Source	Location	Regulation involved	Date adopted
Associated Electric Cooperative, Thomas Hill, unit No. 2.	Moberly..	S-VI (10 CSR 10-3.060) S-VIII (10 CSR 10-3.080)	Nov. 17, 1978

[FR Doc. 78-17614 Filed 6-23-78; 8:45 am]

[6560-01]

[40 CFR Parts 116, 117, 118, and 119]

[FRL 916-2]

HAZARDOUS SUBSTANCES

Designation, Determination of Removability, Determination of Harmful Quantities, and Determination of Units of Measurement and Rates of Penalty; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction notice.

SUMMARY: Proposed EPA regulations printed in the FEDERAL REGISTER on March 13, 1978 (43 FR 10506-10508). The changes are not substantive in nature and therefore do not require notice and comment.

FOR FURTHER INFORMATION CONTACT:

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

Dated: June 12, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

The proposal to amend 40 CFR 116-119 published on pages 10506 and 10507 of the FEDERAL REGISTER is changed as follows:

Page 10506 FR, third column, third paragraph, first line, after "Before" insert "May 12, 1978."

Page 10506 FR, third column, line 48, delete "Castle" and insert "Costle."

Page 10507 FR, right column, line 10, after "designated" insert "on March 13, 1978."

Page 10508 FR, Line 3, delete "REATES" and insert "RATES."

Page 10508 FR, Table 119.5, on line commencing with "Dichlorobenzenes," delete "100 (45.$0" and insert "100 (45.4)."

Page 10508 FR, Table 119.5, on line commencing with "2,4,5,-T salts," delete ".45" from fourth column and insert ".75."

[FR Doc. 78-17674 Filed 6-23-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-176; RM-3088]

FM BROADCAST STATION IN CALDWELL, OHIO

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Caldwell, Ohio, as that community's first FM assignment.

DATES: Comments must be received on or before August 14, 1978. Reply comments must be received on or before September 4, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: June 13, 1978.

Released: June 19, 1978.

By the Chief, Broadcast Bureau.

1. *Petitioner, proposal, and comments.* (a) Petition for rulemaking,[1] filed March 20, 1978, by Tri-County Radio, Inc. ("petitioner"), proposing the assignment of FM Channel 285A to Caldwell, Ohio, as a first FM assignment to that community. There were no response to the proposal.

(b) The channel could be assigned in conformity with the minimum distance separation requirements.

(c) Petitioner states that it will promptly apply for the proposed channel, if assigned.

2. *Community data.* (a) *Location.* Caldwell, seat of Noble County, is located approximately 37 kilometers (23 miles) north of Marietta, Ohio.

(b) *Population.* Caldwell—2,082; Noble County—10,428.[2]

(c) *Local aural broadcast service.* There is no local aural broadcast service in Caldwell.

(d) *Economic considerations.* Petitioner notes that the major plants in the area are Ava Brick, Denny Corp., Fuqua Co., and Gould Corp., which employ a total work force of 3,000 persons. We are told that 700 farms in the area known as the apple region, produce $3,000,000 in annual receipts. Petitioner states there is some mining in the region, a limestone quarry, and oil and gas, which are important to the area economy.

3. Since Caldwell is located within 402 kilometers (250 miles) of the United States-Canada border, the proposed assignment of Channel 285A to Caldwell requires coordination with the Canadian Government.

4. In view of the fact that the proposed FM station would provide the community with a first full-time local

[1] Public notice of the petition was given on April 4, 1978, Report No. 1112.

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

aural broadcast service, the Commission proposes to amend the FM Table of Assignments, section 73.202(b) of the rules, with regard to Caldwell, Ohio, as follows:

City and Channel No.

Caldwell, Ohio, present:—; proposed: 285A.

5. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached appendix and are incorporated herein.

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

6. Interested parties may file comments on or before August 14, 1978, and reply comments on or before September 4, 1978.

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

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, section 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

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

3. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

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

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in sections 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

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

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

[FR Doc. 78-17623 Filed 6-23-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-174; RM-3082]

FM BROADCAST STATION IN FAIRFIELD BAY, ARK.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a class A FM channel to Fairfield Bay, Ark., as a first FM assignment. Petitioner, Fairfield Bay, Inc., states the proposed station could provide a first local aural broadcast service to the community.

DATES: Comments must be received on or before August 14, 1978. Reply comments must be received on or before September 4, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: June 13, 1978.

Released: June 19, 1978.

By the Chief, Broadcast Bureau;

1. *Petitioner, proposal, comments.* (a) Petition for rulemaking[1] filed on March 8, 1978, by Fairfield Bay, Inc. ("petitioner"), proposing the assignment of Channel 292A as a first FM assignment to Fairfield Bay, Ark.

(b) The channel could be assigned in conformity with the minimum distance separation requirements, provided the transmitter site is located 11 kilometers (7 miles) northwest of the community.

(c) Petitioner states that if the channel is assigned, it will immediately apply for its use.

2. *Community date.* (a) *Location:* Fairfield Bay, an unincorporated community in Van Buren County, is located in the foothills of the Ozark Mountains approximately 97 kilometers (60 miles) north of Little Rock, Ark.

(b) *Population:* Fairfield Bay—600[2]; Van Buren County—8,275.[3]

(c) *Local Broadcast Service:* There is no local aural broadcast service in Fairfield Bay.

3. *Economic and Other Considerations.* Petitioner asserts that although Fairfield Bay is unincorporated, it in fact is a community with its own post office, schools, banks, churches, library, medical center, civic organizations and chamber of commerce. It notes that Fairfield Bay is a resort, recreation and retirement community that, it says, is expected to have a population of 5,000 by 1981. Petitioner claims that, in 1977, 50,000 persons visited Fairfield Bay and these visitors have accounted for $4.7 million in retail sales from 1969 to 1975. It notes that Fairfield Bay, Inc. publishes a monthly newspaper for the Fairfield Bay residents and visitors. However, it states that many residents have indicated their desire for local communication through a local FM broadcast station.

4. In light of the above information and the fact that the proposed FM station would provide the community[4] with a first full-time aural broadcast service, the Commission proposes to amend the FM Table of Assignments, section 73.202(b) of the rules, with regard to Fairfield Bay, Ark., as follows:

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[1] Public notice of the petition was given on April 4, 1978, Report No. 1112.

[2] The community does not appear in the 1970 U.S. Census. Petitioner states that as of 1975 the population of Fairfield Bay was 600 permanent residents.

[3] 1970 U.S. Census.

[4] Based on petitioner's showing, Fairfield Bay does appear to be a community for purposes of making an assignment.

City	Channel No. Present	Channel No. Proposed
Fairfield Bay, Ark		292A

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

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

6. Interested parties may file comments on or before August 14, 1978, and reply comments on or before September 4, 1978.

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

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, section 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

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

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in sections 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service (See § 1.420(a), (b), and (c) of the Commission rules.)

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

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

[FR Doc. 78-17624 Filed 6-23-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-175; RM-3085]

FM BROADCAST STATION IN NEW ROADS, LA.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a class A FM channel to New Roads, La., as that community's first FM assignment. Petitioner, Progressive Broadcasting Corp., states the proposed channel could provide for a first full-time local aural broadcast service to the community.

DATES: Comments must be received on or before August 14, 1978. Reply comments must be received on or before September 4, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: June 13, 1978.

Released: June 19, 1978.

By the Chief, Broadcast Bureau:

1. *Petitioner, proposal, comments.* (a) Petition for rulemaking[1] filed March 16, 1978, by Progressive Broadcasting Corp. ("petitioner"), licensee of daytime-only AM station KWRG, New Roads, La., requesting the assignment of channel 292A to New Roads, as that community's first FM assignment. No responses to the proposal were made.

(b) The channel could be assigned in conformity with the minimum distance separation requirements.

(c) Petitioner states that if the channel is assigned, it will promptly file an application and, if it is granted, will construct the station immediately.

2. *Community data.* (a) *Location:* New Roads, in Pointe Coupee Parish, is located 40 kilometers (25 miles) northwest of Baton Rouge, La.

(b) *Population:* New Roads—3,945; Pointe Coupee Parish—22,002.[2]

(c) *Local aural broadcast service:* New Roads is served by daytime-only AM station KWRG, licensed to petitioner.

3. *Economic data.* Petitioner states that New Roads is the educational, civic, and commercial center of the parish. It notes that construction has begun there on one of the largest electric power generating plants in the State. We are told that the Chevron Oil Co. has recently discovered an extremely large natural gas reserve under Pointe Coupee Parish causing many other oil and oil related companies to move into the Parish and begin operations. Petitioner states that the oil and gas industry will continue to expand, bringing additional residents into New Roads and Pointe Coupee Parish. In support of its proposal, petitioner also has submitted information with respect to form of government, education, churches, and civic organizations. In addition, it has submitted letters from local governmental, civic, and business officials demonstrating the need for an FM assignment.

4. In light of the above information and the fact that the proposed FM channel assignment would provide for a first full-time aural broadcast service to New Roads, the Commission believes it appropriate to propose amending the FM Table of Assignments, section 73.202(b) of the rules, with regard to New Roads, La., as follows:

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[1] Public notice of the petition was given on April 4, 1978, report No. 1112.

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

City	Channel No.	
	Present	Proposed
New Roads, La		292A

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

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

6. Interested parties may file comments on or before August 14, 1978, and reply comments on or before September 4, 1978.

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

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, section 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

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

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

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

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

[FR Doc. 78-17625 Filed 6-23-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-182; RM-3084]

FM BROADCAST STATION IN METROPOLIS, ILL.

Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM channel to Metropolis, Ill. Petitioner, Owensboro On The Air, Inc., states the proposed station could render a first local full-time aural broadcast service to the community.

DATES: Comments must be filed on or before August 15, 1978. Reply comments must be filed on or before September 5, 1978.

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

FOR FURTHER INFORMATION CONTACT:
Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: June 14, 1978.

Released: June 20, 1978.

By the Chief, Broadcast Bureau:

1. *Petitioner, proposal, comments.* (a) Notice of Proposed Rule Making is given concerning amendment of the FM Table of Assignments (section 73 202(b) of the Commission's Rules) as it relates to Metropolis, Illinois.

(b) Petition for rule making[1] was filed on behalf of Owensboro On The Air, Inc. ("petitioner") seeking the assignment of Channel 252A to Metropolis, Illinois, as its first FM assignment. No responses to the proposal were filed.

(c) Channel 252A could be assigned to Metropolis in conformity with the minimum distance separation requirements. The petitioner's preclusion study shows that the proposed assignment would not foreclose assignment of an FM Channel to any community now without local aural broadcast service.

(d) Petitioner states that, if the channel is assigned, it will file an application for authority to operate on the frequency.

2. *Community data.* (a) *Location:* Metropolis, seat of Massac County, is located on the Illinois side of the Ohio River in the southern part of the state, about 16 kilometers (10 miles) from Paducah, Ky.

(b) *Population:* Metropolis—6,940; Massac County—13,889.[2]

(c) *Local aural service:* Metropolis is presently served by a daytime-only AM station (WMOK).

3. *Economic date.* Petitioner states that Metropolis is the retail and industrial center of Massac County. We are told that the principal employers in Metropolis are Illinois Glove Co., Boss Glove Manufacturing Co., Missouri Portland Cement Co., Southern Illinois Steel, Laidlaw Wire Co. and American Electric Power Co. Petitioner also has submitted information with respect to school system, churches, recreation, transportation, medical facilities, form of government and civic organizations.

4. Petitioner states that Metropolis needs a full-time local aural broadcast service capable of reaching area residents at all times. It asserts that the proposed station would be a source of news and information during adverse weather conditions and natural and man made disasters.

5. In view of the apparent need for a first full-time local aural broadcast service in Metropolis, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the rules) as it pertains to Metropolis, Illinois, as follows:

[1] Public notice of the petition was given on April 4, 1978, Report No. 1112.

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

City	Channel No.	
	Present	Proposed
Metropolis, Ill		252A

6. Authority to institute rule making proceedings; showings required; cutoff procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

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

7. Interested parties may file comments on or before August 15, 1978, and reply comments on or before September 5, 1978.

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

APPENDIX

1. Pursuant to authority found in section 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rulemaking to which this appendix is attached.

2. *Showing required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in repy comments. (See § 1.420(d) of Commission Rules.)

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

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in sections 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

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

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

[FR Doc. 78-17626 Filed 6-23-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Request for Transfer of Designation by the Amarillo Grain Exchange, Amarillo, Tex.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: Notice that Amarillo Grain Exchange (Exchange), Amarillo, Tex., has requested transfer of its designation as an official agency to perform grain inspection services under the authority of the U.S. Grain Standards Act, as amended, to Don R. Burris, who has filed an application for such designation. This notice also requests comments on the proposed transfer and invites other interested persons to make application for designation as an official agency at Amarillo.

DATE: Comments and/or applications must be received by July 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, Room 2405, 201 14th Street, SW., Washington, D.C. 20250, 202-447-8525.

SUPPLEMENTARY INFORMATION: The U.S. Grain Standards Act, as amended (7 U.S.C. 71 et seq.) (hereinafter the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act, the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing and supervision of weighing of grain, at inland locations where the Administrator determines there is a need for such services (7 U.S.C. 79 and 7 U.S.C. 79a). Under the Act, such designation shall terminate triennially but may be renewed in accordance with the criteria and procedure prescribed (7 U.S.C. 79(g)(1) and 79a(c)).

The Amarillo Grain Exchange (Exchange), has requested that its designation under the Act to operate as an official agency at Amarillo, Tex., be transferred to Don R. Burris, the present General Manager of the Exchange. The Exchange will retain its designation and coninue to operate as a designated agency until a decision on a new designation occurs under the terms of the amended Act. Don R. Burris has applied for designation in accordance with Section 7(f)(1) of the Act (7 U.S.C. 79(f)(1)) to operate as the official agency at Amarillo, Tex. This application does not preclude other interested persons from making similar application.

NOTE.—Section 7(f)(1)(B)(2) of the Act (7 U.S.C. 79(f)) provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Interested persons are hereby given opportunity to submit written views or comments with respect to the requested transfer of official agency designation. All views or comments should be submitted in writing, in duplicate, and mailed to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250, not later than July 26, 1978.

Under the provisions of Section 7(f)(1), interested persons are also given opportunity to make application for designation to operate as an official agency at Amarillo, Tex., pursuant to the requirements in Section 7(f)(1)(A) of the Act, as amended (7 U.S.C. 79(f)(1)(A)) and section 26.96 of the regulations (7 CFR 26.96). Persons wishing to apply for designation to operate as an official agency at Amarillo should contact the Compliance Division, FGIS, U.S. Department of Agriculture, Washington, D.C. 20250, for the appropriate forms and mail their applications to the Hearing Clerk at the above cited address, not later than July 26, 1978.

Consideration will be given to the views and comments filed and to any applications submitted and to all other information available to the U.S. Department of Agriculture before a final determination is made with respect to the official agency designation. All views, comments, and applications submitted pursuant to this notice will be made available for public inspection at the above office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note).)

Done in Washington, D.C., on June 20, 1978.

D. R. GALLIART,
Acting Administrator.

[FR Doc. 78-17632 Filed 6-23-78; 8:45 am]

[3410-16]

Soil Conservation Service

BROAD BROOK WATERSHED, MASSACHUSETTS

Intent to Deauthorize Federal Funding

Pursuant to Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of intent to deauthorize Federal funding for Broad Brook Watershed, Hampshire, and Hampden Counties, Massachusetts.

The environmental assessment consistent with Soil Conservation Service Guidelines (7 CFR Part 650), indicates that the Federal action of deauthorization of Federal funding will not cause significant local, regional, or national impacts on the environment. Therefore, an environmental impact statement will not be prepared.

Environmental assessment data may be reviewed by interested parties at the Soil Conservation Service, 29 Cottage Street, Amherst, Massachusetts 01002.

No administrative action will be taken on this proposal until August 25, 1978.

Dated: June 16, 1978.

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

R. M. DAVIS,
Administrator,
Soil Conservation Service.

[FR Doc. 78-17491 Filed 6-23-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 30635]

ARIZONA SERVICE INVESTIGATION

Oral Argument

JUNE 20, 1978.

The oral argument in this case scheduled for June 28, will be held at the Board's offices at 1825 Connecticut Avenue, Washington, D.C., in Room 1027, and shall begin at 1:30 p.m.

We suggest that in their presentations the participants focus upon the major issues in the proceeding and that they be prepared to address the following questions:

1. What subsidy eligibility theory, or public policy aims, would support the use of Federal funds to subsidize air transportation services to the communities for which you urge subsidy in this proceeding?

2. Assuming that the Board were to be interested in subsidizing the service of more than one carrier in certain markets, what would be the most equitable, cost effective, and productive system of allocating subsidy?

3. What subsidy limitations do you suggest?

4. Assuming that the Board concludes that it is proper to use the subsidy program to advance "seed money" to carriers on a temporary basis for the development of air transportation at smaller communities, upon what basis should the Board select eligible communities, What limitations should be placed on such a program? Why hasn't the "seed money" these Southwest communities have received to date from state and regional commissions and the Federal Government been sufficient to test the viability of air service in the area? For how long should the Federal Government continue to provide such "seed money"?

5. Should the Board use as a criterion for subsidy eligibility the extent to which state or local gvernments are prepared to assume part of the losses incurred in providing service to their communities? If such a criterion were established would any party to this proceeding be willing to assume part of the losses Cochise, Airwest and/or SkyWest might face in providing service to these communities?

6. There is evidence in the record that Arizona state law (Arizona Revised Statutes, 4607(d)) permits the State Corporation Commission to prohibit the intra-state authorization of competitive commuter service and that this authority has been used to prevent carriers such as SkyWest from entering certain Arizona markets. If the Board were to determine that the public interest warrants subsidy eligible certification of carriers only in markets in which there are no artificially imposed impediments to commuter competition, what means are available to the Board to ensure that any markets included in this proceeding for which subsidy is made available are free from such restraints?

7. We are considering alternative ways to calculate subsidy ceilings. One alternative would impose a ceiling based upon an amount per enplaned passenger or per dollar of revenue, with subsidy made available to all certificated carriers who serve a point or market considered "subsidy eligible". Under this scheme if two carriers were certificated in a particular market (such as Cochise and Airwest at Yuma and El Centro) the amount of subsidy each would receive would depend upon the number of passengers each enplaned. The advantage of this scheme is that it might permit competition among subsidized certificated carriers at subsidy eligible points without disastrously high increases in subsidy costs. Would a subsidy ceiling scheme built upon this concept serve the public interest, be lawful under the Act, and be agreeable to any of the parties?

8. If the Board were to withdraw subsidy entirely from these points and instead certificate all of the applicants and incumbent regional carriers in this proceeding to all or most of the points included in Cochise's and SkyWest applications, on a subsidy ineligible and permissive basis, what service would likely be provided these communities? Would this action be legal/desirable?

9. SkyWest has indicated in its brief to the Board that it might be willing to provide commuter-type service to some of the communities included in Cochise's application which are now served exclusively by Cochise. Under what conditions, in what circumstances and to which communities would SkyWest provide such service? Would such service satisfy the transportation needs of any of the communities involved?

Participants will be divided into three panels as follows:

PANEL 1

SkyWest
Utah Parties
City of Page

PANEL 2

BPDA
Arizona Department of Transportation Parties
Arizona Congressional Delegation
Department of Transportation
Department of Defense

PANEL 3

Cochise
Air West
ALPA
Imperial County

Panel 1 will be allotted 60 minutes; Panel 2 will be allotted 100 minutes; and Panel 3 will be allotted 80 minutes. Each participant will have 8 minutes for an opening statement and the rest of the time will be devoted to questions by the Board, and to participants' answers to those questions and to each other's statements and comments.

The approximate schedule will be:

Panel 1: 1:30-2:30 (break).
Panel 2: 2:40-4:20 (break).
Panel 3: 4:40-6.

Please note that the oral argument will start at 1:30 p.m. instead of 10 as originally announced.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-17646 Filed 6-23-78; 8:45 am]

[6320-01]

[Docket No. 31400]

COLORADO SKI-POINTS INVESTIGATION

Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Janet D. Saxon to Administrative Law Judge Frank M. Whiting. Future communications should be addressed to Judge Whiting.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 78-17645 Filed 6-23-78; 8:45 am]

[6320-01]

[Docket No. 30679]

FLORIDA-ATLANTA COMPETITIVE NONSTOP SERVICE CASE

Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Richard V. Backley to Administrative Law Judge Thomas P. Sheehan. Future communications should be addressed to Judge Sheehan.

Dated at Washington, D.C., June 20, 1978.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 78-17643 Filed 6-23-78; 8:45 am]

[1505-01]

CIVIL AERONAUTICS BOARD

[Order 78-6-15, Docket 25280, Agreement CAB 24967 R-4, Docket 30332, Agreement CAB 27149 R-1 through R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Free and Reduced Fares for Cargo Sales Agents; Order

Correction

In FR Doc. 78-15935 appearing on page 24884 in the issue of Thursday, June 8, 1978, the 1st table printed across the bottom of the page should read as follows:

1. It is not found that the following resolutions are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

Agreement CAB 27149	IATA No.	Title	Application
R-1	203a	Reduced Fares for Cargo Agents (U.S.A. Only) (Amending).	1;2;3;1/2;2/3;3/1;1/2/3
R-2	203c	Reduced Fares for Cargo Agents (Except U.S.A.) (Amending).	1;2;3;1/2;2/3;3/1;1/2/3

[6320-01]

[Docket No. 32710]

SAN FRANCISCO-RENO-ALBUQUERQUE-TEXAS SERVICE INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 1, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues in addition to those set out at ordering paragraph 2 of Order 78-5-128; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before July 13, 1978 and the other parties shall do the same on or before July 21, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Pricing and Domestic Aviation, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing. The parties are encouraged to communicate among themselves in preparation for the conference with a view toward expediting the proceedings.

Dated at Washington, D.C., June 20, 1978.

MARVIN H. MORSE,
Administrative Law Judge.

[FR Doc. 78-17642 Filed 6-23-78; 8:45 am]

[6320-01]

[Docket No. 32709]

TUCSON-SAN DIEGO NONSTOP ROUTE INVESTIGATION

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on July 27, 1978 (43 FR 26469, June 20, 1978), is postponed to August 3, 1978, at 10:00 a.m. (local time), and will be held in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., June 21, 1978.

THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc. 78-17644 Filed 6-23-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

MAINE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 9:30 p.m. on July 17, 1978, Maine Teachers Association, Augusta, Maine.

Persons wishing to attend this open meeting should contact the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the commission.

Dated at Washington, D.C., June 21, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-17659 Filed 6-23-78; 8:45 am]

[6335-01]

MISSOURI ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Missouri Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and will end at 4:00 p.m. on July 21, 1978, Marriott Hotel Kansas City International Airport, Suite 302, Kansas City, Mo. 64195.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, 911 Walnut Street, Kansas City, Mo. 54106.

The purpose of this meeting is to discuss follow-up activities to the report, State Government Affirmative Action in Mid-America.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 21, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-17660 Filed 6-23-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

BUSINESS DEVELOPMENT PROGRAM

Applications for Assistance under the Economic Development Administration (EDA) Special Program to Guarantee Loans to Firms in the Basic Steel Industry

Notice is hereby given that the following applications for assistance under the EDA special program to guarantee loans to firms in the basic steel industry have been received by EDA:

Firm, Amount, and Products

WSC Corp. (Wisconsin Steel Works), Chicago, Illinois, 90% of $75,000,000, Carbon and alloy bars.

Phoenix Steel Corp., Claymont, Delaware, 90% of $35,000,000, Carbon, alloy and clad plates and heads; seamless pipe and tube.

Dated: June 19, 1978.

ROBERT T. HALL,
Assistant Secretary for Economic Development.

[FR Doc. 78-17511 Filed 6-23-78; 8:45 am]

[3510-25]

Industry and Trade Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that meetings of the Management-Labor Textile Advisory Committee will be held on July 20 and August 17, 1978, in Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230. The July 20 meeting will be held at 2 p.m. The meeting on August 17 will be held at 1:30 p.m.

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 meetings to the extent time is available.

Copies of the minutes of the meetings will be made available on written request addressed to the ITA 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.

Dated: June 20, 1978.

ROBERT E. SHEPHERD,
Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-17592 Filed 6-23-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

The Scientific and Statistical Committee of the Mid-Atlantic Fishery Management Council, established under Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet July 7, 1978, at the Brandywine Hilton, I-95 and Maamans Road, Claymont, Del. 19703. The meeting starts at 9 a.m. and will adjourn about 3:30 p.m.

Proposed Agenda: (1) Fishery Management Plans; (2) Proposed Research Projects; and (3) Other fishery management business.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Del. 19901, telephone: 302-674-2331.

Dated: June 19, 1978.

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

[FR Doc. 78-17618 Filed 6-23-78; 8:45 am]

[3510-13]

National Bureau of Standards

I/O CHANNEL LEVEL INTERFACE STANDARDS

Change of Hearing Date

On June 19, 1978, the National Bureau of Standards (NBS) announced in the FEDERAL REGISTER (43 FR 26341) that it would hold an informal public hearing on Monday, July 10, 1978, on three I/O channel level interface standards that are being recommended for Federal use.

Following publication of that notice, requests have been received to allow addtional time to prepare for such hearing. As NBS is concerned that all interested parties be allowed sufficient time to obtain copies of the specification section of each of these three proposed Federal Information Processing Standards before the time set for the hearing and to otherwise allow such parties to make adequate and deliberative preparation for such hearing, notice is hereby given that the hearing is being rescheduled from Monday, July 10, 1978, to Friday, August 11, 1978, at 9 a.m. eastern daylight saving time. The hearing will be held in the Green Auditorium, National Bureau of Standards, Gaithersbury, Md.

Persons desiring to testify at this hearing should notify the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, as promptly as possible, and not later than 9 a.m. Eastern daylight saving time, Tuesday, August 8, 1978.

Persons desiring to testify should submit to the Director, Institute for Computer Sciences and Technology, at the above address, four copies of their statement not later than 9 a.m. eastern daylight saving time, Tuesday, August 8, 1978.

The date for submitting written comments on the three proposed I/O channel level interface standards to the Director, Institute for Computer Sciences and Technology, as set out in the referenced June 19, 1978, FEDERAL REGISTER notice, remains unchanged. That date is August 18, 1978. Similarly, the procedures established for the conduct of the informal hearing, as announced in the June 19, 1978, FEDERAL REGISTER notice remain unchanged.

Any person having any questions or seeking addtional information about the forthcoming rescheduled hearing, or about any aspects of this notice or the previously referenced June 19, 1978, FEDERAL REGISTER notice, may contact:

Mr. Thomas N. Pyke, Jr., Chief, Computer Systems Engineering Division, Room A231, Technology Building, National Bureau of Standards, Washington, D.C. 20234, 301-921-3436.

Dated: June 22, 1978.

ERNEST AMBLER
Director.

[FR Doc. 78-17874 Filed 6-23-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

May 22 Through May 26, 1978

Notice is hereby given that during the period May 22 through May 26, 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.

Amendment to the DOE's procedural regulations, 10 CFR, part 205, were issued in proposed form on September 14, 1977 (42 F.R. 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except federal holidays.

Dated: June 20, 1978.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

PROPOSED DECISIONS AND ORDERS

Eastex Construction Pipe & Supply Company, Longview, Texas, DEE-0072, Crude Oil

Eastex Construction Pipe & Supply Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Eastex to sell the crude oil which it produces from the Newport Industries No. 1D well, the Newport Industries No. 2 well, and the Newport A No. 1 well, three crude oil producing properties located in the Bivens Field, Beaureguard Parish, Louisiana, at upper tier ceiling prices. On May 26, 1978 the DOE issued a Proposed Decision and Order which denies Eastex's request with respect to the No. 1D well and permits Eastex to sell at upper tier ceiling prices 60.81 percent of the crude oil produced for the benefit of the working interest owners from the No. 2 well and 76.13 percent of the crude oil produced for the benefit of the working interest owners from the A No. 1 well.

Kalama Chemical, Inc., Kalama, Washington, DPI-0008, Unfinished Toluene

Kalama Chemical, Inc. filed an Application for Exception from the provisions of 10 CFR 213.35(c). The exception request, if granted would result in the issuance of an Order permitting the firm to import 296,495 barrels of unfinished toluene into District V on a license fee-exempt basis during the current allocation period. On May 25, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Maine Gas & Appliances, Inc., Waterville, Maine, DEE-1019, Propane

Maine Gas & Appliances, Inc. filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would permit Maine Gas to retain the revenues which the firm obtained during the period October 15, 1973 through February 28, 1974 by charging prices for propane which exceeded the maximum prices allowed under the provisions of 6 CFR, Part 150, Subpart L and 10 CFR, Part 212, Subpart F. On May 25, 1978 the DOE issued a Proposed Decision and Order which determined that the exception request be dismissed without prejudice to a subsequent refiling.

Osro Cobb, Little Rock, Arkansas, DEE-0354, Crude Oil

Osro Cobb filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the crude oil produced from the Smackover Nacatoch Sand 985 Acre Unit to be sold at prices in excess of the ceiling price levels set forth in 10 CFR, Part 212, Subpart D. On May 26, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

P & M Petroleum Management, Denver, Colorado, DXE-0616, Crude Oil

P & M Petroleum Management filed an Application for Exception form the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of relief previously granted and permit P & M to continue selling certain of the crude oil which it produces at upper tier ceiling prices. On May 26, 1978, the DOE issued a Proposed Decision and Order which would permit P & M to sell 34.67 percent of the crude oil produced for the benefit of the working interest owners at upper tier ceiling prices.

Perrault Production Co., Tulsa, Oklahoma, DEE-0115, Crude Oil

Perrault Production Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Perrault to sell at exempt price levels the crude oil which it produces from the Fisk Varnum Lease, the D. W. Anderson Lease and the Cudjo Palmer Lease. On May 26, 1978, the DOE issued a Proposed Decision and Order which would deny the request with respect to the Cudjo Palmer Lease and permit Perrault to sell at upper tier prices 100 percent of the crude oil produced from the D. W. Anderson Lease for the benefit of the working interest owners and 66.39 percent of the crude oil produced from the Fisk Varnum Lease for the benefit of the working interest owners.

Valentine & Sons, Inc., Glenrock Wyoming, FEE-4454, Crude Oil

Valentine & Sons, Inc. filed an Application for Exception which, if granted, would permit it to sell the crude oil which it obtains from processing waste crude oil at prices in excess of the lower tier ceiling price calculated in accordance with the provisions of 10 CFR 212.73. In considering the Valentine Application, the DOE noted that Valentine would be subject to the DOE Price Regulations which are applicable to resellers. The DOE determined that those regulations posed significant problems for the firm and could preclude it from entering the crude oil reclamation business. Accordingly, a Proposed Decision and Order approving exception relief from certain provisions of those regulations was issued to Valentine on May 23, 1978.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Hearings and Appeals of the Department of Energy has issued Proposed Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases.

Company, Case Number, Plant, Location, and Amount of Price Increase ($/gal.)

C. F. Braun & Company, DEE-1065, Mooreland, Woodward, Oklahoma, Denied.
DEE-1066, Seiling, Dewey, Oklahoma, $.0070.
Texaco, Inc., DEE-0948, Dover Hennessey Kingfisher, Oklahoma, $.0055.

[FR Doc. 78-17485 Filed 6-23-78; 8:45 am]

[3128-01]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

May 29 Through June 2, 1978

Notice is hereby given that during the period May 29 through June 2, 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 205, were

issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of a Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice of issuance of a Proposed Decision and Order shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except federal holidays.

Dated: June 20, 1978.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

PROPOSED DECISIONS AND ORDERS

Oceanic Petroleum Exploration Company, Los Angeles, California, DEE-0524, Crude Oil

The Oceanic Petroleum Exploration Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Oceanic to sell the crude oil produced from the Debbie 42 Lease, located in Burrel Field in Fresno County, California, at exempt price levels. On May 31, 1978, the Department of Energy issued a Proposed Decision and Order which determined that the Oceanic exception request should be denied.

Phillips Puerto Rico Core, Inc.; Guayama, Puerto Rico; DPI-0002

Puerto Rican Sun Oil Company; Yabucoa, Puerto Rico; DEE-0392

Commonwealth Oil Refining Co., Inc.; Penuelas, Puerto Rico; DXE-0611

PPG Industries, Inc.; DPI-0006

Puerto Rican Olefins Company; Penuelas, Puerto Rico; Crude Oil and Naphtha

Four firms which operate refineries or petrochemical plants in the Commonwealth of Puerto Rico filed Applications for Exception, regarding similar forms of exception relief from the license fee program contained in 10 CFR 211.67. Phillips Puerto Rico Core, Inc. (Phillips) requested that it be permitted to import naphtha on a fee-exempt basis from February 1, 1978 through April 30, 1979. The Commonwealth Oil Refining Co. (Corco) requested that it be permitted to import crude oil and naphtha on a fee-exempt basis during the current allocation period. Corco also requested that the exception relief which it previously received from Sections 211.67(i)(4) and 211.67(d)(5) of the Entitlements Program be extended. The Puerto Rican Sun Oil Company (Sun) requested that it be granted exception relief from Section 211.67(i)(4) on a prospective and retroactive basis. The Puerto Rican Olefins Company (PRO) requested that it be permitted to import naphtha raffinate, and gas oil on a fee-exempt basis during the current allocation period. On May 31, 1978, the Department of Energy issued a consolidated Proposed Decision and Order which determined that the Phillips and PRO requests should be granted in full, that the Sun request should be granted on a prospective basis only, and that the Corco request should be granted, subject to a number of conditions.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Hearings and Appeals of the Department of Energy has issued Proposed Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company, Case Number, Plant, (County/State) Location, and Amount of Price Increase ($/gal.)

Ben R. Briggs, DEE-1068, East Texas, Panola/Texas, $.0541.
Hugh M. Briggs, DEE-1067, East Texas, Panola/Texas, $.0541.
Farmland Industries, Inc., DXE-1039, Gillette, Campbell/Wyoming, $.0667. DXE-1040, Lamont, Grant/Oklahoma, $.0862. DXE-1041, Mertzon, Irion/Texas, $.0181. DXE-1042, Quitman, Wood/Texas, $.0238.
Gary Operating Company, DXE-1043, Altonah, Duchesne/Utah, $.0530. DXE-1044, Bluebell, Duchesne/Utah, $.0769.
Oklahoma Natural Gas Company, DXE-1045, Garvin, Garvin/Oklahoma, $.0241.

[FR Doc. 78-17484 Filed 6-23-78: 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

April 10 through April 14, 1978

Notice is hereby given that during the week of April 10 through April 14, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEAL

Ball Marketing Enterprise; Ball Marketing, Inc.; Great Southern Oil and Gas Co., Inc., Lafayette, Louisiana, FIA-1403, crude oil

Ball Marketing Enterprise, Ball Marketing, Inc. (Ball Marketing) and Great Southern Oil and Gas Co., Inc. filed an Appeal from Interpretation 1977-18, which the General Counsel of the FEA issued on June 13, 1977. In the Interpretation the General Counsel determined that Ball Marketing, a reseller, and Great Southern, a refiner, constituted a single firm for purposes of the Mandatory Petroleum Price Regulations. That determination was based on the fact that two-thirds of the outstanding capital stock of Ball Marketing is owned by two individuals who also own or control all of the capital stock of Great Southern. In considering the Ball Marketing Appeal, the Department of Energy noted that the definitions of the terms "firm" and "refiner" in Part 212 clearly indicate that for purposes of DOE price regulations the term "refiner" includes the parent organization and any consolidated and unconsolidated entities which it directly or indirectly controls. The DOE found that because the two individuals together own 100 percent of the capital stock of Great Southern and 67 percent of the capital stock of Ball Marketing, they constitute a parent organization which controls both business entities. Consequently, the DOE concluded that Ball Marketing and Great Southern must be viewed as parts of a single firm for purposes of Part 212. The Ball Marketing Appeal was therefore denied.

REQUESTS FOR EXCEPTION

William P. Carr, Dallas, Texas, DXE-0484, crude oil

William P. Carr filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception, if granted, would result in the extension of exception relief previously approved and would permit Carr to continue to sell a portion of the crude oil produced from the Stratmann Lease for the benefit of the working interest owners at upper tier ceiling prices. *See William P. Carr*, 1 DOE Par. 81,022 (November 16, 1977). In considering the request, the DOE determined that in view of the increased operating costs that Carr was continuing to experience at the Stratmann Lease, in the absence of a continuation of exception relief the working interest owners would lack an economic incentive to maintain the production of crude oil from the well on the property. In view of this determination and on the basis of the operating data which the firm submitted for the most recently completed fiscal period, Carr was permitted to sell at upper tier ceiling prices 41.00 percent of the crude oil produced from the Stratmann Lease for the benefit of the working interest owners.

City of Long Beach, California, Long Beach California, DXE-0859, crude oil.

The City of Long Beach, California filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The

exception request, if granted, would result in the extension of exception relief previously granted and would permit the City to continue to sell certain quantities of crude oil produced from Fault Block Unit 3 of the Wilmington Field, located in Long Beach, at upper tier prices. In considering the City's exception request, the DOE found that the operating costs per barrel of Fault Block Unit 3 continued to exceed the applicable lower tier ceiling price and that continued exception relief was therefore necessary to provide the firm with an economic incentive to maintain production operations. In accordance with the methodology established in previous Decisions, the DOE permitted Long Beach to sell 68.03 percent of the crude oil produced from Fault Block Unit 3 at upper tier ceiling prices for an additional period of time.

Getty Oil Company, Oklahoma City, Oklahoma, DEE-0479, crude oil.

The Getty Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell a portion of the crude oil produced from the Ed Dillon No. 2 Well located in Oklahoma County, Oklahoma at upper tier ceiling prices. In considering the exception application, the DOE found that Getty's operating costs had increased to a point where the firm no longer had an economic incentive to continue the production of crude oil from the Dillon Well. The DOE also determined that if Getty abandoned its operations at the Dillon Well, a substantial quantity of domestic crude oil would not be recovered. On the basis of criteria applied in previous Decisions, the DOE determined that Getty should be permitted to sell at upper tier ceiling prices 77.56 percent of the crude oil produced from the Dillon Well for the benefit of the working interest owners during the six-month period ending August 31, 1978.

Joseph O'Neil, Jr., Oil Properties, Scurry County, Texas, DEE-0449, crude oil.

Joseph O'Neil, Jr., Oil Properties filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell a portion of the crude oil produced from the Feldman & Pardo Lease at upper tier ceiling prices. In considering the exception request, the DOE found that the cost of operating the lease exceeded the revenues which O'Neil realized from the sale of crude oil at lower tier ceiling price levels. The DOE also found that the cessation of extraction activities at the lease would result in the loss of a substantial amount of otherwise recoverable crude oil. On the basis of these findings, the DOE concluded that O'Neil should be granted exception relief in order to provide the firm with an economic incentive to continue to produce crude oil from the lease. In accordance with the precedent established in a number of prior Decisions, the DOE permitted O'Neil to sell at upper tier prices 64.88 percent of the cruide oil produced from the Feldman & Pardo Lease for the benefit of the working interest owners.

Justiss-Mears Oil Co., Inc., Jena, Louisiana, DXE-0663, crude oil

The Justiss-Mears Oil Co., Inc., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted and would permit Justiss to continue to sell certain quantities of crude oil produced from the Saucier No. 1 Well, located in the Five Mile Bayou Field in Avoyelles Parish, Louisiana, at upper tier ceiling prices. In considering the firm's exception request, the DOE found that operating costs per barrel at the Saucier Well continued to exceed the applicable lower tier ceiling price and for that reason continued exception relief was necessary to provide the firm with an economic incentive to maintain production operations. In accordance with the methodology established in previous Decisions, the DOE permitted Justiss-Mears to sell 77.36 percent of the crude oil produced from the Saucier Well at upper tier ceiling prices for a six-month period of time.

Marine Petroleum Company, Inc., Washington, D.C., FPI-0125, Motor Gasoline; No. 2 Fuel Oil

Marine Petroleum Company, Inc., filed an Application for Exception from the provisions of 10 CFR 213.35(c) which, if granted, would permit it to import on a license fee-exempt basis 1,708,484 barrels of motor gasoline and 228,571 barrels of No. 2 fuel oil into Districts I through IV during the 1977-78 allocation period. In considering the Marine request, the DOE determined that the firm had recently increased the profitability of its petroleum-related business and that its profitability would not be significantly reduced in the absence of exception relief. In addition, the DOE found that Marine had been able to increase both its markup and volume of sales of motor gasoline and No. 2 fuel oil over historical levels, and consequently the DOE concluded that the firm was not experiencing competitive difficulties. Finally, the DOE noted that Marine had failed to show that it was unable to procure domestic supplies of motor gasoline and No. 2 fuel oil at competitive prices or that it would be required to curtail service to its present customers in the absence of exception relief. Based on these considerations, the DOE concluded that Marine had failed to demonstrate that either the firm or its customers would experience an exceptional hardship as a result of the license fee provisions, and its request was denied.

Phillips Petroleum Company, Bartlesville, Oklahoma, DXE-0617, crude oil

The Phillips Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of the exception relief previously granted to Phillips and would permit the firm to continue to sell at upper tier ceiling prices a portion of the crude oil produced from the Foote Lease located in Oklahoma County, Oklahoma. *Phillips Petroleum Co.*, 1 DOE Par. 81,004 (November 2, 1977). In considering the exception request, the DOE found that Phillips continued to incur increased operating costs in connection with production activities at the Foote Lease and in the absence of exception relief would lack an economic incentive to produce crude oil from the property. In view of this situation and on the basis of operating data which Phillips submitted for the most recent six-month period, the DOE permitted the working interest owners to sell at upper tier ceiling prices 29.71 percent of the crude oil produced from the Lease for their benefit for a six-month period.

Sun Company, Inc., Dallas, Texas, FEE-4837, natural gas liquids

Sun Company, Inc. filed an Application for Exception from the provisions of 10 CFR 212.162. The exception, if granted, would permit Sun to calculate the cost of natural gas shrinkage for a processing plant which it proposed to build on the basis of the contract price for the residue gas to be sold from the plant. In its Application, Sun contended that unless the firm could calculate the cost of shrinkage in the manner specified it could not profitably construct the new gas processing plant. In considering the Sun request, the DOE found that since the proposed plant had not as yet been constructed, Sun was not now experiencing a hardship of inequity and further, that it could avoid any future difficulties by altering its contractural arrangements. In addition, the DOE determined that the relief which Sun sought could be obtained by filing a Request for Interpretation of the term "cost of natural gas shrinkage," as defined in 10 CFR 212.162, with the DOE Office of General Counsel. Consequently, the Sun exception request was denied.

Tenneco Oil Company, Houston, Texas, DXE-0860, crude oil

The Tenneco Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception, if granted, would result in an extension of relief previously granted and would permit Tenneco to continue to sell certain quantities of crude oil produced from the South Coast Unit, located in St. Mary Parish, Louisiana, at upper tier ceiling prices. In considering the Tenneco exception request, the DOE found that operating costs per barrel at the South Coast Unit continued to exceed the applicable lower tier ceiling price and that exception relief was therefore necessary to provide the firm with an economic incentive to maintain production operations. In accordance with the methodology established in previous Decisions, the DOE permitted Tenneco to sell 81.39 percent of the crude oil produced from the South Coast Unit at upper tier ceiling prices for a six-month period of time.

REQUEST FOR MODIFICATION OR RESCISSION

Natrogas, Inc., Minneapolis, Minnesota, DMR-0013, propane

Natrogas, Inc. filed an Application for Exception in which it requested an extension of the exception from the provisions of 10 CFR 211.9 which had previously been granted to the firm. As part of that exception, Natrogas had been assigned a new, lower-priced supplier of propane to replace its four base-period suppliers. *See Natrogas, Inc.*, 1 DOE Par. 82,524 (January 10, 1978); *Natrogas, Inc.*, 1 DOE Par. 80,141 (December 6, 1977). In considering the Natrogas request, the DOE surveyed the propane prices in the firm's market area and found that the average price charged for propane by Natrogas's four base-period suppliers exceeded by nearly two cents per gallon the average price which the firm's competitors pay for that product. In addition, financial data submitted by Natrogas indicated that the firm was continuing to experience financial difficulties. Based on these factors, the DOE concluded that the application of the provisions of Section 211.9 which require adherence to base-period supplier/purchaser relationships would continue to result in a serious hardship to Natrogas in future

months. Exception relief was therefore approved which directed that the firm be assigned a lower-priced supplier of propane for the months of April through June 1978.

REQUESTS FOR STAY

Commonwealth Oil Refining Co., Inc., San Antonio, Texas, DES-0611, crude oil; naphtha.

The Commonwealth Oil Refining Co., Inc., (Corco) filed an Application for Stay of the provisions of Sections 211.67(i)(4) and 211.67(d)(5) of the Mandatory Petroleum Allocation Regulations. If granted, the stay would in effect extend for an additional period of time the exception relief granted to the firm in a Decision issued on April 14, 1977, pending a final determination on an Application for Exception which the firm filed on February 15, 1978. *See Commonwealth Oil Refining Co., Inc.*, 5 FEA Par. 83,132 (April 14, 1977). In considering the Corco Application for Stay, the DOE observed that it would be unable to issue a final determination on the Corco exception request prior to the expiration of the relief approved in the 1977 Decision. The DOE found that Corco was continuing to experience serious financial difficulties and that it could be injured if the exception relief approved in the 1977 Decision were not continued during the pendency of its exception request. Consequently, the Corco stay request was granted.

Northland Oil & Refining Company, Tulsa, Oklahoma, DES-0054, crude oil.

Northland Oil & Refining Company requested that its obligations under 10 CFR 211.67 (the Entitlements Program) be stayed for the months of April and May 1978 pending a determination on the merits of an Application for Exception which it had filed. In considering the Northland request, the DOE found that the material which the firm submitted demonstrated that it did not possess the financial resources which would enable it to purchase entitlements during April and May 1978. Consequently, the DOE concluded that it was impossible for the firm to purchase entitlements during those months and it therefore granted the requested stay pending a determination of the firm's Application for Exception.

United Independent Oil Company, Washington, D.C., DES-0050, crude oil.

United Independent Oil Company (UIOC) requested that its obligations under 10 CFR 211.67 (the Entitlements Program) be stayed pending a final determination on the merits of an Application for Exception which it had filed. In considering the request, the DOE observed that in view of the agency's ability to adjust UIOC's entitlements position on subsequent Entitlement Notices, the firm could be compensated for any entitlements purchases which exceed the level that the DOE ultimately determines is appropriate. Under these circumstances, and in view of UIOC's failure to submit financial material demonstrating that it could not meet its entitlement purchase obligations, the DOE concluded that UIOC had not made a showing that it would be irreparably injured in the absence of a stay. The DOE also found that UIOC's contention that it will succeed on the merits of its exception request was not supported by the record, and it noted that in the absence of special circumstances, the adverse impact on other firms that participate in the Entitlements Program generally outweighs the temporary inconvenience to a single firm requesting a stay of its entitlements purchase obligations. The UIOC stay request was therefore denied.

SUMMARY DECISIONS

The following Decisions modified previous Appeal Decisions by extending the period of time for the issuance of a revised Remedial Order:

Leonard E. Belcher, Springfield, Massachusetts, DRX-0057.
Rickelson Oil and Gas Company, Tulsa, Oklahoma, DRX-0062.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Ramco Oil & Gas Corp., Hollywood, Florida, DEE-0355.
Texas, Inc., New Orleans, Louisiana, DEE-0443.

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the DOE Procedural Regulations:

Raymond Oil Company, Huron, South Dakota, DEE-0726.

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

Equipment, Inc., Lafayette, Louisiana, DEE-0046.

The following submission was dismissed on the grounds that there was no basis under which relief might be obtained and an application for exception was premature:

Palo Pinto Oil & Gas Company, Dallas, Texas, DEE-0995.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: June 19, 1978.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

[FR Doc. 78-17483 Filed 6-23-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

[Docket Nos. IE-78-7, et al.]

NIAGARA MOHAWK POWER CORP.

Order Authorizing Transmission of Electric Energy to Canada and Accepting Rate Schedules for Filing

Niagara Mohawk Power Corporation (Niagara Mohawk) filed an application (Docket No. IE-78-9; FPC Docket No. E-7022), with the Federal Power Commission on July 7, 1977, for authorization pursuant to Section 202(e) of the Federal Power Act to export electric energy from the United States to Canada.

Applicant seeks authorization to export electric energy to St. Lawrence Power Company (St. Lawrence) at a maximum delivery rate not to exceed 100,000 kilowatts with an estimated annual delivery not to exceed 300,000 megawatt-hours. This energy will include a maximum 40,000 kilowatts and a maximum 200,000 megawatt-hours received by Niagara Mohawk from Canadian Niagara Power Company, Limited (Canadian Niagara), an Ontario Corporation. Receipt of this electric power will take place at the International Boundary between Niagara Falls and Fort Erie, Ontario and Niagara Falls, Lewiston and Buffalo, New York, and will be transmitted by Niagara Mohawk for the account of St. Lawrence to the facilities of Long Sault, Inc. at the International Border between Messena, New York and Cornwall, Ontario. The remaining electric energy to be exported by Niagara Mohawk to St. Lawrence will be supplied from Niagara Mohawk's own bulk power system, pursuant to the terms of a contract for service, a copy of which was filed as an exhibit to the application. The Applicant represents that it has sufficient capacity to meet its commitments to St. Lawrence during the period of the permit without restricting any of its commitments to its retail customers or to its other bulk customers. The actual amounts of energy to be exported will depend upon (1) the availability to Applicant of surplus energy, (2) the capability of Niagara's transmission system and (3) the requests for energy submitted by St. Lawrence.

St. Lawrence will utilize the electric energy purchased and received from Niagara Mohawk for emergency purposes and to supplement its total requirements, which its present sources of supply are unable to meet during the period of October to March of each year. St. Lawrence has, therefore, applied to Niagara Mohawk for the power and energy to make up these deficiencies.

Written notice of the application was given to the Public Service Commission of the State of New York and to the St. Lawrence Power Commission. Notice of the application was published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40244), stating that any person desiring to be heard or to make any protest with reference to the application should on or before August 12, 1977, file with the Federal Power Commission petitions to intervene or protest in accordance with the Commission's Rules of Practice and

Procedure (18 CFR 1.8 or 1.10). No petition or protest or request to be heard in opposition to the granting of the application was received, by either the Federal Power Commission or the Economic Regulatory Administration.

In Docket No. IE-78-8 (FPC Docket No ER77-508), on July 7, 1977, Niagara Mohawk tendered for filing as a rate schedule a transmission agreement between Niagara Mohawk and St. Lawrence. This agreement concerns the transmission of power by Niagara Mohawk from Canadian Niagara to St. Lawrence.

The agreement, which can be cancelled upon ninety days prior notice in writing by either party, provides (1) that for use of Niagara's facilities, St. Lawrence shall pay Niagara at the rate of $1.97 per megawatt per hour; and (2) that the transmission capacity to be made available by Niagara to St. Lawrence will be that amount scheduled on an hourly basis by St. Lawrence each day for the subsequent 24-hour period beginning at midnight. Furthermore, all components comprising the annual fixed charge rate used to determine payment will be updated effective April 1 of each year for the ensuing twelve-month period. The computation for all components will utilize previous year-end data, and the cost of capital and federal income tax components will include a return on equity as determined by the New York State Public Service Commission in Niagara's most recent electric rate proceeding.

Copies of the filing were served upon St. Lawrence Power Company, the only customer proposed to be served under this tariff, and upon the Public Service Commission of the State of New York. Notice of the application was published in the FEDERAL REGISTER on August 8, 1977 (42 FR 40036), stating that any person desiring to be heard or to make any protest with reference to the application should on or before August 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No petition or protest or request to be heard in opposition was received by either the Federal Power Commission or the Economic Regulatory Administration.

In Docket No. IE-78-7 (FPC Docket No. ER77-507), Niagara Mohawk on July 7, 1977 tendered for filing as a rate schedule a Service Classification H-1 to be used to supply electric energy to the St. Lawrence Power Company from Niagara Mohawk's own bulk power system. This service classification is for a term of one year from commencement of service, and continuous thereafter until permanently cancelled by St. Lawrence upon one year's prior written notice to Niagara Mohawk.

The applicant states that the charges associated with the proposed rate schedule are higher than those charged to other utilities that purchase bulk power from Niagara but are lower than Niagara's basic retail rates to customers with similar load requirements. Applicant states further that during any given month of the period from October to March, when service will be continuous, the proposed rates are equivalent to those contained in Service Classification No. 3 of P.S.C. No. 207 Electricity, effective June 1, 1977. P.S.C. No. 207 Electricity is the rate applicable to Niagara's own Large General Service customers. The only difference between Service Classification H-1 and Service Classification No. 3 during this period is that the ratchet provision would carry into the summer months under P.S.C. No. 3 but not under H-1.

The Service Classification provides (1) that for emergency service supplied by Niagara Mohawk, St. Lawrence shall pay 1.10 times the sum of Niagara Mohawk's incremental cost of supplying such service and the cost of losses on the company's system; and (2) that for continuous service, the monthly rate will be determined on the basis of demand charge, plus energy charge, monthly net minimum charge and cost of fuel adjustment.

Copies of the filing were served upon St. Lawrence Power Company, the only customer to be served under this tariff, and upon the Public Service Commission of the State of New York. Notice of the application was published in the FEDERAL REGISTER on August 2, 1977 (42 FR 39135), stating that any person desiring to be heard or to make any protest with reference to the application should on or before August 3, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). No petition or protest or request to be heard in opposition to the granting of the application was received by either the Federal Power Commission or the Economic Regulatory Administration.

Pursuant to sections 301 and 402 of the Department of Energy Organization Act (P.L. 95-91), the function of approving the exportation of electric energy has been transferred to the Secretary of Energy (effective October 1, 1977). Pursuant to Delegation Order No. 0204-4 (effective October 1, 1977), the Secretary has delegated that function to the Administrator of the Economic Regulatory Administration (ERA).

The Department of Energy (DOE) has concluded that the proposed transmission of electric energy from the United States to Canada will not impair the sufficiency of electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to DOE's jurisdiction. Accordingly, Niagara Mohawk is hereby authorized to transmit electric energy from the United States to Canada in accordance with the terms and conditions set forth in the application (as summarized above) and subject to the provisions of this Order. Applicant shall conduct all operations pursuant to the authorization herein granted in accordance with the provisions of the Federal Power Act and pertinent rules, regulations and orders issued thereunder.

Applicant shall provide for the installation and maintenance of adequate metering equipment to measure the flow of all electric energy transmitted from the United States to Canada pursuant to the authority herein granted; shall make, keep and preserve full and complete records with respect to the movement of such energy; and shall furnish, in triplicate, to ERA, with respect to such transmission of energy, reports annually on or before February 15, showing the kw hours delivered, the maximum kw rate of transmission, and the consideration received for it during each month of the preceding calendar year.

This authorization to transmit electric energy from the United States to Canada shall not be transferable or assignable, but in the event of the involuntary transfer of the facilities used for such transmission by operation of law (including such transfers to receivers, trustees, or purchasers under foreclosure or judicial sale) said authorization shall continue in effect temporarily for a reasonable time thereafter, pending the making of an application for permanent authorization and decision thereon, provided notice is promptly given in writing to ERA accompanied by a statement that the physical facts relating to sufficiency of supply, rates, and nature of use remain substantially the same as before the transfer.

This authorization shall be without prejudice to the authority of any State or State regulatory commission for the exercise of any lawful authority vested in the State or State regulatory commission over Applicant.

This authorization is without prejudice to the authority of the Department of Energy, or any other regulatory body, with respect to rates, service, accounts, valuation, estimates or determinations of cost, or any other matter whatsoever now pending or which may come before DOE, or any other regulatory body, and nothing herein shall be construed as an acquiescence by DOE in any estimate or determination of cost or any valuation of property claimed or asserted.

The transmission agreement between Niagara Mohawk and St. Law-

rence Power Company, filed on July 7, 1977, as a rate schedule is accepted for filing, effective as of August 7, 1977, pursuant to 18 CFR § 35.2(e).

The Service Classification H-1 to be used to supply power and energy to the St. Lawrence Power Company, filed by Niagara Mohawk Power Corporation as a rate schedule on July 7, 1977, is accepted as filed, to be effective on August 7, 1977, pursuant to 18 CFR § 35.2(e).

One other aspect of these applications requires comment. On March 29, 1978, Niagara Mohawk sent a letter to ERA stating *inter alia* that "(s)ince Niagara has already commended (sic) deliveries to St. Lawrence we believe that it is necessary and proper that we receive the required approvals from whichever agency now has jurisdiction in these matters." Although not entirely clear, the above quoted sentence would appear to disclose a willful violation of section 202(e) of the Federal Power Act, which prohibits transmission of electric energy from the United States to a foreign country without first having secured an order of authorization.

Recognizing that the activation of the new Department of Energy on October 1, 1977 has, in fact, generated a degree of legitimate uncertainty as to jurisdiction and applicable procedures, DOE has determined that it will not in this instance issue a show cause order to pursue other available enforcement alternatives. By this Order, however, DOE is putting Niagara Mohawk (as well as other potential applicants) on notice that violations of the Act will not be condoned, and that any such violations that come to DOE's attention in the future will be dealt with through whatever enforcement measures are necessary and appropriate to secure full compliance with the Act.

Issued in Washington, D.C., June 19, 1978.

DOUGLAS C. BAUER,
Assistant Administrator, for Utility Systems, Economic Regulatory Administration.

[FR Doc. 78-17521 Filed 6-23-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. RP73-77]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Proposed PGA Rate Adjustment

JUNE 16, 1978.

Take notice that on June 6, 1978, Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee) tendered for filing Substitute Twenty-sixth Revised Sheet No. 3-A to its FERC Gas Tariff, Third Revised Volume No. 1. This revised tariff sheet is proposed be become effective as of June 1, 1978. Alabama-Tennessee states that the purpose of such revised tariff sheet is to reflect the effect of Tennessee Gas Pipeline Co.'s Substitute Twenty-first Revised Sheet Nos. 12-A and 12-B to Ninth Revised Volume No. 1 of its FERC Gas Tariff filed at the Commission on May 31, 1978 to be effective June 1, 1978.

On June 6, 1978, Alabama-Tennessee also tendered for filing Twenty-seventh Revised Sheet No. 3-A and Alternate Twenty-seventh Revised Sheet No. 3-A. These revised tariff sheets are proposed to become effective as of July 1, 1978. Alabama-Tennessee states that the purpose of such revised tariff sheets is to reflect the rate increase of Tennessee Gas Pipeline Co. issued May 31, 1978, and the amortization of Alabama-Tennessee's unrecovered purchase gas cost account.

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17555 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-429]

ARIZONA PUBLIC SERVICE CO.

Notice of Filing of Agreement

JUNE 19, 1978.

Take notice that on June 13, 1978, Arizona Public Service Co. (APS) tendered for filing Service Schedule K dated April 4, 1978 to the Power Coordination Agreement between Salt River Project Argicultural Improvement and Power District (SRP) and APS for the purpose of providing standby transmission facilities for the power to be generated at the Coronado Generating Station.

APS requests waiver of the Commission's Regulations to permit an effective date of April 4, 1978, the date of the energizing of the Cholla-Coronado interconnection at APS' Cholla 500 Kv switchyard.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17556 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-430]

ARIZONA PUBLIC SERVICE CO.

Notice of Filing of Agreements for Wheeling

JUNE 19, 1978.

Take notice that on June 13, 1978, Arizona Public Service Co. (APS) tendered for filing two wheeling agreements dated April 4, 1978 between Salt River Project Agricultural Improvement and Power District (SRP) and APS for the wheeling of start-up power and energy from the Coronado plant.

APS requests waiver of the Commission's Regulations to permit effective dates of April 4, 1978 for these agreements as said date was the date of the energizing of the Cholla-Coronado interconnection point.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17557 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CI67-248]

BEACON GASOLINE CO.

Notice Changing Docket Number

JUNE 16, 1978.

On April 12, 1978, Beacon Gasoline Co. filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to gather gas for United Gas Pipe Line Co. Upon receipt, the application was designated Docket No. CP78-283, and was noticed on April 26, 1978, in that docket.

Upon closer review of the application, it has been determined that the April 12, 1978, application of Beacon Gasoline Co. should carry the docket number previously assigned to Beacon, Docket No. CI67-248. Notice is hereby given that the April 12, 1978 application is redesignated Docket No. CI67-248, and the Notice issued April 26, 1978, should be revised to carry the caption noted above. All further pleadings filed in this proceeding should carry Docket No. CI67-248.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17558 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket Nos. AR70-1, et al.]

CITIES SERVICE GAS CO., ET AL.

Notice of Filing of Pipeline Refund Reports and Refund Plans

JUNE 19, 1978.

Take notice that the pipelines listed in the appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 3, 1978. Copies of the respective filings are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Docket No.	Company	Type filing
May 22, 1978	AR70-1	Cities Service Gas Co	Report.
May 23, 1978	AR70-1	West Texas Gathering Co	Plan.
May 30, 1978	RP76-95	Columbia Gas Transmission Corp	Report.
May 31, 1978	RP73-107	Consolidated Gas Supply Corp	Do.
Do	AR70-1	Transwestern Pipeline Co	Do.

[FR Doc. 78-17546 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP76-506]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Petition To Amend

JUNE 19, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

Take notice that on June 8, 1978, Columbia Gas Transmission Corp. (Columbia), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314, filed in docket No. CP76-506 a petition to amend the order issued by the FPC on November 24, 1976 (56 FPC——) in said docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for Diamond Shamrock Corp.'s assignee, Chemetals Corp. (Chemetals), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued November 24, 1976, Columbia was authorized to transport in the interstate market up to 1,000 Mcf per day of natural gas for Diamond Shamrock Corp. (Diamond), an industrial customer of Baltimore Gas & Electric Co. (BG&E) for a period of 2 years. It is stated that by an assignment and assumption agreement, dated May 26, 1978, Diamond assigned all of its rights and delegated all of its duties and Chemetals assumed the same under a natural gas sale and purchase agreement between Diamond and Camex, Inc., dated July 6, 1976. This agreement is to become effective on completion of the sale by Diamond to Chemetals of, inter alia, a plant located near Baltimore, Md., the facility to which B.G. & E. delivers interstate gas transported by Columbia, it is stated.

Columbia states that pursuant to a consent, assignment and assumption agreement, dated May 26, 1978, between itself, Diamond, and Chemetals, it has consented to the assignment and delegation by Diamond to Chemetals of the rights and duties contained in the gas transportation agreement, dated July 22, 1976, between Columbia and Diamond, with the condition that such consent not make a novation of any contracts or agreements between Columbia and Diamond. It is further stated that the consent, assignment, and assumption agreement is to become effective upon completion of the above-mentioned sale transaction between Chemetals and Diamond. The completion date of which is predicted to be on or about June 9, 1978, Columbia states.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 12, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17559 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-354]

COLUMBIA GULF TRANSMISSION CO.

Application

JUNE 16, 1978.

Take notice that on May 30, 1978, Columbia Gulf Transmission Co. (Ap-

plicant), 3805 West Alabama Avenue, Houston, Tex. 77027, filed in Docket No. CP78-354 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon certain of its field lines and appurtenances thereto constructed to take gas for the account of applicant from properties in Louisiana as follows:

Field	Parish	Producer	Facilities to be abandoned
Duson field	Lafayette	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Measuring station No. 587 and miscellaneous fittings.
East Mud Lake field.	Cameron	Perry R. Bass, et al	Measuring station No. 580 and 1,000 ft of 8-inch supply line.

It is indicated that authorization to abandon service through the above-described facility in the Duson field was granted by order of August 23, 1976, in Docket No. G-4829, et al., in docket No. CI76-456.

It is further indicated that authorization to abandon service through the facilities in the E. Mud Lake field was granted by order of January 13, 1977, in docket No. G-12318, et al. at docket No. CI75-215.

The application states that the proposed facilities to be abandon are no longer in use, and applicant cannot foresee any requirement for them in the future. Applicant indicates that the gas supply line would be abandoned in place, as the cost of salvaging is too high to justify removal, and that an attempt would be made to salvage certain valves and other above-ground facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 10, 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 Federal Energy Regulatory Commission sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are 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. 78-17560 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-357]

COLUMBIA GULF TRANSMISSION CO.

Pipeline Application

JUNE 19, 1978.

Take notice that on May 31, 1978, Columbia Gulf Transmission Co. (applicant), P.O. Box 683, Houston, Tex. 77001, filed an application pursuant to section 7 of the Natural Gas Act for temporary and permanent certificates of public convenience and necessity authorizing the transportation of natural gas for Natural Gas Pipeline Co. of America (Natural), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant propose to transport for Natural gas which will be produced from the "A" platform in Eugene Island block 313, offshore Louisiana. The gas will be transported through an existing 12-inch, 2.56-mile-long pipeline of applicant between the block 313 "A" platform and an existing pipeline of applicant, Natural and Tennessee Gas Pipeline Co. in Eugene Island block 331. Natural will transport its gas to shore through existing facilities of its own and those in which it has capacity entitlement.

Natural will pay applicant a transportation charge of 3.47 cents per Mcf for all gas transported by applicant.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 12, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17561 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. EL78-30]

CONCERNED CITIZENS AGAINST POWER MONOPOLY v. LOUISIANA POWER & LIGHT CO.

Complaint

JUNE 19, 1978.

Take notice that Concerned Citizens Against Power Monopoly (complainant) on June 8, 1978, tendered for filing a complainant, request for investigation, request for order of compliance and request for temporary delivery of firm base-load power directed at

Louisiana Power & Light Co. (respondent). The complaint alleges violations of section 205(b) of the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene or protest. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17562 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-428]

CONNECTICUT LIGHT & POWER CO.

Proposed Purchase Agreement

JUNE 16, 1978.

Take notice that on June 6, 1978, the Connecticut Light & Power Co. (C.L. & P.) tendered for filing a proposed purchase agreement with respect to various gas turbine units, dated April 13, 1978, between (1) C.L. & P. and the Hartford Electric Light Co. (HELCO), and (2) Central Vermont Public Service Corp. (CVPS).

C.L. & P. states that the purchase agreement provides for a sale of CVPS of a specified percentage of capacity and energy from five gas turbine generating units (Norwalk Harbor, Devon, Enfield, Middletown, and Torrington Terminal) during the period from May 1, 1978, to October 31, 1978, together with related transmission service.

C.L. & P. states that sufficient time was not available to the Northeast Utilities (NU) companies, upon notice of CVPS' need for gas turbine capacity, and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than 30 days prior to the proposed effective date.

C.L. & P. therefore requests that, in order to permit CVPS to receive this needed capacity, the Commission, pursuant to section 35.11 of its regulations, waive the 30-day notice period and permit the rate schedule filed to become effective on May 1, 1978.

C.L. & P. states that the capacity charge for the proposed service was a negotiated rate. The monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities system determined in accordance with section 13.9 of the New England Power Pool (NEPOOL) agreement and the uniform rules adopted by the NEPOOL executive committee, multiplied by the number of kilowatts of winter capability which CVPS is entitled to receive, reduced to give due recognition of the payments made by CVPS for transmission services on intervening systems. The variable maintenance charge was derived from historical costs.

HELCO has filed a certificate of concurrence in this docket.

C.L. & P. states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Conn., and CVPS, Rutland, Vt.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17577 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1619]

DONALD C. SWITZER

Application

JUNE 16, 1978.

Take notice that on June 2, 1978, Donald C. Switzer (applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice Chairman, the Connecticut Light & Power Co., public utility.
Vice Chairman, the Hartford Electric Light Co., public utility.
Vice Chairman, Western Massachusetts Electric Co., public utility.
Vice Chairman, Holyoke Water Power Co., public utility.
Vice Chairman, Holyoke Power & Electric Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17563 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. RP78-18]

EL PASO NATURAL GAS CO.

Technical Conference

JUNE 19, 1978.

Take notice that a technical conference will be held Tuesday, June 20, 1978, at 10 a.m., in this proceeding to confirm the cost-of-service adjustments agreed to by staff and El Paso. Any party which desires to attend is invited to participate. The conference will be held at the Commission's offices, 825 North Capitol Street, Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17564 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ES78-24]

EL PASO ELECTRIC CO.

Notice of Application

JUNE 19, 1978.

Take notice that on June 13, 1978, El Paso Electric Co. (applicant) filed an application with the Federal Energy Regulatory Commission seeking authority pursuant to section 204 of the Federal Power Act to issue and sell in a negotiated private placement an additional $9,000,000 principal amount of 6¾ percent bonds due in 1998 at a purchase price per bond of $777.50 per 1,000 bond aggregating $6,997,500. There presently are $15,800,000 principal amount of 6¾ percent bonds of this series already outstanding.

The applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Tex., and is engaged in the electric utility business in the States of Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New

Mexico and approximately 120 miles southeasterly from El Paso to Van Horn, Tex., with a population of approximately 480,000 of whom 385,000 reside in metropolitan El Paso.

The proceeds from the financing will be used to reduce outstanding short-term debt incurred for construction purposes. The short-term debt is expected to aggregate $38,000,000 immediately prior to the time of issuance of the additional bonds. The applicant's construction program for the period 1978 through 1980 will require approximately $335,000,000.

The applicant intends to ask the purchaser of the bond to consent to a modification of the applicant's indenture of mortgage amending the definition of "minimum provision for depreciation". The modification requires the consent of holders of 75 percent of all bonds outstanding (including 60 percent of each series).

The applicant states that because of the relatively small size of the proposed offering of the additional bonds, because the additional bonds are to be sold at a discount, because of the mortgage modification consent required of the purchasers, and because the price of the bonds and cost to the company compare favorably with the price and cost if the bonds were sold competitively, the additional bonds should be offered through a negotiated private placement rather than pursuant to the competitive bidding process. Therefore, the applicant is applying to the Commission for exemption from the competitive bidding requirements of section 34.1a (b) and (c) of the Commission's regulations under the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17547 Filed 6-23-78; 8:45 am]

[6740-02]

[Project No. 2464]

GRESHAM, WIS.

Application for Approval of Recreation Plan

JUNE 19, 1978.

Take notice that an application for approval of an Exhibit R (Recreation Plan) for the Weed Dam Project No. 2464 has been filed by the village of Gresham, Wis. (correspondence to: Gresham Municipal Water Power & Electric plant, village of Gresham, Gresham, Wis. 54138). The project is located on the Red River, in Shawano County, Wis., near the village of Gresham.

Village of Gresham has filed for Commission approval an Exhibit R, Recreation Plan, in accordance with Article 30 of the license for Weed Dam Project No. 2464. The plan describes existing public day-use facilities development at Riverside Park on Weed Reservoir, and the reservation of a potential future recreation site near Weed Dam (2.5 acres). Existing recreation development at the 5-acre Riverside Park site includes a boat ramp, swimming area, picnic facilities, a shelter, an athletic field, and playground equipment. A double-unit comfort station was constructed in the park by a local service club in 1975.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All such petitions or protests should be filed on or before July 31, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make 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. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17553 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1733]

JOSEPH R. MAHER

Application

JUNE 16, 1978.

Take notice that on June 2, 1978, Joseph R. Maher (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, the Connecticut Light & Power Co., public utility.
Vice President, The Hartford Electric Light Co., public utility.
Vice President, Western Massachusetts Electric Co., public utility.
Vice President, Holyoke Water Power Co., public utility.
Vice President, Holyoke Power & Electric Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17565 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-427]

KANSAS POWER & LIGHT CO.

Proposed Changes on Rates and Charges

JUNE 16, 1978.

Take notice that on June 9, 1978, the Kansas Power & Light Co. (KPL) tendered for filing a newly executed Amendment No. 2 and Service Schedule K dated May 31, 1978, to rate schedule FPC No. 123 between KPL and Central Kansas Power Co. (CKP). KPL states that Amendment No. 2 requires that should generation be curtailed, capacity committed by either party to supply the other party shall experience a corresponding curtailment. In addition KPL states that Amendment No. 2 requires 5 years' prior written notice by either party of its intent to cancel. Service Schedule K provides that KPL agrees to furnish and CKP agrees to purchase 100 MW of power and accompanying energy during the period June 1, 1978, through May 31, 1984. The proposed effective date is June 1, 1978, and KPL requests that the Commission waive the notice requirements as allowed in Section 35.11 of its Regulations. In addition, KPL states that copies of the Amendment and Service Schedule have been mailed to the Central Kansas Power Co. and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17578 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. RP75-79]

LEHIGH PORTLAND CEMENT CO. v. FLORIDA GAS TRANSMISSION CO.

Order Granting Intervention

JUNE 19, 1978.

The Florida Public Service Commission (FPSC) by notice and petition filed May 30, 1978, withdraws from participation in concurrent hearings in the above-entitled matter and asks that it be permitted to intervene as a full party in the proceeding.

In this proceeding the FPC found that Lehigh Portland Cement Co. and certain citrus processors as direct customers of Florida Gas Transmission Co. (FGT) had received less gas than similar customers purchasing indirectly through distributing companies and that FGT's curtailment plan was unjust, unreasonable, unduly discriminating and preferential.[1] By order of December 19, 1977, we provided for a hearing to determine a new curtailment plan for FGT.

By order of April 3, 1978, at its request, the FPSC was granted permission to hold a concurrent hearing with FERC. However, on the basis of that order the FPSC finds that, in view of the limitations associated with concurrent hearings, it may better carry out its responsibility to serve the public interest in a procedural posture which would afford an opportunity to provide input to the decision of FERC. It says that it would accept the present procedural status of the case and contends that granting its petition to intervene would not delay the proceeding or unduly burden any other party.

We have no objection to FPSC acting as an intervening party rather than a participant in a concurrent hearing. In fact, as it says, it may be able to contribute more to the success of an ultimate opinion on a permanent curtailment plan for FGT than if it were a participant in a concurrent hearing. Because of the delay caused by its request for a concurrent hearing as well as the clear interest of FPSC in the subject matter of the hearing we have no difficulty in authorizing the late filing of a petition to intervene in extraordinary circumstances and for good cause shown within the meaning of Section 1.8(d) of our Rules.

The Commission orders: (A) The Florida Public Service Commission's petition to intervene in the above-entitled proceeding is hereby accepted.

(B) The Florida Public Service Commission is hereby permitted to intervene in the above-entitled proceedings subject to the present procedural status of the case.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17548 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-364]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

JUNE 19, 1978.

Take notice that on June 7, 1978, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP78-364 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period beginning August 1, 1978, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $300,000 and that the cost of the facilities on a per mile basis is as follows:

Nominal diameter (inches):	*Cost per mile*
4	$65,000
6	80,000
8	94,000

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 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 Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17566 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. RP78-64]

MIDWESTERN GAS TRANSMISSION CO.

Tariff Filing

JUNE 16, 1978.

Take notice that on June 6, 1978, Midwestern Gas Transmission Co. (Midwestern) tendered for filing Second Revised Sheet No. 82 of Third Revised Volume No. 1 of its FERC Gas Tariff to be effective July 7, 1978.

Midwestern states that to eliminate litigation it is revising its tariff to eliminate the provision for retention of supplier refunds pending the related Commission order becoming final and nonappealable.

Midwestern further states that it will reflect in its regular PGA filing to be effective August 1, 1978, the flow-

[1] FPC , Opinion No. 807, issued June 24, 1977; FPC , Opinion No. 807-A, issued September 22, 1977.

through, with interest, of the amounts related to advance payments in Tennessee's refund in Docket No. RP73-113 which Midwestern is presently retaining.

Midwestern further states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17567 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-388]

MISSOURI POWER & LIGHT CO.

Order Accepting for Filing, Suspending Rate Increases, Establishing 206(A) Proceedings Ordering the Filing of Previously-Unfiled Agreements and Providing for Hearing

JUNE 19, 1978.

On May 19, 1978, Missouri Power & Light Co. (MP&L) tendered for filing revised rate schedules [1] for electric service to six of its wholesale municipal customers.[2] The filing would increase MP&L's revenues in the amount of $163,385 for the twelve month period ending June 15, 1979. MP&L requests an effective date of 30 days beyond the date of filing of the proposed rate increase.

Notice of the filing was issued May 26, 1978, with comments, protests, or petitions to intervene due on or before June 5, 1978. No responses were received.

MP&L's proposed rate increase primarily reflects increases in wholesale purchased power costs that MP&L incurred during the first quarter of 1978, pursuant to transactions with Kansas City Power & Light Co.[3] from which MP&L purchases approximately 8 percent of its total energy requirements and with Union Electric Company,[4] from which MP&L purchases approximately 90 percent of its total energy requirements.

Commission orders issued on April 26, 1976 and on June 4, 1976 in Docket No. ER76-539,[5] established that proposed rate increases in that docket to the Cities of Owensville and Perry were subject to the *Sierra-Mobile* Doctrine,[6] and therefore not subject to unilaterial rate increases; that the proposed rate increase to the Cities of Marceline, Kahoka and Centralia could not become effective until a final Commission order issued approving a rate increase; and that the proposed rate increase to the city of Linneus was subject to the requirements of Section 205 of the Act. Accordingly, the proposed rate increases to the cities of Owensville and Perry were rejected, the proposed rate increases to the cities of Marceline, Kahoka and Centralia were made subject to the outcome of a section 206 investigation and the proposed rate increase to the city of Linneus was accepted for filing, and suspended for one month to become effective on May 27, 1976, subject to refund. A final Commission order has not been issued in Docket No. ER76-539.

In the instant filing MP&L has submitted copies of its existing contracts with the six municipals. Four of the contracts are identical to those on file with the Commission, and contain the same language which was at issue in MP&L's proposed increase in Docket No. ER76-539. Two of the contracts, however, are new, executed agreements [7] with the cities of Owensville and Perry and have never been filed with the Commission. The new agreements with these two municipals contain language which provides for unilateral rate changes by MP&L upon filing with "the regulatory body having jurisdiction." MP&L indicates that the new contracts were executed on February 1, 1977 (Perry), and May 6, 1977 (Owensville), and the company has billed under these agreements, at rate levels proposed in Docket No. ER76-539.

It is well-established that a jurisdictional electric utility can only bill for wholesale electric service pursuant to an authorized rate schedule on file at the Commission.[8] MP&L has been billing Owensville and Perry under the above-described, unfiled, new agreements applying rates proposed for these municipals in Docket No. ER76-539 without Commission authority. Consequently, by its May 19 filing above those rates it was previously collecting without Commission approval, MP&L has effectively requested that the fixed rate contracts [9] currently on file at the Commission be superceded. With regard to the previously-unfiled new agreements we note that Union has not requested a retroactive effective date for rates contained in them, nor do we know what the posture of the Cities is vis-a-vis their agreements. Accordingly, we shall direct MP&L to file the new Agreements appended to the instant filing pursuant to section 205 of the Act [10] with a view toward subsequent public notice and receipt of comments from the cities of Owensville and Perry in order to assist us in determining whether Union should refund monies with interest to these cities.

Our review of MP&L's May 19 filing indicates that the proposed increase in rates and charges has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Our review also indicates that the February 1, 1977 and May 6, 1977 agreements between MP&L and Perry and Owensville respectively, attached as Exhibits to its May 19 filing, do eliminate the fixed rate aspect of MP&L's previous agreements with these municipals, apparently reflect-

[1] See Attachment A for list of designations and descriptions.

[2] Cities of Centralia, Kahoka, Linneus, Marceline, Owensville, and Perry, all located in Missouri.

[3] On August 1, 1977 in Docket No. ER77-522 the Federal Power Commission suspended proposed rates applicable to twelve of Kansas City Power & Light Co.'s wholesale customers, including Missouri Power & Light Co., until January 31, 1978 when they become effective subject to refund. The parties negotiated a settlement agreement which the Commission approved at its meeting of May 31, 1978, but MP&L's submittal of May 19, 1978, does not reflect the settlement rates in the agreement.

[4] On October 25, 1977 in Docket No. ER77-614, the Commission suspended proposed rates applicable to several of Union Electric's wholesale customers including MP&L, until March 27, 1978 when they became effective subject to refund. A hearing is scheduled to begin on October 17, 1978 in this docket.

[5] On March 2, 1976, MP&L filed a proposed rate increase in Docket No. ER76-539 to the cities of Centralia, Kahoka, Linneus, Marceline, Owensville, and Perry, Mo.

[6] *United Gas Pipeline Company* v. *Mobile Gas Service Corp.* 350 U.S. 332 (1956) and *F.P.C.* v. *Sierra Pacific Power Co.* 350 U.S. 348 (1956).

[7] The new agreements purport to supercede prior fixed-rate contracts, which contracts would have expired, absent the proper exercise of extension options, on April 6, 1977 (Owensville) and on January 14, 1977 (Perry), and which contracts, on file as MP&L FPC Rate Schedule No. 41 (Owensville) and No. 39 (Perry), were the only rate schedules under which MP&L was authorized to bill Owensville and Perry prior to Commission action in this docket.

[8] *Montana-Dakota Utilities Company* v. *Northwestern Public Service Company*, 341 U.S. 246 (1951).

[9] MP&L Rate Schedule No. 39 (Perry) and MP&L Rate Schedule No. 41 (Owensville).

[10] The subject unfiled agreements are subject to our jurisdiction even though not yet filed with the Commission. See *Borough of Lansdale, Pa.* v. *F.P.C.*, 494 F. 2d 1104 (D.C. Cir. 1974).

ing the intents of the parties. Accordingly, we shall accept MP&L's May 19 submittal for filing and institute an investigation and hearing under the appropriate provisions of the Federal Power Act to determine the justness and reasonableness of the rates thereunder as set forth below.

With regard to MP&L's instant proposed rate increase to the cities of Marceline, Centralia and Kahoka, we note that MP&L's existing agreements with these municipals contain language which prohibit rate changes prior to Commission approval. Accordingly, we shall institute an investigation under section 206 of the Act to determine the justness and reasonableness of the proposed rates applicable to these municipals.

With regard to MP&L's instant proposed rate increase to Owensville, Perry and Linneus we note that MP&L's existing agreements with these municipals contain no provisions prohibiting unilateral filing of rate increases to the Commission. Accordingly, we shall suspend the operation of the proposed rates applicable to them pursuant to section 205 of the Act for one month until July 19, 1978, at which time they shall become effective subject to refund.

In view of the large amount of power purchased by MP&L from Union Electric Co. we shall further make the rates proposed by MP&L subject to the final outcome of the proceedings in Docket No. ER77-614.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and changes tendered by MP&L on May 19, 1978; that the proposed rate increase to the cities of Linneus, Owensville, and Perry be suspended for one month to become effective on July 19, 1978, subject to refund and subject to the outcome of proceedings in Docket No. ER77-614, pending an investigation and hearing thereon pursuant to Section 205 of the Act; and that the proposed rate increase to the cities of Centralia, Kahoka and Marceline be accepted for filing and allowed to go into effect prospectively upon final Commission order after an investigation and hearing thereon pursuant to section 206 of the Act, subject to modification pending the outcome of proceedings in Docket No. ER77-614.

(2) Good cause exists to require MP&L to file the previously-unfiled, new agreements dated February 1, 1977 betwen MP&L and the city of Perry, and May 6, 1977, the city of Owensbille pursuant to section 205 of the Federal Power Act within 30 days of the issuance of this order.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205, 206, 301, 308 and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by MP&L in this proceeding as herein below set forth.

(B) Pending a hearing and decision thereon, the proposed increased rates and charges filed by MP&L on May 19, 1978, applicable to the cities of Linneus, Owensville and Perry, MO., are hereby accepted for filing, suspended for one month and the use thereof deferred until July 19, 1978, when they shall become effective subject to refund and subject to the outcome of proceedings in Docket No. ER77-614.

(C) Pending a hearing and decision thereon the proposed increased rates and charges filed by MP&L on May 19, 1978, applicable to the cities of Centralia, Kahoka and Marceline, are hereby accepted for filing and their use deferred until a final Commission order, subject to the outcome of proceedings in Docket No. ER77-614.

(d) Within 30 days of the issuance of this order, MP&L is hereby ordered to file the previously-unfiled, new agreements dated February 1, 1977 between MP&L and the city of Perry and May 6, 1977, between MP&L and the city of Owensville, pursuant to section 205 of the Federal Power Act.

(E) A Presiding Administrative Law Judge to be determined by the Chief Administrative Law Judge for that purpose shall preside at a prehearing conference in this proceeding to be held on July 10, 1978, at 10:00 a.m. e.s.t., in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[Attachment A]

MISSOURI POWER & LIGHT CO.—*Rate schedule designations (docket No. ER78-388), filed May 19, 1978*

Designation	Other party	Description
1. Supp. No. 4 to Rate Schedule FPC No. 45 (supersedes Supp. No. 3 to FPC No. 45)	Centralia	Municipal electric service wholesale rate—2d revised MESWR.
2. Supp. No. 3 to Rate Schedule FPC No. 46 (supersedes Supp. No. 2 to FPC No. 46)	Kahoka	Do.
3. Supp. No. 3 to Rate Schedule FPC No. 42 (supersedes Supp. No. 2 to FPC No. 42)	Linneus	Do.
4. Supp. No. 5 to Rate Schedule FPC No. 44 (supersedes Supp. No. 4 to FPC No. 44)	Marceline	Do.
5. Exhibit A to Rate Schedule FPC No. 41	Owensville	Contract dated May 6, 1977.
6. Supp. No. 1 to exhibit A to Rate Schedule FPC No. 41	....do	2d revised MESWR.
7. Exhibit A to Rate Schedule FPC No. 39	Perry	Contract dated Feb. 1, 1977.
8. Supp. No. 1 to exhibit A to Rate Schedule FPC No. 39	....do	2d revised MESWR.

[FR Doc. 78-17549 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. RP78-61]

MOUNTAIN FUEL RESOURCES, INC.

Order Accepting for Filing and Suspending Proposed Rate Increase, Initiating Hearing, Establishing Procedures and Granting Intervention

JUNE 15, 1978.

On April 28, 1978, Mountain Fuel Resources, Inc. (Resources) tendered for filing a proposed tariff sheet reflecting an annual increase in jurisdictional revenues of approximately $930,000 and requested an effective date of June 1, 1978. On May 15, 1978, Resources amended its earlier filing by submitting a substitute tariff sheet [1] and several revised supporting statements and schedules. In this revised tender Resources proposes an annual increase in jurisdictional twelve months ended December 31, 1977, as adjusted for known and measurable changes through September 30, 1978. An effective date of June 16, 1978 is now requested.

Public notice of Resources' April 28, 1978 filing was issued on May 5, 1978, providing for protests or petitions to

[1] Substitute Sixth Revised Sheet No. 7 to Mountain Fuel Resources' FERC Gas Tariff Original Volume No. 1.

intervene to be filed on or before May 19, 1978. Through inadvertance, public notice of Resources' May 15, 1978, filing was not issued until June 13, 1978, with protests and petitions to intervene due on or before June 28, 1978. If any filings are made in response to the June 14, 1978 notice we shall consider them in a later order. On May 19, 1978, Northwest Pipeline Corp. filed a petition to intervene.

Resources states that the principal reasons for the proposed rate increase are cost escalations in all types of operating expenses, including labor costs, and significant plant additions. Resources is proposing an overall rate of return of 12.0 percent that reflects a rate of return on common equity of 14.3 percent.

Based on a review of Resources' filing herein, the Commission finds that the proposed higher rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept for filing Resources' proposed rate increase as amended on May 15, 1978, suspend its use for five months or until November 16, 1978, when it shall be permitted to become effective, subject to refund, and shall set the matter for hearing.

We note that Resources did not state, in its May 15, 1978, filing that it has served copies of the filing on purchasers and State Commissions as required by section 154.63(d)(1)(i) of the Commission's Regulations. Accordingly, we shall direct Resources to serve copies of the May 15, 1978 filing on its purchasers and any affected State Commissions.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed by Resources and that the same be accepted for filing and suspended as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particulary sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Resources.

(B) Pending hearing and decision Resources' proposed rate increase is accepted for filing and suspended until November 16, 1978, when it shall be permitted to become effective, subject to refund, upon motion filed by Resources in accordance with the provisions of the Natural Gas Act.

(C) The Commission Staff shall prepare and serve top sheets on all parties on or before September 15, 1978.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)) shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(E) Northest Pipeline Corp. is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petiton to intervene; and, *Provided, further,* that the admission of said intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

(F) Resources is hereby directed to serve copies of its May 15, 1978, filing on its purchasers and any affected State Commission within 10 days of the issuance of this order.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER. The Secretary shall also serve copies of this order on Resources' purchasers and affected State Commissions.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17568 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1842]

THEODORE J. NAGEL

Application

JUNE 19, 1978.

Take notice that on June 1, 1978, Theodore J. Nagel (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Appalachian Power Co., Electric Utility.
Director, Wheeling Electric Co., Electric Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17579 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-431]

NORTHERN STATES POWER CO.

Proposed Tariff Change

JUNE 19, 1978.

Take notice that Northern States Power Co. (Wisconsin) on June 13, 1978, tendered for filing proposed changes in its FPC Electric Service Tariff, FPC Rate Schedule No. 49 Supplement No. 6. The proposed changes are requested to alter its agreement with the city of Spooner, Wis.

This Agreement was reneogitated at this time since the present Agreement is scheduled to expire in June 1978. Northern States requests waiver of the Commission's notice requirements to allow for an effective date of June 30, 1978.

Copies of the filing were served upon the city of Spooner, according to Northern States.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance

with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17569 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-423]

OKLAHOMA GAS & ELECTRIC CO.

Filing

JUNE 15, 1978.

Take notice that Oklahoma Gas & Electric Co. (OG&E) on June 1, 1978, tendered for filing a proposed revision to the Transmission Service Agreement dated June 7, 1977 between OG&E and Western Farmers Electric Cooperative. OG&E proposes and effective date of December 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17570 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-368]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JUNE 19, 1978.

Take notice that on June 8, 1978, Panhandle Eastern Pipe Line Co. (Applicant), P.O. Box 1642, Houston, Tex. 77001, filed in Docket No. CP78-368 an application pursuant to sections 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon by sale a portion of its Hannibal, Mo., 8-inch lateral pipeline system (Hannibal Lateral) and for a certificate of public convenience and necessity authorizing the construction and operation of certain new facilities on its Hannibal Lateral, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a measuring facility (Hannibal Measuring Station). The proposed construction site would be in Section 2, Township 56 North, Range 5 West, Ralls County, Mo. Applicant estimates its cost for the proposed facility at $65,000. Such cost would be financed from general funds available, it is said.

Applicant further requests authorization to abandon by sale to Keokuk Gas Service Co. (Keokuk) the following facilities:

(a) An 11,272-foot (approximately 2.13 miles) segment of the Hannibal Lateral. This segment is said to commence at a point immediately North of the existing South fence of the Underwood Measuring and Regulating Station which is located 4,382 feet (approximately 0.83 mile) downstream from the proposed Hannibal Measuring Station.

(b) The Underwood Measuring and Regulating Station and related facilities, which are located on the segment of the Hannibal Lateral to be abandoned.

(c) The Hannibal Measuring and Regulating Station and related facilities which are located on the segment of the Hannibal Lateral to be abandoned.

(d) Seven 1-inch taps and meters associated with the segment of the Hannibal Lateral to be abandoned.

(e) Approximately 422 feet of 12-inch casing in place, associated with the segment of the Hannibal Lateral to be abandoned.

(f) All rights-of-way, easements, permits and property rights affecting the facilities described in subparagraphs (a) through (e).

It is stated that the sale would be conducted pursuant to an agreement, dated January 19, 1978, between Keokuk and Applicant. It is asserted that the purchase of this segment of lateral pipeline would enable Keokuk to construct and place in service a propane air peak shaving plant which would assist Great River Gas Co. (Great River), a subsidiary of Keokuk, in providing its customers with more efficient service and provide Keokuk with greater flexibility on that portion of its distribution system. The location of the proposed plant would be in section 1, Township 56 North, Range 5 West, Ralls County, Mo. This location is said to be immediately south of Applicant's existing Underwood Measuring and Regulating Station on the Hannibal Lateral.

Since Applicant presently delivers natural gas to Great River on the Hannibal Lateral at the Underwood Measuring and Regulating Station and the Hannibal Measuring and Regulating Station, Applicant proposes to establish a new point of delivery for natural gas delivered to Great River if its request for abandonment is authorized. The new point of delivery would be located at the terminus of the portion of the Hannibal Lateral, that would remain in Applicant's ownership, following the sales transaction with Keokuk, it is indicated.

Applicant asserts that the proposed abandonment would relieve it of the obligation to maintain older facilities, and the operation and maintenance of two separate measuring and regulating stations instead of the single one proposed by this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 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 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are 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. 78-17550 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CI77-551]

PAN EASTERN PRODUCTION CO.

Order Granting Rehearing for Purposes of Further Consideration and Granting Intervention Out of Time

JUNE 19, 1978.

On April 21, 1978, we issued a temporary certificate to Pan Eastern Exploration Co. to initiate sales of gas to Panhandle Eastern Pipeline Co. (Panhandle) from the Offshore Louisiana Area. The certificate was conditioned that if any of the costs of conditioning the subject gas were included in the rates of the purchaser he would be required to prove that these costs have not been compensated for in the applicable national ceiling rate and that this condition is subject to whatever action is taken by the Commission in Docket Nos. CI77-412, CP77-558 and CP77-577. The certificate also advised the purchaser that the costs associated with facilities constructed and utilized to transport the producers' liquids must be allocated to the transportation of liquids and that the costs of separation and/or storage facilities for the producers' liquids cannot be included in the pipeline's rates.

Panhandle filed a motion out of time to become a party in the above-captioned matter and an application for a rehearing on May 19, 1978. This application raises objections in connection with the provisions relating to costs of conditioning the subject gas, separation and/or story, and allocation between transportation of gas and liquids.

The Commission finds: Participation by Panhandle in this proceeding may be in the public interest.

The Commission orders: (A) Panhandle is permitted to intervene in the above-captioned matter subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this docket.

(B) The application for rehearing of our order of April 21, 1978, filed by Panhandle is hereby granted solely for the purpose of affording further time for consideration of the application. Since this order is not a final order on rehearing, no response to the order will be entertained by the Commission in accordance with the terms of section 1.34(d) of the Commission's Rules of Practice and Procedure.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17551 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1702]

PETER M. STERN

Application

JUNE 19, 1978.

Take notice that on June 2, 1978, Peter M. Stern (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, the Connecticut Light and Power Co., public utility.
Vice President, the Hartford Electric Light Co., public utility.
Vice President, Western Massachusetts Electric Co., public utility.
Vice President, Holyoke Water Power Co., public utility.
Vice President, Holyoke Power and Electric Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17571 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1843]

PHILIP T. ASHTON

Application

JUNE 19, 1978.

Take notice that on June 2, 1978, Philip T. Ashton (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice president, the Connecticut Light and Power Co., public utility.
Vice president, the Hartford Electric Light Co., public utility.
Vice president, Western Massachusetts Electric Co., public utility.
Vice president, Holyoke Water Power Co., public utility.
Vice president, Holyoke Power and Electric Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17572 Filed 6-23-78; 8:45 am]

[6740-02]

[Project No. 2827]

REDDING, CALIF.

Notice of Application for Preliminary Permit

JUNE 19, 1978.

The public should take notice that an application for a preliminary permit was filed on December 6, 1977, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the city of Redding, Calif. (Correspondence to: W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, Calif. 96001 and Martin McDonough, Esq., 555 Capitol Mall, Sacramento, Calif. 95814) for the proposed Lake Red Bluff Power Project, FERC Project No. 2827. The proposed project would affect lands of the United States and would be located on the Sacramento River in the county of Tehama, near the city of Red Bluff, Calif.

Applicant proposes to develop a hydroelectric facility adjacent to the existing Bureau of Reclamation Red Bluff Diversion Dam. The proposed project would have a total installed capacity of 14,000 kW at a design head of 13 feet and a design flow of 15,000 cfs. Although subject to modifications, the proposed project would also include: (1) a 600-foot entrance channel from the Sacramento River to a powerhouse located within the east bank dike and approximately 1,000 feet upstream from the existing dam; (2) a powerhouse containing two generating units; (3) a 3,000-foot tailrace channel

from the powerhouse to the Sacramento River at a point approximately 2,000 downstream from the existing dam; (4) about 4,500 feet of the underground transmission line from the powerhouse to a substation where the line would interconnect with existing Pacific Gas and Electric Co. facilities.

The power developed by the proposed project would be sold to the Applicant's existing domestic and industrial customers.

A preliminary permit does not authorize the construction of a project. A permit, if issued, gives the permittee during the period of the permit the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license. In this instance, Applicant seeks a 36-month permit.

Any person desiring to be heard or to make any protest with reference to this application should, on or before August 18, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). 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 in any hearing must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17545 Filed 6-23-78; 8:45]

[6740-02]

[Docket No. ID-1845]

ROBERT W. BISHOP

Notice of Application

JUNE 19, 1978.

Take notice that on June 2, 1978 Robert W. Bishop (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Secretary, The Connecticut Light & Power Co., Public Utility.
Secretary, The Hartford Electric Light Co., Public Utility.
Secretary and Assistant Clerk, Western Massachusetts Electric Co., Public Utility.
Secretary and Assistant Clerk, Holyoke Water Power Co., Public Utility.
Secretary and Assistant Clerk, Holyoke Power & Electric Co., Public Utility.
Secretary, Connecticut Yankee Atomic Power Co., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17552 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-7]

SEA ROBIN PIPELINE CO.

Filing of Original Tariff Sheets

JUNE 19, 1978.

Take notice that on May 15, 1978, Sea Robin Pipeline Co. (Sea Robin) tendered by filing with the Federal Energy Regulatory Commission (Commission) Original Sheet Nos. 411 through 438, being a transportation agreement dated August 16, 1977, with Natural Gas Pipeline Co. of America. It is proposed that these tariff sheets become effective on April 22, 1978.

Sea Robin states that copies of these tariff sheets have been mailed to Natural Gas Pipeline Co. of America.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1978. Protests will be considered by the Commission 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 must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17573 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-333]

SOUTHERN NATURAL GAS CO.

Pipeline Application

JUNE 19, 1978.

Take notice that on May 16, 1978, Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP78-333 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, and emergency temporary certificate, authorizing the construction, installation and operation of pipeline and related facilities to connect supplies to gas to be produced from gas reserves of Chevron U.S.A. Inc. (Chevron) located in Block 64, E/2 of Block 65, and Block 74, Eugene Island Area, to the existing pipeline system of United Gas Pipe Line Co. (United) in Block 51, Eugene Island Area.

The total cost of the proposed 9.99 miles of 12¾-inch pipeline and related facilities is $4,513,564, including the FERC filing fee, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that an emergency clearly exists within the meaning the section 157.17 of the Commission's Regulations which warrants the issuance of an emergency temporary certificate because, in the absence of such action by the Commission, Chevron has been informed by the Department of Interior that its leases, as more fully described in the application, will be cancelled if the necessary pipeline facilities are not completed by December 1, 1978 and production does not commence by December 31, 1978, in which event, it is stated that Chevron, through no fault of its own, will lose a major investment and Southern, through no fault of its own, will be deprived of significant and essential gas reserves. In order to meet the December 1 and December 31, 1978 deadlines imposed by the Department of the Interior on Chevron, Southern states that it must receive temporary certificate authorization to construct and operate the facilities described in the application at the earliest possible date.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 30, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties

to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17574 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket Nos. CP76-136, et al.]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Tariff Filing

JUNE 19, 1978.

Take notice that on May 15, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee) tendered for filing proposed tariff sheets to its FERC Gas Tariff, Sixth Revised Volume No. 2, consisting of the following:

First revised sheet Nos. 251 through 251B;
Original sheet Nos. 282 through 2820; and
A sheet reserving original sheet Nos. 283 through 299 for future use.

Tennessee states that these tariff sheets are to revise its Rate Schedule T-30 and institute its Rate Schedule T-61 in accord with the Commission's letter order dated March 10, 1978 and February 24, 1978 in Docket Nos. CP76-136 and CP78-120.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1978. Protest will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene, provided, however, that any person who have previously filed a petition to intervene in this proceeding is not required to, file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17575 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-343]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Pipeline Application

JUNE 19, 1978.

Take notice that on May 22, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-343 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of 13.3 miles of 10" pipeline originating at the "A" Platform in East Cameron Block 97 and extending to a point on Tennessee's East Cameron Block 49 central gathering platform.

Tennessee states that granting of the requested certificate will enable Tennessee to attach to its system reserves committed to it by Continental Oil Co. and by Shell Oil Co.

Further, Tennessee says that the proposed construction for the facilities at Vermilion 218 is expected to cost about $7,064,000.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 12, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17576 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-43]

TRUNKLINE GAS CO.

Order Granting Rehearing for Purposes of Further Consideration

JUNE 15, 1978.

On April 17, 1978, we authorized Trunkline Gas Co. (Trunkline), in cooperation with Tarpon Transmission Co. and Tennessee Gas Pipeline Co., to transport up to 10,000 Mcf of gas per day from Eugene Island Area Blocks 377 and 380, Offshore Louisiana, to a point near Tuscola, Ill., for Panhandle Eastern Pipe Line Co. (Panhandle) to enable Panhandle to purchase gas from its affiliate, Pan Eastern Exploration Co. Our order denied Panhandle's request to include Trunkline's monthly transportation charges with its cost of purchased gas and to recover such costs through its PGA filings. On May 16, 1978, Panhandle filed an application for rehearing of our order, objecting to this denial.

The Commission orders: The application for rehearing of our order of April 17, 1978, filed by Panhandle Eastern Pipe Line Co., is hereby granted solely for the purpose of affording further time for consideration. Since this order is not a final order on rehearing, no responses to the order will be entertained by the Commission in accordance with the terms of Section 1.34(c) of the Commission's Rules of Practice and Procedure.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[6740-02]

[Docket No. CP78-336]

TRUNKLINE GAS CO.

Pipeline Application

JUNE 19, 1978.

Take notice that on May 19, 1978, Trunkline Gas Co. (Applicant), P.O. Box 1642, Houston, Tex. 77001, filed in Docket No. CP78-336 an application pursuant to section 7(c) of the Natural Gas Act and the regulations thereunder for temporary and permanent certificates of public convenience and necessity authorizing the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Co. (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Panhandle 6,000 Mcf of gas per day, less fuel, on a firm basis from Sun Oil Co.'s production platform at High Island East Addition Blocks A-327/A-332 to the interconnection of Applicant's and Panhandle's facilities in Douglas County, Ill. Applicant will utilize, in part, capacity obtained and to be obtained from High Island Offshore System (HIOS), U-T Offshore System (U-TOS) and transportation service available from Natural Gas Pipeline Co. of American (Natural) and Applicant's own facilities to provide the proposed transportation service.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 12, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17581 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-337]

TRUNKLINE GAS CO.

Pipeline Application

JUNE 19, 1978.

Take notice that on May 19, 1978, Trunkline Gas Co. (applicant), P.O. Box 1642, Houston, Tex. 77001; filed in docket No. CP78-337 an application pursuant to section 7(c) of the Natural Gas Act and the regulations thereunder for temporary and permanent certificates of public convenience and necessity authorizing the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Co. (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Panhandle 1,000 Mcf of gas per day, less fuel, on a firm basis from Aminoil Co.'s production platform in High Island south addition block A-317 to the interconnection of applicant's and Panhandle's facilities in Douglas County, Ill. Applicant will utilize, in part, capacity obtained from High Island offshore system (HIOS), U-T offshore system (U-TOS) and transportation service available from Natural Gas Pipeline Co. of America (Natural) and applicant's own facilities to provide the proposed transportation service.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 12, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therin, 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 jurisdictions conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the porocedure 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. 78-17582 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-338]

TRUNKLINE GAS CO.

Pipeline Application

JUNE 19, 1978.

Take notice that on May 19, 1978, Trunkline Gas Co. (applicant), P.O. Box 1642, Houston, Tex. 77001, filed in docket No. CP78-338 an application pursuant to section 7(c) of the Natural Gas Act and the regulations thereunder for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Co. (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Panhandle 11,400 Mcf of gas per day, less fuel, on a firm basis from Sun Oil Co.'s production platform in High Island south addition block A-511 to the interconnection of applicant's and Panhandle's facilities in Douglas County, Ill. Applicant will utilize, in part, capacity obtained from High Island offshore system (HIOS), U-T offshore (U-TOS) and transportation service available from Natural Gas Pipeline Co. of America (Natural) and applicant's own facilities to provide the proposed transportation service.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 12, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be consid-

ered 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 procedures, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17583 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-340]

TRUNKLINE GAS CO.

Pipeline Application

JUNE 19, 1978.

Take notice that on May 22, 1978, Trunkline Gas Co. (applicant), P.O. Box 1642, Houston, Tex. 77001, filed in docket No. CP78-340 an application pursuant to section 7(c) of the Natural Gas Act and the regulations thereunder for temporary and permanent certificates of public convenience and necessity authorizing the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Co. (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Panhandle 42,500 Mcf of gas per day, less fuel, on a firm basis from the point of receipt on Stingray Pipeline Co.'s system in Vermilion block 321 to the interconnection of applicant's and Panhandle's facilities in Douglas County, Ill. Applicant will utilize, in part, capacity obtained from High Island offshore system (HIOS), U-T offshore system (U-TOS) and transportation service available from Natural Gas Pipeline Co. of America (Natural) and applicant's own facilities to provide the proposed transportation service.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 12, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notices 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. 78-17584 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-310]

UNION ELECTRIC CO.

Withdrawal of Notice of Cancellation and Motion To Accept Withdrawal of Notice of Cancellation and To Terminate the Proceedings

JUNE 16, 1978.

Take notice that Union Electric Co. (Union) on May 31, 1978, tendered for filing a withdrawal of its notice of cancellation in the above-noted docket for the stated purpose of allowing the parties involved to negotiate. Concurrently, on May 31, 1978, Union tendered for filing a motion urging the Commission to accept withdrawal of the notice of cancellation and to terminate the proceedings, stating that Union believes the negotiations between Associated Electric Cooperative and Union will result in a new interchange agreement that will be in the public interest.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17585 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP77-24]

UNITED GAS PIPE LINE CO. ET AL.

Petition To Amend

JUNE 16, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

Take notice that on June 1, 1978, United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001, and Arkansas Louisiana Gas Co. (Arkla), P.O. Box 1734, Shreveport, La. 71181, (petitioners) filed in docket No. CP77-24 a petition to amend the order of January 13, 1977, as amended, issued in the instant docket (57 FPC ——), pursuant to section 7(c) of the Natural Gas Act so as to provide for the construction and operation of additional redelivery points for the exchange on gas, and to provide for the exchange of additional volumes of gas at said additional redelivery points, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of January 13, 1977, petitioners were authorized to exchange up to 250 Mcf of gas per day, which gas United receives from Arkla at three points on Arkla's Eldorado-Munce 16-inch pipeline in Union Parish, La., and redelivers equivalent volumes to Arkla at United's Bistineau storage field (Bistineau) located in Bienville Parish, La. It is further indicated that pursuant to the amending order of April 25, 1978, petitioners were authorized to establish three additional delivery points on United's 18-inch Rodessa field line in Caddo Parish, La.

Pursuant to an amendatory agreement dated March 8, 1978, petitioners propose herein that Arkla would deliver or cause to be delivered to United, for Arkla's account, volumes of natural gas up to, but not in excess of, an additional 1,185 Mcf of gas per day at the following points:

(i) 685 Mcf per day at Section 6, Township 17 North, Range 1 East, located in Ouachita Parish, La., and

(ii) 500 Mcf per day at mutually agreeable points on United's 10-inch line at or near 52.5 acre C. Hightower Tract in Antonio Bubose Sr. A-159 Survey, Panola County, Tex.

It is indicated that Arkla would install or caused to be installed, at its expense, the necessary taps, connecting lines and metering and regulating facilities to interconnect the systems of the parties and measure gas delivered at the two additional points of redelivery as herein proposed.

The petition states that the 1,185 Mcf of gas per day proposed herein to be delivered to United for Arkla's account would be in addition to the 250 Mcf of gas per day heretofore authorized in this proceeding. Of the proposed amounts of gas to be delivered to United as well as the amounts of gas previously authorized, United would redeliver to Arkla 193 Mcf per day at the three redelivery points in Caddo Parish, La. (Caddo points) authorized by the amending order of April 25, 1978, it is stated. It is indicated that the difference between the total volumes of natural gas received by United and the sum of volumes redelivered at Caddo would be redelivered by United to Arkla at the authorized Bistineau Storage Field, Bienville Parish, La.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 12, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17586 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1705]

WALTER F. FEE

Application

JUNE 16, 1978.

Take notice that on June 2, 1978, Walter F. Fee (Applicant), filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Executive vice president, the Connecticut Light & Power Co., public utility.
Executive vice president, the Hartford Electric Light Co., public utility.
Executive vice president, Western Massachusetts Electric Co., public utility.
Executive vice president, Holyoke Water Power Co., public utility.
Executive vice president, Holyoke Power & Electric, public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17587 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1844]

WALTER F. TORRANCE, JR.

Application

JUNE 16, 1978.

Take notice that on June 2, 1978, Walter F. Torrance, Jr. (applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, vice president, general counsel, and assistant secretary, the Connecticut Light & Power Co., public utility.
Director, vice president, general counsel, and assistant secretary, the Hartford Electric Light Co., public utility.
Director, vice president, general counsel, and assistant clerk, Western Massachusetts Electric Co., public utility.
Director, vice president, general counsel, and assistant clerk, Holyoke Water Power Co., public utility.
Director, vice president, general counsel, and assistant clerk, Holyoke & Electric Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17588 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. CP75-110]

WASHINGTON NATURAL GAS CO., AS PROJECT OPERATOR

Notice of Petition To Amend

JUNE 19, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. the functions which are the subject of this proceeding were specifically transferred to the FERC by section 402 (a)(1) of the DOE Act.

Take notice that on June 5, 1978, Washington Natural Gas Co., as Project Operator (Petitioner), 815 Mercer Street, Seattle, Wash. 98111, filed in Docket No. CP75-110 a petition to amend the order issued September 26, 1975 (54 FPC——), as amended January 16, 1976 (55 FPC——), September

1, 1976 (56 FPC——), November 4, 1976 (56 FPC——), by the FPC and October 13, 1977, by the FERC, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize Petitioner to operate the Jackson Prairie Storage Project (storage project) in Lewis County, Wash., in such a manner as to increase deliveries of seasonal working gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the storage project is adjacent to the system of Northwest Pipeline Corp. (Northwest), and is owned in joint and equal undivided interests by Petitioner, Northwest and the Washington Water Power Co. (Water Power), the storage project participants. Activities of Petitioner, as project operator, are conducted pursuant to the gas storage project agreement dated June 25, 1970, between the storage project participants, it is said. Petitioner states that the storage project provides an underground natural gas storage facility to support the rendition by Northwest of winter service under Northwest's Rate Schedule SGS-1 contained in its FERC Gas Tariff, Original Volume No. 1.

It is indicated that pursuant to the order of September 26, 1975, in Docket Nos. CP75-110 and CP75-287, Northwest was granted a certificate to render expanded winter service under its Rate Schedule SGS-1 beginning with the 1975-76 heating season and Petitioner, as project operator, was granted a certificate to construct the necessary facilities to operate the storage project in the manner necessary to deliver to Northwest the seasonal working gas volume of 9,300,000 Mcf, with daily deliverability of not more than 300,000 Mcf during the period October 16 through the following April 15, to support the expanded winter service.

It is further indicated that by order issued January 16, 1976 (55 FPC——), amending the order issued September 26, 1976, in the above-named dockets, Petitioner was authorized to increase the maximum daily deliverability of the project by 71,800 Mcf on a best efforts basis and Northwest was authorized to sell and deliver that additional quantity on a best efforts basis to certain of its existing customers under Rate Schedule SGS-1.

By order issued September 1, 1976 (56 FPC——), as amended November 4, 1976 (56 FPC——), it is indicated that Petitioner was granted a temporary certificate authorizing operation of the storage project in such a manner as necessary to:

1. Increase deliveries to Northwest of seasonal working gas quantities to 10,100,000 Mcf.

2. Extend the withdrawal season to the period commencing on October 1 of each year and continuing through the succeeding April 30.

3. Inject gas during the withdrawal season.

Petitioner states that the expanded operations of the storage project authorized in the above-mentioned temporary certificates were the subject of a hearing in which an initial decision was issued on May 18, 1977 (57 FPC——), but final determination is still pending.

It is further stated that in an order issued October 13, 1977, an additional temporary certificate authorizing operation of the storage project in such a manner as necessary to increase deliveries to Northwest of seasonal working gas quantities to 10,800,000 Mcf. Final determination in this matter is still pending, it is said.

By this petition, Petitioner requests authorization to operate the storage project in such a manner as necessary to increase deliveries to Northwest of seasonal working gas quantities for the 1978-79 heating season and thereafter, to 11,400,000 Mcf. No change in the authorized maximum daily delivery rate of 300,000 Mcf with an additional best efforts increment of 71,800 Mcf is proposed, it is stated. It is further stated that this proposal is based on continued evaluation of the storage project which indicated this would be consistent with orderly development and expansion. The enlarged capability of the storage project, it is added, would allow Northwest to provide expanded SGS service by more fully utilizing its available contrast supplies from Canada in the summertime.

Based on the determination that the withdrawal capabilities of the storage project should be increased, as stated above, the storage project participants propose that the cushion gas inventory be increased from a level of not less than 16,100,000 Mcf to a level of not less than 17,400,000 Mcf, thereby raising the total gas storage inventory from a level of not less than 26,900,000 Mcf to a level of not less than 28,800,000 Mcf. Petitioner asserts that injections are presently planned to be made into the storage project to attain these levels by October 1, 1978, and that working gas would be provided by Northwest and cushion gas would be provided one third each by Northwest, Water Power, and Petitioner, in accordance with the terms of a storage agreement between the three participants. No construction work is required in the proposal herein advanced, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17554 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1846]

WILLIAM G. COUNSIL

Application

JUNE 16, 1978.

Take notice that on June 2, 1978, William G. Counsil (Applicant), filed an applicant pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice president; the Connecticut Light & Power Co.; public utility.
Vice president; the Hartford Electric Light Co.; public utility.
Vice president; Western Massachusetts Electric Co.; public utility.
Vice president; Holyoke Water Power Co.; public utility.
Vice president; Holyoke Power & Electric Co.; public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17589 Filed 6-23-78; 8:45 am]

[6740-02]

[Docket No. ID-1794]

WILLIAM B. ELLIS

Application

JUNE 16, 1978.

Take notice that on June 2, 1978, William B. Ellis (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

President; the Connecticut Light & Power Co., public utility.
President; the Hartford Electric Light Co., public utility.
President; Western Massachusetts Electric Co., public utility.
President; Holyoke Water Power Co., public utility.
President; Holyoke Power & Electric Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before July 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-17590 Filed 6-23-78; 8:45]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 917-7]

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from June 12, 1978 through June 16, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days; the date of submission of comments is August 7, 1978. The thirty (30) day period for each final statement begins the day statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: June 21, 1978.

PETER L. COOK,
Acting Director,
Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359A, Washington, D.C. 20250, 202-447-3965.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Draft

Japanese Beetle Regulatory Program, June 16: This statement presents the selection criteria of the Japanese Beetle Regulatory Program of retarding the artificial movement of the Japanese beetle by aircraft from infested areas to the following noninfested States: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, and certain foreign countries. Approximately seven airports in the infested area may be declared hazardous due to high populations of Japanese beetles in the coming year. Approximately 3,000 aircraft will require some type of chemical treatment. (USDA-APHIS, (ADM)-78-1-D) (ELR Order No. 80642.)

FOREST SERVICE

Draft

Siuslaw National Forest Timber Management Plan, Several Counties in Oregon, June 14: The proposed action is the development of a ten-year plan for the management of the Siuslaw National Forest timber resource. The forest is located in portions of Benton, Coos, Douglas, Lane, Lincoln, Polk, Tillamook, and Yamhill Counties, Oregon. There are 557,250 acres of regulated commercial forest land. Under the preferreed alternative, 264,480 acres will be managed as a standard component; 259,867 acres as a special component; 32,903 acres as a marginal component; and in addition there are 12,436 acres which are unregulated commercial forest land. (USDA-FS-R6-DES(ADM)78-11) (ELR Order No. 80635.)

Draft

Rare II, Roadless Area Review and Evaluation, June 16: This statement describes ten proposed alternatives for allocation of 2,686 roadless areas inventoried. The package consists of a national programmatic document and 20 state and geographic area documents. The 20 area documents concern: North Dakota; Washington; Oregon; Colorado; Montana; Alaska; California; New Mexico; Utah; Idaho; Wyoming; Arizona; Nevada; the Midland States; Southern Appalachian and Atlantic Coast States; Northern Appalachian and New England States; the Lake States; the Central Plains; the Gulf Coast States and Puerto Rico; and the Ozark and Quachita Highlands States. (ELR Order No. 80647.)

SOIL CONSERVATION SERVICE

Draft

Rural Clean Water Program, June 16: This statement analyzes alternative methods of administration of the rural clean water program (RCWP) which provides financial assistance for implementing plans under the Clean Water Act of 1977. The purpose of RCMP is to control nonpoint sources of pollution on private rural lands. Selected high priority areas will be eligible for special technical assistance and cost-sharing to rural land users applying best management practices to improve water quality. Participation inthe program is voluntary. (ELR Order No. 80646.)

The Soil Conservation Service has announced that a series of public meetings will be held between July 5 and July 13 to discuss and solicit comments on the rural clean water program and this draft EIS. Details were published by the SCS in the Thursday, June 22 FEDERAL REGISTER, or may be obtained from SCS state offices.

Elk Creek Watershed Plan, Atchison, Jackson, and Nemaha Counties, Kans., June 13: The proposed action concerns the Elk Creek Watershed of the Delaware River which cover 89,036 acres in Atchison, Jackson and Nemaha counties of northeastern Kansas. The action will consist of land treatment and structural measures to control flooding, erosion, grade instability, and the development of water and recreational facilities, one multipurpose structure for floodwater retardation, recreation, and water supply; and 70 grade stabilization structures will be installed on 1,796 acres of cropland, 11,052 acres of grassland and 746 acres of forest land and other land (Delaware Watershed Joint District No. 10) (rural water district no. 3) (USDA-SCS-EIS-WS-(ADM)-78-2(D)-KS) (ELR Order No. 80631.)

Mozingo Creek Watershed, Nodaway County, Mo. June 16: This statement concerns the Mozingo Creek Watershed located in Nodaway County, Missouri. The proposed plan calls for accelerated land treatment along with the one multiple-purpose structure and four grade-stabilization structures. In addition 70 gully reaches will be treated with grade stabilization structures. The watershed is 18 miles long, ranges in width from one to 3.5 miles, and includes an area of 23,988 acres, 19,415 of which will be adequately protected at the end of the installation period. (ELR Order No. 80652.)

Final

Upper Mud River Watershed, Lincoln, and Boone Counties, W. Va., June 14: Proposed is a watershed plan for the Upper Mud River, Lincoln and Boone Counties, W. Va. Plan implementation calls for the installation of land treatment measures, floodwater retarding structures, recreation facilities, and the preparation of flood-plain maps to assist in adopting zoning ordinances prohibiting development within the 100-year projected flood plain. (USDA-SCS-EIS-WS-(ADM)-78-1-(F)-WV.) Comments made by: USA, HEW, DOI, EPA, USDA, ORBC, state and local agencies, (ELR Order No. 80634.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Envi-

ronmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Final

Bradley and McMinn Counties Water and Sewage Facilities, Bradley and McMinn Countes, Tenn. June 16: Proposed is the awarding of grant funds to the Hiwassee Utilities Commission, Bradley and McMinn Counties, Tenn., for the purpose of developing a regional water treatment system to service the two county area. The project consists of the necessary facilities to process and treat approximately 7.5 mgd of water from the Hiwassee River. The primary effects from construction include noise, dust emission, erosion and siltation, and construction traffic, comments made by: EPA, DOT, COE, HEW, HUD, DOI, State, and local agencies. (ELR Order No. 80653)

DEPARTMENT OF ENERGY

Contact: Mr. Robert Stern, Office of NEPA Affairs, Department of Energy, 1200 Pennsylvania Avenue NW., Room 7119, Washington, D.C., 202-566-9760.

DEPARTMENT OF ENERGY

Draft

Elk Hills Naval Petroleum Reserve No. 1, Kern County, Calif. June 16: This statement evaluates the DOE's proposed plans for increasing the production of Naval Petroleum Reserve No. 1, (Elk Hills) located in Kern County, Calif. The production rate would be increased to the maximum efficient rate mandated by Pub. L. 94-258. The actions involved would include required systems for oil, gas, and water collection and distribution; gas processing and transport; wastewater disposal; and support facilities and roads. Alternatives to this proposal include: alternative maximum production methods; other methods for shipping gas liquids; postponement; and no action. (DOE/EIS-0012-D.) (ELR Order No. 80640.)

Final

Crude oil price incentive rulemakings effects, June 12: Proposed is the DOE's implementation of a new set of regulations by the DOE. These regulations, pursuant to the Energy Policy and Conservation Act (EPCA) and the Energy Conservation and Production Act (EPCA), are intended to ameliorate the impact of inflation and provide additional price incentives for crude oil production. Execution of the EPCA is to be a three-stage process; this EIS analyzes the effect of stage II of the crude oil price regulations. The proposed regs provide for monthly upward adjustments of the composite price, beginning in March 1976, to take into account the effects of inflation production incentives. (DOE/EIS-0016.) Comments made by: DOC, DOI, EPA, State agencies, and businesses. (ELR Order No. 80627.)

BONNEVILLE POWER ADMINISTRATION

Final

BPA fiscal year 1979 proposed program, June 14: Proposed is the construction of fiscal year 1979 new facility additions and modifications to BPA's electric transmission system. Construction plans call for: Approximately 110 miles of new transmission line, three possible new substations and related structures, including power system control stations; possible equipment additions to 18 existing substations; maintenance of approximately 12,500 miles of existing transmission lines including tower structures, conductors, and access roads; and control of vegetation on approximately 19,080 acres of transmission line rights-of-way and 960 acres of substation property (DOE/EIS-0005-Int-Des-77-30). Comments made by: HUD, DOT, USDA, EPA, COE, DOI, AHP. (ELR Order No. 80636.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: EIS Coordinator, Environmental Protection Agency, Region X, 1200 6th Avenue, Seattle, Wash. 98101, 206-399-1285.

EPA, REGION 10

Draft

Sewage Sludge Disposal, Portland, several counties in Oregon, June 15: This statement identifies alternatives for providing the city of Portland with a means of sludge disposal and reuse. In addition to a no-action alternative, three others are being considered for the project area located in several counties in Oregon. The alternatives being considered are: (a) Conveyance of liquid sludge to Morrow County with storage in lagoons prior to land application; (b) sludge drying and local use as landfill or soil amendment conditioner; and (c) conveyance of liquid sludge to the Clackamas Marion County area with storage in lagoons prior to land application (EPA-10-OR-Mult-city of Portland-WWTW-78). (ELR Order No. 80639.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Final

Pecan Grove Plantation Subdivision, Fort Bend County, Tex., June 13: The proposed action is for the HUD to accept for HUD-FHA home mortgage insurance purposes under section 203(b) of the National Housing Act of 1934, some 1,400 acres of land located in the northeastern portion of Fort Bend County, Tex. It is proposed that this tract of land be developed into a subdivision composed primarily of single family dwellings, about 4,300 units. The overall environmental impact is expected to be beneficial in that a large tract of land would be transformed into a residential subdivision. This project will provide housing for some 17,000 people (HUD-RO6-EIS-78-17F). Comments made by: AHP, USDA, DOI, COE, EPA, DOT, State and local agencies. (ELR Order No. 80632.)

Tara Subdivision, Fort Bend County, Tex., June 15: Proposed is the acceptance of the Tara Subdivision in Fort Bend County, Tex., for HUD/FHA mortgage insurance purposes. The 343-acre area will be developed into a planned community composed of single-family homes, the development will result in the transition of agricultural land to urban use, increased groundwater consumption, and increased demand for fossil fuels through heavy dependence upon the automobile for transportation. This project will provide housing for 5,390 people. Comments made by: EPA, COE, AHP, DOT, DOI, USDA, and State and local agencies. (ELR Order No. 80638.)

Westcreek Subdivision, Austin, Travis County, Tex., June 16: The purpose of the proposed action is to have the Department of Housing and Urban Development accept for home mortgage insurance purposes, the 306-acre Westcreek Subdivision located partially inside the city limits of Austin, Tex., near U.S. Highway 290 West and U.S. Loop 360. The primary beneficial impact of the proposed action will be to provide approximately 800 single-family residential homes and 300 multi-family units for middle income families in the rapidly growing metropolitan area of Austin, Tex. (HUD-R06-78-20F). Commentst made by: COE, USDA, DOC, DOT, EPA, VA, AHP, DOI, and State agencies. (ELR Order No. 80641.)

Northglen Subdivision, Harris County, Tex., June 16: Proposed is the acceptance of the Northglen Subdivision in Harris County, Tex., for home mortgage insurance purposes. The proposed subdivision encompasses approximately 627 acres and is expected to consist of approximately 2,460 dwelling units. Adverse impacts include the increased loading of solid waste disposal sites, increased groundwater consumption, and increased demand for fossil fuels through heavy dependence upon the automobile for transportation (HUD-RO6-78-24F). Comments made by: EPA, COE, AHP, USDA, HEW, and State agencies and groups. (ELR Order No. 80650.)

Wood Meadow, Sageglen, & Sagebend Subdivisions, Harris County, Tex., June 16: The proposed action is for the Department of HUD to accept for HUD/FHA mortgage insurance purposes the Wood Meadow, Sageglen, and Sagebend Subdivisions located in Harris County, Tex. When completed in approximately eight years, the subdivisions will contain approximately 4,443 residential units, and ancillary commercial and institutional developments to serve the contiguous subdivisions. Adverse effects include the loss of coastal prairie habitat and farmland; and increased noise, traffic, and pollution levels (HUD-RO6-EIS-78-15F). Comments made by: AHP, USDA, COE, DOI, EPA, and State agencies and groups. (ELR Order No. 80651.)

Final

Forestbrook Subdivision, Myrtle Beach, Horry County, S.C., June 16: Proposed is the residential development of a 470-acre tract of land in the area of Myrtle Beach, S.C., to include approximately 1,164 dwelling units. The development plans include a clubhouse, tennis courts, swimming pool, bridle paths, and a small commercial center. Approximately 130 lots will be developed with frontage on a proposed interior canal, providing access to the Atlantic Intracoastal Waterway. Forestbrook is proposed to be totally developed over a 10-12-year period. Open, wooded land will be converted to urban use (HUD-RO4-EIS-77-01-F). Comments made by: COE, USAF, GSA, EPA, DOE, and State and local agencies. (ELR Order No. 80644.)

SECTION 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Final supplement

Dangerous Building Demolition Project, Missouri, June 13: Proposed is a final supplement to a final filed with CEQ in Novem-

ber 1975, concerning building demolition in Kansas City, Mo. The purpose of this EIS is to encompass a number of procedural and regulatory changes and modifications, among these actions are new or revised procedures for processing a dangerous building for demolition, emergency demolition, and boarding-up of houses not qualified for demolition; modified rodent control baiting, criteria for identification of dangerous buildings and listing of approved demolition debris landfill sites: update of program statistical data and adoption of program mitigation measures. (ELR order No. 80630.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Building, Department of Interior, Washington, D.C. 20240, 202-343-3891.

Final supplement

O'Neill Unit, Lower Niobrara Division, several counties in Nebraska, June 16: This statement supplements a final EIS originally filed with CEQ in September 1972; that statement dealt with the construction of a dam and other water resource facilities known as the O'Neill Unit, Lower Niobrara Division, Nebraska, a part of the Pick-Sloan Missouri basin program. This supplement addresses four areas of the project judged inadequately considered in the final EIS: 10 geologic (1) stability at the damsite, (2) project effect on groundwater quality, (3) impact upon area wildlife, and (4) assessment of the alternative of researching techniques for improving livestock and crop production without diminishing groundwater reserves. (INT-FES-78-11). Comments made by: EPA, COE, USDA, DOI, State, and local agencies, groups, individuals, and businesses. (ELR Order No. 80648.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

McLeod Lane or Electric Railroad, Marion County, Oreg., June 16: The proposed action is the improvement of the connection of Lockhaven Drive to Chemawa Road which is part of Federal aid urban system Route 1830, Marion County, Oreg. Improvements considered are wider travel lanes, wider paved shoulders, channelizing major intersections and separating pedestrian and bicycle traffic from motorized traffic. Expansion of the roadway to four travel lanes is considered in two of the four alternatives described (FHWA-or-EIS-78-08-D). (ELR Order No. 80649.)

Final

U.S. 15, Putnam Road to Maryland 77, 4(f), Frederick County, Md. and Adams County, Pa., June 15: Proposed is the dualization of U.S. 15 between Putnam Road and Maryland Route 77, near Thurmont, Md. Construction will be from Putnam Road North to the Maryland-Pennsylvania State line a distance of approximately 15.4 miles. The 4(f) statement concerns alignment 1, which will pass through the Catoctin Furnace Historic District (FHWA-MD-EIS-76-01-F). Comments made by: DOI, USDA, EPA, DOE, COE, State agencies and business. (ELR Order No. 80637.)

U.S. 219 (the Southern Expressway, secs. 3 and 4) Erie and Cattaraugus Counties, N.Y., June 16: The proposed action is the improvement of a section of U.S. 219, a two-lane, uncontrolled access highway serving the north-south corridor from the southern terminus of section 2 of the Southern Expressway and N.Y. 391 in North Boston, Erie County, to N.Y. 17 in Salamanca, Cattaraugus County, N.Y. The proposed Southern Expressway sections 3-4, a 4-lane divided highway, will begin at the intersection of N.Y. 391 and Southern Expressway sections 1-2 in the 20310 hamlet of North Boston and terminate south of the intersection of U.S. 219 and N.Y. 39 in the village of Springville, (Region 1.) (FHWA-NY-EIS-77-06-F.) Comments made by: COE, DOI, EPA, DOT, USDA, HUD, HEW, FERC 2, and State and local agencies. (ELR Order No. 80645.)

Final supplement

Abbott Drive—Capitol Avenue to Avenue "G," Douglas County, Nebr., and Pottawattamie County, Iowa, June 12: This is a final supplement to a final EIS filed in May 1974 concerning improvement of Abbott Drive from 9th Street and Capitol Avenue to Avenue "G" in Omaha, Douglas County, Nebr., and Carter Lake, Pottawattamie County, Iowa. The improvements will include replacing the existing viaduct with a twin bridge structure and converting the present two-lane roadway into a four-lane facility with 16-foot wide raised median and left-turn lanes. The length of the project is approximately 1.5 miles and will provide increased traffic capacity to serve Eppley Airfield and the central business district of Omaha (FHWA-Nebr-EIS-76-08-F). Comments made by: COE, USDA, DOI, EPA, DOT, and State agencies. (ELR Order No. 80629.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, Tennessee Valley Authority, 720 Edney Building, Chattanooga, Tenn. 37401, 615-755-3161, FTS 854-3161.

Draft

Crownpoint Uranium Mining Project, McKinley County, N. Mex., June 16: The proposed action involves the construction of a mine at the Crownpoint project located in McKinley County, N. Mex. The proposed action is threefold; the approval by DOI of new leases at the project; approval of the mine and reclamation plans for uranium mines constructed and operated by Mobile Oil Corp.; and participation by the TVA with Mobile in the construction and operation of these mines. Conventional underground mining is planned as the primary method to extract the uranium ore with possible situ leaching employed in some areas. This EIS has been prepared jointly by TVA and USDI. (ELR Order No. 80643.)

[FR Doc. 78-17708 Filed 6-23-78; 8:45 am]

[6560-01]

[FRL 916-4]

MANAGEMENT ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION

Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Management Advisory Group (MAG) to the Municipal Construction Division will be held at the Muskegon Community College, Muskegon, Mich. on July 23-25, 1978. The meeting will begin at 7:00 p.m.

The purpose of the meeting is to review land treatment of wastewaters and to visit, discuss and be briefed on the Muskegon, Mich. wastewater treatment facilities. In addition, there will be a review of pending regulations, including alternative treatment systems, cost effectiveness, public participation, and participation on minority business enterprises in contracts.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact the Executive Secretary, Mr. Harold P. Cahill, Jr., Director, Municipal Construction Division, EPA, Washington, D.C. 20460. The telephone number is area code 202-426-8986.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

JUNE 20, 1978.

[FR Doc. 78-17675 Filed 6-23-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 78-161; File No. 20271-CD-P-75, FCC 78-371]

CHARLES H. BEARD d.b.a. GRANBURY COMMUNICATIONS CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

Adopted: May 31, 1978.

Released: June 20, 1978.

By the Commission: Commissioners Ferris, Chairman; and Brown absent.

1. Presently before the Commission is the application of Charles H. Beard, d.b.a. Granbury Communications Co. (Granbury) for a Construction Permit to establish a new two-way station to operate on frequency 454.350 MHz in the Domestic Public Land Mobile Radio Service at Springtown, Tex. A "Petition to Deny" has been filed by Jim Bob Measures d.b.a. Radiofone (Radiofone), the licensee of two-way Station KQZ791 at Weatherford, Tex. This petition and the various responsive pleadings filed thereto have raised the following issues for our consideration:

(a) Whether the applicant has misrepresented its need survey; and

(b) Whether the applicant has adequately demonstrated a need for its proposed facilites.

2. *Misrepresentation.* Item 52 of FCC Form 401, "Application for New or Modified Common Carrier Radio Station Construction permit Under Parts 21 and 25," requires the applicant to set forth facts showing how its propos-

al will be in the public interest and will satisfy needs for service.[1]

In response to Item 52 at Exhibit 4 of its application Granbury stated:

> Applicant has conducted a survey of the need for radio communication service in the Springtown area. Among the prospective subscribers a[re] medical doctors (4 units), construction firms (5 units), wrecker companies (8 units), ranchers and an ambulance service (1 unit).

3. In its "Petition to Deny" Radiofone stated that it had conducted its own survey which showed that there was only one doctor and three wrecker companies in Springtown, and that it was doubtful there were any construction firms. From this, Radiofone surmised that Granbury had not conducted a market survey. In its "Opposition to Petition to Deny" Granbury did not respond to the allegation that it had not conducted a survey. Rather, it submitted a new need survey which omitted any reference to medical doctors, construction firms or wrecker companies.

4. In response to a request from the Common Carrier Bureau (the Bureau) that it respond to this matter, Granbury submitted a letter stating in part:

> As a relative newcomer (footnote omitted) to the radio common carrier business at the time the application was filed in August 1974, it was believed by the Company that a survey of need could be conducted by listing prospective users of the service from a telephone directory search. Accordingly, the information compiled for inclusion in Exhibit 4 was derived from research of telephone directories for Springtown and the nearby communities of Azle, Boyd and Weatherford, Texas. It was further believed that there were doctors and businesses in the Fort Worth and Dallas areas in need of the proposed service in the Springtown area.
>
> However, it was learned shortly thereafter that a need survey as contemplated by the Commission should involve an actual polling of the public to determine first hand whether interst in subscribing to the service exists.

In response to a subsequent Bureau inquiry Granbury stated that the "specific number of units in each category of prospective users * * * represented our estimates."

5. In Section 309(e) of the Communications Act of 1934, as amended [2] the Commission is directed to designate an application for hearing if a substantial and material question of fact is presented, or if for any reason it is unable to find that a grant would serve the public interest. Under that mandate for the reasons set forth below the above-captioned application must be designated for hearing.

6. Granbury stated that it had "conducted a survey" and listed categories of "prospective subscribers" with numbers of units for each category of subscriber. Although some leeway is possible in the definition of a survey, we believe that it is virtually impossible to determine a specific number of units desired by a category of user by consulting a telephone directory. We find, therefore, that this matter presents a substantial question of whether Granbury may have intended that the Bureau assume that it had conducted a survey as that term is normally understood, i.e., an actual polling, and that it had thereby obtained requests for a specific number of units from each category of subscriber when, in fact, it had done neither. At the very least, Granbury's failure to disclose that the specific number of units were estimates raises a substantial question of lack of candor, especially in view of the deficiency of its initial survey which we may reasonably infer from the fact that it subsequently submitted a second need showing from which was omitted its previous reference to the sources of 17 of its 18 purportedly needed units.

7. Granbury's explanation that "it learned shortly [after filing the above-captioned application] that a need survey as contemplated by the Commission should involve an actual polling * * *" does not dispel our doubts on this matter. Although Grandbury has denied any potential contradiction, we note that in two previously filed applications its need showings were based in part on actual pollings.[3] These were File No. 2344-C2-P-73 filed on October 5, 1972, and File No. 20010-CD-P-75 filed on July 3, 1974.[4]

8. This Commission has neither the staff nor financial resources to investigate every representation made by its applicants and licenses; it must depend on their accuray and candor to adequately perform its regulatory function. The Commission cannot, therefore, tolerate deliberate misrepresentation. In this connection, the materiality of the matter misrepresented is less important than the fact that a misrepresentation may have occurred. *FCC* v. *WOKO*, 325 U.S. 223 (1945). Accordingly, we will designate herein appropriate issues to determine whether Granbury has made misrepresentations and lacked candor.

9. *Need.* Radiofone argues that Granbury has not adequately demonstrated a need for its proposed facilities, and that a grant of its application would result in a wasteful duplication of facilities and destructive market fragmentation. Although as we have indicated Granbury has submitted for our consideration an amended need showing,[5] in view of our doubts regarding its initial need survey it will be appropriate to inquire into the validity of its second need showing and, consequently, whether Granbury has adequately demonstrated a need for its proposed facilities. With respect to Radiofone's argument on wasteful duplication, the Commission has consistently held that where the applicant can demonstrate a need for the proposed facilities and absent a showing of adverse economic impact detrimental to the public interest, an application will not be denied on the ground that other carriers have unused capacity. In this connection, although Radiofone has claimed economic injury, it has offered only vague allegations insufficient to raise a substantial question requiring further exploration of this matter in an evidentiary hearing. *Cf. WLVA, Inc.* v. *FCC*, 459 F. 2d 1286 (D.C. Cir. 1972).

10. Radiofone has made other allegations regarding the applicant's location of control point, antenna sketch, and maintenance and dispatching arrangements. However, with one exception we find that no further inquiry on these issues is required. In its application Granbury stated that it owned a full-time telephone answering service at Granbury, Tex. Radiofone stated that it was unable to verify the existence of this business. Granbury did not respond to this allegation other than to amend its application without comment to delete its previ-

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[1] Item 52 states: Attach as EXHIBIT —— a complete statement, setting forth facts which show how the instant proposal will be in the public interest and will satisfy specified needs for service, detailing the number and activities of prospective customers and disclosing all relationships, affiliations or connections between the applicant and prospective customers. If surveys or solicitations have been made, the nature and detailed results thereof should be submitted. The statement should contain the names of any common stockholders, officers, directors, employees or individuals closely related to the management or control of the facilities of the applicant or any subscriber.

[2] Section 309(e) of the Communications Act of 1934, as amended, provides in part: If, in the case of any application to which subsection (a) of this section applies, a substantial and material question of fact is presented or the Commission for any reason is unable to make the finding specified in such subsection, it shall formally designate the application for hearing on the ground or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issure but not including issues or requirements phrased generally.

[3] See Granbury's letter to the Bureau received January 17, 1978, in which it stated that the need showings in these applications were based in part on actual pollings.

[4] File No. 2344-C2-P-73 was granted on April 23, 1974, and File No. 20010-CD-P-75 on April 21, 1976. Granbury has been issued licenses for Station KWT852 at Granbury, Tex., and Station KWU376 at Weatherford, Tex.

[5] See paragraph 3, infra.

ous reference to a telephone answering service. In the absence of an explanation on this matter we will designate herein an issue to inquire into the facts and circumstances regarding Granbury's initial statement and its subsequent deletion.

11. One further point is in order here. Although it is our policy to place on the petitioner the burden of proof and the burden of proceeding with the introduction of evidence with respect to issue of misconduct raised by the petitioner, *D. & E. Broadcasting Co.*, 5 RR 2d 475 (1965) we recognize an exception where the operation facts are peculiarly within the knowledge of the applicant. *Midwest Radio Television, Inc.*, 16 RR 2d 987 (1967). We find that the operative facts on the misrepresentation and lack of candor issues, and on the issue concerning Granbury's ownership of an answering service are peculiarly within Granbury's knowledge. Accordingly, the burden of proof on these issues will be placed upon Granbury. However, the burden of proceeding with the introduction of evidence on these issues will be placed in part upon Radiofone since Radiofone pleaded the facts which initally raised these issues. Granbury will bear both burdens on the need issue, and the burden of proof on the ultimate public interest issue.

12. Except to the extent indicated herein, we find the applicant to be legally, financially, technically and otherwise qualified to construct and operate the proposed facilities.

13. *Accordingly, it is ordered*, Pursuant to Sections 309 (d) and (e) of the Communications Act of 1934 as amended (47 U.S.C. Sections 309 (d) and (e)), that the above-captioned application of Charles H. Beard, d.b.a. Granbury Communications Co. is designated for hearing upon the following issues:

(a) To determine whether the applicant intentionally misrepresented its need showings or lacked candor in its need showings;

(b) To determine whether the applicant has adequately demonstrated a need for its proposed facilities;

(c) To determine the facts and circumstances surrounding the applicant's initial statement that it owned a telephone answering service, and the subsequent withdrawal of that statement; and

(d) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-captioned application would serve the public interest.

14. *It is further ordered*, That, with respect to issues (a) and (c) the burden of proceeding with the introduction of evidence is placed upon both Radiofone and Granbury with the order of presenting such evidence to be determined by the Presiding Officer but that the burden of proof is placed upon Granbury.

15. *It is further ordered*, That, with respect to issue (b) the burden of proceeding with the introduction of evidence and the burden of proof are placed upon Granbury, and, that, with respect to issue (d) the burden of proof is placed upon Granbury.

16. *It is further ordered*, That the hearing shall be held at the Commission offices in Washington, D.C., at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

17. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

18. *It is further ordered*, That Jim Bob Measures, d.b.a. Radiofone is made a party to the proceeding.

19. *It is further ordered*, That the applicant and other parties may avail themselves of the opportunity to be heard by filing with the Commission, pursuant to §1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issue specified in this Memorandum Opinion and Order.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-17611 Filed 6-23-78; 8:45 am]

[6712-01]

[SS Docket Nos. 78-177—78-180]

THOMAS E. YUHAS

In the matter of Revocation of license of Thomas E. Yuhas, 2121 S. 6th Avenue, Maywood, Ill. 60153. SS Docket No. 78-177, licensee of station KABL-1653 in the Citizens Band radio Service; revocation of license of Thomas E. Yuhas, 2121 S. 6th Avenue, Maywood, Ill. 60153, SS Docket No. 78-178, licensee of station WD9FDZ in the Amateur Radio Service; suspension of license of Thomas E. Yuhas, 2121 S. 6th Avenue, Maywood, Ill. 60153, SS Docket No. 78-179, amateur general class operator licensee, application of Thomas E. Yuhas, 2121 S. 6th Avenue, Maywood, Ill. 60153, SS Docket No. 78-180, for advanced class amateur operator license.

Order To Show Cause, Suspension and Designation Order for Hearing

Adopted: June 15, 1978.

Released: June 19, 1978.

The Chief, Safety and Special Radio Services Bureau, has under consideration the amateur radio station and operator licenses and the Citizens Band Radio Service license of Thomas E. Yuhas. Also under consideration is an application for Advanced Class Amateur operator license filed by Yuhas.

1. Information before the Commission indicates that on September 8, 1977, Yuhas operated radio transmitting equipment on the frequencies 27.420 and 27.430 MHz, which are assigned to the Business Radio Service. Neither §95.455(a) of the Citizens Band Rules nor §97.61 of the Amateur Radio Service Rules allows operation on those frequencies. The information further indicates that the radio transmissions were not identifed by call sign, as required by §§95.471(c) and 97.87(a) of the Commission's rules, and were transmitted at a power level greater than that allowed by §95.613(b) of the Commission's rules. Yuhas apparently responded over radio to the identification "BB45" and identified as "45."

2. The information before the Commission further indicates that the radio apparatus used by Yuhas on September 8, 1977, was not type-accepted for use in the Citizens Band Radio Service. Section 95.641(c)(2) requires that transmitters used at CB stations must be type-accepted if first licensed or marketed after November 22, 1974. An inspection of Yuhas' station by Commission personnel on September 10, 1977, revealed that he had failed to notify the Commission of his change of address and that his station records contained no copy of Part 95 of the Commission's rules governing the Citizens Band Radio Service. Section 95.435(b)(2) of the Rules requires licensees to promptly notify the Commission in writing of a change in station address. Section 95.505 requires each licensee in the CB Service to maintain as part of his station records a current copy of Part 95 of the rules. The above conduct was the subject of Official Notices of Violation mailed to Yuhas on September 16, 1977.

3. Section 312(a)(4) of the Communications Act of 1934, as amended, provides that radio station licenses may be revoked for wilful or repeated violation of Commission's rules.

4. *Accordingly, it is ordered*, Pursuant to Section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and §0.331 of the Commission's rules, that Yuhas show cause why the licenses for the captioned radio stations should not be revoked, and appear and give evidence at a hearing to be held at a time and place before an Administrative Law Judge, to be specified by a subsequent order, upon the following issues:

(a) Whether Yuhas operated radio equipment in wilful or repeated violation of §§95.435(b)(2), 95.455(a), 95.505, 95.613(b) and/or 95.641(c)(2) of the Commission's rules.

(b) whether Yuhas operated radio equipment in wilful or repeated violation of §97.61 of the Commission's rules.

(c) Whether Yuhas operated radio equipment in wilful or repeated violation of §§ 95.471(c) and 97.87(a) of the Commission's rules and/or used a club designator number for identification.

(d) Whether, in light of the evidence adduced pursuant to Issues (a), (b), and (c), Thomas E. Yuhas possesses the requisite qualifications to remain a Commission licensee.

5. Section 303(m)(1)(A) of the Communications Act of 1934, as amended, gives the Commission authority to suspend the operator license of any licensee who has violated any provision of the Communications Act or the Commission's rules. *Therefore, it is further ordered,* Under authority contained in section 303(m)(1)(A) of the Communications Act and § 0.331 of the Commission's rules, that the General Class Amateur operator license of Thomas E. Yuhas is suspended for the remainder of the license term.

6. *It is further ordered,* That, in order to obtain a hearing on the suspension matter, Yuhas shall, within 30 days after receipt of the suspension order, make a written request for a hearing, whereupon the suspension will be held in abeyance until the conclusion of the proceedings on the suspension; and that if Yuhas elects not to make such a request, he shall mail his Amateur Radio Operator license to the Commission in Washington, D.C., before the expiration of 30 days.[1]

7. *It is further ordered,* that, pursuant to section 309(e) of the Communications Act and §§ 1.973(b) and 0.331 of the rules, Yuhas' application for Advanced Class Amateur radio operator license is designated for hearing, at a time and place to be specified by a subsequent order upon the preceding issues and following issue:

(e) Whether, in light of the evidence adduced under Issues (a), (b), (c), and (d) above, the public interest, convenience and necessity would be served by a grant of the Advanced Class radio operator license application of Thomas E. Yuhas.

8. *It is further ordered,* That in order to obtain a hearing on the application, Yuhas, in person or by attorney, shall within 30 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intent to appear on a date fixed for hearing to present evidence on the issues specified in the foregoing paragraph.[2] Failure to file a written appearance within the time specified will result in the dismissal of the application with prejudice.

9. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof for revocation of the Amateur station license (SS Docket No. 78-178), the CB station license (SS Docket No. 78-177) and the Suspension is on the Bureau, pursuant to section 312(d) of the Communications Act; and the burden of proof for grant of the application (SS Docket No. 78-180) is on the respondent, pursuant to section 309(e) of the Act.

10. *It is further ordered,* Pursuant to § 1.227 of the Commission's rules, that the proceeding on the above-stated issues regarding the Order to Show Cause, Suspension and Designation are consolidated for hearing.

11. *It is further ordered,* That a copy of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the licensee at his address of record as shown in the caption.

CHIEF, SAFETY AND SPECIAL RADIO SERVICES BUREAU

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and Enforcement Division.

REPLY TO ORDER TO SHOW CAUSE WHY AMATEUR RADIO STATION LICENSE WD9FDZ SHOULD NOT BE REVOKED—SS DOCKET NO. 78-178

In this matter, Respondent takes the action indicated below:

☐1. Respondent will appear and present evidence at the hearing.
☐2. Respondent waives his right to a hearing and does not submit a written statement.
☐3. Respondent wavies his right to a hearing and submits the attached written statement.[3]

REPLY TO ORDER TO SHOW CAUSE WHY CITIZENS BAND RADIO STATION LICENSE KABL-1653 SHOULD NOT BE REVOKED—SS DOCKET NO. 8-177

In this matter, Respondent takes the action indicated below:

☐1. Respondent will appear and present evidence at the hearing.
☐2. Respondent waives his right to a hearing and does not submit a written statement.
☐3. Respondent waives his right to a hearing and submits the attached written statement.[3]

REPLY TO ORDER SUSPENDING AMATEUR GENERAL CLASS OPERATOR LICENSE—SS DOCKET NO. 78-179

In this matter, Respondent takes the action indicated below:

☐1. Respondent will appear at a hearing on the suspension order.
☐2. Respondent does not desire a hearing on the suspension order, and encloses his Amateur Radio Operator license to be held by the Commission for the duration of the suspension.

Date: ———— 1978

Thomas E. Yuhas, Respondent.

REPLY TO ORDER DESIGNATING ADVANCED CLASS RADIO OPERATOR LICENSE APPLICATION FOR HEARING—SS DOCKET NO. 78-180

In this matter, Respondent takes the action indicated below:

☐1. Respondent will appear at a hearing and present evidence on the issues specified in the order of designation.
☐2. Respondent will not present evidence on the issues specified in the order of designation and understands that as a result his application will be dismissed with prejudice.

Date: ———— 1978

Thomas E. Yuhas, Respondent.

EXPLANATION OF PROCEDURES

1. *Revocation.* Section 1.91 of the Commission's rules provides that in order to have a hearing before an Administrative Law Judge, you have 30 days from the Issue date of this Order in which to state that you will appear and present evidence on the matters specified in the Order. If you are unable to appear at a hearing in Washington, D.C., you may request that the hearing be near your residence. Such request should be supported by whatever facts you feel necessary.

Your right to a hearing is waived if you (1) fail to file a timely appearance or (2) file within 30 days a statement waiving the right to a hearing. When hearing is waived, you may submit a statement denying or seeking to mitigate or justify the matter alleged in the Order to Show Cause. The Chief Administrative Law Judge will then certify the case to the Commission. The matter will be handled by the Chief, Safety and Special Radio Services Bureau, who will determine whether a revocation order should be issued or the matter should be dismissed. This determination will be made using all information available, including statements you have filed and your past violation record.

2. *Suspension.* If you want a hearing on the suspension you have 30 days from the Issue date in which to request it in writing. Section 1.85 of the Rules provides that if you have a hearing, the suspension will be held in abeyance until the conclusion of the proceeding. If you do not want a hearing, the suspension will go into effect in 30 days, and during that 30 days you must send your operator license to the Commission to hold during the suspension.

3. *Application.* In order to have a hearing on your application, you have 30 days from the Issue date of this Order to request it. Section 1.221(c) of the rules provides that if you do not request a hearing, the application will be dismissed with prejudice.

[FR Doc. 78-17612 Filed 6-23-78; 8:45 am]

[1] The 15 day time period specified by section 1.85 of the rules is waived.

[2] The 20 day time period specified by § 1.221 of the rules is waived.

[3] If this statement is intended to be in mitigation, it should include the reasons, if any, why you believe that your radio station licenses should not be revoked.

[6720-01]

FEDERAL HOME LOAN BANK BOARD

SOUTHERN CALIFORNIA SAVINGS AND LOAN ASSOCIATION

Receipt of Application for Permission To Acquire Control of Surety Savings and Loan Association

JUNE 21, 1978.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received an application from Southern California Savings and Loan Association, Los Angeles, Calif., for approval of acquisition and control of Surety Savings and Loan Association, Burbank, Calif., an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of 250,000 outstanding shares of guarantee capital stock of Surety Savings and Loan Association for cash.

Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before July 26, 1978.

RONALD A. SNIDER,
Assistant Secretary, Federal, Home Loan Bank Board.

[FR Doc. 78-17634 Filed 6-23-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 17, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-2640-11.

Filing Party: H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Summary: Agreement No. T-2640-11, between the Port of Seattle (Port) and American President Lines, Ltd., (APL), modifies the parties' basic agreement providing for the 20-year lease to APL of Terminal 25 in Seattle, Wash. The purpose of the modification is to provide for the amortization of the final costs of improvements authorized by Agreements Nos. T-2640-6 and T-2640-8, and to increase from $115,103.84 to $120,480.97, the total monthly rent payable by APL for land, cranes and improvements.

Agreement No. 8493-9.

Filing Party: Edward D. Ransom, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, Calif. 94111.

Summary: Agreement No. 8493-9 would amend the self-policing provisions of the Trans-Pacific American Flag Berth Operators Agreement (TPAFBO) to conform to the requirements of the Commission's new self-policing rules as embodied in revised General Order 7 (Part 528 of Title 46 CFR). In particular, the instant agreement provides that a neutral body shall be appointed by TPAFBO for the purpose of conducting investigation of all suspected malpractices in accordance with the terms and conditions set forth in the agreement. Presently, TPAFBO provides for self-policing by arbitration.

Dated: June 21, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-17662 Filed 6-23-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 1799]

CARGO MANILA, INC.

Order of Revocation

The bond issued in favor of Cargo Manila, Inc., 420 Lexington Avenue, New York, N.Y. 10017, FMC-1799, was cancelled effective June 9, 1978.

By letter dated May 12, 1978, Cargo Manila, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1799 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 9, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Cargo Manila, Inc. has filed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1799 be and is hereby revoked effective June 9, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1799 issued to Cargo Manila, Inc. be returned to the Commission for cancellation.

It is further order, That a copy of this Order be published in the FEDERAL REGISTER and served upon Cargo Manila, Inc.

ROBERT M. SKALL,
Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 78-17665 Filed 6-23-78; 8:45 am]

[6730-01]

[Docket No. 78-25]

PACIFIC FREIGHT AUDIT, INC. v. AMERICAN PRESIDENT LINES, LTD.

Filing of Complaint

Notice is hereby given that a complaint filed by Pacific Freight Audit, Inc. against American President Lines, Ltd. was served June 20, 1978. The complaint alleges that respondent has assessed rates for transportation of cargo which are unjustly discriminatory, prejudicial and unreasonable in violation of Section 18(b)(3) of the Shipping Act and has discriminated against complainant in the processing and payment of valid claims in violation of sections 14 and 16 of the Act.

Hearing in this matter, if any is held, shall commence on or before December 20, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-17663 Filed 6-23-78; 8:45 am]

[6730-01]

[Docket No. 78-24]

PACIFIC FREIGHT AUDIT, INC. v. SEA-LAND SERVICE, INC.

Filing of Complaint

Notice is hereby given that a complaint filed by Pacific Freight Audit, Inc. against Sea-Land Service, Inc. was served June 19, 1978. The complaint alleges that respondent has assessed rates for transportation of cargo which are unjustly discriminatory, prejudicial, and unreasonable in violation of section 18(b)(3) of the Shipping Act and has discriminated against complainant in the processing and payment of valid claims in violation of sections 14 and 16 of the Act.

Hearing in this matter, if any is held, shall commence on or before December 19, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-17667 Filed 6-23-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 210]

SADA TRADING COMPANY, INC.

Order of Revocation

The bond issued in favor of Sada Trading Co., Inc., 261 Broadway, Room 417, New York, N.Y. 10017, FMC-210, was cancelled effective June 8, 1978.

By letter dated May 10, 1978, Sada Trading Co., Inc., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 210 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 8, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Sada Trading Co., Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 210 be and is hereby revoked effective June 8, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No. 210 issued to Sada Trading Company, Inc., be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Sada Trading Company, Inc.

ROBERT M. SKALL,
Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 78-17664 Filed 6-23-78; 8:45 am]

[6730-01]

SEATRAIN INTERNATIONAL, S.A.

Corporate Name Change

Seatrain International, S.A. has notified the Federal Maritime Commission that Seatrain International, S.A. has assumed a new name, that is; Seatrain Pacific Services, S.A., with respect to Seatrain's Trans-Pacific operations, and that Seatrain Pacific Services, S.A. will succeed to the rights and obligations imposed upon Seatrain International, S.A. effective July 3, 1978, under the following agreements:

Agreement No. 57.—Pacific Westbound Conference.
Agreement No. 8200.—Atlantic, Gulf and Pacific Far East Trade Agreement.
Agreement No. 9981.—Far East Discussion Agreement.
Agreement No. 10032.—Far East Equipment Interchange and Lease Agreement.
Agreement No. 10135.—FEC/PWC Member Lines Discussion Agreement.

Dated: June 20, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-17666 Filed 6-23-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BELLWOOD BANCORPORATION, INC.

Formation of Bank Holding Company

Bellwood Bancorporation, Inc., Bellwood, Ill., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of Bank of Bellwood, Bellwood, Ill. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 18, 1978.

Board of Governors of the Federal Reserve System, June 19, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17595 Filed 6-23-78; 8:45 am]

[6210-01]

COMMERCIAL BANKSHARES, INC.

Formation of Bank Holding Company

Commercial Bankshares, Inc., Griffin, Ga., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Commercial Bank & Trust Co., Griffin, Ga., and 69.2 percent of the voting shares of Concord Banking Co., Concord, Ga. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than July 17, 1978.

Board of Governors of the Federal Reserve System, June 16, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17594 Filed 6-23-78; 8:45 am]

[6210-01]

FIRST STATE BANCSHARES, INC,

Formation of Bank Holding Company

First State BancShares, Inc., Scottsbluff, Nebr., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less director's qualifying shares) of the voting shares of First State Bank, Scottsbluff, Nebr. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 5, 1978.

Board of Governors of the Federal Reserve System, June 19, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17596 Filed 6-23-78; 8:45 am]

[6210-01]

FIRST CUSHING BANCSHARES, INC.

Formation of Bank Holding Company

First Cushing Bancshares, Inc., Cushing, Okla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Cushing, Cushing, Okla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Cushing Bancshares, Inc., Cushing, Okla., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire a beneficial interest in First Cushing Business Trust, which will own shares of First Cushing Insurance Agency, Inc., both of Cushing, Okla. Notice of the application was published on April 20, 1978 in *The Cushing Daily Citizen*, a newspaper circulated in Cushing, Okla.

Applicant states that the proposed subsidiary would engage in the activities of acting as agent in the sale of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's subsidiary bank. Such activities have been specified by the Board in § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Federal Reserve Bank of Kansas City, not later than July 6, 1978.

Board of Governors of the Federal Reserve System, June 22, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17845 Filed 6-23-78; 8:45 am]

[6210-01]

FLORIDA BANCORPORATION, INC.

Formation of Bank Holding Company

Florida Bancorporation, Clearwater, Fla., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 97.5 percent or more of the voting shares of Florida Bank of Commerce, Clearwater, Fla. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than July 20, 1978.

Board of Governors of the Federal Reserve System, June 20, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17597 Filed 6-23-78; 8:45 am]

[6210-01]

FOREST CITY LIMITED

Formation of Bank Holding Company

Forest City Ltd., Des Moines, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent of the voting shares of Forest City Bank & Trust Co., Forest City, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Forest City Ltd., Des Moines, Iowa, has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire the assets of John Witmer Agency, Forest City, Iowa. Notice of the application was published on May 18, 1978, in the Forest City Summit a newspaper circulated in Forest City, Iowa.

Applicant states that the proposed subsidiary would engage in the following activities: Sale of credit life insurance and credit accident and health insurance related to extensions of credit. Such activities have been specified by the Board in § 22.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 12, 1978.

Board of Governors of the Federal Reserve System, June 15, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17598 Filed 6-23-78; 8:45 am]

[6210-01]

HICKORY BANCORP, INC.

Formation of Bank Holding Company

Hickory Bancorp, Inc., Chicago, Ill., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of Bank of Hickory Hills, Hickory Hills, Ill. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 5, 1978.

Board of Governors of the Federal Reserve System, June 15, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17599 Filed 6-23-78; 8:45 am]

[6210-01]

LEWISVILLE BANCSHARES, INC.

Formation of Bank Holding Company

Lewisville Bancshares, Inc., Lewisville, Minn., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 81.8 percent of the voting shares of Merchants State Bank of Lewisville, Inc., Lewisville, Minn. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 5, 1978.

Board of Governors of the Federal Reserve System, June 15, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17600 Filed 6-23-78; 8:45 am]

[1505-01]

GOVERNMENT PRINTING OFFICE

MICROPUBLISHING ADVISORY COUNCIL TO THE PUBLIC PRINTER

Meeting

The Micropublishing Advisory Council to the Public Printer will meet on July 14, 1978, at the Government Printing Office, North Capitol and H Streets, N.W., Washington, D.C. 20401.

The purpose of this meeting is to discuss the Depository Library Microform Program.

The meeting will be open to the public. Any member of the public who wishes to attend should notify Miss Cindy Perry, Government Printing Office, Washington, D.C. 20401 (Telephone number: (703) 557-2050).

Sworn to and subscribed to before me this 12th day of June 1978.

Dated: June 12, 1978.

JOHN J. BOYLE,
Public Printer.

[FR Doc. 78-17492 Filed 6-23-78; 8:45 am]

[6820-22]

GENERAL SERVICES ADMINISTRATION

ADVISORY PANEL ON REAL ESTATE MATTERS

Establishment

Establishment of Advisory Panel: This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and advises of the establishment of an Advisory Panel for review of GSA real estate matters. The Administrator of General Services has determined that this advisory panel is in the public interest.

Designation: Advisory Panel on Real Estate Matter.

Purpose: To review existing procedures and make recommendations as appropriate to the Administrator of General Services with respect to the methods by which GSA disposes of excess Federal real property. The objective is to utilize the experience and expertise of various segments of industry in conducting the review.

General information: Pursuant to OMB Circular A-63, the Committee Management Secretariat has authorized a period of less than 15 days between publication of this notice and the filing of the panel charter.

Dated: June 23, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-17869 Filed 6-23-78; 10:50 am]

[6820-22]

ADVISORY PANEL ON REAL ESTATE MATTERS

Meeting

Notice is hereby given of the convening of an Advisory Panel on Real Property Matters, June 27 and 28 from 9 a.m. to 4 p.m., Room 5141B, General Services Administration, 18th and F Streets NW., Washington, D.C. The Panel will review existing procedures and make any necessary recommendations with respect to the methods by which GSA disposes of excess Federal real property.

The meeting will be open to the public.

Purusant to OMB Circular A-63, a period of less than 15 days between publication of this notice and the date the meeting is scheduled to be held is necessary because the committee was not formally structured as an advisory committee when it was initially formed.

Dated: June 23, 1978.

JAMES B. SHEA, Jr.
Commissioner, Public Buildings Service.

[FR Doc. 78-17868 Filed 6-23-78; 10:49 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-8447-A and AA-8447-B

ALASKA NATIVE CLAIMS SELECTION

The State of Alaska filed a national forest community grant selection application A-067458 on March 11, 1966, pursuant to section 6(a) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C., ch. 2, sec. 6(a) (1970)). This application selected lands near the Native village of Eyak. A decision granting tentative approval was issued on July 25, 1972, for certain lands selected by the State under this application.

The Native village of Eyak was not one of those listed in section 11(b)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 697; 43 U.S.C. 1601, 1610(b) (Supp. V, 1975)) as eligible for lands and benefits; however, section 11(b)(3) of the Act provides that:

> Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—
>
> (A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and
>
> (B) the village is not of a modern and urban character, and a majority of the residents are Natives.

On August 27, 1973, the village of Eyak filed an application for a determination of its eligibility as an unlisted village pursuant to section 11(b)(3) of the Alaska Native Claims Settlement Act (85 Stat. 688, 700; 43 U.S.C. 1601, 1610(b)(3) (Supp. V, 1975)). The decision to declare Eyak an eligible village was published in the FEDERAL REGISTER on February 26, 1974 (39 FR 7469, 7440 (1974)). An appeal was filed; the Alaska Native Claims Appeal Board affirmed the eligibility of the village of Eyak on December 10, 1974, which was subsequently approved by the Secretary of the Interior on December 17, 1974. Thus, the village of Eyak is eligible for land and benefits under the Alaska Native Claims Settlement Act and withdrawal of lands, pursuant to section 11(a) of the Act, was effected through Public Land Order No. 5353, dated July 17, 1973 FR Vol. 38, Pg. 19825.

On November 27 and December 16, 1974, The Eyak Corporation filed village selection applications AA-8447-A and AA-8447-B, respectively, under the provisions of section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (Supp. V, 1975)), for lands located near the village within the Chugach National Forest (Proclamation, July 23, 1907, as amended), including lands within the subject State selection.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by section 11(a). Sec-

tion 11(a)(2) withdrew for possible selection by the Native corporation those lands that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act. Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn by section 11(a)(2) and not more than 69,120 acres in a national forest.

The following described State selected and tentatively approved lands have been properly selected under village selection applications AA-8447-A and AA-8447-B. Accordingly, the following State selection application is rejected and the tentative approval given is rescinded as to the following described lands aggregating approximately 3,237 acres:

STATE SELECTION A-067458

COPPER RIVER MERIDIAN, ALASKA (UNSURVEYED)

T. 15 S., R. 2 W.
Sec. 29, that portion described as Tract E of State selection application A-067458;
Sec. 30, those portions described as Tracts C and E of State selection application A-067458, excluding State Patent Nos:
2855 (ADL 60306), described as Tract 14 in Group C of ASLS 73-35,
2215 (ADL 60307), described as Tract 4 in Group C of ASLS 73-35,
3392 (ADL 60307), described as Tract 8 in Group C of ASLS 73-35,
2098 (ADL 60380), described as Tracts 10A and 10B in Group C of ASLS 73-35,
3145 (ADL 60381), described as Tracts 11A and 11B in Group C of ASLS 73-35,
2308 (ADL 60382), described as Tracts 12A and 12B in Group C of ASLS 73-35, and further excluding

Contract for Sale of Real Property Nos:

ADL 60308, described as Tract 5 of Group C within ASLS 73-35,
ADL 60376, described as Tract 3 of Group C within ASLS 73-35,
ADL 60375, described as Tract 6 of Group C within ASLS 73-35,
ADL 60378, described as Tract 7 of Group C within ASLS 73-35,
ADL 60379, described as Tracts 9A and 9B of Group C within ASLS 73-35,
ADL 60383, described as Tract 13 of Group C within ASLS 73-35,
Sec. 31, those portions described as Tracts C and E of State selection application A-067458, excluding State Patent Nos:
3094 (ADL 60423), described as Tract 20 in Group C of ASLS 73-35,
2227 (ADL 60424), described as Tract 23A of ASLS 74-132,
3095 (ADL 60426), described as Tract 21 in Group C of ASLS 73-35, and further excluding

Contract for Sale of Real Property No:

ADL 60425, described as Tract 22A of ASLS 74-132;
Sec. 32, that portion described as Tract E of State selection application A-067458.

Containing approximately 564 acres.

T. 14 S., R. 3 W.
Sec. 25, that portion described as Tract A of State selection application A-067458;
Secs. 35 and 36, that portion described as Tract A of State selection application A-067458.

Containing approximately 375 acres.

T. 15 S., R. 3 W.
Secs. 1 and 2, that portion described as Tract A of State selection application A-067458;
Sec. 11, NE¼, E½NW¼, N½SE¼, SE¼SE¼, that portion described as Tract A of State selection application A-067458;
Secs. 12 and 13, that portion described as Tract A of State selection application A-067458, excluding State Patent No. 1955 (ADL 60413), described as Tract 3 of Group A within ASLS 73-35, and further excluding Contract for Sale of Real Property No. ADL 60414, described as Tract 4 of Group A within ASLS 73-35;
Sec. 14, NE¼NE¼;
Sec. 25, E½, that portion described as Tract C of State selection application A-067458, excluding Lot 1 of U.S. Survey No. 4610 and State patent Nos:
2215 (ADL 60307), described as Tract 4 in Group C of ASLS 73-35,
2430 (ADL 60430), described as Tract 15 in Group C within ASLS 73-35,
2409 (ADL 60431), described as Tract 16 in Group C of ASLS 73-35,
1989 (ADL 60434), described as Tract 17 of Group C within ASLS 73-35, and further excluding

Contract for Sale of Real Property Nos.:

ADL 60432, described as Tract 19 of Group C within ASLS 73-35,
ADL 60433, described as Tract 18 of Group C within ASLS 73-35,
ADL 60376, described as Tract 3 of Group C within ASLS 73-35;
Sec. 31, SW¼SE¼.

Containing approximately 2,053 acres.

T. 16 S., R. 3 W.
Sec. 5, SW¼NW¼, that portion described as Tract B of State selection application A-067458;
Sec. 6, that portion described as Tract B of State selection application A-067458.

Containing approximately 245 acres.
Aggregating approximately 3,237 acres.

The total amount of State selected lands rejected to permit conveyances to The Eyak Corporation is approximately 3,237 acres which is less than the 69,120 acres permitted by section 11(a)(2) of the Alaska Native Claims Settlement Act. Further action on the subject State selection application, as to those lands not rejected herein, will be taken at a later date.

Section 6(g) of the Alaska Statehood Act gave the State authority to execute conditional leases and to make conditional sales of lands to which it had been granted tentative approval. The State of Alaska issued patents for lands to which it had received tentative approval; thus, valid existing rights have been created in third parties by the State of Alaska through issuance of such patents. These patents will be accorded the same dignity as Federal patents. See 19 IBLA 178 (March 18, 1975), ANCAB No. VLS 75-14 and ANCAB No. VLS 75-15 (June 14, 1977).

In view of this, State selection application A-067458 remains in effect, tentative approval remains valid, and village selection applications AA-8447-A and AA-8447-B are rejected as to the following described lands:

Tract 14 (Patent No. 2855), Tract 8 (Patent No. 3392), Tracts 10A and 10B (Patent No. 2098), Tracts 11A and 11B (Patent No. 3145) and Tracts 12A and 12B (Patent No. 2308) in Group C of Alaska State Land Survey No. 73-35, located within Sec. 30 of T. 15 S., R. 2 W., Copper River Meridian.

Containing 3.068 acres.

Tract 4 (Patent No. 2215), in Group C of Alaska State Land Survey No. 73-35, located within Sec. 30 of T. 15 S., R. 2 W., and Sec 25 of T. 15 S., R. 3 W., Copper River Meridian.

Containing 0.542 acre.

Tract 20 (Patent No. 3094) and Tract 21 (Patent No. 3095) in Group C of Alaska State Land Survey No. 73-35, located within Sec. 31 of T. 15 S., R. 2 W., Copper River Meridian.
Containing 0.742 acre.

Tract 23A (Patent No. 2227) of Alaska State Land Survey No. 74-132 located within Sec. 31 of T. 15 S., R. 2 W., Copper River Meridian.
Containing 1.018 acres.

Tract 3 (Patent No. 1955) in Group A of Alaska State Land Survey No. 73-35, located within Sec. 13 of T. 15 S., R. 3 W., Copper River Meridian.
Containing 0.624 acre.

Tract 15 (Patent No. 2430), Tract 16 (Patent No. 2409) and Tract 17 (Patent No. 1989) in Group C of Alaska State Land Survey No. 73-35, located within Sec., 25 of T. 15 S., R. 3 W., Copper River Meridian.

Containing 1.681 acres.
Total aggregated acreage, 7.675 acres.

As to the lands described below, the applications submitted by The Eyak Corporation, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

This decision approves approximately 63,622 acres of national forest lands for conveyance to The Eyak Corporation for a cumulative total of approximately 63,622 acres and approximately 3,237 acres of land that has been properly selected by and tentatively approved to the State, for a cumulative total of 3,237 acres. Neither of these acreages exceed the 69,120 acres permitted under section 12(a)(1).

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 63,622 acres, is considered proper for acquisition by The Eyak Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

COPPER RIVER MERIDIAN, ALASKA (UNSURVEYED)

T. 15 S., R. 1 W.

Sec. 21, all;
Secs. 27, 28, and 29, all;
Secs. 31 to 34, inclusive, all.

Containing approximately 5,109 acres.

T. 16 S., R. 1 W.
Secs. 3 and 4, all;
Secs. 5 and 6, excluding Quitclaim Deed AA-16138;
Sec. 9, excluding Quitclaim Deed AA-16138;
Sec. 10, all;
Secs. 13 and 14, all;
Sec. 15, excluding ANCSA Sec. 3(e) application AA-16715;
Sec. 16, excluding Quitclaim Deed AA-16138 and ANCSA Sec. 3(e) application AA-16715.
Containing approximately 5,787 acres.

T. 14 S., R. 2 W.
Secs. 4 and 5, excluding U.S. Survey No. 440;
Sec. 7 (fractional), excluding U.S. Survey No. 440;
Sec. 8, excluding U.S. Survey No. 440;
Sec. 17 (fractional), excluding U.S. Survey No. 440;
Secs. 19 and 20 (fractional), all.
Containing approximately 2,217 acres.

T. 15 S., R. 2 W.
Sec. 7, excluding Eyak Lake;
Secs. 18 and 19, excluding Eyak Lake;
Sec. 29, excluding Eyak Lake;
Sec. 30, excluding Eyak Lake and State Patent Nos:
2855 (ADL 60306), described as Tract 14 in Group C of ASLS 73-35,
2215 (ADL 60307), described as Tract 4 in Group C of ASLS 73-35,
3392 (ADL 60377), described as Tract 8 in Group C of ASLS 73-35,
2098 (ADL 60380), described as Tracts 10A and 10B in Group C of ASLS 73-35,
3145 (ADL 60381), described as Tracts 11A and 11B in Group C of ASLS 73-35,
2308 (ADL 60382), described as Tracts 12A and 12B in Group C of ASLS 73-35, and further excluding

Contract for Sale of Real Property Nos:

ADL 60308, described as Tract 5 of Group C within ASLS 73-35,
ADL 60376, described as Tract 3 of Group C within ASLS 73-35,
ADL 60375, described as Tract 6 of Group C within ASLS 73-35,
ADL 60378, described as Tract 7 of Group C within ASLS 73-35,
ADL 60379, described as Tracts 9A and 9B of Group C within ASLS 73-35,
ADL 60383, described as Tract 13 of Group C within ASLS 73-35;
Sec. 31, excluding U.S. Survey No. 1088, the Eyak River and State Patent Nos:
3094 (ADL 60423), described as Tract 20 in Group C of ASLS 73-35,
2227 (ADL60424), described as Tract 23A of ASLS 74-132,
3095 (ADL 60426), described as Tract 21 in Group C of ASLS 73-35, and further excluding

Contract for Sale of Real Property No:

ADL 60425, described as Tract 22A of ASLS 74-132;
Sec. 32, excluding U.S. Survey No. 1088;
Sec. 33, all.

Containing approximately 3,817 acres.

T. 16 S., R. 2 W.
Sec. 1, excluding Quitclaim Deeds AA-2662, Tract 2, and AA-6111, Tract 5;
Sec. 2, excluding Quitclaim Deeds AA-2662, Tracts 2 and 3, and AA-6111, Tract 5;
Secs. 3 and 4, all.

Containing approximately 2,520 acres.

T. 14 S., R. 3 W.
Secs. 6 and 7, all;
Sec. 12, all; Secs. 13 and 14 (fractional), all;
Secs. 17 to 20 (fractional), inclusive, all;
Sec. 21, all;
Secs. 22 to 25 (fractional), inclusive, all;
Sec. 28 (fractional), all;
Sec. 29 (fractional), excluding ANCSA Sec. 3(e) application AA-14426 (Executive Order 3406);
Secs. 30 and 31 (fractional), all;
Sec. 32 (fractional), excluding ANCSA Sec. 3(e) application AA-14426 (Executive Order 3406);
Sec. 33 (fractional), excluding ANCSA Sec. 3(e) application AA-14427;
Secs. 35 and 36 (fractional), all.

Containing approximately 8,251 acres.

T. 15 S., R. 3 W.
Sec. 1, all;
Secs. 2 and 3 (fractional), all;
Sec. 4 (fractional), N½, N½S½;
Secs. 5 and 6 (fractional), all;
Sec. 7, N¼, N½S½, S½SW¼, SW¼SE¼;
Sec. 8 (fractional), N½NW¼, SW¼NW¼;
Sec. 10 (fractional), NE¼NE¼;
Sec. 11 (fractional), NE¼, E½NW¼, NW¼NW¼, N½SE¼, SE¼SE¼;
Sec. 12, excluding Eyak Lake and Contract for Sale of Real Property No. ADL 60414, described as Tract 4 in Group A within ASLS 73-35;
Sec. 13, excluding Eyak Lake and State Patent No. 1955 (ADL 60413), described as Tract 3 of Group A within ASLS 73-35;
Sec. 14, NE¼NE¼;
Sec. 18, (fractional), NW¼, W½SW¼;
Sec. 19, (fractional), W½W½;
Sec. 24, E½, E½NW¼, NE¼SW¼, excluding Eyak Lake;
Sec. 25, E½, excluding Lots 1 and 2 of U.S. Survey No. 4610, Eyak Lake and State Patent Nos:
2215 (ADL 60307), described as Tract 4 in Group C of ASLS 73-35,
2430 (ADL 60430), described as Tract 15 in Group C within ASLS 73-35,
2409 (ADL 60431), described as Tract 16 in Group C of ASLS 73-35,
1989 (ADL 60434), described as Tract 17 of Group C within ASLS 73-35, and further excluding

Contract for Sale of Real Property Nos:

ADL 60432, described as Tract 19 of Group C within ASLS 73-35,
ADL 60433, described as Tract 18 of Group C within ASLS 73-35,
ADL 60376, described as Tract 3 of Group C within ASLS 73-35;
Sec. 30 (fractional), W½W½;
Sec. 31 (fractional), W½W½, E½SW¼, SW¼SE¼;
Sec. 36, NE¼, E½NW¼, S½.

Containing approximately 4,372 acres.

T. 16 S., R. 3 W.
Sec. 5, SW¼NW¼, S½;
Sec. 6 (fractional), all.

Containing approximately 931 acres.

T. 13 S., R. 4 W.
Sec. 32 (fractional), all.
Containing approximately 590 acres.

T. 14 S., R. 4 W.
Secs. 1 to 15 (fractional), inclusive, all;
Sec. 16, all;
Secs. 17, 18 and 19 (fractional), all;
Sec. 20, all;
Sec. 21 (fractional), all;
Secs. 23 to 31 (fractional), inclusive, all;
Secs. 34, 35, and 36 (fractional), all.
Containing approximately 10,975 acres.

T. 16 S., R. 4 W.
Sec. 1 (fractional), all;
Sec. 10 (fractional), excluding U.S. Survey Nos. 2552 and 2652 and Lots 2 and 3 of U.S. Survey No. 2762;
Secs. 11 and 12 (fractional), all;
Secs. 14, 15, and 16 (fractional), all;
Secs. 19, 20, and 21 (fractional), all;
Sec. 22, all;
Secs. 26, 27, and 28 (fractional), all.
Containing approximately 4,201 acres.

T. 13 S., R. 5 W.
Secs. 9 and 10 (fractional), all;
Secs. 16 to 21 (fractional), inclusive, all;
Secs. 28 and 29 (fractional), all;
Secs. 31 and 32 (fractional), all;
Sec. 36, all.

Containing approximately 4,051 acres.

T. 14 S., R. 5 W.
Secs. 1 and 2, all;
Sec. 6 (fractional), all;
Secs. 7 to 10, inclusive, all;
Secs. 11 and 12 (fractional), all;
Secs. 14, 15 and 16 (fractional), all;
Secs. 17, 18 and 19, all;
Secs. 20 and 21 (fractional), all;
Secs. 29 and 30 (fractional), all.
Containing approximately 9,201 acres.

T. 15 S., R. 5 W.
Secs. 27 and 28 (fractional), all;
Secs. 33 and 34 (fractional), all.
Containing approximately 1,515 acres.

T. 16 S., R. 5 W.
Secs. 24 and 25 (fractional), all.
Containing approximately 85 acres.

Aggregating approximately 63,622 acres within the Chugach National Forest.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. Highway Easement Deed AA-5880, Parcels A and D, 200 feet in width, to the State of Alaska for a Federal Aid Highway. Act of August 27, 1958, as amended (72 Stat. 885; 23 U.S.C. 317);

2. Highway Easement Deed AA-16137, Parcels CH-1, CH-2 and Dike "B", to the State of Alaska for appurtenances for a Federal Aid Highway. Act of August 27, 1958, as amended (72 Stat. 885, 23 U.S.C. 317);

3. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

4. 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, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file AA-8447-EE, are reserved to the United States and subject to further regulation thereby:

a. (EIN 107 G) A log transfer dock and public use easement upland of the mean high tide line in Secs. 28 and 29, T. 13 S., R. 5 W., Copper River Meridian, on the south

side of Port Gravina. The easement is ten (10) acres in size and is used for camping, vehicle use, staging, and as a log transfer dock.

b. (EIN 107a G) An easement one hundred (100) feet in width for a proposed road from log transfer dock and public use easement EIN 107 G southerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

c. (EIN 107b C4) A one (1) acre site easement upland of the mean high tide line in Secs. 28 and 29, T. 13 S., R. 5 W., Copper River Meridian, on the south side of Port Gravina adjoining log transfer dock and public use easement EIN 107 G. The site is for camping and vehicle use.

d. (EIN 108 G) An easement for a proposed access trail twenty-five (25) feet in width from Sheep Bay northwesterly, paralleling Sahlin Creek, to Sahlin Lake and public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

e. (EIN 108a G) A one (1) acre site easement upland of the mean high tide line in Sec. 32, T. 13 S., R. 4 W., Copper River Meridian, on the north shore of Sheep Bay at the mouth of Sahlin Creek. The site is for camping, staging and vehicle use.

f. (EIN 109 G) A log transfer dock and public use easement upland of the mean high tide line in Secs. 11 and 12, T. 14 S., R. 4 W., Copper River Meridian, on the south side of Simpson Bay. The easement is ten (10) acres in size and is used for camping, vehicle use, staging, and as a log transfer dock.

g. (EIN 109a G) An easement on hundred (100) feet in width for a proposed road from log transfer dock and public use easement EIN 109 G northeasterly, paralleling Simpson Creek to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

h. (EIN 110 G) A one (1) acre site easement upland of the mean high tide line in Sec. 13, T. 14 S., R. 4 W., Copper River Meridian, on the north shore of Simpson Bay. The site is for camping, staging, and vehicle use.

i. (EIN 110a G) An easement for a proposed access trail twenty-five (25) feet in width from site easement EIN 110 G on Simpson Bay northeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

j. (EIN 111 G) An easement for a proposed access trail twenty-five (25) feet in width along the right bank of Robinson Falls Creek from site easement EIN 111a G at the mouth of the creek northwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

k. (EIN 111a G) A one (1) acre site easement upland of the mean high tide line in Sec. 7, T. 14 S., R. 2 W., Copper River Meridian, on the north shore of Orca Bay. The site is for camping staging and vehicle use.

l. (EIN 112 G) A log transfer dock and public use easement upland of the mean high tide line in Sec. 13, T. 14 S., R. 3 W., Copper River Meridian, on the north shore of Orca Bay. The easement is ten (10) acres in size and is used for camping, vehicle use, staging and a log transfer dock.

m. (EIN 112a G) An easement one hundred (100) feet in width for a proposed road from log transfer dock and public use easement EIN 112 G on Orca Bay northeasterly, roughly paralleling the right bank of the Rude River, to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

n. (EIN 113 G) A log transfer dock and public use easement upland of the mean high tide line in Sec. 17, T. 14 S., R. 2 W., Copper River Meridian, on the south shore of Orca Bay. The easment is ten (10) acres in size and is used for camping, vehicle use, staging, and as a log transfer dock.

o. (EIN 113a G) An easement one hundred (100) feet in width for a proposed road from log transfer dock and public use easement EIN 113 G northeasterly, roughly paralleling the left bank of the Rude River, to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

p. (EIN 114 G) An easement for a proposed access trail twenty-five (25) feet in width from site easement EIN 114a G easterly, roughly paralleling the right bank of Humpback Creek to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

q. (EIN 114a G) A one (1) acre site easement upland of the mean high tide line in Sec. 36, T. 14 S., R. 3 W., Copper River Meridian, on Orca Bay at the mouth of Humpback Creek. This site is for camping, staging, and vehicle use.

r. (EIN 115 G, C3) An easement sixty (60) feet in width for an existing road from Cordova northeasterly to public lands. The usage of roads and trails will be contolled by applicable State or Federal law or regulation.

s. (EIN 116 G, D9) A one (1) acre site easement upland of the mean high tide line in Sec. 1, T. 16 S., R. 4 W., Copper River Meridian, at the head of trail easement EIN 116a G, D9, adjacent to the road on the north side of Hartney Bay. The site is for camping, staging, and vehicle use.

t. (EIN 116a G, D9) An easement for a proposed access trail twenty-five (25) feet in width from site easement EIN 116 G, D9 on Hartney Bay easterly along the north side of Hartney Bay and then southerly to public lands in Sec. 18, T. 16 S., R. 3 W., Copper River Meridian. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

u. (EIN 118 G, D9) An easement for an existing access trail twenty-five (25) feet in width from the highway, near the mouth of Eyak Lake, southwesterly along the right bank of the Eyak River to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

v. (EIN 120 G, D9) An easement sixty (60) feet in width for a proposed road from the Copper River Highway near the old townsite of Eyak northeasterly to public lands in the Ibeck area. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

w. (EIN 121 G) An easement for an existing access trail twenty-five (25) feet in width from the Copper River Highway near Ibeck Creek southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

x. (EIN 122 G, D9) A site easement upland of the ordinary high water mark in Sec. 18, T. 15 S., R. 2 W., Copper River Meridian, on the north shore of the Middle Arm of Eyak Lake. The site is one (1) acre in size with an additional twenty-five by one thousand (25×1,000) foot extension along the shore on each side of the site. The site is for camping, staging, and vehicle use.

y. (EIN 122a G, D9) An easement for a proposed access trail twenty-five (25) feet in width from site easement EIN 122 G, D9 northeasterly to public lands. The usage or roads and trails will be controlled by applicable State or Federal law or regulation.

z. (EIN 123 G, D9) A four and seven tenths (4.7) acre site easement upland of the ordinary high water mark in Sec. 31, T. 15 S., R. 2 W., Copper River Meridian, on the left bank of the Eyak River near the junction with the Copper River Highway. The site is for camping, staging, and vehicle use.

aa. (EIN 124 G, D9) An easement for an existing access trail twenty-five (25) feet in width from site easement EIN 124a G, D9, near the Copper River Highway, along the right bank of a creek draining from Scott Glacier southerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ab. (EIN 124a G, D9) A site easement upland of the ordinary high water mark in Sec. 3, T. 16 S., R. 2 W., Copper River Meridian, at the head of trail easement EIN 124 G, D9 on the right bank of a creek draining out of Scott Glacier. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the creek along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

ac. (EIN 125 G, D9) An easement for an existing access trail twenty-five (25) feet in width from site easement EIN 125a G, D9, near the Copper River Highway, along the right bank of a creek draining out of Scott Glacier southerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ad. (EIN 125a G, D9) A site easement upland of the ordinary high water mark in Secs. 2 and 3, T. 16 S., R. 2 W., Copper River Meridian, on the right bank of a creek at the head of trail easement EIN 125 G, D9. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the creek along the entire waterfront of the site. The site is used for camping, staging, and vehicle use.

ae. (EIN 126 G, D9) An easement for an existing access trail twenty-five (25) feet in width from site easement EIN 126a G, D9, near the Copper River Highway, along the right bank of a creek draining out of Scott Glacier southerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

af. (EIN 126a G, D9) A site easement upland of the ordinary high water mark in Sec. 2, T. 16 S., R. 2 W., Cooper River Meridian, on the right bank of a creek at the head of trail easement EIN 126 G, D9. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the creek along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

ag. (EIN 127 G, D9) An easement for an existing access trail twenty-five (25) feet in width from site easement EIN 127a G, D9, near the Copper River Highway, along the right bank of a creek draining out of Scott Glacier southerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ah. (EIN 127a G, D9) A site easement upland of the ordinary high water mark in Sec. 2, T. 16 S., R. 2 W., Copper River Meridian, on the right bank of a creek at the

head of trail easement EIN 127 G, D9. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the creek along the entire waterfront of the site. The site is for camping, staging and vehicle use.

ai. (EIN 129 G, D9) A site easement upland of the ordinary high water mark in Secs. 31 and 32, T. 15 S., R. 1 W., Copper River Meridian, on the east shore of Cabin Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping and vheicle use.

aj. (EIN 129a G, D9) An easement sixty (60) feet in width for an existing road from the Cordova airport road system northerly to the Cabin Lake area and site easement EIN 129 G, D9 for access to public waters. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ak. (EIN 131 G) An easement for an existing access trail twenty-five (25) feet in width from road easement EIN 129a G, D9 northeasterly to the Elsner Lake-Scott Lake areas and beyond to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

al. (EIN 132 G) An easement sixty (60) feet in width for an existing road from the Copper River Highway northeasterly, roughly paralleling the right bank of the Glacier River, to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

am. (EIN 133 G) An easement for an existing access trail twenty-five (25) feet in width from road easement EIN 132 G northerly, paralleling a tributary of the Glacier River, to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

an. (EIN 134 G, E) A site easement upland of the ordinary high water mark in Sec. 16, T. 16 S., R. 1 W., Copper River Meridian, on the right bank of Glacier River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

ao. (EIN 134a G, E) An easement sixty (60) feet in width for an existing road from the Copper River Highway to site easement EIN 134 G, E on the bank of the Glacier River for access to public lands and waters. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ap. (EIN 135 G) An easement sixty (60) feet in width for an existing road from the Copper River Highway northeasterly to public lands on the east side of the foot of Sheridan Glacier. The usage of roads and trails will be controlled by applicable State or Federal law or regulation,

aq. (EIN 136 G) An easement sixty (60) feet in width for a partially existing and partially proposed road from public lands in Sec. 23, T. 16 S., R. 1 W., Copper River Meridian, northeasterly to public lands in Sec. 7, T. 16 S., R. 1 E., Copper River Meridian, The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ar. (EIN 138 G) An easement one hundred (100) feet in width for a partially existing and partially proposed road from Cordova southerly and easterly to isolated public lands near Point Whitshed. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

as. (EIN 139 G, D9) An easement for an existing access trail twenty-five (25) feet in width from the Copper River Highway southwesterly to public lands in the Old Eyak Slough area. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

at. (EIN 141 G, D9) An easement sixty (60) feet in width for an existing road from the Copper River Highway and site easement EIN 124a G, D9 northerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

au. (EIN 142 G) An easement for an existing access trail twenty-five (25) feet in width from trail easement EIN 131 G westerly, roughly paralleling the shore of Scott Lake, to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

av. (EIN 143 L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the navigable Eyak River from Eyak Lake southerly to the Gulf of Alaska. Purpose is to provide for public use of waters having highly significant present recreational use.

aw. (EIN 148 C3) An easement for a proposed access trail twenty-five (25) feet in width from site easement EIN 148a C3 on Orca Bay westerly to Simpson Bay. The useage of roads and trails will be controlled by applicable State or Federal law or regulation.

ax. (EIN 148a C3) A one (1) acre site easement upland of the mean high tide line in Sec. 28, T. 14 S., R. 3 W., Copper River Meridian, on the north shore of Orca Bay. The site is for camping, staging, and vehicle use.

ay. (EIN 155 D9) A site easement upland of the ordinary high water mark in Sec. 29, T. 14 S., R. 3 W., Copper River Meridian, on the west shore of Milton Lake. The site is one (1) acres in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping and vehicle use and is not to include the cabin located on the lake.

az. (EIN 155a D9) A one (1) acre site easement upland of the mean high tide line in Sec. 19, T. 14 S., R. 3 W., Copper River Meridian, on the east end of Simpson Bay at the mouth of the stream flowing from Milton Lake. The site is for camping, staging, and vehicle use.

ba. (EIN 156 D9) An easement for an existing access trail twenty-five (25) feet in width from road easement EIN 115G C3 on the west side of Eyak Lake northerly to site easement EIN 156a D9 at Crater Lake, then north easterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

bb. (EIN 156a D9) A site easement upland of the ordinary high water mark in Sec. 14, T. 15 S., R. 3 W., Copper River Meridian, on the southeast shore of Crater Lake where trail easement EIN 156 D9 reaches Crater Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping and vehicle use.

bc. (EIN 158a D9) A site easement upland of the ordinary high water mark in Sec. 13, T. 16 S., R. 1 W., Copper River Meridian, on the shore of Little Echo Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping and vehicle use.

bd. (EIN 158c D9) An easement for an existing access trail twenty-five (25) feet in width from road easement EIN 136 G to site easement EIN 158a D9 on Little Echo Lake. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

be. (EIN 159 D9) A fishery management and public use easement upland of the ordinary high water mark in Secs. 30 and 31, T. 15 S., R. 2 W., Copper River Meridian, on the right bank of the Eyak River. The easement is one (1) acre in size and is used for staging, vehicle use, and for fishery management purposes.

bf. (EIN 160 D9) A site easement upland of the ordinary high water mark in Sec. 13, T. 15 S., R. 3 W., Copper River Meridian, on the west side of Eyak Lake along road easement EIN 115 G, C3. The site is one (1) acre in size with an additional twenty-five by one thousand (25 x 1,000) foot extension along the shore on each side of the site. The site is for camping and vehicle use.

bg. (EIN 160a D9) A site easement upland of the ordinary high water mark in Sec. 7, T. 15 S., R. 2 W., Copper River Meridian, on the north shore of Eyak Lake along road easement EIN 115 G, C3. The site is one (1) acre in size with an additional twenty-five by one thousand (25 x 1,000) foot extension along the shore on each side of the site. The site is for camping and vehicle use.

bh. (EIN 164 D9) An easement for a proposed access trail twenty-five (25) feet in width from Whitshed Road (EIN 138 G) to the Scout Lakes. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

bi. (EIN 164a D9) A one (1) acre site easement in Sec. 6, T. 16 S., R. 3 W., Copper River Meridian, on the side of road easement EIN 138 G at the trailhead of EIN 164 D9. The site is for vehicle use.

bj (EIN 164b D9) A site easement upland of the ordinary high water mark in Sec. 6, T. 16 S., R. 3 W., Copper River meridian, on the shore of the northernmost of the three Scout Lakes. The site is twenty-five by five hundred (25 x 500) feet in size with an additional twenty-five (25) foot easement on the bed of the lake along the entire waterfront of the site. The site is for public access to the lake.

bk. (EIN 164c D9) A site easement upland of the ordinary high water mark in Sec. 6, T. 16 S., R. 3 W., Copper River Meridian, on the shore of the westernmost of the three Scout Lakes. The site is one (1) acre in size with an additional twenty-five by five hundred (25 x 500) foot extension along the shore on each side of the site and a twenty-five (25) foot easement on the bed of the lake along the entire waterfront of the site and extensions. The site is for camping and vehicle use.

bl. (EIN 164d D9) A site easement upland of the ordinary high water mark in Sec. 6, T. 16 S., R. 3 W., Copper River Meridian, on the shore of the southernmost of the three Scout Lakes. The site is twenty-five by five hundred (25 x 500) feet in size with an additional twenty-five (25) foot easement on the bed of the lake along the entire waterfront of the site. The site is for public accesss to the lake.

bm. (EIN 165 D9) An easement for a proposed access trail twenty-five (25) feet in width from road easement EIN 138 G southwesterly to two unnamed lakes. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

bn. (EIN 165a D9) A site easement upland of the ordinary high water mark in Sec. 22, T. 16 S., R. 4 W., Copper River Meridian, on the south shore of an unnamed lake on trail easement EIN 165 D9. The site is one (1) acre in size with an additional twenty-five by five hundred (25 x 500) foot extension along the shore on each side of the site and a twenty-five (25) foot easement on the bed of the lake along the entire waterfront of the site and extensions. The site is for camping and vehicle use.

bo. (EIN 165b D9) A site easement upland of the ordinary high water mark in Sec. 22, T. 16 S., R. 4 W., Copper River Meridian, on the north shore of an unnamed lake at the end of trail easement EIN 165 D9. The site is one (1) acre in size with an additional twenty-five by five hundred (25 x 500) foot extension along the shore on each side of the site and a twenty-five (25) foot easement on the bed of the lake along the entire waterfront of the site and extensions. The site is for camping and vehicle use.

bp. (EIN 167 D9, C4) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

bq. (EIN 168 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.

br. (EIN 171 E) A one-quarter (¼) acre easement for a stream gaging station in Sec. 8, T. 15 S., R. 2 W., Copper River Meridian, on Power Creek at the old bridge abutment. The easement is for an existing stream gaging station used in collecting data on stream flow and temperature by the U.S. Geological Survey.

bs. (EIN 172 I) An easement for an overhead power and communication line right-of-way fifty (50) feet in width (twenty-five (25) feet on each side of the centerline) in Sec. 16, T. 16 S., R. 1 W., Copper River Meridian, from the eastern boundary of Quitclaim Deed AA-16138 (the State Department of Transportation and Public Facilities Tract 1), southeasterly approximately 4,312 feet to ANCSA Section 3(e) application AA-16715, the non-directional beacon (NDB) site. This easement is for the continued operation and maintenance of this Federal facility.

These reservations have 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 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. Valid 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))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him;

3. Requirements of Section 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 715; 43 U.S.C. 1601, 1621(k) (Supp. V, 1975)), that, as to the portion of the above-described lands located within the boundaries of a national forest (a) until December 18, 1976, the sale of any timber from such lands is subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture; and (b) until December 18, 1983, such lands shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands;

4. The following third-party interests created and identified by the U.S. Forest Service, as provided by section 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(g) (Supp. V, 1975)):

a. A special use permit issued to the Alaska Department of Highways (now the Department of Transportation and Public Facilities) on July 12, 1961, for the purpose of constructing and maintaining two dikes and a channel change for drainage control, which are located in NW¼SW¼ Sec. 13, and SW¼NW¼NW¼ Sec. 15, T. 16 S., R. 1 W., Copper River Meridian.

b. A special use permit issued to the Alaska Department of Highways (now the Department of Transportation and Public Facilities) on June 5, 1970, for the purpose of a highway maintenance camp which is located in SW¼SW¼NE¼ Sec. 32, T. 15 S., R. 2 W., Copper River Meridian, near the Copper River Highway.

c. A special use permit issued to Craig M. and Sandy L. Blau on August 16, 1973, for the purpose of maintaining a residence which is located in NE¼NW¼SW¼ Sec. 29, T. 14 S., R. 4 W., Copper River Meridian, approximately one (1) mile east of Sheep Point.

d. A special use permit issued to Hilmar K. Campbell on April 9, 1947, for the purpose of maintaining a residence in connection with fishing which is located in SE¼NW¼NW¼ Sec. 15, T. 16 S., R. 4 W., Copper River Meridian (Lot 8, Point Whitshed Group Survey).

e. A telephone and telegraph line right-of-way special use permit issued to Cordova Public Utilities on December 3, 1973, for the purpose of installing a telephone line which is located in T. 16 S., R. 2 W., Copper River Meridian, approximately two (2) feet from the south edge of the pavement on the Copper River Highway beginning at the forest boundary near mile 7 and extending to the State Division of Aviation boundary near mile 11 for a distance of 3.7 miles.

f. A special use permit issued to the City of Cordova (Cordova Public Utilities) on March 15, 1968, as amended, for the purpose of constructing, operating and maintaining an electrical distribution line which runs generally along the Copper River Highway in T. 16 S., R. 2 W., Copper River Meridian.

g. A special use permit issued to A.D. Fleming on Janurary 25, 1966, for the purpose of maintaining a cabin used in connection with commerical fishing which is located in NW¼SW¼SE¼ Sec. 16, T. 16 S., R. 4 W., Copper River Meridian (Lot 11, Point Whitshed Group, Mummy Island Subunit).

h. A special use permit issued to Ann C. Floyd on February 27, 1970, as amended, for the purpose of maintaining a residence which is located in SW¼NE¼SE¼ Sec. 20, T. 16 S., R. 4 W., Copper River Meridian (Lot 27, Point Whitshed Group).

i. A special use permit issued to Patsy Glasen on July 28, 1977, for the purpose of maintaining a cabin for year-round residence which is located in NW¼NE¼SE¼ Sec. 20, T. 16 S., R. 4 W., Copper River Meridian (Lot 23A, Point Whitshed Group).

j. A special use permit issued to Mike Hansen on June 19, 1973, as amended, for the purpose of constructing and maintaining a residence for commercial fishing which is located in NE¼NE¼SW¼ Sec. 29, T. 14 S., R. 4 W., Copper River Meridian (Lot 17, Alice Cove Residence Group).

k. A special use permit issued to Joel Iwataki on October 6, 1972, for the purpose of maintaining a year-long residence which is located in SW¼NW¼SE¼ Sec. 19, T. 16 S., R. 4 W., Copper River Meridian (Lots A, B, E, F and G, Mummy Island Group).

l. A special use permit issued to the Cordova Chapter of the Izaak Walton League on February 20, 1970, for the purpose of maintaining a rifle and target range which is located in NE¼NE¼SE¼ Sec. 32, T. 15 S., R. 2 W., Copper River Meridian, near the Copper River Highway.

m. A special use permit issued to Conrad A. Johnson on March 17, 1964, for the purpose of maintaining a residence to be used in connection with commercial fishing which is located in NE¼NW¼SW¼ Sec. 19, T. 15 S., R. 3 W., Copper River Meridian, on the east shore of Mud Bay, Hawkins Island.

n. A special use permit issued to Sharon E. Lee on April 4, 1973, as amended, for the purpose of maintaining a residence which is located in NW¼NE¼ Sec. 20, T. 16 S., R. 4 W., Copper River Meridian (Lot 24A, Point Whitshed Group).

o. A special use permit issued to William A. Lowen on June 13, 1973, for the purpose of maintaining a residence for commercial fishing which is located in NW¼NE¼NW¼ Sec. 15, T. 16 S., R. 4 W., Copper River Meridian (Lot 5, Point Whitshed Group, Mummy Island Subunit).

p. A special use permit issued to John Lyons on March 27, 1973, for the purpose of maintaining a residence for commercial fishing which is located in NW¼NE¼SE¼ Sec. 20, T. 16 S., R. 4 W., Copper River Meridian (Lot 24B, Point Whitshed Group).

q. A special use permit issued to William G. McMahan on February 6, 1975, for the purpose of maintaining a residence which is located in SE¼NE¼SE¼ Sec. 20, T. 16 S., R. 4 W., Copper River Meridian (Lot 28, Point Whitshed Group).

r. A special use permit issued to William Melvin on January 17, 1975, for the purpose of maintaining a residence which is located in NW¼NE¼SE¼ Sec. 20, T. 16 S., R. 4 W., Copper River Meridian (Lot 24C, Point Whitshed Group).

s. A special use permit issued to Warren W. Mobley on April 7, 1970, for the purpose of maintaining a cabin in connection with commercial fishing which is located in SW¼SE¼NE¼ Sec. 20, T. 16 S., R. 4 W., Copper River Meridian (Lot 23B, Point Whitshed Group).

t. A special use permit isued to Morpac, Inc., on April 13, 1970, for the purpose of maintaining a warehouse and storage plant which is located in NE¼NW¼NE¼ Sec. 25, T. 14 S., R. 3 W., Copper River Meridian, at Shepard Point.

u. A special use permit issued to Morpac, Inc., on April 13, 1970, for the purpose of maintaining a camp which is located in SW¼NE¼SE¼ Sec. 20, T. 16 S., R. 4 W., Copper River Meridian (Lot 26, Point Whitshed Group).

v. A special use permit issued to Peder J. Nilsen on September 26, 1972, as amended, for the purpose of constructing and maintaining a year-long residence to be used in connection with commercial fishing which is located in NE¼SE¼NE¼ Sec. 20, T. 16 S., R. 4 W., Copper River Meridian (Lot 19, Point Whitshed Residence Group).

w. A special use permit issued to Daniel C. O'Brien on January 29, 1977, for the purpose of maintaining a year-long residence which is located in SE¼SW¼SW¼ Sec. 21, T. 16 S., R. 4 W., Copper River Meridian (Lot A, Point Whitshed).

x. A special use permit issued to Connie Taylor on March 7, 1972, as amended, for the purpose of constructing and maintaining a warehouse to be used in connection with commercial fishing which is located in SW¼NW¼SE¼ Sec. 29, T. 14 S., R. 4 W., Copper River Meridian (Lot 18, Alice Cove Residence Group).

y. A special use permit issued to Gerald E. Thorne on May 21, 1962, as amended, for the purpose of maintaining a cabin (non-recreational) and warehouse to be used in connection with commercial fishing which is located in SE¼SE¼SW¼ Sec. 16, T. 16 S., R. 4 W., Copper River Meridian (Lot 15, Point Whitshed Group, Mummy Island Subunit).

z. A special use permit issued to Philip Todd on December 12, 1977, for the purpose of maintaining a cabin which is located in NW¼NE¼SE¼ Sec. 20, T. 16 S., R. 4 W., Copper River Meridian (Lot 23C, Point Whitshed Group).

aa. A special use permit issued to Fredrick C. Weltz on October 18, 1971, as amended, for the purpose of constructing and maintaining a year-long residence which is located in SE¼NE¼SW¼ Sec. 29, T. 14 S., R. 4 W., Copper River Meridian (Lot 16, Alice Cove Residence Group).

ab. A special use permit issued to Riley K. Wilson on May 29, 1974, for the purpose of maintaining a year-long residence which is located in SW¼NW¼SE¼ Sec. 29, T. 14 S., R. 4 W., Copper River Meridian (lot 14, Alice Cove Year-long Residence Group).

5. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

6. The terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Chugach Natives, Inc., The Eyak Corporation and other Chugach village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for The Eyak Corporation, serialized as AA-8447-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

The Eyak Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to section 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 63,622 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 51,578 acres will be conveyed at a later date.

Pursuant to section 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Chugach Natives, Inc., when conveyance is granted to The Eyak Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

It should be noted that a special use permit issued to Charles A. and Betty S. Barr on September 25, 1975, for the purpose of constructing, maintaining and operating a hunting and fishing resort, located in NW¼SW¼SE¼ Sec. 29, T. 14 S., R. 4 W., Copper River Meridian, was revoked on December 30, 1977. However, the permittees have been granted until September 30, 1978, to remove all structures and improvements from the site by the U.S. Forest Service.

Only the following inland water bodies, within the described lands, are considered to be navigable:

Eyak Lake
Eyak River

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES and the CORDOVA TIMES. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until July 26, 1978 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If The Eyak Corporation or Chugach Natives, Inc., objects to any easement which is identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a petition for reconsideration must be filed within 30 days from receipt of service with the State Director, Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. If a petition for reconsideration is not filed, it will be deemed that the right to contest any such easement has been waived.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

If an appeal is taken, the adverse parties to be served are:

The Eyak Corporation, P.O. Box 340, Cordova, Alaska 99574.
Chugach Natives, Inc., 912 East 15th Avenue, Anchorage, Alaska 99501.
State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501.

SUE A. WOLF,
Chief, Selections and Leasable Minerals Section.

[FR Doc. 78-17509 Filed 6-23-78: 8:45 am]

[4310-84]

WASHINGTON COUNTY, UTAH

Public Hearing on Draft Environmental Statement for the Proposed Hot Desert Grazing Management Plan

Notice is hereby given that the public hearing scheduled for June 29, 1978 has been postponed and rescheduled for July 11, 1978, at the Washington County Courthouse, St. George, Utah at 7:00 p.m.

The public hearing has been rescheduled and the public comment period has been extended from July 14 to July 18, 1978, to provide the public an opportunity to present oral and/or written comments on the draft environmental statement for the Hot Desert Grazing Management Plan.

FOR FURTHER INFORMATION CONTACT:

Bureau of Land Management, Cedar City District Office, P.O. Box 729, 1579 North Main Street, Cedar City, Utah 84720; (801) 586-2401.

Dated: June 21, 1978.

GARY J. WICKS,
Deputy Assistant Secretary of the Interior.

[FR Doc. 78-17522 Filed 6-23-78; 8:45 am]

[4310-70]

National Park Service

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 1:30 p.m. (e.s.t.), July 21, 1978, at the Homestead, Highway M-22, near Glen Arbor, Mich. The Commission was established by Pub. L. 91-479 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. Charles H. Yeates (Chairman).
Mr. Noble D. Travis.
Mr. William B. Bolton.
Mr. John B. Daugherty.
Mr. Samuel F. Eberly.
Mr. Carl T. Johnson.
Mrs. Charles R. Williams.
Mr. Walter B. Hart.
Mr. John A. Stahlin.

The purpose of the meeting will be to discuss and take action on a resolution presented by Commission Member, John A. Stahlin at the March 31 meeting of the Advisory Commission. This resolution deals with the acquisition of a scenic corridor and the development of a scenic parkway within the authorized boundary of the Sleeping Bear Dunes National Lakeshore in Leelanau County.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting or who wish to submit written statements, may contact the Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Mich. 49635, telephone area code 616-352-9611. Minutes of the meeting will be available for public inspection four weeks after the meeting in the office of the Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Mich. 49635, telephone area code 616-352-9611.

Dated: June 13, 1978.

MERRILL D. BEAL,
Regional Director, Midwest Region.

[FR Doc. 78-17668 Filed 6-23-78; 8:45 am]

[4410-09]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-32]

FREDERICK MARSH BLANTON, M.D.

Revocation of Registration

On September 29, 1977, the Administrator of the Drug Enforcement Administration (DEA) issued two Orders to Show Cause to Frederick Marsh Blanton, M.D. (Respondent) of Fort Lauderdale, Fla. The first of these Orders to Show Cause proposed to revoke the Respondent's DEA Certificate of Registration, AB4875881, pursuant to 21 U.S.C. 824(a)(1), alleging that the Respondent had materially falsified one or more applications for registration under the Controlled Substances Act. The second Order to Show Cause proposed to deny the Respondent's application for registration as a researcher in Schedule I of the Controlled Substances Act, pursuant to 21 U.S.C. 823 and 824, alleging that the Food and Drug Administration was unable to assess the sicentific merit of the Respondent's application and further alleging that the Respondent had materially falsified one or more applications for registration under the controlled Substances Act.

Following the Respondent's formal request for a hearing on the issues raised by the Orders to Show Cause, this matter was placed on the docket of Administrative Law Judge Francis L. Young. After the completion of lengthy prehearing proceedings, a hearing was held in this matter in Miami, Fla. on February 22, 23, and 24, 1978. At the hearing, the Respondent appeared by his attorney but made no personal appearance. On February 24, 1978, while the hearing was in session, certain events involving the Respondent occurred in Fort Lauderdale, Fla. As a result of these events, the Administrator ordered the immediate suspension of the Respondents Certificate of Registration pending a final decision in this matter.

Subsequently, the Respondent retained new counsel to represent him in this proceeding. That attorney and government counsel have conferred at length and have prepared a Joint Stipulation and Motion for Termination of Proceedings which was submitted to the Administrative Law Judge. This Stipulation and Motion has been signed by counsel for the Government and for the Respondent, and by the Respondent himself. Judge Young has accepted this Stipulation and Motion and has recommended that the Administrator enter his final order in this matter in accordance with the agreement of the parties. Accordingly, pursuant to 21 CFR § 1316.66, the Administrator hereby publishes his final order in these proceedings.

The Joint Stiuplation recites, inter alia, that on April 1, 1978, the Respondent's license to practice medicine was suspended for a period of 1 year by order of the Board of Medical Examiners of the State of Florida, and that such suspension is to be followed by a probationary period of 3 years. As a result of the suspension of his medical license, the Respondent is no longer authorized to dispense or otherwise handle controlled substances under the laws of Florida. Accordingly, as the Joint Stipulation recognizes, the Respondent's DEA registration must now be revoked, regardless of the merits of the charges originally relied upon for issuing the two Orders to Show Cause. Therefore, pursuant to 21 U.S.C. 824(a)(3), the Administrator concludes that the Respondent's DEA registration must be revoked for reason that his State license has been suspended by competent State authority and he is no longer authorized by State law to engage in the dispensing of controlled substances.

With respect to the application for registration as a researcher, the Joint Stipulation recites that the Respondent wishes to withdraw such application and that the Government agrees that the application and the Order to Show Cause pertaining to it may both be withdrawn. Accordingly, pursuant to 21 CFR § 1301.37, the Administrator consents to the withdrawal of the Respondent's application for registration as a researcher and hereby withdraws the Order to Show Cause pertaining thereto.

The Respondent has agreed that he will not apply for any new DEA registration prior to April 1, 1979, when the suspension of his Florida medical license is now scheduled to terminate. The Respondent has further agreed any application which he might submit prior to that date may be summarily denied by DEA. The Government has agreed that on April 1, 1979, or at such time thereafter as the respondent might seek DEA registration, DEA will give favorable consideration to the Respondent's application provided that in the interim, the Respondent has not been convicted of a felony offense relating to controlled substances under either Federal or State law, and further provided that at the time of his making such application the Resondent is properly licensed, registered, and authorized to dispense controlled substances in the State for registration in which he is

then applying. The Government has agreed that in the event that it becomes necessary to again commence proceedings to revoke or deny a controlled substances registration with respect to the Respondent, it will not include as a basis for such action, or in support of it, allegations or evidence that the Respondent may have materially falsified an application filed prior to April 1, 1978. The Administrator finds that the agreements set forth above are in accordance with the law and that they appear to adequately safeguard the public's interest in this matter. Accordingly, it is hereby ordered that any future application submitted by the Respondent will be acted upon by DEA pursuant to the terms of the Joint Stipulation.

As stated more fully in the foregoing paragraphs, it is the Administrator's finding and conclusion that there is a lawful or statutory basis for the revocation of the Respondent's DEA registration. State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration. 21 U.S.C. 823(f), 824(a)(3). The Respondent's registration must, therefore, be revoked.

Accordingly, pursuant to the authority vested in the Attorney General by the Controlled Substances Act, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that DEA Certificate of Registration AB4875881, previously issued to Frederick Marsh Blanton, M.D., be, and it hereby is, revoked, effective immediately.

Dated: June 20, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-17593 Filed 6-23-78; 8:45 am]

[4410-01]

Attorney General

CERTIFICATION OF THE ATTORNEY GENERAL

In accordance with Section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Marion County, S.C. This county is included within the scope of the determination of the Attorney General and the Director of the Census made on August 6, 1965, under Section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 FR 9897).

BENJAMIN R. CIVILETTI,
Acting Attorney General of the United States.

JUNE 22, 1978.

[FR Doc. 78-17858 Filed 6-23-78; 10:15 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (78-22)]

NASA ADVISORY COUNCIL SPACE SYSTEMS AND TECHNOLOGY ADVISORY COMMITTEE

Meeting

The Space Systems and Technology Advisory Committee will meet July 11-12, 1978, in room 625, NASA Headquarters, 600 Independence Avenue SW., Washington, D.C. The meeting will be open to the public up to the seating capacity of the room (about 50 persons including Committee members and participants).

The Committee was established to advise NASA senior management through the NASA Advisory Council in the area of space research and technology. The Chairman is Mr. Robert L. Johnson and there are 40 members on the Committee.

For further information contact Mr. C. Robert Nysmith Executive Secretary, 202-755-8550, NASA Headquarters, Washington, D.C. 20546.

JULY 11, 1978

9 a.m.—Introductory Remarks.
10 a.m.—NASA "Cross Cutting Technology"—Large Space Systems; Space Power; Chemical Propulsion; Information Systems.
1 p.m.—Space Technology Candidate Fiscal Year 1980. New Initiatives and Five-Year Planning.
3:15 p.m.—Communications and Space Processing.
4 p.m.—Committee Discussion.
5 p.m.—Adjourn.

JULY 12, 1978

8:30 a.m.—Potential Ad Hoc Committee Activities.
10:45 a.m.—Committee Summary Discussion.
12:45 p.m.—Informal Committee Report to NASA.
2 p.m.—Adjourn.

ARNOLD W. FRUTKIN,
Acting Associate Administrator for External Relations.

JUNE 21, 1978.

[FR Doc. 78-17681 Filed 6-23-78; 8:45 am]

[7536-01]

NATIONAL FOUNDATION OF THE ARTS AND HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE HUMANITIES PANEL

Change in Meeting Location

JUNE 21, 1978.

On June 13, 1978, notice was published in the FEDERAL REGISTER that a meeting of the Humanities Panel Advisory Committee would he held at "Strawberry Banke," Portsmouth, N.H. on July 6 and 7, from 9 a.m. to 5:30 p.m., on each day. The location of that meeting has been changed. The meeting will now be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, on July 6 and 7, from 9 a.m. to 5:30 p.m., on each day.

The purpose of the meeting, to review Museums and Historical Organizations Program applications for humanities projects beginning after November 1, 1978, remains unchanged. The meeting will be closed to the public for the reasons cited in the June 13, 1978 notice in the FEDERAL REGISTER.

For further information contact the Advisory Committee Management Officer, Mr. Stephen McCleary, 806 15th Street NW., Washington, D.C. 20506 or call 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee, Management Officer.

[FR Doc. 78-17630 Filed 6-23-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON RADIOLOGICAL EFFECTS AND SITTING EVALUATION

Meeting

The ACRS Subcommittee on Radiological Effects and Siting Evaluation will hold a meeting on July 11, 1978 in Room 1046, 1717 H Street NW., Washington, DC 20555 to review ongoing research in maintaining occupational radiation exposure as low as reasonably achievable. Notice of this meeting was published in the FEDERAL REGISTER on June 16, 1978.

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 state-

ments 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: *Tuesday, July 11, 1978, 8:30 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 Staff, and their 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.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

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. Ragnwald Muller, (telephone 202/634-1413 between 8:15 a.m. and 5:00 p.m. EDT.

Dated: June 21, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-17499 Filed 6-23-78; 8:45 am]

[7590-01]

[Docket Nos. 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Provisional Operating License No. DPR-19 and Amendment No. 36 to Facility Operating License No. DPR-25, issued to Commonwealth Edison Company (the licensee), which revised the Technical Specifications for operation of the Dresden Nuclear Power Station Unit Nos. 2 and 3 (collectively referred to as the facilities) located in Grundy County, Illinois. These amendments are effective as of their date of issuance.

The amendments revise the Technical Specifications limits related to the surveillance testing of the condenser pit flood protection instrumentation.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 17, 1977, (2) Amendment No. 38 to License No. DPR-19 and Amendment No. 36 to License No. DPR-25, 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 Morris Public Library, 604 Liberty Street, Morris, Illinois 60450. A single 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, Maryland, this 14th of June, 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-17500 Filed 6-23-78; 8:45 am]

[7590-01]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation and Quality Assurance. The purpose of therse codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA recieves and collates relevant existing information used by Member Countries. Using this collation as a starting point, an IAEA Working Group of a few experts than develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forward it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-D8, "Safety Guide on Instrumentation and Control," has been developed. An IAEA Working Group, consisting of Mr. C. Karpeta of Czechoslovakia, Mr. F. Reisch of Sweden, Mr. J. L. Petrie of the United Kingdom, and Mr. J. Gallagher (Westinghouse Electric Corporation) of the United States of America developed SG-D8 from an IAEA collation during a meeting on February 6-17, 1978 and we are soliciting public comment on it. Comments on this draft received by September 18, 1978 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland this 15th day of June, 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-17505 Filed 6-23-78; 8:45 am]

[7590-01]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

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As part of this program, Safety Guide SG-QA7, "Quality Assurance Organization for Nuclear Power Plants," has been developed. An IAEA Working Group, consisting of Mr. C. Carrier of France, Mr. J. L. Vadera of India and Mr. J. W. Anderson (Project Management Corporation) of the United States of America developed SG-QA7 from an IAEA collation during a meeting on May 8-12, 1978 and we are soliciting public comment on it. Comments on this draft received by August 1, 1978 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland this 14th day of June, 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-17506 Filed 6-23-78; 8:45 am]

[7590-01]

LICENSES TO EXPORT NUCLEAR FACILITIES OR MATERIALS

Applications

Pursuant to 10 CFR 110.70, "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses during the period of *June 12 through 16, 1978.* A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated this day, June 20, 1978, at Bethesda, Maryland.

For the Nuclear Regulatory Commission

JAMES R. SHEA,
Director, Office of International Programs.

Name of applicant, date of application, date received, and application number	Material in kilograms or reactor type and power level	Enrichment	End-use	Country of destination
Samincorp, Inc., June 8, 1978, June 14, 1978, XTO8419.	38,544.7 kg thorium in monazite ore.	.....	Process to obtain rare earth chlorides for return to U.S. Thorium content will go in scrap pile.	India.

[FR Doc. 78-17507 Filed 6-23-78; 8:45 am]

[7590-01]

[Docket No. 50-263]

NORTHERN STATES POWER CO. (MONTICELLO NUCLEAR GENERATING PLANT UNIT 1)

Notice and Order Scheduling Prehearing Conference

JUNE 19, 1978.

On March 21, 1978, Licensee, MPCA and the NRC Staff filed a joint Motion for the withdrawal of MPCA's Contentions, the withdrawal of MPCA as a party to the proceeding and, absent objection by other parties, the dismissal of the proceeding.

After receipt of two extensions of time for the filing of an answer, Minnesota Environmental Control Citizens Association, E. Taylor Hare and Russell J. Hatling (collectively, MECCA), and Steve J. Gadler, have advised the Board by letter dated May 31, 1978, that it is their decision to continue intervention in this proceeding. All of the parties request that the Board consider these matters at a prehearing conference.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, a prehearing conference in this proceeding shall be held at 10:00 a.m., local time, on Thursday, July 6, 1978, in Courtroom No. 2, Federal Building and U.S. Courthouse, 316 North Roberts Street, St. Paul, Minnesota 55101.

Dated at Bethesda, Maryland, this 19th day of June, 1978.

For the Atomic Safety and Licensing Board,

ROBERT M. LAZO,
Chairman.

[FR Doc. 78-17503 Filed 6-23-78; 8:45 am]

[7590-01]

[Docket Nos. 50-500; 50-501]

TOLEDO EDISON CO. ET AL. (DAVIS-BESSE NUCLEAR POWER STATION, UNITS 2 AND 3)

Order for Evidentiary Hearing

An evidentiary hearing on the application for an LWA-2 will be held on Tuesday, July 25, 1978, beginning at 9:30 a.m. in the Commission's Public Hearing Room, First Floor, Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland.

It is so ordered.

Dated at Bethesda, Maryland this 19th day of June 1978.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chairman.

[FR Doc. 78-17504 Filed 6-23-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE FOR THE PRESIDENT'S FEDERAL STATISTICAL SYSTEM REORGANIZATION PROJECT

Establishment of Advisory Committee

Establishment of Advisory Committee. This Notice is published in accordance with the provisions of section 9(2)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and advises of the establishment of an Advisory Committee for review of the work and recommendations of the President's Federal Statistical System Reorganization Project. The Director of the Office of Management and Budget has determined that this Advisory Committee is in public interest.

Designation. Advisory Committee for the President's Federal Statistical System Reorganization Project.

Purpose. To provide the broad perspective and insight of the user of Federal statistics outside of the Federal Government for the purpose of improving the performance of the Federal statistical system.

DAVID R. LEUTHOLD.
Acting Assistant to the Director for Administration.

[FR Doc. 78-17661 Filed 6-23-78; 8:45 am]

[3110-01]

SYSTEMS OF RECORDS

Transfer of Certain Records

Notice is hereby given that the Office of Management and Budget has transferred the following systems of records to the Office of Administration, pursuant to the Executive Order 12028, Reorganization Plan No. 1 of 1977.

TABLE OF CONTENTS

Library Circulation System.
Payroll and Leave Records.
Personnel Summary.
Researcher Request File.
Staff Director Card.
Staff Travel Records.

In addition the Veterans Education and Training Load Model has been cancelled.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 78-17726 Filed 6-23-78; 8:45 am]

[7710-12]

POSTAL SERVICE

PHASED POSTAGE RATES

Effective Date of Certain Changes in Rates

Notice is given that, effective 12:01 a.m. on July 6, 1978, the seventh step of phased postage rate increases will be place in effect for the following classes of mail: second-class; controlled circulation; third-class bulk mail for qualified nonprofit organizations; special fourth-class and library-rate fourth-class. This action represents the next step of scheduled rate increases for the designated classifications of mail to be phased in over a period of 8 or 16 years, depending on the particular mail classification involved. The phasing period was extended to 8 and 16 years by Act of Congress effective June 30, 1974 (Pub. L. 93-328).

The rates of postage to be established, effective 12:01 a.m. on July 6, 1978, are set forth in column (3) of the schedule published below.

(39 U.S.C. 101(d), 401, 403, 404, 3626)

ROGER P. CRAIG,
Deputy General Counsel.

SCHEDULE OF PHASED POSTAL RATES

(Effective July 6, 1978)

(1) MAIL CLASS	(2) POSTAGE RATE UNIT	(3) POSTAGE RATE (cents)
Second Class		
In county:		
Pound rate matter	Pound	2.5¢
Per piece charge[2]	Piece	1.1
Outside county:		
Nonprofit:		
Nonadvertising	Pound	5.0
Advertising:[1]		
Zones:		
1 and 2	Pound	7.8
3	Pound	8.5
4	Pound	9.9
5	Pound	11.6
6	Pound	13.1
7	Pound	14.2
8	Pound	15.3
Per-piece charge[2]	Piece	1.7
Classroom:		
Nonadvertising	Pound	3.5
Advertising:		
Zones:		
1 and 2	Pound	4.6
3	Pound	5.2
4	Pound	6.4
5	Pound	8.3
6	Pound	10.4
7	Pound	11.9
8	Pound	13.7
Per piece charge[2]	Piece	1.1
Regular rate:		
Nonadvertising	Pound	11.0
Advertising:		
Zones:		
1 and 2 (Science of Agriculture)	Pound	7.9
1 and 2	Pound	14.7
3	Pound	15.6
4	Pound	17.1
5	Pound	19.7
6	Pound	22.6
7	Pound	25.4
8	Pound	27.8

(1) MAIL CLASS	(2) POSTAGE RATE UNIT	(3) POSTAGE RATE (cents)
Second Class (Cont.)		
Per piece charge[2]		
(1) For mailings of 5,000 or more copies per issue outside the county:		
(a) Level A; pieces not qualifying for Level B or C		5.4
(b) Level B; unique 3-digit city and 5-digit ZIP Code destinations		4.3
(c) Level C; Carrier route or finer sort		3.6
(2) For mailings of less than 5,000 copies per issue outside the county:		
(a) Level D; material not qualifying for presort level E		1.6
(b) Level E; unique 3-digit city and 5-digit ZIP Code destinations		1.3
Nonsubscriber Copies Commingled and Presorted with Subscribers' Copies		
Per Pound	Pound	15.3
Per Piece Charge[2]	Piece	5.8
Transient rate:		
Consult postmaster.		
Controlled Circulation		
Per pound	Pound	13.8
Per piece	Piece[2]	4.9
Third Class		
Nonprofit bulk rate:		
Circulars:		
Per pound	Pound	17.0
Minimum per piece	Piece	2.7
Book, catalogs, etc.:		
Per pound	Pound	14.0
Minimum per piece	Piece	2.7

[1] Not applicable to publications containing 10 percent or less advertising content.

[2] The per-piece charge is in addition to the pound rate.

SCHEDULE OF PHASED POSTAL RATES

(Effective July 6, 1978)

(1) MAIL CLASS	(2) POSTAGE RATE UNIT	(3) POSTAGE RATE (cents)
Fourth Class		
Special rate:		
First Pound		
Single piece	Pound	48.0
5-digit presort	Pound	42.6
3-digit presort	Pound	44.7
Each additional pound through 7 pounds	Pound	18.0
Each additional pound	Pound	11.0
Fourth Class (Cont.)		
Library rate:		
First pound	Pound	14.0
Each additional pound through 7 pounds	Pound	5.0
Each additional pound	Pound	4.0

[FR Doc. 78-17519 Filed 6-23-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice 78-OR-1]

AMTRAK RAIL PASSENGER SERVICES

Outreach Assistance for Participants in Hearings

Pursuant to section 27 of the Interstate Commerce Act, as amended by section 304(a) of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, the Office of Rail Public Counsel has established an outreach program to aid effective public participation in hearings scheduled during the next six weeks on the future of intercity rail passenger service. Approximately 50 public hearings throughout the United States will be held by the Rail Services Planning Office of the Interstate Commerce Commission ("RSPO").

The primary purpose of the RSPO hearings is to receive public response to preliminary recommendations by the Department of Transportation ("DOT") for major changes in the intercity rail passenger system operated by the National Railroad Passenger Corporation ("Amtrak"). The stated purpose of the DOT recommendations is to reduce the level of Federal operating subsidy required by Amtrak. The new route structure which DOT recommends for Amtrak would reduce its overall system from 27,000 miles to under 19,000 miles. Passenger service on eight routes would be reduced or eliminated altogether, while three new connecting links would be added to existing routes. Fourteen Amtrak trains and 123 stations would be affected by the proposed service reductions.

Other issues open for public comment in the hearings include Amtrak's fare policy, scheduling and service options, possible new routing patterns, means for State and local government units to share the costs of continuing or expanded service, the role of commuter rail service in the Amtrak system, and Amtrak's corporate structure and relationship to the Federal Government.

Under Rail Public Counsel's outreach program, attorneys have been designated for areas in which rail passenger service would be most significantly affected by the DOT recommendations, where they will consult with community leaders and other interested persons concerning the impact of the proposed changes. To the extent practicable, the outreach attorneys will also be available to assist interested members of the public in formulating testimony and exhibits to be presented at the hearings. The attorneys will also be present to assist the public at the hearings as needed. The assistance of Rail Public Counsel and the outreach attorneys is available to affected communities and individuals without regard to the particular point of view they desire to express.

The RSPO hearings will be informal and nonadversary in nature. There is no limit on the number of participants, and all persons interested in making their views known will be allowed to speak for 10 minutes at any of the hearings and to insert additional prepared testimony and exhibits in the record. Written comments may also be submitted to RSPO until August 1, 1978, and will be given the same consideration as oral testimony. The entire hearing record will be reviewed by RSPO in an evaluation of the DOT recommendations to be prepared by September 30, 1978. This evaluation and all major recommendations received from the public are to be considered by DOT in formulating final recommendations to Congress by December 31, 1978, for restructuring Amtrak routes and services.

The following list indicates for each State the name and address of the outreach attorney designated for that area by the Office of Rail Public Counsel, the dates and locations of the RSPO hearings, and the local coordinators designated by RSPO to schedule witnesses. Persons seeking further information about the hearing schedules and procedures should contact the Rail Services Planning Office at 1900 L Street NW., Washington, D.C. 20036, telephone 202-254-6983, or the local coordinator. Persons wishing assistance with testimony or further information about the outreach program should contact the designated outreach attorney directly or the Office of Rail Public Counsel at 202-632-5233.

HOWARD A. HEFFRON,
Director,
Office of Rail Public Counsel.

JUNE 21, 1978.

State: Alabama. Rail public counsel outreach attorney: Delmar Karlen, 1526 18th Street NW., Washington, D.C. 20036, 202-332-1882. Hearing date: June 27, 1978. Hearing location: State Highway Building, Room 204 (Auditorium), 11 South Union Street, Montgomery, Alabama. Local RSPO coordinator: Mabel Holston, Birmingham, Ala., 205-254-1286.

State: Arkansas. Rail public counsel outreach attorney: Candace Fowler, 1030 15th Street NW., Washington, D.C. 20005, 202-632-5233. Hearing date: July 6, 1978. Hearing location: Arkansas Game & Fish Commission Building, I-430 and Markam Street, Little Rock, Arkansas. Local RSPO coordinator: Marie Roberson, 501-378-5821.

State: California. Rail public counsel outreach attorney: Terrence A. Sidley, 117 North Fairfax Street, Alexandria, Va. 22314, 703-549-4404. Hearing date: July 12, 1978. Hearing location: Sacramento Housing and Redevelopment Agency Auditorium, 630 I Street (at 7th), Sacramento, Calif. 95814. Local RSPO coordinator: Millie Heng, 415-556-1145. Hearing date: July 14, 1978. Hearing location: California State Office Building, Room 112—1st Floor, 107 S. Broadway, Los Angeles, California. Local RSPO coordinator: Irene Carlos, 213-688-4008.

State: Colorado. Rail public counsel outreach attorney: Troy Overby, 1924 N Street NW., Washington, D.C. 20036, 202-467-5557. Hearing date: July 6, 1978. Hearing location: City Council Chambers, Room 450, City and County Building, 1437 Bannock Street, Denver, Colo. 80202. Local RSPO coordinator: Gyda Boyd, 303-837-3162.

State: District of Columbia. Rail public counsel outreach attorney: Gail M. Harmon, 1025 15th Street NW., Washington, D.C. 20005, 202-833-9070. Hearing dates: June 26, 1978, July 24, 1978. Hearing location: Interstate Commerce Commission, 12th and Constitution Avenue, Hearing Room B, Washington, D.C. Local RSPO coordinator: Betty Swope, 202-275-7874.

State: Florida. Rail public counsel outreach attorney: J. Theodore Wieseman, 22 West Jefferson Street, Suite 404, Rockville, Md. 20850, 301-340-6460. Hearing date: June 29, 1978. Hearing location: Jacksonville City Hall, City Council Room, 15th Floor, East Bay Street, Jacksonville, Fla. 32202. Local RSPO coordinator: Jean King, 904-791-2551. Hearing date: July 10, 1978. Hearing location: Post Office Annex, 415 Zack Street, Tampa, Florida. Local RSPO coordinator: Loretta Owens, 305-350-5551. Hearing date: July 13, 1978. Hearing location: Federal Building, Room 208, 51 S.W. 1st Avenue, Miami, Florida. Local RSPO coordinator: Loretta Owens, 305-350-5551.

State: Georgia. Rail public counsel outreach attorney: Nathan I. Finklestein, 1619 New Hamsphire Avenue NW., Washington, D.C. 20009, 202-332-7737. Hearing date: June 27, 1978. Hearing location: U.S. Courthouse Building, Courtroom No. 220, 56 Forsyth Street NE., Atlanta, Ga. 30303. Local RSPO coordinator: Terrecia Standridge, 404-881-4371. Hearing date: July 17, 1978. Hearing location: Savannah Civic Center, Orleans Square, Savannah, Ga. Local RSPO coordinator: Jean King (Jacksonville, FL.), 902-791-2551.

State: Idaho. Rail public counsel outreach attorney: Gail M. Harmon, 1025 15th Street NW., Washington, D.C. 20005, 202-833-9070. Hearing date: July 6, 1978. Hearing location: City Hall, LeBois Room (3d floor), 150 North Capitol Boulevard, Boise, Idaho 83702. Local RSPO coordinator: Phyllis Echeverria, 208-384-1503.

State: Illinois. Rail public counsel outreach attorney: Lawrence McCaffrey, 1750 K Street NW., Washington, D.C., 20006, 202-452-8063. Hearing date: July 6, 1978. Hearing location: Everett McKinley Dirksen Building, Room 204A, 219 South Dearborn Street, Chicago, Ill. Local RSPO coordinator: Ella M. Stewart, 312-353-6124.

State: Indiana. Rail public counsel outreach attorney: Tara Harvey, 1525 18th Street NW., Washington, D.C. 20036, 202-332-1882. Hearing date: July 13, 1978. Hearing location: New Federal Building, Room 284, 575 North Pennsylvania Street, Indianapolis, Ind. Local RSPO coordinator: Beverly Williams, 317-269-7701 or 317-269-2201.

State: Iowa. Rail public counsel outreach attorney: G. James Frick, 928 Barr Building, Connecticut & 17th Streets NW., Washing-

ton, D.C. 20006, 202-785-3244. Hearing date: July 12, 1978. Hearing location: Federal Building, Room 113, 210 Walnut Street, Des Moines, Iowa 50309. Local RSPO coordinator: 515-284-4416.

State: Kentucky. Rail public counsel outreach attorney: Karen H. Edgecombe, 1526 18th Street NW., Washington, D.C. 20036, 202-332-1882. Hearing date: June 27, 1978. Hearing location: Federal Building, Room, 273, 600 Federal Plaza, Louisville, Ky. 40202. Local RSPO coordinator: Clara Eyl, 502-582-5167.

State: Louisiana. Rail public counsel outreach attorney: Delmar Karlen, 1526 18th Street NW., Washington, D.C. 20036, 202-332-1882. Hearing date: June 29, 1978. Hearing location: Hale Boggs Building, Room 125, 500 Camp Street, New Orleans, La. Local RSPO coordinator: Connie Guillory, 504-589-6101.

State: Massachusetts. Rail public counsel outreach attorney: Ellyn R. Weiss, 1025 15th Street NW., Washington, D.C., 20015, 202-833-9070. Hearing date: July 7, 1978. Hearing location: Minihan Lecture Hall, C. F. Hurley Building, Government Center, Boston, Mass. Local RSPO coordinator: Giess Eady, 617-223-2372.

State: Michigan. Rail public counsel outreach attorney: James A. Brodsky, 1750 K Street NW., Washington, D.C. 20006, 202-452-8063. Hearing date: July 12, 1978. Hearing location: Conrail Building, Room 509, Vernon Highway & Michigan Avenue, Detroit, Mich. Local RSPO coordinator: Bill Barwiss, 517-373-2953.

State: Minnesota. Rail public counsel outreach attorney: Lawrence McCaffrey, 1750 K Street NW., Washington, D.C. 20006, 202-452-8063. Hearing date: July 10, 1978. Hearing location: St. Paul Hotel, 363 St. Peter Street, St. Paul, Minn. Local RSPO coordinator: Delores Poe, 612-725-2326.

State: Missouri. Rail public counsel outreach attorney: Daniel Katz, 1925 North Lynn Street, Arlington, Va. 22209, 703-528-5600. Hearing date: July 10, 1978. Hearing location: Soldiers Memorial, 1315 Chestnut Street, St. Louis, Mo. 63103. Local RSPO coordinator: Joyce Ebenreck, 314-425-4103.

State: Montana. Rail public counsel outreach attorney: Laurence Singer, 1721 DeSales Street NW., Washington, D.C. 20036, 202-466-3235. Hearing date: July 10, 1978. Hearing location: Council Chambers, Old City Hall, 24 East Broadway (2d floor), Butte, Mont. 59701. Hearing date: July 12, 1978. Hearing location: City Hall, Council Chambers, 520 Fourth Street, Havre, Mont., Local RSPO coordinator: Peggy Webb, 406-657-6261 or 6350.

State: Nebraska. Rail public counsel outreach attorney: Matthew W. Black, 17 West Jefferson Street, Rockville, Md. 20850, 301-340-0140. Hearing date: June 27, 1978. Hearing location: Airport Inn-Best Western, Northwest 12th Street & West Bond, Lincoln, Nebr. Hearing date: June 29, 1978. Hearing location: Stafe Federal Savings & Loan Association, West First and D Streets, McCook, Nebr. Local RSPO coordinator: Kandy Labedz, 402-221-4644.

State: Nevada. Rail public counsel outreach attorney: Terrence A. Sidley, 117 North Fairfax Street, Alexandria, Va. 22314, 703-549-4404. Hearing date: July 10, 1978. Hearing location: Washoe County Administration Building Auditorium, 1205 Mill Street, Reno, Nev. 89505. Local RSPO coordinator: Alice Rothe, 702-882-2085 (Carson City).

State: New York. Rail public counsel outreach attorney: Ellyn R. Weiss, 1025 15th Street NW., Washington, D.C. 20015, 202-833-9070. Hearing date: June 29, 1978. Hearing location: Federal Building, Room 1-102, 26 Federal Plaza, New York, N.Y. Local RSPO coordinator: Maria Kejss, 212-264-1072. Hearing date: July 10, 1978. Hearing location: Moot Court Room, 104 O'Brien Hall, Amherst Campus, State University of New York at Buffalo, Buffalo, N.Y. Local RSPO coordinator: Dan Siler, 716-842-2008.

State: North Dakota. Rail public counsel outreach attorney: Richard T. Tomar, 1775 K Street NW., Washington, D.C. 20006, 202-293-7100. Hearing date: July 6, 1978. Hearing location: State Capitol Building, Bismarck, N. Dak. Hearing date: July 12, 1978. Hearing location: Federal Building, Room 319, 657 Second Avenue North, Fargo, N. Dak. Hearing date: July 14, 1978. Hearing location: City Council Chambers, City Hall, Minot, N. Dak. Local RSPO coordinator: Virgil Jasch, 701-237-5771, ext. 5285.

State: Ohio. Rail public counsel outreach attorney: Mary Rosen, 1200 18th Street NW., Washington, D.C. 20036, 202-466-4433. Hearing date: July 6, 1978. Hearing location: Ohio, Kentucky, Indiana Regional Council of Governments, 426 East Fourth Street, Cincinnati, Ohio. Hearing date: July 11, 1978. Hearing location: Dayton Municipal Building, 101 West Third Street, Dayton, Ohio 45401. Local RSPO coordinator: Diane M. Barnhill, 513-684-2975.

State: Oregon. Rail public counsel outreach attorney: Karin P. Sheldon, 1025 15th Street NW., Washington, D.C. 20005, 202-833-9070. Hearing date: July 6, 1978. Hearing location: Pioneer Courthouse, Room 103, 555 Southwest Yamhill Street, Portland, Oreg. 97204. Hearing date: July 14, 1978. Hearing location: City Council Chamber, City Hall, Pendleton, Oreg. Local RSPO coordinator: Elsie Mattson, 503-221-3102 (Portland).

State: Pennsylvania. Rail public counsel outreach attorney: Ralph Werner, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, 202-393-7116. Hearing date: July 12, 1978. Hearing location: Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa 19106. Local RSPO coordinator: Stetsuko Fuyuume, 215-597-4449.

State: Tennessee. rail public counsel outreach attorney: Karen H. Edgecombe, 1526 18th Street NW., Washington, D.C. 20036, 202-332-1882. Hearing date: June 29, 1978. Hearing location: U.S. Courthouse Annex, Room A-761, 801 Broadway, Nashville, Tenn. Local RSPO coordinator: Glenda Kuss, 615-251-5391.

State: Texas. Rail public counsel outreach attorney: David S. Fleischaker, 1025 15th Street NW., Washington, D.C. 20005, 202-638-6070. Hearing date: July 10, 1978. Hearing location: Federal Building, Room 5A15, 1100 Commerce Street, Dallas, Tex. Local RSPO coordinator: Opal Jones, 214-749-6391. Hearing date: July 12, 1978. Hearing location: Commander's Room, 100 West Houston, San Antonio, Tex. Local RSPO coordinator: Gloria DeLao, 512-229-6120.

State: Utah. Rail public counsel outreach attorney: Karen P. Sheldon, 1025 15th Street NW., Washington, D.C. 20005, 202-833-9070. Hearing date: July 10, 1978. Hearing location: City Commission Chambers, City & County Building, Salt Lake City, Utah. Local RSPO coordinator: Pat Alligier, 801-524-5680.

State: Virginia. Rail public counsel outreach attorney: Robert J. McManus, 1156 15th Street NW., Washington, D.C. 20005, 202-331-4168. Hearing date: June 27, 1978. Hearing location: U.S. Courthouse Building, 10th & Main Streets, "Red" Court Room, Richmond, Va. 23219. Local RSPO coordinator: Rose Shumate, 804-782-2541.

State: Washington. Rail public counsel outreach attorney: David L. Scull, 2005 L Street NW., Washington, D.C. 20036, 202-785-8919. Hearing date: July 10, 1978. Hearing location: Conference Room 752, U.S. Courthouse, West 920 Riverside, Spokane, Wash. Hearing date: July 12, 1978. Hearing location: Federal Building, 915 Second Avenue, Room 2866 (28th floor), Seattle, Wash. Local RSPO coordinator: Christine Manenica, 206-442-5480.

State: West Virginia (North). Rail public counsel outreach attorney: Christopher B. Fager, 1721 DeSales Street NW., Washington, D.C. 20036, 202-466-3235. Hearing date: June 27, 1978. Hearing location: City Council Chambers, City Hall, 224 West King Street, Martinsburg, W. Va. 25401. Local RSPO coordinator: Pat Henley, 301-962-2560. Hearing date: June 29, 1978. Hearing location: Federal Building, 425 Juliana Street, Parkersburg, W. Va. Local RSPO coordinator: Francis Ciccarello, 304-343-6181, ext. 354 or 355 (Charleston, W. Va.).

State: West Virginia (South). Rail public counsel outreach attorney: Robert J. McManus, 1156 15th Street NW., Washington, D.C. 20005, 202-331-4168. Hearing date: June 30, 1978. Hearing location: Federal Court Room, Post Office & Federal Building, Bland Street, Bluefield, W. Va. 24702. Local RSPO coordinator: Francis Ciccarello, 304-343-6181, ext. 354 or 355 (Charleston, W. Va.).

State: Wisconsin. Rail public counsel outreach attorney: James A. Brodsky, 1750 K Street NW., Washington, D.C. 20006, 202-452-8063. Hearing date: July 6, 1978. Hearing location: U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Milwaukee, Wis. Hearing date: July 7, 1978. Hearing location: Unified School District, Board and Conference Room, 2220 North Western Avenue, Highway 38, Racine, Wis. Local RSPO coordinator: Gail A. Daugherty, 414-224-3183.

State: Wyoming. Rail public counsel outreach attorney: Daniel Katz, 1925 North Lynn Street, Arlington, Va. 22209, 703-528-5600. Hearing date: July 12, 1978. Hearing location: Hathaway Building Auditorium (basement), 2300 Capitol Street, Cheyenne, Wyo. 82601. Local RSPO coordinator: Jean Gaylord (Casper), 307-265-5550 or 5243.

[FR Doc. 78-17680 Filed 6-23-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10280]

INTEGRATED GROWTH FUND, INC.

Filing of Application Pursuant to Section 8(f) of the Investment Company Act of 1940 for an Order Declaring That Applicant Has Ceased to be an Investment Company

JUNE 16, 1978.

Notice is hereby given that Integrated Growth Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified management investment company, filed an application on January 3, 1978, and amendments thereto on May 5, 1978 and June 12, 1978, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. Applicant registered under the Act as Murray Hill Fund, Inc.; its name was subsequently changed to Shiff Hedge Fund, Inc., and in November, 1969, to its present name, Integrated Growth Fund, Inc. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized under the applicable laws of the State of New York. On December 24, 1964, it registered under the Act, and on that date also filed a registration statement (File No. 2-23043) under the Securities Act of 1933 for the public offer and sale of 200,000 shares of its capital stock. This registration statement became effective on June 2, 1965, and from that date until May 31, 1972, shares of its capital stock were offered for sale to the public. As of May 31, 1977, Applicant had 538 holders of its capital stock. No public offering of Applicant's capital stock is now being made, and Applicant does not contemplate making such a public offering in the immediate future.

Applicant states that it currently has no assets, and that it has outstanding liabilities amounting to $7,517.70. The application also states that Mr. Everett R. White, Applicant's president, has agreed to be personally liable for Applicant's outstanding liabilities, and that Mr. White had adequate personal assets or the means to acquire such assets to be able to cover all of Applicant's outstanding liabilities. Applicant represents that there are no legal proceedings currently pending against it. Applicant further states that a letter has been sent to the Secretary of State of New York requesting that its corporate existence be terminated. Upon termination of its corporate existence Applicant's authority to transact business will cease. Since it has no current outstanding assets, Applicant's shareholders will receive no pro-rata distribution of assets upon termination of Applicant's corporate existence.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 10, 1978, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17493 Filed 6-23-78; 8:45 am]

[8010-01]

[Release No. 14862]

NATIONAL SECURITIES CLEARING CORP.

Order Approving Proposed Rule Change

JUNE 16, 1978.

On November 18, 1977, National Securities Clearing Corporation ("NSCC") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amended the agreements and procedures pertaining to the operation of NSCC's Correspondent Delivery and Collection Service.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14206, November 23, 1977) and by publication in the FEDERAL REGISTER (42 FR 61342, December 2, 1977). No written comments were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies and a particular, the requirements of Sections 17A and 19 of the Act and rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17494 Filed 6-23-78; 8:45 am]

[8010-01]

[Rel. No. 10282]

PROVIDOR GROWTH FUND

Filing of Application Pursuant to Section 8(f) of the Investment Company Act of 1940 for an Order Declaring That Applicant Has Ceased To Be an Investment Company

JUNE 19, 1978.

Notice is hereby given that Providor Growth Fund ("Applicant"), registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified management investment company, filed an application on May 1, 1978, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act on February 28, 1969, and on that date it also filed a registration statement (File No. 2-31915) under the Securities Act of 1933 covering 5,000,000 shares of its capital stock in connection with a proposed public offering of its shares. This registration statement was declared effective by the Commission on February 5, 1970, and Applicant commenced a public offering of shares of its capital stock on that date.

The application states that on December 14, 1977, at the annual meet-

ing of shareholders holders of a majority of the issued and outstanding shares of capital stock of Applicant approved an Agreement and Plan of Reorganization ("Agreement") which provided for the transfer by Applicant of substantially all of its properties and assets to The Putnam Investors Fund, Inc., a Massachusetts Corporation ("Putnam"), an open-end, diversified management investment company registered under the Act, in exchange for shares of common stock of Putnam. At a meeting held on October 19, 1977, the board of directors of Applicant unanimously ratified execution of the Agreement which has occurred on August 3, 1977.

The Application further states that the above transfer of substantially all of Applicant's properties and assets was consummated on February 6, 1978, and that pursuant to the Agreement Putnam issued 757,171.910 shares of its common stock to Applicant. These Putnam shares were promptly distributed to the then existing shareholders of Applicant on a pro-rata basis.

Furthermore, Applicant states that on February 27, 1978, it filed with the Secretary of State of the State of Delaware a Certificate of Dissolution and that Applicant has been dissolved under Delaware state law. Applicant specifically states that it no longer transacts any business; and that Applicant currently has no assets other than $600 in cash that has been retained by it in order to provide for those expenses and costs of dissolution and the winding-up of its affairs that were not identifiable on the date of consummation of the above transfer of assets, no known liabilities for which adequate provision has not been made, and no pending administrative pendings or other litigation outstanding. Applicant finally represents that, if it retains any of the above cash assets after payment of all known liabilities, appropriate procedures will be adopted to dispose of such assets in the best interests of the shareholders of Applicant, which may include distributing such remaining cash assets to Putnam.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such comnpany shall cease to be in effect.

Notice is further given that any interested person may, not later than July 13, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices an orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17495 Filed 6-23-78; 8:45 am]

[8010-01]

[Rel. No. 10281]

PROVIDOR INVESTORS FUND

Filing of Application Pursuant to section 8(f) of the Investment Company Act of 1940 for an Order Declaring That Applicant Has Ceased To Be an Investment Company.

JUNE 19, 1978.

Notice is hereby given that Providor Investors Fund ("Applicant"), registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified management investment company, filed an application on May 1, 1978, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act on February 28, 1969, and on that date it also filed a registration statement (File No. 2-31916) under the Securities Act of 1933 covering 5,000,000 shares of its capital stock in connection with a proposed public offering of its shares. This registration statement was declared effective by the Commission on February 5, 1970, and Applicant commenced a public offering of shares of its capital stock on that date.

The application states that on December 14, 1977, at the annual meeting of shareholders holders of a majority of the issued and outstanding shares of capital stock of Applicant approved an Agreement and Plan of Reorganization ("Agreement") which provided for the transfer by Applicant of substantially all of its properties and assets to The Putnam Income Fund, Inc., a Massachusetts Corporation ("Putnam"), an open-end, diversified management investment company registered under the Act, in exchange for shares of common stock of Putnam. At a meeting held on October 19, 1977, the board of directors of Applicant unanimously ratified execution of the Agreement which had occurred on August 3, 1977.

The Application further states that the above transfer of substantially all of Applicant's properties and assets was consummated on February 6, 1978, and that pursuant to the Agreement Putnam issued 625,139.562 shares of its common stock to Applicant. These Putnam shares were promptly distributed to the then existing shareholders of Applicant on a pro-rata basis.

Furthermore, Applicant states that on February 27, 1978, it filed with the Secretary of State of the State of Delaware a Certificate of Dissolution and that Applicant has been dissolved under Delaware state law. Applicant specifically states that it no longer transacts any business; and that Applicant currently has no assets other than $1,500 in cash that has been retained by it in order to provide for those expenses and costs of dissolution and the winding-up of its affairs that were not identifiable on the date of consummation of the above transfer of assets, no known liabilities for which adequate provision has not been made, and no pending administrative pendings or other litigation outstanding. Applicant finally represents that, if it retains any of the above cash assets after payment of all known liabilities, appropriate procedures will be adopted to dispose of such assets in the best interests of the shareholders of Applicant, which may include distributing such remaining cash assets to Putnam.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 13, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the

nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17496 Filed 6-23-78: 8:45 am]

[8010-01]

[Release No. 34-14863; File No. SR-SCCP 78-3]

STOCK CLEARING CORP. OF PHILADELPHIA

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 17, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STOCK CLEARING CORPORATION OF PHILADELPHIA'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Brackets indicate deletions; italics indicate new material.

Miscellaneous Services

Rule 25. *Stock Clearing Corporation of Philadelphia may represent its members as a direct inquirer to assist them in deteming that certain securities have not been reported as missing, lost, stolen or counterfiet, as required by SEC Rule 17f-1.*

STOCK CLEARING CORPORATION OF PHILADELPHIA'S STATEMENT OF BASIS AND PURPOSE

The purpose of the rule change is to assist members in satisfying the requirements of SEC Rule 17f-1 (17 CFR § 240.17f-1), in connection with the Lost or Stolen Securities Program and thereby facilitate prevention of fraudulent and manipulative acts and practices.

No burden on competition will be imposed by the proposed rule.

On or before July 31, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 19, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17497 Filed 6-23-78; 8:45 am]

[4710-07]

DEPARTMENT OF STATE

[Public Notice CM-8/72]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The Working Group on Radiocommunications of the Shipping Coordinating Committee's Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 1:30 p.m. on Thursday, July 20, 1978 in room 8442 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the nineteenth session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO), to be held in London September 4-8, 1978. In particular, the SOLAS Working Group will discuss the following topics:

Code of safety requirements for mobile offshore drilling units;
Operational standards for shipboard radio equipment;
Revision of Resolution A.283 (VIII) regarding the Maritime Distress System.

Requests for further information should be directed to Lt. R. F. Carlson, U.S. Coast Guard (G-OTM/74), Washington, D.C. 20590, telephone 202-426-1345.

The Chairman will entertain comments from the public as time permits.

JUNE 16, 1978.

CARL TAYLOR, JR.,
Acting Chairman, Shipping Coordinating Committee.

[FR Doc. 78-17603 Filed 6-23-78; 8:45 am]

[4710-02]

Agency for International Development

[Delegation of Authority No. 95 (Rev.)]

ASSISTANT ADMINISTRATOR, BUREAU FOR PRIVATE AND DEVELOPMENT COOPERATION

Delegation of Authority Regarding Functions and Authorities

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961 (26 FR 10608), from the Secretary of State, and in furtherance of my decision relating to the establishment of a new Bureau for Private and Development Cooperation as announced in the AID General Notice dated November 16, 1977, it is hereby ordered as follows:

SEC. 1: There is hereby delegated to the Assistant Administrator for Private and Development Cooperation all of the authorities and functions which are specified in any regulation (published or unpublished), manual order, policy directive or determination, manual circular or circular airgram or instruction or communication of any nature relating to:

a. The coordination of the Food for Peace Program (Pub. L. 480);

b. The coordination of foreign disaster relief operations;

c. The furnishing of humanitarian assistance;

d. The development and implementation of interregional programs involving private nongovernmental entities excluding universities;

e. The coordination of activities in the development-related labor field;

f. The coordination of country-financed arrangements as authorized by sections 607 and 661 of the Foreign Assistance Act of 1961, as amended; and

g. The coordination of the American Schools and Hospitals Abroad Program.

SEC. 2. The authorities and functions enumerated above shall include the authority to sign or approve Project Implementation Orders and similar implementation authorizations and authorizations for official travel and related expenses. This authority shall also include the authority to sign or approve those documents set forth in those delegations of authority designated as Nos. 23, 54, 69, 99(1)(D), and 116.

SEC. 3. A. With respect to country-financed arrangements authorized by Sections 607 and 661 of the FAA, these authorities shall include the authority to:

(1) Authorize the expenditure of funds in accordance with section 661 of the Foreign Assistance Act, as amended (FAA);

(2) Sign and authorize agreements with any agency of the U.S. Government to undertake specific projects or programs under which AID funds are used to finance travel, per diem and related costs incurred by personnel of such agency in the carrying out of activities authorized by Section 661 of the FAA.

This authority does not include the authority to sign contracts on behalf of the United States Government.

B. With respect to the furnishing of services to international organizations having a membership consisting primarily of foreign governments, the American Red Cross and voluntary nonprofit agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid, the following functions pursuant to section 607(a) of the Act:

(1) Making the determinations prescribed by section 607(a) of the Act;

(2) Authorizing the furnishing of such services on an advance of funds or reimbursement basis; and

(3) Signing transfer or transfer/trust agreements.

SEC. 4. The Assistant Administrator for Private and Development Cooperation shall exercise the functions set forth in section 216 of the Foreign Assistance Act of 1961, as amended.

SEC. 5. Each of the following delegations of authority is amended by deleting the title "Assistant Administrator for Private and Humanitarian Assistance" throughout and inserting in lieu thereof the title "Assistant Administrator for Private and Development Cooperation":

a. Delegation of Authority No. 99, dated April 27, 1973 (38 FR 12834) as amended;

b. Delegation of Authority No. 100, dated December 13, 1976 (42 FR 6942) as amended relating to section 110(a) of the Foreign Assistance Act of 1961, as amended.

SEC. 6. Section 2 of Delegation of Authority No. 23 dated December 28, 1962 (23 FR 563) as amended, and Delegation of Authority No. 69 dated March 23, 1967 (32 FR 5475) as amended are further amended by deleting the title "Coordinator, Food for Peace" and inserting in lieu thereof the title "Assistant Administrator for Private and Development Cooperation."

Subsection 1(5) and Subsection 2(6) of Delegation of Authority No. 23 are also amended by deleting the words "or III are" in each of those subsections and inserting in lieu thereof the word "is" in each of those subsections.

Subsection 2(1) is amended by deleting the words "and title IV."

SEC. 7. Section 2A of Delegation of Authority No. 41 dated April 27, 1973 (38 FR 12834) as amended and section 3D(5)2 of Delegation of Authority No. 99 dated April 24, 1973 (38 FR 12834) as amended are further amended by deleting the words "services and" from sections 2A and 2A(2) of each of these delegations.

Delegation of Authority No. 41 is also amended by adding after 2B a new section 3 to read as follows:

3. To the Assistant Administrator for Private and Development Cooperation with respect to the furnishing of services to international organizations having a membership consisting primarily of foreign governments, the American Red Cross and voluntary nonprofit agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid, the following functions pursuant to section 607(a) of the Act:

(1) Making the determinations prescribed by section 607(a) of the Act;

(2) Authorizing the furnishing of such services on an advance of funds or reimbursement basis; and

(3) Signing transfer or transfer/trust agreements.

SEC. 8. Delegation of Authority No. 54 dated October 21, 1964 (29 FR 14860) as amended is further amended by deleting the title "Assistant Administrator for Program and Management Services" and inserting in lieu thereof the title "Assistant Administrator for Private and Development Cooperation."

SEC. 9. Delegation of Authority No. 99 dated April 27, 1973 (38 FR 12834) as amended and Delegation of Authority No. 116 dated August 19, 1976 (41 FR 36671) are further amended by deleting the title "Director, Office of Foreign Disaster Assistance" and inserting in lieu thereof the title "Assistant Administrator for Private and Development Cooperation."

SEC. 10. The authorities made available above may be exercised by an officer serving in an acting capacity and may be redelegated by the Assistant Administrator for Private and Development Cooperation except as otherwise provided for above.

SEC. 11. Currently effective redelegations of Authority issued by the Assistant Administrator for Population and Humanitarian Affairs; Assistant Administrator for Program and Management Services; Coordinator, Food for Peace; Director, Office of Foreign Disaster Assistance; Director, American Schools and Hospitals Abroad; Director, Office of Labor Affairs; and Director, Office of Reimbursable Development Programs with respect to projects, programs and other activities within the areas of responsibility of the above named officials are hereby continued in effect according to their terms until modified or revoked by appropriate authority.

SEC. 12. Actions heretofore taken by officials designated herein are hereby ratified and confirmed.

SEC. 13. This Delegation of Authority amends and supersedes Delegation of Authority No. 95, as amended through October 5, 1977.

SEC. 14. This Delegation of Authority shall be effective as of November 16, 1977.

Dated: May 17, 1978.

JOHN J. GILLIGAN,
Administrator.

[FR Doc. 78-17604 Filed 6-23-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 138-3]

BUREAU FOR PRIVATE AND DEVELOPMENT COOPERATION; COORDINATOR, FOOD FOR PEACE

Delegation of Authority

Pursuant to the authority delegated to me by Delegations of Authority No. 23 dated December 28, 1962 (23 FR 563) as amended, Delegation of Authority No. 69 dated March 23, 1967 (32 FR 5475) as amended and Delegation of Authority No. 95 (Revised) dated May 17, 1978, I hereby redelegate to the Coordinator, Food for Peace, the following authorities:

A. All of the authorities delegated to me by the above-mentioned Delegations of Authority Nos. 23, 69, and 95 as amended and revised.

The authorities redelegated herein may be redelegated successively and may be exercised by persons who are performing the functions of the designated officers in an acting capacity.

Actions heretofore taken by the official designated herein are hereby ratified and confirmed.

This redelegation shall become effective immediately.

Dated: June 9, 1978.

ANTHONY M. SCHWARZWALDER,
Acting Assistant Administrator for Private and Development Cooperation.

[FR Doc. 78-17607 Filed 6-23-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 138-5]

COORDINATOR, REIMBURSABLE DEVELOPMENT PROGRAMS

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 95 (Revised) dated May 17, 1978, I hereby redelegate to the Coordinator, Reimbursable Development Programs the authority to (1) authorize the expenditure of funds in accordance with section 661 of the Foreign Assistance Act of 1961, as amended (FAA); (2) sign and approve agreements with any agency of the U.S. Government to undertake specific projects or programs under which AID funds are used to finance travel, per diem and related costs incurred by personnel of such agency in the carrying out of activities authorized by section 661 of the FAA; (3) sign and approve project implementation orders and similar implementation authorizations and authorizations for official travel and related expenses for activities authorized by FAA sections 607(a) and 661.

This redelegation of authority does not include the authority to sign contracts on behalf of the U.S. Government.

The authority redelegated herein may not be further redelegated, but may be exercised by duly authorized persons who are performing the functions of such persons in an "acting" capacity.

Actions within the scope of this redelegation heretofore taken by the official designated herein are hereby ratified and confirmed.

This redelegation of authority is effective immediately.

Dated: June 9, 1978.

ANTHONY M. SCHWARZWALDER,
Acting Assistant Administrator for Private and Development Cooperation.

[FR Doc. 78-17609 Filed 6-23-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 138-1]

DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF PROGRAM AND MANAGEMENT SUPPORT

Redelegation of Authority Relating to Program Affairs

Pursuant to the authority delegated to me by the Administrator of the Agency for International Development in Delegation of Authority No. 95 (Revised), dated May 17, 1978, I hereby redelegate to the Director and Deputy Director, Office of Program and Management Support, the authority to authorize, sign, and approve the following:

1. Extension of the termination date of a project or separately authorized activity for a period of time not to exceed 6 months;

2. Additional funding of projects in an amount not to exceed $50,000 per project; *Provided*, That if substantive changes in a project are involved, the request for additional funds or an extension of time shall be referred to the Assistant Administrator, Bureau for Private and Development Cooperation (PDC), for authorization, signature, or approval;

3. Operational Year Budget (OYB) and allotment changes within the approved PDC OYB level; and

4. PDC program implementation documents, including those authorizing obligations of program funds allotted to the Assistant Administrator, Bureau for Private and Development Cooperation.

The authorities contained above do not include the authority to sign or approve grants or contracts.

The authorities herein redelegated to designated officers may be exercised by persons who are performing the functions of such officers in an "Acting" capacity.

Actions heretofore taken by officials designated herein are hereby ratified and confirmed.

These authorities may not be redelegated.

This redelegation shall become effective immediately.

Dated: June 9, 1978.

ANTHONY M. SCHWARZWALDER,
Acting Assistant Administrator for Private and Development Cooperation.

[FR Doc. 78-17605 Filed 6-23-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 138-6]

DIRECTOR, OFFICE OF AMERICAN SCHOOLS AND HOSPITALS ABROAD

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 54 dated October 21, 1964, and Delegation of Authority No. 95 (Revised) dated May 17, 1978, I hereby redelegate to the Director, Office of American Schools and Hospitals Abroad the authority to:

1. Furnish assistance pursuant to section 214 (a) and (b) of the Foreign Assistance Act of 1961, as amended, to schools, libraries, and hospitals which qualify under those sections of the law and to make grants to such institutions in connection therewith;

2. Specify terms and conditions for such assistance;

3. Administer and implement such assistance and to exercise all authorities with respect thereto that are vested and that become vested in the regional Assistant Administrators with respect to programs and projects for which they have operational responsibility, including among other acts, approval of contracts entered into by grantees.

The authorities identified above to make grants may only be exercised subsequent to the approval by the Assistant Administrator for Private and Development Cooperation for the specific project or program for which assistance is to be provided.

The authorities redelegated herein may not be further redelegated.

The authorities redelegated herein shall be exercised in accordance with agency policies, regulations, and procedures.

This Redelegation of Authority amends and supersedes Redelegation of Authority No. 113 dated August 9, 1971 (36 FR 15672).

This redelegation of authority shall be effective immediately.

Dated: June 9, 1978.

ANTHONY M. SCHWARZWALDER,
Acting Assistant Administrator for Private and Development Cooperation.

[FR Doc. 78-17610 Filed 6-23-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 138-2]

BUREAU FOR PRIVATE AND DEVELOPMENT COOPERATION; DIRECTOR, OFFICE OF FOREIGN DISASTER ASSISTANCE

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 95 (Revised), dated May 17, 1978, Delegation of Authority No. 99 dated April 27, 1973 (38 FR 12834) as amended and Delegation of Authority No. 116 dated August 19, 1976 (41 FR 36671) as amended I hereby redelegate to the Director, Office of Foreign Disaster Assistance the following authorities.

A. All of the authorities delegated to me by the above mentioned Delegation of Authority Nos. 95, 99 and 116 as amended and revised.

The authorities redelegated herein may be redelegated successively and may be exercised by persons who are performing the functions of the designated officers in an acting capacity.

Actions heretofore taken by the official designated herein are ratified and confirmed.

This redelegation shall become effective immediately.

Dated: June 9, 1978.

ANTHONY M. SCHWARZWALDER,
Acting Assistant Administrator for Private and Development Cooperation.

[FR Doc. 78-17606 Filed 6-23-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 138-4]

DIRECTOR, OFFICE OF LABOR AFFAIRS

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 95 (Revised) dated May 17, 1978, I hereby redelegate to the Director, Office of Labor Affairs the authority on behalf of AID to coordinate planning, implementation, analysis and evaluation activities for programs in the labor field.

This authority does not include the authority to sign or approve project implementation orders or similar authorizing documents.

Actions within the scope of this redelegation heretofore taken by the official designated herein are hereby ratified and confirmed.

This redelegation of authority is effective immediately.

Dated: June 9, 1978.

ANTHONY M. SCHWARZWALDER,
Acting Assistant Administrator for Private and Development Cooperation.

[FR Doc. 78-17608 Filed 6-23-78; 8:45 am]

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX78-4; Notice 1]

MARATHON ELECTRIC VEHICLES INC.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Marathon Electric Vehicles, Inc. of the District of Columbia has petitioned for a 2-year exemption for compliance with several Federal Motor vehicle safety standards on the basis that an exemption would facilitate the development and field evaluation of a low-emission motor vehicle.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Petitioner is the recently established American subsidiary of Marathon Electric Co. Ltd. of Montreal, Canada. The parent company was formed in 1969 to manufacture and sell electric golf carts. The company has under development the C-300 Electric Utility Vehicle, and tested 5 prototypes in 1976 and 1977. In 1978 it intends to produce for delivery 25 C-300's which "will help create the base for the testing and marketing effort in coming years." Marathon believes that the primary market for its vehicles is in both off and on road applications that do not require a high speed, high cost internal combustion engine.

Marathon has asked for exemption from the following standards for the reasons given: *Standard No. 205, Glazing Materials.* The rear window is composed of a plastic material that is less resistant to abrasion than materials that comply with Tests Nos. 16, 22, and 23 or 24 of ANS Z26. Materials that meet Standard No. 205 are said to be in short supply but the company expects the shortage to end before expiration of the exemption. *Standard No. 208, Occupant Crash Protection.* The company requires an exemption from S7.3a, the requirement for a seat belt warning system, though "efforts are currently underway to design an electrical system incorporating such a warning system. * * *" *Standard No. 219, Windshield Zone Intrusion.* The company is uncertain whether it meets the requirements of the standard. However, since the hood does not reach to the windsheld, "it would not penetrate the windshield safety zone as defined by the regulation so long as the hinges didn't disintegrate." *Standard No. 301-75, Fuel System Integrity.* The C-300 is equipped with a gasoline heater as optional equipment, and the company has not conducted barrier impact tests on any of the 5 vehicles it has produced to date to determine conformance status.

The company does not believe that an exemption would unduly degrade the safety of the vehicle. Visibility through the rear window "is not appreciably worse than through a window of the conforming material." The C-300 has a canvas top and the rear window can be unzipped. Much of the vehicle's operation will be off-road and at low speeds.

The C-300 "possesses significant electrical and mechanical innovations which set it apart from all other electric-powered vehicles," basically in the efficiency and economy with which the electric power from the batteries is utilized. To evaluate its unique transmission and other components, Marathon believes that it must test its vehicles in a variety of physical and work environments. Therefore, an exemption will facilitate the development and field evaluation of this vehicle.

Interested persons are invited to submit comments on the petition for exemption of Marathon Electric Vehicles, Inc. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: July 26, 1978.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 20, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-17474 Filed 6-23-78; 8:45 am]

[4910-59]

HIGHWAY SAFETY PROGRAM

Amendment of Qualified Products List of Evidential Breath Measurement Devices

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: This notice amends the Qualified Products List for devices which have been found to qualify under the standard for Devices to Measure Breath Alcohol (38 Fr 30459).

EFFECTIVE DATE: June 26, 1978.

ADDRESS: Administrator, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

John Moulden, Office of Driver and Pedestrian Programs, Traffic Safety Programs, NHTSA, Washington, D.C. 20590, 202-426-0078.

SUPPLEMETARY INFORMATION: The Qualified Products List of Evidential Breath Measurement Devices was initially issued November 21, 1974 (39 FR 41399), and was most recently amended November 21, 1977 (42 FR 59799). Devices on the list may be purchased with Federal funds under the Highway Safety Act, Pub. L. 89-564, 80 Stat. 731, 73 U.S.C. 402, 403.

In accordance with the Breath Measurement Standard, semi-annual testing of devices was conducted during December 1977. At this testing one device, not previously on the Qualified Products List, the Alert J3AC met all performance requirements. The list has also been amended to indicate the correct locations of Energetics Science, Inc., and Smith & Wesson Electronics Co.

The Qualified Products List is therefore amended as follows:

QUALIFIED PRODUCTS LIST

The qualified products meeting all performance requirements, including those for Mobile Evidential Breath Testers, are as follows, listed alphabetically by manufacturer:

DEVICE AND MANUFACTURER

1. Alert J3AD Breath Tester (battery powered), Alcohol Countermeasure Systems, Port Huron, Michigan (formerly Borg-Warner Corp., Des Plaines, Illinois).
2. Alert J3AC, Alcohol Countermeasure Systems, Port Huron, Michigan (formerly Borg-Warner Corp., Des Plaines, Illinois).
3. S-11 Breath Tester, Alcohol Countermeasure Systems, Port Huron, Michigan (formerly Borg-Warner Corp., Des Plaines, Illinois).
4. Intoxilyzer Model 401, CMI, Inc., Minturn, Colorado.
5. Intoxilyzer Model 4011A, CMI, Inc., Minturn, Colorado.
6. Intoxilyzer 4011A 27-10100, CMI, Inc., Minturn, Colorado.
7. Alco-limiter, Energetics Science, Inc., Elmsford, New York.
8. Gas Chromatograph Intoximeter Mark IV, Intoximeters, Inc., St. Louis, Missouri.
9. Gas Chromatograph Mark IV A, Intoximeters, Inc., St. Louis, Missouri.
10. Mark II Gas Chromatograph, Intoximeters, Inc., St. Louis, Missouri.
11. Alcolmeter AE-D1, Lion Laboratories, Ltd., Cardiff, Wales, United Kingdom.
12. Intoxilyzer Model 4011, Omicron Systems Corp., Palo Alto, California.
13. Breathalyzer Models 900A, 1000, Smith & Wesson Electronics Co., Springfield, Massachusetts.
14. Roadside Breath Tester, U.S. Department of Transportation, Washington, D.C.

The qualified products meeting all performance requirements, excluding those for Mobile Evidential Breath Testers, are as follows, listed alphabetically by manufacturer.

DEVICE AND MANUFACTURER

1. Alco-Tector Model 500, Decatur Electronics, Decatur, Illinois.
2. Auto-Intoximeter AI 1, Intoximeters, Inc., St. Louis, Missouri.
3. Photo-Electronics Intoximeter, Intoximeters, Inc., St. Louis, Missouri.
4. Alco-Analyzer Model 1000, Luckey Laboratories, Inc., San Bernardino, California.

(23 U.S.C. 402, 403).

Issued June 19, 1978.

CHARLES F. LIVINGSTON,
Acting Associated Administrator,
Traffic Safety Programs.

[FR Doc. 78-17454 Filed 6-23-78; 8:45 am]

[4910-59]

HIGHWAY SAFETY PROGRAM

Amendment of Qualified Products List for Devices To Measure Calibrating Units for Breath Alcohol Testers

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: This notice amends the Qualified Products List for devices that meet the Performance Standard for Calibrating Units for Breath Alcohol Testers (40 FR 36167) by adding an additional device.

EFFECTIVE DATE: June 26, 1978.

ADDRESS: Administrator, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

John Moulden, Office of Driver and Pedestrian Programs, Traffic Safety Programs, NHTSA, Washington, D.C., 20590, 202-426-0078.

SUPPLEMENTARY INFORMATION: The Qualified Products List of Calibrating Units for Breath Alcohol Testers was issued November 30, 1976 (41 FR 53384). Units on the list may be purchased with Federal funds under the Highway Safety Act, Pub. L. 89-564, 80 Stat. 731, 73 U.S.C. 402, 403.

In accordance with the Performance Standard for Calibrating Units, a second testing of calibrating units was completed in December 1977. At this testing, the Nalco Breath Alcohol Standard, manufactured by Intoximeters, Inc., met all performance requirements. This device consists of a cylinder of a dry compressed gas mixture. Because there is no water present, users of breath testers not made by Intoximeters, Inc., may experience problems in correlating samples from this device with moist alcohol-in-air samples. Prospective users of the Nalco Breath Alcohol Standard are advised to consult the manufacturer prior to use in calibrating breath testers not made by Intoximeters, Inc.

To reflect the addition of the Nalco Breath Alcohol Standard to the list, the Qualified Products List is amended as follows:

QUALIFIED PRODUCTS LIST

The qualified products, meeting all performance requirements, are as follows, listed alphabetically by manufacturer:

CALIBRATING UNIT AND MANUFACTURER

1. Breath Alcohol Simulator BAS311, Century Systems, Inc., Arkansas City, Kansas.
2. Nalco Breath Alcohol Standard, Intoximeters, Inc., St. Louis, Missouri.
3. Synebriate, Intoximeters, Inc., St. Louis, Missouri.
4. Simulator, Luckey Laboratories, Inc., San Bernardino, California.
5. Mark II-A Simulator, Smith & Wesson Electronic Co., Springfield, Massachusetts.

(23 U.S.C. 402, 403).

Issued on June 16, 1978.

CHARLES F. LIVINGSTON,
Acting Associate
Administrator,
Traffic Safety Programs.

[FR Doc. 78-17453 Filed 6-23-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

VISCOSE RAYON STAPLE FIBER FROM SWEDEN

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: United States Customs Service, Treasury Department.

ACTION: Initiation of investigation.

SUMMARY: This notice is to advise the public that a petition has been received and as a result an investigation is being started for the purpose of determining whether or not benefits are granted by the Government of Sweden to manufacturers or exporters which constitute a bounty or grant. A preliminary determination will be made not later than October 25, 1978, and a final determination not later than April 25, 1979.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael E. Crawford, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition was received in satisfactory form on April 25, 1978, alleging that payments or bestowals, conferred by the Government of Sweden upon the manufacture or exportation of viscose rayon staple fiber from Sweden constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303). Imports covered by this investigation are classifiable under items 309.4320 and 309.4325, Tariff Schedules of the United States Annotated (TSUSA).

The petitioner alleges that a manufacturer of this product received outright grants from the Government of Sweden in order to maintain production and employment levels despite alleged losses incurred by the firm on its rayon fiber sales. Such grants may constitute bounties or grants if a preponderance of the production of the subject merchandise is exported and

the ad valorem benefit conferred by the grant is found to be significant.

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the statute within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant and a final decision within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made not later than October 25, 1978, as to whether or not alleged payments or bestowals conferred by the Government of Sweden upon the manufacture, production, or exportation of the above described merchandise constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than April 25, 1979.

An investigation under the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.), involving this same product is currently underway. The Antidumpting Proceeding Notice was published in the FEDERAL REGISTER of May 5, 1978 (43 FR 19492). In accordance with the international obligations of the United States, specifically Article VI of the General Agreement on Tariffs and Trade, any determinations made in these investigations will not be duplicative, and the product concerned will not be subject to both dumping and countervailing duties to compensate for the same situation.

This notice is published pursuant to section 303(a)(3), Tariff Act of 1920, as amended (19 U.S.C. 1303(a)(3)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JUNE 15, 1978.

[FR Doc. 78-17615 Filed 6-23-78; 8:45 am]

[4810-40]

Office of Secretary

[Public Debt Series—No. 14-78]

INTEREST

Supplement to Department Circular

The Secretary of the Treasury announced on June 20, 1978, that the interest rate on the notes designated Series Q-1980, described in Department Circular—Public Debt Series—No. 14-78, dated June 15, 1978, will be 8¼ percent. Interest on the notes will be payable at the rate of 8¼ percent per annum.

PAUL H. TAYLOR,
Acting Fiscal Assistant Secretary.

[FR Doc. 78-17622 Filed 6-23-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

ADDITIONAL PROCEEDINGS TO BE PLACED ON MICROFILM

JUNE 21, 1978.

Effective July 3, 1978, the public dockets for newly filed applications docketed in the Motor Carrier Finance (MC-F) prefix series and complaints docketed in the motor Carrier Complaint (MC-C) series will be placed on microfilm. Also to be maintained on microfilm are rulemaking (Ex Parte) proceedings instituted on or after July 3. A letter suffix "F" will be added to the docket numbers to distinguish newly filed or instituted (and therefore microfilmed) proceedings, from existing proceedings, which will continue to be maintained in hardcopy dockets.

These proceedings are being phased into the Commission's current microfilm program which began February 1, 1978.

All correspondence, including protests and other filings, which relate to these dockets, must show the suffix "F" to assure proper handling by Commission staff. In addition, requests for copies of these dockets must specify whether hardcopy or microfiche is desired. Each microfiche, which contains up to 60 pages, will cost 10 cents. The charge for hardcopy will remain 10 cents per page.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-17649 Filed 6-23-78; 8:45 am]

[7035-01]

[Notice No. 693]

ASSIGNMENT OF HEARINGS

JUNE 21, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 138322 (Sub-No. 3), BHY Trucking, Inc., now assigned September 12, 1978, at St. Louis, MO, is postponed to September 18, 1978 (5 days), at St. Louis, MO.

No. 36867, Nevada Power Co. v. Union Pacific Railroad Co., et al., now being assigned July 27, 1978, for prehearing conference at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC-F 13285, Provisioners Frozen Express, Inc.—Purchase—Jerry Atkinson, d.b.a. Jerry Atkinson Co., and No. 117589 (Sub-No. 46), Provisioners Frozen Express, Inc., now assigned July 18, 1978, at Albuquerque, NM, will be held in Room 202, second floor, State Building, 415 Tijeros NW.

No. MC 125146 (Sub-No. 6), Bob Whitaker & Son, now assigned July 21, 1978, at Albuquerque, NM, will be held in Room 202, second floor, State Building, 415 Tijeros NW.

No. MC 124947 (Sub-No. 92), Machinery Transports, Inc., now assigned July 24, 1978, at Albuquerque, NM, will be held in Room 202, second floor, State Building, 415 Tijeros NW.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-17650 Filed 6-23-78; 8:45 am]

[7035-01]

[Notice No. 694]

ASSIGNMENT OF HEARINGS

JUNE 20, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION [1]

No. MC 87109 (Sub-No. 25), Tidewater Inland Express, Inc., d.b.a. T.I.E., Inc., now assigned July 24, 1978, at Salisbury, Md., will be held at Salisbury State College, Holloway Hall, Camden Avenue.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-17654 Filed 6-23-78; 8:45 am]

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[1] This corrects the previous publication of the hearing room location, which did not give the complete address.

[7035-01]

[Docket No. AB-6 (Sub-No. 49F)]

BURLINGTON NORTHERN, INC., ABANDONMENT NEAR BATTLE LAKE AND HENNING IN OTTER TAIL COUNTY, MN

Findings

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a certificate and decision dated June 9, 1978, a finding, which is administratively final, was made by the Commission, Review Board No. 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), as modified in 354 ICC 584 (1978), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Burlington Northern, Inc., of a line of railroad known as the Battle Lake to Henning line extending from railroad milepost 31.42 near Battle Lake, MN, to railroad milepost 15.89 near Henning, MN, a distance of 15.11 miles, in Otter Tail County, MN. A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern, Inc. Since no investigation was instituted, the requirement of section 1121.38(a) of the regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing exhibit I (section 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than July 11, 1978. The offer, as filed, shall contain information required pursuant to section 1121.38(b)(2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective August 11, 1978.

NANCY WILSON,
Acting Secretary.

[FR Doc. 78-17652 Filed 6-23-78; 8:45 am]

[7035-01]

[Docket No. AB-7 (Sub-No. 42)]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

Abandonment Near Ripon and Berlin, in Fond du Lac, Winnebago and Green Lake Counties, WI; Findings

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a certificate and decision dated June 8, 1978, a finding, which is administratively final, was made by the Commission, Review Board No. 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), as modified in 354 ICC 584 (1978), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. of a portion of a line of railroad known as the Ripon to Berlin Branch extending from railroad milepost 169.8 near Ripon in a northerly and then westerly direction to railroad milepost 181.6 near Berlin, a distance of 11.8 miles, in Fond du Lac, Winnebago and Green Lake Counties, WI. After investigation, a certificate of public convenience and necessity permitting abandonment was issued to the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing exhibit I (section 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than July 11, 1978. The offer, as filed, shall contain information required pursuant to section 1121.38(b)(2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective August 10, 1978.

NANCY WILSON,
Acting Secretary.

[FR Doc. 78-17655 Filed 6-23-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 20, 1978.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC on or before July 11, 1978.

FSA No. 43561, Johnson ScanStar (No. 101), intermodal rates on general commodities in containers, between rail carriers' terminals on the U.S. Pacific Coast and ports in Europe by way of Savannah, GA, New Orleans, LA, and Houston, TX, published in Eastbound Pacific Coast European Joint Container Freight Tariff No. 1, ICC No. 1, and Westbound Pacific Coast Joint Container Freight Tariff No. 4, ICC No. 4, effective July 1, 1978. Grounds for relief—Water competition.

FSA No. 43562, Western Trunk Line Committee, Agent (No. A-2751), rates on soda ash, in bulk, from Alchem, Stauffer, Tg Soda and Westvaco, WY, to Norshor Jct., MN, published in Supp. 269 to its tariff 120-L, ICC A-4868, effective July 10, 1978. Grounds for relief—Market competition.

FSA No. 43563, Southwestern Freight Bureau, Agent (No. B-746), rates on fresh frozen foods, from Laramie, WY, to stations in southwestern territory, published in Supp. 327 to tariff 270-F, ICC 4832, effective July 13, 1978. Grounds for relief—Market competition, short-line distance formula and grouping.

FSA No. 43564, Southwestern Freight Bureau, Agent (No. B-743), rates on iron or steel pipe and related articles, from specified stations in territories east of the Rocky Mountains, to Sheldon, TX, published in Supp. 163 to tariff 259-F, ICC 5080, effective July 15, 1978. Grounds for relief—Rate relationship.

FSA No. 43565, Southwestern Freight Bureau, Agent (No. B-753), rates on liquid caustic soda, from Lake Charles and West Lake Charles, LA, to Coosa Pines, AL, published in Supp. 435 to its tariff 38-D, ICC 5044, effective July 16, 1978. Grounds for relief—Market competition.

FSA No. 43566, Korea Shipping Corp. (No. 3), intermodal rates on general commodities in containers, from Hong Kong and ports in Taiwan, to rail carriers' terminals at U.S. Gulf and Pacific coast ports, by way of Baltimore, MD, and Charleston, SC, to its tariff No. 3, ICC No. 3, effective July 15, 1978. Grounds for relief—Water competition.

FSA No. 43567, Southwestern Freight Bureau, Agent (No. B-747), rates on coal, from points in AR, KS, MO, and OK, to Crandic, Pinney and Waconia, IA, published in Supp. 94 to its tariff 22-F, ICC 5162, effective July 21, 1978. Grounds for relief—Rate relationship.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-17657 Filed 6-23-78; 8:45 am]

[7035-01]

Fourth Section Applications for Relief

JUNE 21, 1978.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC on or before July 11,1978.

FSA No. 43568, Southwestern Freight Bureau, Agent (No. B-751), rates on carbonic acid (phenol), from stations in TX, to Barrington, Elizabeth, NJ, and Philadelphia, PA, published in Supp. 337 to Tariff 355-C, ICC No. 5062, effective July 17, 1978. Grounds for relief—Market competition.

FSA No. 43569, Ro-Lo Pacific Line (No. 2), intermodal rates on general commodities, in containers, from Far Eastern ports, to rail carriers' terminals at U.S. Atlantic and Gulf ports, published in Import Mini-Bridge Freight Tariff No. 3, ICC No. 3, effective July 16, 1978. Grounds for relief—Water competition.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-17651 Filed 6-23-78; 8:45 am]

[7035-01]

[Notice No. 100]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 19, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 335TA), filed May 31, 1978. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr., P.O. Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bauxite ore,* (except in bulk), from Andersonville, GA, to Erwin, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): C. E. Minerals-Mulcoa Plant, P.O. Box 37, Andersonville, GA 31711. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 5888 (Sub-No. 44TA), filed April 26, 1978. Applicant: MID-AMERICAN LINES, INC., 127 West Tenth Street, P.O. Box 260, Kansas City, MO 64141. Applicant's representative: Louis A. Hoger, 127 West Tenth Street, P.O. Box 260, Kansas City, MO 64141. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Insulating material, mineral wood and plastic articles,* (except commodities in bulk), from Newark, OH, to points in the States of IA, MN, ND, SD, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659, Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64105.

No. MC 65475 (Sub-No. 17TA), filed May 16, 1978. Applicant: JETCO, INC., 4701 Eisenhower Avenue, Alexandria, VA 22304. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from the facilities of Georgetown Steel Co., at or near Georgetown, SC, to points in CT, DE, MD, MA, NJ, NY, NC, PA, VA, WV, and the DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Georgetown Steel Co., Georgetown, SC 29440. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, D.C.

No. MC 107064 (Sub-No. 127TA), filed May 25, 1978. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2727 Turtle Creek Blvd., Dallas, TX 75221. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products and chemicals,* (in bulk), from Houston, TX, and its commercial zone, to points in LA, GA, and MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Calgon Corp., 9640 Bayport Blvd., Pasadena, TX 77507. (2) Drew Chemical Corp., 6121 Almeda Genoa, Houston, TX 77048. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 109584 (Sub-No. 177TA), filed May 19, 1978. Applicant: ARIZONA-PACIFIC TANK LINES, 3980 Quebec Street, P.O. Box 7240, Denver, CO 80207. Applicant's representative: Rick Barker, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tallow, meat fats, or blends thereof* (in bulk, in tank vehicles), from West Jordan, UT, to Flagstaff, AZ, and Sparks, NV, for 180 days. No tack-no interline. Supporting shipper(s): Intermountain Protein Products, Inc., 5260 West Old Bingham Highway, West Jordan, UT 84084. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 111045 (Sub-No. 153TA), filed May 31, 1978. Applicant: REDWING CARRIERS, INC., 7805 Palm River Road, P.O. Box 426, Tampa, FI 33601. Applicant's representative: L W. Fincher, P.O. Box 426, Tampa, FI 33601. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting *Resin, plasticizer* (in bulk, in tank vehicles), from the facilities of U.S.S. Polyester near Bartow in Polk County FL, to points in AL, AR, GA, LA, NC SC and TN, for 180 days. There is no environmental impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): U.S.S. Polyester, 1711 Elizabeth Avenue, West, Linden, NJ 07036

Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 NW., 53rd Terrace, Miami, FL 33166.

No. MC 111940 (Sub-No. 71TA), filed June 1, 1978. Applicant: SMITH'S TRUCK LINES, P.O. Box 88, R.D. No. 2, Muncy, PA 17756. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solar salt*, (in bulk, in pneumatic tank vehicles), from Baltimore, MD, and its commercial zone, to Gloversville, NY, and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Watkins Salt Co., P.O. Box 150, Watkins Glen, NY. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

No. MC 112627 (Sub-No. 28TA), filed May 30, 1978. Applicant: OWENS BROS., INC., P.O. Box 247, Dansville, NY 14437. Applicant's representative: S. Michael Richards, Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from St. Clair, MI, to all points in NY on and west of Interstate 87, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Diamond Crystal Salt Co., 916 South Riverside, St. Clair, MI 48079. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 1259, Syracuse, NY 13260.

No. MC 117815 (Sub-No. 290TA), filed June 2, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Dewey Marselle, 405 Southeast 20th Street, Des Moines, IA 50317. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats or frozen meats, other than suspended*, from the facilities of Oscar Mayer & Co. at Davenport, IA, to Jefferson Cold Storage, Jefferson, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, WI 53704. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 118989 (Sub-No. 195TA), filed May 26, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from the facilities of The Continental Group, Inc., at or near Racine, WI, to points in NJ and Berkeley, RI, Milford, CT; Andover and Easthampton, MA: and Havre de Grace, MD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Continental Group, Inc., 5401 West 65th Street, Chicago, IL 60638. (A. Birutis) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 119399 (Sub-No. 79TA), filed June 2, 1978. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Applicant's representative: Dean Williamson, 3535 Northwest 58th Street Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal, fish and poultry feed, dry* (except in bulk), from the facilities of Doane Products Co., in Jasper County, MO, to points in AL, AR, GA, MS, NM and TN, for 180 days. Supporting shipper(s): Doane Products Co., Joplin, MO 64801. Send protests to: John V. Barry, District Supervisor, Room 600, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119702 (Sub-No. 60TA), filed June 1, 1978. Applicant: STAHLY CARTAGE CO., 119 South Main Street, 130-A Hillsboro Avenue, P.O. Box 486, Edwardsville, IL 62025. Applicant's representative: Jeff S. Wohlford, 119 South Main Street, P.O. Box 486, Edwardsville, IL 62025. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (in bulk, in tank vehicles), from Forsyth, IL, to points in IN and KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Getty Refining & Marketing Co., P.O. Box 1650, Tulsa, OK 74102. Send protests to. Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 123329 (Sub-No. 36TA), filed April 11, 1978. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, 4056 Ogden Road SE., Calgary, AB, Canada. Applicant's representative: D. S. Vincent (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur* (in bulk, in tank vehicles), from Whatcom County, WA, to ports of entry on the United States-Canada International Boundary line located at or near Blaine, WA, for furtherance to points in British Columbia, for 180 days. Supporting shipper(s): J. H. Low, Supervisor-Domestic Traffic, Tahsis Co., Ltd., 1201 West Pender Street, Vancouver, BC, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 123407 (Sub-No. 459TA), filed June 2, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and materials*, (except commodities in bulk), from Bremen, IN, to points in MA, IL, MN, VA, MO, OH, KY, PA, CO, NY, and MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Roger M. Holloway, United Foam Corp., 1111 West Dewey Street, Bremen, IN 46506. Send protest to: Lois M. Stahl, Transportation Assistant, Interstate Commerce, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 128117 (Sub-No. 33TA), filed June 1, 1978. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC, 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Smyth County, VA, to points in AZ, AR, CA, CO, LA, NV, NM, OK, and TX, for 180 days. Supporting shipper: American Furniture Co., Inc., P.O. Box 5071, Martinsville, VA, 24112. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 128371 (Sub-No. 4TA), filed May 31, 1978. Applicant: BELLEVUE AGGREGATE HAULERS, INC., 9410 Airport Highway, P.O. Box 296, Holland, OH 43528. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Sand and gravel,* from points in Hillsdale County, MI, to points in Lucas and Fulton Counties, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Huffer Concrete Service, 2810 North Reynolds Road, Toledo, OH 43615. (2) Armstrong Sand & Gravel, 348 Sampson Road, Camden, MI 49232. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 133708 (Sub-No. 33TA), filed June 1, 1978. Applicant: FIKSE BROS., INC., 12647 East South Street, Artesia, CA 90701. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand* (in bulk, in pneumatic equipment), from Overton, NV, to Page, AZ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brumley-Donaldson Co., 3050 East Slauson Avenue, Huntington Park, CA 90255. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA. 90012.

No. MC 135078 (Sub-No. 26TA), filed May 30, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Applicant's representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, MO 64141. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber for manufacturing furniture parts,* from the commercial zones of Covington, Cranbury, Paxinos and Summer Hill, PA, to the commercial zones of Taylor and San Marcos, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jack I. Rucker, President, Jack I. Rucker Co., Inc., P.O. Box 944, Austin, TX 78766. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 135325 (Sub-No. 6TA), filed May 30, 1978. Applicant: WEMCO, INC., 10111 Mercier Avenue, Dearborn, MI 48120. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and building materials* (except commodities in bulk), from the facilities of the United States Gypsum Co., River Rouge, MI, to points in OH, IN, IL and KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard A. Stoneham, Traffic Manager, U.S. Gypsum Co., 101 S. Wacker Drive, Chicago, IL 60606. Send protests to: T. Quinn, District Supervisor, Interstate Commerce Commission, 604 Federal Building & U.S. Courthouse, 231 W. Lafayette Boulevard, Detroit, MI 48226.

No. MC 135797 (Sub-No. 121TA), filed June 2, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Applicant's representative: Paul A. Maestri, P.O. Box 200, Lowell, AR 72745. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Baking flour,* from the plantsite of International Multifoods at New Ulm, MN, to the facilities utilized by Iversen Baking Co., at Rogers, AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Iversen Baking Co., P.O. Box B, Rogers, AR 72756. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 136291 (Sub-No. 10TA), filed May 22, 1978. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 3600 Northwest 82d Avenue, Miami, FL 33166. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Liquid argon, liquid nitrogen and liquid oxygen, in specially designed cryogenic vehicles* provided by the shipper from Baltimore, MD, to points in DE, DC, NJ, PA, and VA, under a continuing contract, or contracts, with Union Carbide Corp., for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): Union Carbide Corp., 270 Park Avenue, New York, NY 10017. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53d Terrace, Miami, FL 33166.

No. MC 136818 (Sub-No. 30TA), filed June 1, 1978. Applicant: SWIFT TRANSPORTATION CO., INC., 335 West Elwood Road, Phoenix, AR 85030. Applicant's representative: Donald Fernaays, 4040 East McDowell Road, Phoenix, AR 85205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement and cement mortar,* from Denver and Pueblo, CO, and their respective commercial zones, to points in Maricopa County, AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westhmor Development Co., 5245 North 8th Place, Phoenix, AR 85201. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AR 85025.

No. MC 138176 (Sub-No. 7TA), filed May 26, 1978. Applicant: MARVIN RENTZ, d.b.a. RENZ FARM SUPPLY, Route 1, Brinson, GA 31725. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials,* from the facilities of Pelham Phosphate Company, at or near Cottondale, FL, to all points in AL, GA, and FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pelham Phosphate Co., a Subsidiary of Chemical Enterprises, Inc., 1102 Third Avenue, Albany, GA 31707. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138468 (Sub-No. 4TA), filed June 1, 1978. Applicant: BI-COUNTY TRUCKING, INC., Route 1, Box 210, Warden, WA 98857. Applicant's representative: Charles C. Flower, 303 East "D" Street, Yakima, WA 98901. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer,* between points in ID, WA, and OR, for 180 days. Supporting shipper: Simplot Soilbuilders, Terminal Building, Grant County Airport, Moses Lake, WA 98837. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 138882 (Sub-No. 75TA), filed May 25, 1978. Applicant: WILEY SANDERS, INC., P.O. Drawer 707, Troy, AL 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* not frozen in containers, from facilities of Doxsee Foods, Inc., located at or near Brundidge, AL, to points in GA, SC, NC, TN (except Memphis), VA and MD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Doxsee Foods, Inc., Banks Highway, Brundidge, AL. Send pro-

tests to: Mabel E. Holston, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Birmingham, AL 35203.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-17648 Filed 6-23-78; 8:45 am]

[7035-01]

[Docket No. AB-127]

THE SMALL BUSINESS ADMINISTRATION ON BEHALF OF THE CENTRAL IOWA TRANSPORTATION COOPERATIVE

Abandonment—Over CITC Railroad Line Between Hills and Montezuma in Johnson, Washington, Keokuk, Mahaska and Poweshiek Counties, Iowa; Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an decision entered on May 4, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the present and future public convenience and necessity permit the abandonment by the Central Iowa Transportation Cooperative of its line of railroad between milepost 7.73 at Hills and milepost 71.4 at Montezuma, a distance of 63.41 miles in Johnson, Washington, Keokuk, Mahaska and Poweshiek Counties, IA. A certificate of abandonment will be issued to the Central Iowa Transportation Cooperative based on the above-described finding of abandonment, 30 days after publication of this notice (July 26, 1978), unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-17656 Filed 6-23-78; 8:45 am]

[7035-01]

[Docket No. AB-61 (Sub-No. 2F)]

SPOKANE, PORTLAND & SEATTLE RAILWAY CO. ABANDONMENT NEAR CAMP CLATSOP AND SEASIDE IN CLATSOP COUNTY, OREG.

Findings

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision dated June 8, 1978, a finding, which is administratively final was madfe by the Commission, Review Board No. 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co. — Abandonment — Goshen*, 354 I.C.C. 76 (1977), as modified in 354 I.C.C. 584 (1978), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Spokane, Portland & Seattle Railway Co. of a line of railroad known as the Camp Clatsop to Seaside Line extending from railroad milepost 108.59 near Camp Clatsop, Oreg. to end of branch line at railroad milepost 119.09 near Seaside, Oreg., a distance of 10.5 miles, in Clatsop County, Oreg. A certificate of public convenience and necessity permitting abandonment was issued to the Spokane, Portland & Seattle Railway Co. Since no investigation was instituted, the requirement of section 1121.38(a) of the regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (section 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than July 1, 1978. The offer, as filed, shall contain information required pursuant to section 1121.38(b) (2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective August 11, 1978.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-17653 Filed 6-23-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1315; Exception No. 3]

UNION PACIFIC RAILROAD CO.

Decision

Decided: June 14, 1978.

Pursuant to the authority vested in the Railroad Service Board by section (a)(1)(ix) of Revised Service Order No. 1315, the free-time periods authorized by Item 215 series of Union Pacific Railroad Co. freight tariff 320-A, I.C.C. 5758, supplements thereto or reissues thereof, shall apply to cars subject to those items in lieu of the free-time periods specified in section (a)(2) of Revised Service Order No. 1315.

Effective date: June 15, 1978.

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

JOEL E. BURNS,
Chairman,
Railroad Service Board.

[FR Doc. 78-17658 Filed 6-23-78; 8:45 am]

[7035-01]

[Ex Parte No. MC-64]

GENERAL TEMPORARY ORDER NO. 12

Decided: June 19, 1978.

Upon consideration of the record and the expiration of Service Order No. 1319 on May 31, 1978, because of the decline in the shortage of covered hopper cars for shipments of phosphate and fertilizer;

It is ordered; General Temporary Order No. 12 entered on April 5, 1978, is vacated and set aside.

It is further ordered; This order shall become effective on June 23, 1978. This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Chairman O'Neal, Vice Chairman Chrisitian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-17677 Filed 6-23-78; 8:45 am]

[1505-01]

[Decisions Volume No. 3]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

Correction

In FR Doc. 78-14534 appearing on page 22491 in the issue of Thursday, May 25, 1978, on page 22492 in the middle column, the 2nd full paragraph, the 3rd line from the bottom should read, " * * * points in AZ, CA, KS, MO, NM, IL, IN, * * * ".

[1505-01]

[Notice No. 95]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-16876 appearing on page 26357 in the issue of Monday, June 19, 1978, on page 26360, in the middle column, the 1st full paragraph should read as follows:

No. MC 144082 (Sub-No. 5TA), filed May 17, 1978. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Blvd., P.O. Box 7191, Charlotte, NC 28217. Applicant's representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured or distributed by aluminum article manufacturers, from Manitowoc, WI, to Charlotte, NC, restricted to the transportation of shipments, under a continuing contract, or contracts, with Mirro Aluminum Company, for 180 days. Supporting shipper(s): Mirro Aluminum Company, P.O. Box 409, Manitowoc, WI 54220. Sent protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

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-142, Amdt. 4; June 21, 1978]

NOTICE OF DELETION OF ITEM FROM THE JUNE 22, 1978, AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 22, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 10. Policy statement on Reduction in Certificated Service (BPDA, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Staff coordination on Item 10 was not completed in time for consideration at the June 22, 1978 meeting. Accordingly, the following Members have voted that agency business requires the deletion of item 10 and that no earlier announcement of this deletion was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1333-78 Filed 6-22-78; 3:38 pm]

[6320-01]

2

[M-143, June 21, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 1:30 p.m., June 28, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Oral argument.—Docket 30635[1], Arizona Service Investigation.

STATUS: Open.

PERSON TO CONTACT:

Phillis T. Kaylor, the Secretary, 202-673-5068.

[S-1334-78 Filed 6-22-78; 3:38 pm]

[6570-06]

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, June 27, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of the meeting will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public:

1. Freedom of Information Act Appeal No. 78-4-FOIA-87, concerning a request, by a party who filed a charge of discrimination, for access to the investigative file, after expiration of the 90-day period for filing a Title VII lawsuit.
2. Proposed revisions of recordkeeping regulations.
3. Proposed guidelines on employee selection procedures.
4. Procedures for processing charges of systemic discrimination.
5. Report on Commission operations by the Executive Director.

Closed to the public:

Report on the development of a program in headquarters to investigate and conciliate Commissioners' charges of systemic discrimination.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued June 20, 1978.

[S-1324-78 Filed 6-22-78; 10:10 am]

[1]To reflect correct docket number.

[6740-02]

4

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., June 28, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

GAS AGENDA—126TH MEETING, JUNE 28, 1978, REGULAR MEETING (10 A.M.)

I. PIPELINE RATE MATTERS

A. Pipeline rates

RP-1.—Docket No. RP78-68, United Gas Pipe Line Co.
RP-2.—Docket No. RP72-133 (PGA No. 78-2), United Gas Pipe Line Co.
RP-3.—Docket No. RP74-97 (PGA No. 78-2), Montana Dakota Utilities Co.
RP-4.—Docket No. RP73-64 (PGA No. 78-2 and DCA No. 78-2), Southern Natural Gas Co.
RP-5.—Docket No. RP78-33, Southern Natural Gas Co.
RP-6.—Docket No. RP78-71, Natural Gas Pipeline Co. of America.
RP-7.—Docket Nos. RP76-15 and RP76-98, Algonquin Gas Transmission Co.
RP-8.—Docket No. RP74-61 (PGA 77-5), RP76-10 (PGA 77-5), RP77-54 and RP77-55, Arkansas Louisiana Gas Co.
RP-9.—Docket No. RP75-105, Columbia Gulf Transmission Co., Docket No. RP75-106, (Consolidated Taxes), Columbia Gas Transmission Corp.

II. PRODUCER CERTIFICATE MATTERS

A. Producer rates

CI-1.—Docket No. RM75-14, Ashland Oil, Inc.
CI-2.—Reserved.
CI-3.—Reserved.

B. Special relief

CI-4.—Docket No. RI78-16, West Lake Natural Gasoline Co.
CI-5.—Docket No. RI77-67, CI75-626, CI75-656, Bill J. Graham.
CI-6.—Reserved.
CI-7.—Reserved.

C. Producer certificates

CI-8.—Docket Nos. CI77-469 and CI78-12, Mobil Oil Corp.
CI-9.—Docket No. CI77-728, Amoco Production Co.

III. PIPELINE CERTIFICATE MATTERS

A. Pipeline certificates

CP-1.—Docket No. CP78-123, Alaskan Northwest Natural Gas Transportation Co. (formerly Alcan Pipeline Co. and Northwest Alaskan Pipeline Co.)
CP-2.—Docket No. CI76-432, Cabot Corp. Docket No. CP 76-19, Columbia Gas Transmission Corp. and the Sylvania Corp. Docket No. CP 76-361, Columbia Gas Transmission Corp.
CP-3.—Docket No. CP78-241, Southern Natural Gas Co.
CP-4.—Reserved.
CP-5.—Reserved.
CP-6.—Reserved.

B. Storage.

CP-7.—Docket No. CP66-237, Natural Gas Pipeline Co. of America.
CP-8.—Docket Nos. CP76-285, et al., Mountain Fuel Resources, Inc., et al.
CP-9.—Reserved.
CP-10.—Reserved.

C.—LNG.

CP-11.—Docket No. CP76-85, Algonquin Gas Transmission Co., Texas Eastern Transmission Corp., and Boston Gas Co.

GAS AGENDA—126TH MEETING, JUNE 28, 1978, REGULAR MEETING

CAG-1.—Docket No. RP78-72, Tennessee Gas Pipeline Co.
CAG-2.—Docket No. RP78-36, Southern Natural Gas Co.
CAG-3.—Docket Nos. RP77-62 and RP73-114 (PGA No. 78-3), RP74-24 (DCA No. 78-2), RP74-73 (R&D No. 78-2), Tennessee Gas Pipeline Co., a division of Tenneco, Inc.
CAG-4.—Docket No. RP72-149 (PGA No. 78-6), Mississippi River Transmission Corp.
CAG-5.—Docket Nos. RP74-14 and RP74-34 (PGA Nos. 78-2 and 78-2a), Mountain Fuel Resources, Inc.
CAG-6.—Docket No. RP76-26, Algonquin Gas Transmission Co.
CAG-7.—Docket Nos. AR61-2, AR69-1, et al., CP69-48 and RP73-89, Sea Robin Pipeline Co.
CAG-8.—Docket Nos. AR61-2, AR69-1, et al., AR64-1, et al., G-9547, et al, RP61-18, RP63-1, RP65-1, RP70-13 and RP71-41, United Gas Pipe Co.
CAG-9.—Docket No. RP72-157, Consolidated Gas Supply Corp.
CAG-10.—Docket Nos. AR64-2, AR67-1, AR61-2 and AR69-1, et al., Florida Gas Transmission Co.
CAG-11.—Docket Nos. AR64-2, et al., South Texas Natural Gas Gathering Co.
CAG-12.—Docket No. RP76-114, Midwestern Gas Transmission Co.
CAG-13.—Docket No. RP76-153, Baca Gas Gathering System, Inc.
CAG-14.—Docket No. CI77-372, Ecee, Inc., Docket No. CI77-373, Pinto, Inc. Docket No. CI77-409, TBP Offshore Co.
CAG-15.—Docket No. G-18053, Transocean, Oil, Inc., et al. Docket No. CI77-53, Chevron U.S.A., Inc. Docket No CI77-421, Cities Service Co. Docket No. CI77-334, Southland Royalty Co.
CAG-16.—Docket No. CI78-260, Dave Vanhattem d.b.a. Vanhattem Gas and Oil Co.
CAG-17.—Docket Nos. CS68-9, et al., Edwina S. Brokaw, Millington, (Edwina S. Brokaw), et al.
CAG-18.—Docket No. G-4715, Southern Natural Gas Co., Tennessee Gas Pipeline Co., A Division of Tenneco Inc.
CAG-19.—Docket Nos. G-4282, et al., Gulf Oil Corporation, et al.
CAG-20.—Docket No. CP74-177, Washington Natural Gas Co., as project operator.
CAG-21.—Docket No. CP78-255, Northern Natural Gas Co.
CAG-22.—Docket No. CP78-244, Michigan Wisconsin Pipe Line Co.
CAG-23.—Docket No. CP78-219, Trunkline Gas Co.
CAG-24.—Docket No. CP77-599, Columbia Gas Transmission Corporation.
CAG-25.—Docket No. CP78-134, Michigan Wisconsin Pipe Line Co.
CAG-26.—Docket No. CP77-567, Michigan Wisconsin Pipe Line Co.
CAG-27.—Docket No. CP78-297, National Fuel Gas Supply Corporation.
CAG-28.—Docket No. CP78-258, Texas Eastern Transmission Corp.
CAG-29.—Docket No. CP78-243, Colorado Interstate Gas Co.
CAG-30.—Docket No. CP78-275, Cities Service Co.
CAG-31.—Docket No. CP78-303, Cities Service Gas Co.
CAG-32.—Docket No. CP74—204, Columbia Gulf Transmission Co., Natural Gas Pipeline Co. of America.
CAG-33.—Docket No. CP78—131, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. Docket No. CP78-321, Transcontinental Gas Pipe Line Co.
CAG-34.—Docket No. CP76—222, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
CAG-35.—Docket No. CP77—378, Northwest Pipeline Corp. Docket No. CP77-381, Pacific Interstate Transmission Co. Docket No. CP77-407, El Paso Natural Gas Co.
CAG-36.—Docket No. CP78—151, Northern Natural Gas Co.
CAG-37.—Docket No. CP78—268, Northwest Pipeline Corporation. Docket No. CP78-276, Colorado Interstate Gas Co.
CAG-38.—Docket No. CP78—304, Southern Natural Gas Co. United Gas Pipe Line Co.
CAG-39.—Docket No. CP76—428, Sea Robin Pipeline Co.
CAG-40.—Docket No. CP78—191, Trunkline Gas Co.
CAG-41. Elizabethtown Gas Co. v. F.E.R.C., D.C. Cir. No. 77-1666
CAG-42. Clifford L. Alexander, Secretary of the Army v. F.E.R.C., D.C. Cir. No. 78-1466.

MISCELLANEOUS AGENDA—126th MEETING, JUNE 28, 1978, REGULAR MEETING

M-1.—(A) Docket No. RM76-15, Regulation of Small Producers. (B) Docket No. CS77-767, Emon A. Mahoney.
M-2.—Contract provisions under section 154.93.
M-3.— Docket No. RM78- , procedures for submittal of settlement agreements.

MISCELLANEOUS AGENDA—126th MEETING, JUNE 28, 1978, REGULAR MEETING

CAM-1.—Maine Public Service Co.

POWER AGENDA—126th MEETING, JUNE 28, 1978, REGULAR MEETING

I. ELECTRIC RATE MATTERS

ER-1.—Docket No. ER78-216, Utah Power & Light Co.
ER-2.—Docket No. ER78-414, Delmarva Power & Light Co. and subsidiaries.
ER-3.—Docket Nos. ER78-337 and ER78-338, Public Service Co. of New Mexico.
ER-4.—Docket No. ER78-423, Oklahoma Gas & Electric Co.
ER-5.—Docket Nos. ER78-409 and ER78-410, Philadelphia Electric Co.
ER-6.—Docket No. ER77-331, Central Power & Light Co.
ER-7.—Docket Nos. ER76-469 and ER76-508, Idaho Power Co.
ER-8.—Reserved.
ER-9.—Docket No. ER78-310, Union Electric Co.
ER-10.—Docket No. E-8570, Southern California Edison Co.
ER-11.—Docket No. EL78-1, *City of Logansport, Ind.* v. *public Service Co. of Indiana, Inc.*
ER-12.—Docket Nos. E-9002 and ER76-122, Commonwealth Edison Co.

II. LICENSED PROJECT MATTERS

P-1.—Project No. 2511, Colorado River Water Conservation District.
P-2.—Project No. 2829, the city of Loveland, Colo.
P-3.—Project No. 2323, New England Power Co.
P-4.—Project No. DA-222—Washington, Bureau of Land Management.
P-5.—(A) Bureau of Land Management, Boise, Idaho (I-12772). (B) Bureau of Land Management, Boise, Idaho (I-12849). (C) Bureau of Land Management, Portland, Oreg. (OR-16790, OR-16793, OR-16795). (D) Bureau of Land Management, Boise, Idaho (I-13032). (E) Bureau of Land Management, Portland, Oreg. (OR-16798, OR-16923, OR-16925).

POWER AGENDA—126th MEETING, JUNE 28, 1978, REGULAR MEETING

CAP-0.—Docket Nos. E-8855, ER76-90, ER76-854, and ER77-84, Boston Edison Co.
CAP-1.—Docket No. ER76-709, Cincinnati Gas & Electric Co.
CAP-2.—Docket No. ER78-404, Illinois Power Co.
CAP-3.—Docket No. ER78-415, Duke Power Co.
CAP-4.—Docket No. ER78-309, Louisiana Power & Light Co.
CAP-5.—Docket No. ER78-352, Pacific Power & Light Co.
CAP-6.—Docket No. ID-1822, Frank E. Coyne.
CAP-7.—Docket No. ID-1831, Peter J. De Maria.
CAP-8.—Project No. 1121, Pacific Gas & Electric Co.
CAP-9.—Project No. 2725, Georgia Power Co.
CAP-10.—Project No. 739, Appalachian Power Co.
CAP-11.—Project No. 2452, Consumers Power Co.
CAP-12.—Project No. 2207, Mosinee Paper Corp.
CAP-13.—Project No. 2146, Alabama Power Co.
CAP-14.—Project No. 2819, Vermont Electric Cooperative, Inc.

KENNETH F. PLUMB,
Secretary.

[S-1328-78 Filed 6-22-78; 3:16 pm]

[6730-01]

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., June 30, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Part of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion open to the public:

1. Agreement No. 10135-6: Application for indefinite extension of the Far East and Pacific Westbound Conferences' Member Lines' Discussion Agreement.

Portions closed to the public:

1. Docket No. 73-38: *Council of North Atlantic Shipping Associations, et al.* v. *American Mail Line, Ltd., et al.*—Consideration of the record.
2. Docket No. 73-42: *Board of Commissioners of the Port of New Orleans, et al.* v. *Seatrain International, S.A.*—Consideration of the record.
3. Docket No. 75-21: *West Gulf Maritime Association* v. *Port of Houston Authority, et al.*—Consideration of the record.
4. Docket No. 76-38: Arrangements relating to the use of Isla Grande Marine Terminal, San Juan, Puerto Rico—Consideration of the record.
5. Docket No. 76-41: Berthing of Seatrain vessels in San Juan, Puerto Rico—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-1332-78 Filed 6-22-78; 3:38 pm]

[6210-01]

6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 2:30 p.m, Thursday, June 29, 1978.

PLACE: Terrace Level, Martin Building Annex, 20th and C Street, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

SUMMARY AGENDA

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed amendment to Regulation Y (Bank Holding Companies) substituting FEDERAL REGISTER notices for notices published in local newspapers in connection with applications by bank holding companies to engage in nonbank activities.
2. Proposed amendment to Regulation O (Loans to Executive Officers of Member Banks) to clarify the fact that credit cards with preferential terms may not be offered to executive officers.
3. Requests of the Conference of Federal Savings and Loan Associations for the Board either to withdraw its amendment to Regulation Q (Interest on Deposits) authorizing the automatic transfer of savings deposits, or if the amendment is not withdrawn, to reduce the ceiling rate of interest to four percent on savings deposits subject to automatic transfer.
4. Reconsideration of the Board's interpretation of Regulation U (Margin Credit Extended by Banks) regarding the mailing of purpose statements in lieu of personal interviews (12 C.F.R. 221.115).

DISCUSSION AGENDA

1. Proposed membership program for the Federal Reserve System.
2. Proposed regulation to implement the Community Reinvestment Act.
3. Report to the Federal Deposit Insurance Corporation regarding the competitive factors involved in the proposed merger of the Farmers and Merchants State Bank of Merrill, Merrill, Mich., with Frankenmuth Bank & Trust, Frankenmuth, Mich.
4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: June 22, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-1330-78 Filed 6-22-78; 3:16 pm]

[6750-01]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, June 28, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of Energy Policy and Conservation Act Rulemaking—Proposed Appliance Labeling Trade Regulation Rule.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message: 202-523-3806.

[S-1325-78 Filed 6-22-78; 10:10 am]

8

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 11 a.m., Wednesday, June 21, 1978 [NM-78-26].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTER CONSIDERED: By unanimous vote, the Members of the Board determined at 9 a.m., June 21, 1978, that it was necessary to hold a meeting at 11 a.m. the same day to discuss the following item and that no earlier announcement was possible:

Discussion of S. 682, a bill to amend the Ports and Waterways Act of 1972.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-1331-78 Filed 6-22-78; 3:16 pm]

[7590-01]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, June 28; Thursday, June 29; Friday, June 30.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, JUNE 28

1:30 p.m.—1. Discussion of Seabrook opinion (approximately 1 hour). (Closed—Exemption 10.) 2. Discussion of personnel matter (approximately 1 hour). (Closed—Exemption 6.) 3. Discussion of OIA/OGC inquiry in testimony of the Executive Director for Operations (approximately 1 hour). (Closed—Exemption 1.) (Rescheduled from June 21.)

THURSDAY, JUNE 29

9:30 a.m.—Discussion of Seabrook opinion (approximately 2 hours). (Closed—Exemption 10.)

2:30 p.m.—1. Discussion of Safeguards Upgrade Rule (approximately 1 hour—public meeting). (Rescheduled from June 7.) 2. Affirmation items (approximately 10 minutes—public meeting):

a. Proposed amendments to Parts 30, 40 and 70—Timely Notification of Discontinued Licensed Programs.

b. Approval under section 145b for employment.

c. Amendment to Part 73.55 to extend full implementation of nuclear powerplant physical security including physical "pat-down" search of regular employees of the licensee at the site (tentative).

FRIDAY, JUNE 30

10 a.m.—Discussion of Seabrook opinion (approximately 1½ hours). (Closed—Exemption 10.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

JUNE 21, 1978.

[S-1327-78 Filed 6-22-78; 10:10 am]

[8010-01]

10

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of June 26, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 27, 1978, immediately following an open meeting scheduled for 10 a.m. and on Wednesday, June 28, 1978, at 9 a.m. and immediately following the open meeting scheduled for 2:30 p.m. Open meetings will be held on Tuesday, June 27, 1978, at 10 a.m., on Wednesday, June 28, 1978, at 9 a.m. and 2:30 p.m., and on Thursday, June 29, 1978, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4) (8) (9)(A) and (10) and 17 CFR 200.402(a) (8) (9)(i) and (10).

Chairman Williams, Commissioners Loomis, Pollack, Evans, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 27, 1978, will be:

Administrative proceedings of an enforcement nature.
Formal orders of investigation.
Referral of investigative files to Federal, State or Self-Regulatory authorities.
Institution of injuctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Freedom of Information Act appeals.
Regulatory matters bearing enforcement implications.
Confidential treatment.
Other litigation matters.

The subject matter of the closed meeting scheduled for Wednesday, June 28, 1978, immediately following the open meeting scheduled for 2:30 p.m., will be:

Post oral argument discussion.

The subject matter of the open meeting for Tuesday, June 27, 1978, at 10 a.m. will be:

Oral argument in the matter of International Postal System, Inc. to determine whether to postpone the effective date of subject's registration as a transfer agent.

The subject matter of the open meeting for Wednesday, June 28, 1978, at 9 a.m. will be:

Consideration of report proposed to be sent to Congress on the accounting profession and the Commission's oversight role.

The subject matter of the open meeting scheduled for Wednesday, June 28, 1978, at 2:30 p.m., will be:

Oral argument in the matter of Robert Lechman, concerning an appeal from disciplinary action taken by the Chicago Board Options Exchange.

The subject matter of the open meeting scheduled for Thursday, June 29, 1978, at 2:30, will be:

1. Consideration of the proposed amendment of Rule 254 of Regulation A under the Securities Act of 1933 to raise the aggregate offering price of securities which may be sold under Regulation A to $1,500,000.

2. Consideration of a release announcing the adoption of an amendment to the beneficial ownership rules to provide, among other things, an exception for broker-dealers who are pledgees under a standard margin agreement.

3. Consideration of a release proposing amendments to the net capital rule (1) to limit the exclusion from aggregate indebtedness of fixed assets of a broker or dealer, to the extent that such liabilities are for a period of less than 6 months (this amendment would also affect the computation of net capital); and (2) that loans payable to certain persons associated with the broker or dealer be treated in effect as capital under certain conditions.

4. Authorization for the release to the Office of Management and Budget of information in a staff report regarding H.R. 7485, a bill to authorize national banks to underwrite and deal in certain municipal revenue bonds.

FOR FURTHER INFORMATION, PLEASE CONTACT:

George Yearsich at 202-755-1100.

JUNE 21, 1978.

[S-1326-78 Filed 6-22-78; 10:01 am]

[8010-01]

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 26363, June 19, 1978.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

CHANGES IN THE MEETING: Additional items to be considered.

The following additional items will be considered by the Commission at the closed meeting scheduled for Thursday, June 22, 1978, immediately following the open meeting scheduled for 2:30 p.m.

Formal Order of Investigation.
Other litigation matters.
Administrative proceedings of an enforcement nature.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

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.

JUNE 22, 1978.

[S-1329-78 Filed 6-22-78; 3:16 pm]

federal register

MONDAY, JUNE 26, 1978
PART II



FEDERAL COMMUNICATIONS COMMISSION

■

NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

Proposed Rule Changes

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20735; FCC 78-385; RM-1974 and 2655]

NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

Rule Changes

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: The Commission, in response to filings from the Corporation for Public Broadcasting, proposes to consider changes in the rules governing noncommercial educational FM assignment practices to change the classes of stations and establish a Table of Assignments.

DATES: Comments must be received on or before January 2, 1979, and reply comments on or before February 15, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Jonathan David, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: June 7, 1978.

Released: June 19, 1978.

In the Matter of Changes in the Rules Relating to Noncommercial Educational FM Broadcast Stations.

1. The Commission has before it the Notice of Proposed Rule Making in this proceeding and the filings made in response to it.

2. The proceeding was designed to explore a variety of legal, engineering and policy questions relating to the more efficient use of the spectrum space set aside for educational use. A number of these issues have been resolved by the First Report and Order and Second Report and Order adopted simultaneously with this document. One issue, that of the potential for interference to the reception of television Channel 6, is expected to be resolved in a Report and Order we hope to issue soon. Some of the remaining issues,[1] however, cannot be resolved as yet because additional information would be helpful for reaching the best solutions to difficult problems. Thus, this Notice is being issued in an effort to obtain this material and to aid commenting parties in focusing on the salient issues.

3. Originally, we expressed our belief that it was unlikely that a nationwide Table of Assignments could be developed for the FM Channels 201 through 220 which are set aside for educational use.[2] We had developed such a Table for use in the area near the Mexican border, but none existed for the rest of the country. Our doubts were not so much based on engineering problems involved in developing a Table (although these problems could well be considerable). Rather, we had serious questions about our being able to decide where the need was for the assignments. As we pointed out in developing the Table used for commercial FM assignments, we had been able to rely on the simple correlation between population and the need for (and, for that matter, ability to support) a commercial FM assignment. In the area of educational FM this correlation did not appear to exist. Nonetheless, we invited the Corporation for Public Broadcasting (the original petitioner) and any other parties to offer their suggestions in this regard.

4. CPB responded by submitting a proposed Table of Educational FM Assignments. Regardless of its merits, we would not wish to take so basic a step as adopting this or any other Table without having the benefit of substantial comment directly focused on it.[3] That has not been possible yet since the CPB Table was not part of its submission which led to the Notice. Not only is the Table itself a new offering, it also incorporates a number of other suggestions made there for the first time, including changes in the classes of educational FM stations. The CPB Table utilizes three classes of stations with three subdivisions each, for a total of 9 types of stations. Although it is true that the Notice raised the issue of a Table and of changes in the classes of stations and/or changes in the facilities available to each class, this was done only in general terms. No specific proposal, as such, was offered beyond our observation that it might not be necessary for stations to be able to operate with the substantial height above average terrain now permitted for Class B and C stations. As we discovered, very few stations operate with the permissible heights above average terrain of 500 feet and 2,000 feet, respectively. That being the case, it was by no means clear that we needed to continue to permit these facilities if we established protection standards that would seek to insure a station's being able to increase its facilities to the maximum level. Also, if we acted to protect a station's ability to increase facilities through use of mileage separation requirements (as we do for commercial stations), we noted that the level of protection needs to bear a relationship to the realistic needs of the stations involved as well as the consequences for the establishment of other stations. The record on hand offers some assistance in this regard, but we feel that considerable benefit would result from inviting further comment on these allocations issues as well as on the CPB Table and its new classes of stations. Accordingly, comments are invited on the proposals set forth in the Appendix. The Appendix contains the CPB Table and an explanatory synopsis of its major features.

5. Authority for the actions proposed here is contained in Sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments on or before January 2, 1979, and reply comments on or before February 15, 1979. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such reply comments shall be accompanied by a certificate of service. Further, members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading.

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

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[1] As noted in the Second Report and Order, the issue we raised regarding the nature of the service to be provided by educational stations has been incorporated into a new proceeding we commenced to explore the issue of eligibility to become an educational licensee.

[2] In Alaska, these channels are not available for FM broadcasting and, as a result, separate channels as such have not been set aside for educational use. However, we have designated the individual channels assigned for educational purposes by use of an asterisk.

[3] In fact, our engineering study suggests that at least some changes will necessarily have to be made in the Table even if it were adopted.

APPENDIX

Proposed Table of Assignments 1/

1. Although CPB in its petition had recommended utilization of the "protected contour" principle, it now urges adoption of a Table. In developing its proposed Table, it took into account the Commission's experience in the commercial portion of the FM band where a number of stations do not operate with facilities anywhere near the maximum allowable. Since the station protection standards are premised on maximum facilities, CPB was concerned that this meant that the unused space would not be available to other stations. To avoid a recurrence of this situation, which it regards as wasteful, CPB proposes that the assignments be made on the basis of nine discrete classes of stations (A, B and C) at three different facilities levels, the highest of which corresponds to the present limits for these classes. 2/ CPB believes that use of the Table and the new classes would greatly facilitate application processing, and would enable assigned stations to expand to full facilities for its class when the funds become available. The proposed class designations, their operating parameters and distances to the 3.16 mV/m (70 dBu) and 1 mV/m (60 dBu) contours are as follows:

Class	Max ERP (kW)	Max HAAT	Distance to 3.16 mV/m Contour	Distance to 1 mV/m Contour
A1	0.1	100'	2.0	3.6
A2	1	150'	4.3	7.7
*A3	3	300'	8.9	14.5
B1	10	300'	10.8	18.9
B2	20	500'	16.5	27.5
*B3	50	500'	20.5	32.5
C1 3/	100	500'	24.0	36.5
C2	100	1000'	31.3	45.0
*C3	100	2000'	42.0	57.8

*These categories correspond to the existing Class A, B and C stations in Section 73.206 of the Rules.

1/ The original Table, submitted by CPB, has been corrected by them in reply comments. The Table in the Appendix contains these corrections.

2/ The rules do not now contain specific power limits for the various classes of educational stations. However, as mentioned in footnote 8 of the Notice, for some years the Commission has had a policy of not granting applications for facilities in excess of the commercial limits for the class of station in question.

3/ It should be noted that the Working Arrangement for Allocation of FM Broadcasting Stations on Channels 221-300 under the Canada-United States FM Agreement of 1947 makes provision for Class C1 stations which are limited to 100 kilowatts effective radiated power at a height above average terrain of 1000 feet, or equivalent. Despite the apparent restriction to the commercial band, the Working Arrangement does cover Channel 204C1 and Channel 210C1 in Windsor, Ontario, Canada, which are used as commercial channels even though they are in the noncommercial band. We note this specifically to avoid any confusion between the Class C1 defined in the Working Arrangement and the different Class C1 proposed here. We specifically ask for comments on whether and how we should rename the proposed classes to avoid confusion.

2. The Table is based or mileage separations which are designed to avoid 1 mV/m interference. For this purpose, CPB used the interference protection ratios contained in Section 73.509 of the Rules. 4/ For the IF taboos, the mileage spacing with respect to channels which are 53 and 54 channels removed have been interpolated from the present spacing requirements now contained in Section 73.507(c) of the Rules. CPB did not include separate standards for Class D stations, even though they are listed in its Table of Assignments, 5/ since it did not propose to give them interference protection. However, it would require them to avoid causing interference to other FM stations. In the charts which follow, the spacing requirements are set forth for each of the classes of stations.

CLASS A STATIONS

Relationship	Co-Ch.	1st Adj	2nd Adj	3rd Adj	I.F. Taboo
A1 - A1	16 miles	9 miles	5 miles	4 miles	N/A
A1 - A2	32	15	9	8	N/A
A1 - A3	50	26	16	15	5 miles
A1 - B1	62	33	21	19	N/A
A1 - B2	76	45	29	28	N/A
A1 - B3	89	53	34	33	7 miles
A1 - C1	100	59	38	37	N/A
A1 - C2	111	70	47	45	N/A
A1 - C3	127	89	60	58	17 miles
A2 - A1	32	15	9	8	N/A
A2 - A2	36	19	10	9	N/A
A2 - A3	54	30	17	15	5 miles
A2 - B1	66	37	22	20	N/A
A2 - B2	80	49	30	28	N/A
A2 - B3	93	57	35	33	8 miles
A2 - C1	104	63	39	38	N/A
A2 - C2	115	74	48	46	N/A
A2 - C3	131	93	60	49	18 miles
A3 - A1	50	26	16	15	N/A
A3 - A2	54	30	17	15	N/A
A3 - A3	60	36	19	16	10 miles
A3 - B1	72	44	24	20	N/A
A3 - B2	86	55	32	29	N/A
A3 - B3	99	63	37	34	10 miles
A3 - C1	110	69	41	38	N/A
A3 - C2	121	80	50	46	N/A
A3 - C3	138	99	62	59	20 miles

4/ The service contours are derived from the Commission's F50,50 chart (Section 73.333 of the Rules, Figure 1) and the interference contours from the Commission's F50,10 chart (Section 73.333 of the Rules, Figure 2).

5/ We acted in the *Second Report and Order* to move these stations to other frequencies whenever possible, a fact which needs to be taken into account in dealing with the proposed Table.

CLASS B STATIONS

Relationship	Co-Ch	1st Adj	2nd Adj	3rd Adj	I.F. Taken
B1 - A1	62 miles	33 miles	21 miles	19 miles	N/A
B1 - A2	66	37	22	20	N/A
B1 - A3	72	44	24	20	7 miles
B1 - B1	77	49	25	21	N/A
B1 - B2	91	60	34	29	N/A
B1 - B3	104	68	39	34	12 miles
B1 - C1	115	74	43	39	N/A
B1 - C2	120	85	51	47	N/A
B1 - C3	142	104	64	60	21
B2 - A1	76	45	29	28	N/A
B2 - A2	80	49	30	28	N/A
B2 - A3	86	55	32	29	19 miles
B2 - B1	91	60	34	29	N/A
B2 - B2	100	69	37	30	N/A
B2 - B3	113	77	42	35	14 miles
B2 - C1	124	83	46	40	N/A
B2 - C2	135	94	55	48	N/A
B2 - C3	151	113	67	61	23 miles
B3 - A1	89	53	34	33	N/A
B3 - A2	93	57	35	33	N/A
B3 - A3	99	63	37	34	10 miles
B3 - B1	104	68	39	34	N/A
B3 - B2	113	77	42	35	N/A
B3 - B3	118	82	46	36	15 miles
B3 - C1	129	88	50	40	N/A
B3 - C2	140	99	58	49	N/A
B3 - C3	156	118	71	62	25 miles

CLASS C STATIONS

Relationship	Co-Ch	1st Adj	2nd Adj	3rd Adj	I.F. Table
C1 - A1	100 miles	59 miles	38 miles	37 miles	N/A
C1 - A2	104	63	39	38	N/A
C1 - A3	110	69	41	38	13 miles
C1 - B1	115	74	43	39	N/A
C1 - B2	124	83	46	40	N/A
C1 - B3	129	88	50	40	17 miles
C1 - C1	133	92	52	41	N/A
C1 - C2	144	103	61	50	N/A
C1 - C3	160	122	74	62	26 miles
C2 - A1	111	70	47	45	N/A
C2 - A2	115	74	48	46	N/A
C2 - A3	121	80	50	46	16 miles
C2 - B1	126	85	41	47	N/A
C2 - B2	135	94	55	48	N/A
C2 - B3	140	99	58	49	21 miles
C2 - C1	144	103	61	50	N/A
C2 - C2	152	111	66	50	N/A
C2 - C3	168	130	79	63	28 miles
C3 - A1	127	89	60	58	N/A
C3 - A2	131	93	60	59	N/A
C3 - A3	138	99	62	59	20 miles
C3 - B1	142	104	64	60	N/A
C3 - B2	151	113	67	61	N/A
C3 - B3	156	118	71	62	25 miles
C3 - C1	160	122	74	62	N/A
C3 - C2	168	130	79	63	N/A
C3 - C3	181	143	90	66	30 miles

3. In determining the class of station to be assigned to a given community, CPB acted on the basis of providing the entire community with a 70 dBu (3.16 mV/m) signal. It also suggested that a given community be selected on the basis of providing a 70 dBu signal or a 60 dBu (1 mV/m) signal over the Standard Metropolitan Statistical Area (SMSA) or Urbanized Area (UA), whichever requires the greater ERP/HAAT combination. However, it did not recommend that we incorporate such requirements into the rules. Also, it believes that, if the land area encompassed within the 70 dBu contour is about four times the size of the community itself, this would provide adequate flexibility in the selection of a transmitter site in most, although not all, instances.

Coverage Areas of Proposed New Station Classes

Class	70 dBu (sq. mi.) (community land area)	60 dBu (sq. mi.) (SMSA/UA land area)
A-1 (0.1 kW @ 100' AAT)	12.6	41
A-2 (1 kW @ 150' AAT)	58	186
A-3 (3 kW @ 300' AAT)	201	660.5
B-1 (10 kW @ 300' AAT)	336.4	1122.2
B-2 (20 kW @ 500' AAT)	855.3	2375.8
B-3 (50 kW @ 500' AAT	1320.3	3318.3
C-1 (100 kW @ 500' AAT)	1809.6	4185.4
C-2 (100 kW @ 1000' AAT)	3077.8	6361.7
C-3 (100 kW @ 2000' AAT)	5541.8	10495.6

4. In selecting the communities to which new channel assignments would be made, CPB considered the 248 communities listed as urbanized areas in the U.S. Census plus the other communities which already have noncommercial television channels reserved. For existing assignments that had to be considered, it included all other communities having current assignments. This information, plus the land areas of communities (and its associated SMSA or UA) data on FM assignments, domestic and foreign; mileage separation requirements; flexibility factors; and locations of Channel 6 TV stations were fed the computer. The computer program used yielded a Table of Channel Assignments based on distance between the city reference points. It also takes into account the flexibility possible in the selection of transmitter sites. This factor varies with the class of station under consideration. In selecting the following flexibility factors, CPB has attempted to provide sufficient latitude for transmitter site selection possibilities and

avoid the creation of artificial channel shortages because of excess mileage separations. The factors chosen are:

Class of Station	Flexibility Factor
A-1	1 mile
A-2	2 miles
A-3	4 miles
B-1	4 miles
B-2	5 miles
B-3	5 miles
C-1	5 miles
C-2	10 miles
C-3	15 miles

5. It should be noted that the CPB Table does not contain educational assignments within 60 miles of Channel 6 TV stations for channels below Channel 210. Such assignments, it believes, must be based on case-by-case consideration. It has chosen this approach in an attempt to assign the higher number assignments to Channel 6 areas in an effort to forestall potential Channel 6 interference problems. However, it is CPB's position that educational FM suffers unfairly because of what is really a matter of deficiencies in TV receiver design. Although it believes that appropriate remedial action can be taken in that regard, it believes it would only delay matters here to await such actions. Rather, it urges the Commission to proceed forthwith with action on this Table. 6/

Interpretation of the Table of Assignments

6. The proposed Table of Assignments consists of 3 sections. Section One contains the 248 cities having urbanized areas (pages 1-11), this is followed by Section Two containing the other cities which have educational TV assignments (pages 12-31) and Section Three contains communities with existing assignments not included in the first two lists (pages 32-end). The Table is organized as follows:

Columns 1 and 2: The city and state in which an assignment has been attempted.

Column 3: The class of station for which the community was eligible.

Column 4: The existing noncommercial FM stations and assignments in the community, classified according to the station class designations described in CPB's Engineering Statement. For example, an existing station utilizing 3 kW ERP at 300' HAAT on Channel 202 would be identified as "202A3." All 10 watt Class D stations are identified as "D1."

6/ As noted, we expect to act in this regard soon, an action which will have a bearing on the standards on which a Table would be based. In the meantime, we only note that the CPB proposal as it stands does not appear to provide adequate protection in all cases.

Column 5: Upgrades. This column lists successful attempts to upgrade existing stations to a class determined to be appropriate for the community. For example, if a community had an existing Class A-2 station and the community was eligible for a Class B-3 assignment, an attempt was made to "upgrade" the Class A-2 station to B-3. If this was not possible, the "fallback" procedure was utilized and the station was upgraded to the next highest available class, consistent with the mileage separation criteria with respect to other stations and assignments.

Column 6: This lists the new assignments made to the community by the allocations computer program. An attempt was made first to assign a class of station determined to be appropriate for the community. If this attempt was unsuccessful, the "fallback" procedure was utilized and the next highest available class, consistent with the mileage separation criteria, was assigned.

PROPOSED TABLE

OF

EDUCATIONAL

FM ASSIGNMENTS

* *

PART ONE

URBANIZED COMMUNITIES

(IN DESCENDING ORDER OF POPULATION)

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNE	...I ASSIGNMENTS
NEW YORK	NY	B3	206B1 210B2 214B3		
NEWARK	NJ	B1	202B2		
LOS ANGELES	CA	C2	205A3 214C3 218B3		
CHICAGO	IL	C1	201D1 201D1 202D1 202D1 203D1 204D1 204D1 205D1 207D1 211C3 218B3		
PHILADELPHIA	PA	C1	205A3 211B1 215B3 219A2 219D1		
CAMDEN	NJ	A2			
DETROIT	MI	B2	215B2		
SAN FRANCISCO	CA	B3	203C3 208A3 212B1 219B2		
BOSTON	MA	B1	205B1 209C2 215B3 219D1 220A3		
WASHINGTON	DC	B2	203B3 207B3 211B2 215C2		
CLEVELAND	OH	B2	207B1 212B3 216D1		
ST LOUIS	MO	C1	201C2 207D1 209D1 210D1 214C2 218B2	209A3	
PITTSBURGH	PA	B3	202D1 207B3 213B3 217B3 218A3		
MINNEAPOLIS	MN	B2	203B1 212D1	212A1	
HOUSTON	TX	C2	204C2 211C1 215B2 219A2	215C1 219C1	
BALTIMORE	MD	B2	201D1 205B2 218B3	201A3	
DALLAS	TX	C2	203D1 207B1 211C3 215C2 219C2	207B2	203A1
MILWAUKEE	WI	B2	205B1 209B2		219A2
SEATTLE	WA	C2	208A3 213D1		
MIAMI	FL	B2	205B2 209C2 217C1		

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANN.	NEW ASSIGNMENTS
SAN DIEGO	CA	C2	202A3 209B3		
ATLANTA	GA	B2	203B2 207A3 211B3 216B3 220A2	207B1	
CINCINNATI	CH	B2	202A3 202A2 210D1 211D1 215B3 219B2		
KANSAS CITY	MO	B3	203B1 207C2 211D1	203B2 211B2	
BUFFALO	NY	B2	204A3		
DENVER	CO	C1	207C2 211C1		
SAN JOSE	CA	B2	201D1 207D1 214A2		
NEW ORLEANS	LA	B2	210B2 214B3 218A3	218B1	
PHOENIX	AZ	C3	202C3 212A3 218C3	212B1	208B1
PORTLAND	OR	C1	206B2 207D1 210B3 214B3 219C2		
INDIANAPOLIS	IN	C1	204D1 206D1 211B2 215A2 216D1 216D1	218A2	
PROVIDENCE	RI	B1	217D1	217A2	
COLUMBUS	OH	B2	209B3 213B2 218D1		
SAN ANTONIO	TX	B2	206B3 211A2 212A2 219A2	219A3	201A1
LOUISVILLE	KY	B1	207C1 213B3 220C1		
DAYTON	OH	B2	201D1 203D1 204D1 207D1 211D1	201B1	
FORT WORTH	TX	B2	204A3 206D1		
NORFOLK	VA	B1	208B3		
MEMPHIS	TN	B3	203B1 207B3 210B1 212D1 216C1 219A2	203B2	

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANN.	NEW ASSIGNMENTS
SACRAMENTO	CA	C1	205B3 209D1 214B1		
FORT LAUDERDAL	FL	B2	212A3		
ROCHESTER	NY	B2	203A2 215D1 218B3	203B1	
SAN BERNADINO	CA	C3	220B3		201A1 215C1
OKLAHOMA CITY	OK	C2	204C1		
BIRMINGHAM	AL	B3	212C1 216D1 220A3	216B1 220B1	
AKRON	OH	B1	201A3 205A3		
JACKSONVILLE	FL	B1	210C1 216A3		201B1 206B1
SPRINGFIELD	MA	A3	206D1 210D1 214B1 215D1 220A2		
ST PETERBURG	FL	B1			213B1
OMAHA	NE	B2	214B2 219B3		
TOLEDO	OH	B2	202D1 217B3		
ALBANY	NY	B2	212C2 215D1		
SALT LAKE CITY	UT	B1	211C3 215C3		219A3
HARTFORD	CT	B1	202A2 205B2 207A2		
NASHVILLE	TN	C2	201B1 205D1 206A2 212C1 216A2		
HONOLULU	HI	B1	201C3 205C1 209C1 212D1		213A1
RICHMOND	VA	B2	211D1	211B1	216A1
BRIDGEPORT	CT	A3	208B2		
YOUNGSTOWN	OH	B1	203B3		219A2 208A1
SYRACUSE	NY	B3	202B1 217B3	202B2	
TULSA	OK	C1	208B2 217C1		213B3
WILMINGTON	DE	B2	219D1		

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNELS	NEW ASSIGNMENTS
TAMPA	FL	B2	203C1 209C2		
ALLENTOWN	PA	B1	209D1		218A1
GRAND RAPIDS	MI	B2	210A2 217B2	210A3	205B2, 201A1
NEW HAVEN	CT	A3	213B2		
EL PASO	TX	B2	203C3 208A3		216A2
TACOMA	WA	B2	203B3 211D1 215B3 219B3	211B1	
FLINT	MI	B2			
ORLANDO	FL	B2	207D1 210D1 214C3		
WICHITA	KS	B3	206B2 215B2		201B3 210B1
ALBUQUERQUE	NM	B2	202B1 205B1 211C3 218C3		
TUCSON	AZ	C3	213C3		
SOUTH BEND	IN	B1	219A3 220A3		209B1
WEST PALM BEAC	FL	B2	215B3		208A3
CHARLOTTE	NC	B2	215D1		210B2
NEWPORT NEWS	VA	B1			201A2
DAVENPORT	IA	B2	211D1	211B1	
AUSTIN	TX	B1	204A3 208B2 213C2 214B1		
FRESNO	CA	C2	201B2 207B3	201B3 207C1	215C2 211A3
MOBILE	AL	B3	217C1		203B3 211A1
DES MOINES	IA	B1	201B1		205B1 217B1

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	ASSIGNMENTS
BATON ROUGE	LA A3	207C2		201A3 212A3 216A3
WORCESTER	MA A3	206D1 213A3 217A1		
PEORIA	IL B1	210B2		201B1 218A2
OXNARD	CA B2			208B2 212B1
COLUMBIA	SC B2	209C1 210D1 213B2 217C2 220D1		
HARRISBURG	PA B2			202A3 213A1 217A1
LAS VEGAS	NV C3	201D1 209B2 215B3	201C2 215C2	205C3
SHREVEPORT	LA B2	217D1	217B1	211B1
AURORA	IL A2			
SPOKANE	WA B2	212D1 218B2 220D1	212B1 220B1	
LANSING	MI B2			
CHARLESTON	SC B2	207C2		203B2 211B2
FORT WAYNE	IN B1	202D1 212B3	202A2	219A3
CHATTANOOGA	TN B1	201C2 205C3 209C2		
WILKESBARRE	PA B1	203A2 214B2	203A3	
LITTLE ROCK	AR B2	213B1		201B2 207B2
CORPUS CHRISTI	TX B2	212C3 220A3		
COLUMBUS	GA B1			201B1 209B1 213B1
ROCKFORD	IL B1			201A3 216A1
MADISON	WI B2	204C2 209B1		
COLORADO SPRIN	CO B2	213B1 219A3		201B2
SCRANTON	PA A3	210B3 219D1	218A2	
LAWRENCE	MA A3			
LORAIN	OH A3			205A1 216A2

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNE	.W ASSIGNMENTS
KNOXVILLE	TN	B2	216A2 220C2	216B1	212A1
JACKSON	MS	B2	214D1 219A2	214B1 218B1	201B2
STAMFORD	CT	A3			
UTICA	NY	B3	214D1	214B1	204B2 208A3
ANN ARBOR	MI	B1	202D1 204D1 219C3		
BAKERSFIELD	CA	C3			202C1 220B3 209B2
ERIE	PA	B1	206D1 210B1 217B3		201A1
READING	PA	B1	217D1	217A2	
HUNTINGTON	WV	B2	201D1 219B3	201D1	206B1
BINGHAMTON	NY	B2	207B3 213A3	213B1	201D1
PENSACOLA	FL	B2	207C2		212B2 219B2
SAVANNAH	GA	A3	203D1	203A2	204A3 212A3
FAYETTEVILLE	NC	A3	201C1		213A3 220A3
STOCKTON	CA	B2	206D1 211D1 213C1 217B3		
LEXINGTON	KY	A3	217C1		201A3 210A3
CHARLESTON	WV	B1	203B3		215A3
GREENVILLE	SC	B2	211C3		215B2 207B1
WATERBURY	CT	A3			
ROANOKE	VA	A3	206C3		201A3 210A3
JOLIET	IL	A3			
LINCOLN	NE	B1	206D1 212D1 217D1	212A2	
RALEIGH	NC	B1	201A3 205B2 209D1	209A3	

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNELS	NEW ASSIGNMENTS
GREENSBORO	NC	B2	210D1 213D1 214D1	214B1	
KALAMAZOO	MI	A3	206D1	206A1	202A2
LUBBOCK	TX	B1	208B2 216A2 220D1	216A3	206B1
OGDEN	UT	A3	201D1		220A1
AUGUSTA	GA	B2	214B2		220A2
BROCKTON	MA	A3	213D1		
SAGINAW	MI	B1			217B1
HUNTSVILLE	AL	B2	207C2 211B3 215B3		
WINSTON-SALEM	NC	B1	203B3		210A3
EVANSVILLE	IN	B1	214B2 219B1		201B1
FALL RIVER	MA	A3			219A1
EUGENE	OR	C2	209B2 212A3 216B2 220A3	220C1	
MONTGOMERY	AL	B2			203B2 207B2 214B2
DULUTH	MN	C3	206A3		
ATLANTIC CTY	NJ	A3			201A1 212A3 218A3
TOPEKA	KS	A3			201A3 210A3 214A3
CEDAR RAPIDS	IA	B1	208B2 208D1 209C1 212D1	209A1	
NEW BRITAIN	CT	A2	211D1		
SANTA BARBARA	CA	B3	219B2		204B2
APPLETON	WI	B2	216B2		201B2 220A2
GREEN BAY	WI	A3	207C2 211D1 213A3	211A2	
MACON	GA	A3			201A3 205A3 209A3

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANN	W ASSIGNMENTS
AMARILLO	TX	B2	210B3		202B2 206B2
YORK	PA	B2	201D1		216A1
BILOXI	MS	A3			212A3 220A1
SPRINGFIELD	IL	B1	220B3		202B1 208B1
WACO	TX	B1			
RACINE	WI	A3			
LANCASTER	PA	B1	204D1 212A3		216A1
BEAUMONT	TX	B2	217B3		213B2
WATERLOO	IA	B1			204B1
NORWALK	CT	A3			
PORTLAND	ME	A3	211C3		218A3
MODESTO	CA	B2	210D1 213C1	213A2	
MUSKEGON	MI	A3			201A2 207A1 212A2
PROVO	UT	B2	205C3		
PUEBLO	CO	B3	208B1	208B2	204B3 215B2
DURHAM	NC	B1	212A3		
PETERSBURG	VA	B1			214A3
CHAMPAIGN	IL	B1	204B1		208A3 219A3
DECATUR	IL	A3	210D1		201A1
RENO	NV	C3	204A3	204C2	208C3 213C3
MERIDEN	CT	A3			
WICHITA FALLS	TX	B2			212A1 216A1
JOHNSTOWN	PA	B2			214A1
SIOUX CITY	IA	B2	212C2		201B2

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	NEW ASSIGNMENTS
LAWTON	OK	B1			217B1 213B1
MANCHESTER	NH	A3			206A2 201A2
SPRINGFIELD	OH	A3	201D1 206D1		
SEASIDE	CA	A2			217A2
SALEM	OR	B2			203B2 208B2
WHEELING	WV	B1	220D1	220A3	211B1
MCALLEN	TX	B2			209B2 213B2
HAMILTON	OH	A3	209A2		
ABILENE	TX	B2			201B2 208B2
MONROE	LA	A3	204D1	204A1	209A3 212A3
MUNCIE	IN	A3	213D1 214D1 217A2 218A2	213A1	
LAKE CHARLES	LA	B1			220B1 214A2
TUSCALOOSA	AL	B2	213D1		
STEUBENVILLE	OH	A3			201A3
FARGO	ND	B3	220A3	220B2	212B3
BOISE	ID	B1	211D1	211A3	215B1
TEXAS CITY	TX	B1			208B1
ALTOONA	PA	A3			219A3 214A1
ODESSA	TX	B1	213A3 217B1		207A2
TERRE HAUTE	IN	B2	209B2		201B2
LAFAYETTE	IN	A3	220A2		213A3
JACKSON	MI	B1			

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNE.	ASSIGNMENTS
LAFAYETTE	LA A3	202D1		210A3 214A3
FITCHBURG	MA A3			
TALLAHASSEE	FL B1	213D1 218B3	213A3	
MANSFIELD	OH A3			203A3 215A2
ST JOSEPH	MO A3			201A3 205A1
ALBANY	GA A3			211A3 217A3
FORT SMITH	AR C1			202C1 215C1
SIOUX FALLS	SD B1	206D1 211D1		215A3
SANTA ROSA	CA B2	206B2		214A1
VINELAND	NJ B1			217A1
ASHEVILLE	NC A3	201B2 217B1		
BRISTOL	CT A3			
BILLINGS	MT B3	205D1 213D1	205B2 219B2	
LYNCHBURG	VA B1			202A3 210B1
LIMA	OH B2			214B2 203B1
LAREDO	TX B3	201A3 213C3	201B1	
BLOOMINGTON	IL B2	201D1		
GAINESVILLE	FL B1			202B1 207B1
BOULDER	CO A2	203A3 207C2		
GADSDEN	AL A3	219B1		
DANBURY	CT A3	219A3		
DUBUQUE	IA A3			201A3 209A3
LEWISTON	ME A3	218D1		
SAN ANGELO	TX B2	215C3 220A3		

Community		Class	Currently Activated Channels	Upgrades To Activated Channel	New Assignments
La Crosse	WI	A3	205B2		201A3
Pittsfield	MA	A3	208D1		
Pine Bluff	AR	B1			204B1 210B1
Tyler	TX	B1			201B1 206B1
Columbia	MD	BL	201A2 202D1 208B3 213D1 217C2	213A3	
Texarkana	TX	B2			212B2 218B2
Wilmington	NC	B1	217D1	217A3	213A3
Simi Valley	CA	A3			
Rochester	MN	A3	210D1		214A2
Sherman	TX	B1			213B1 217B1
Owensboro	KY	A3			203A3 208A3
Brownsville	TX	B1	202A3		211B1 215B1
Bryan	TX	A3			205A3 216A2

PART 73

OTHER COMMUNITIES HAVING

RESERVED TV CHANNEL ASSIGNMENTS

(IN ALPHABETICAL ORDER)

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Community		Class	Currently Activated Channels	Upgrades To Activated Channel	New Assignments
Anadalusia	AL	A3			204A3
Demopolis	AL	A2			201A2
Dothan	AL	A3			202A3
Florence	AL	A3			201A3
Louisville	AL	A1			214A1
Munford	AL	A1			
Ajo	AZ	A1	220C3		
Coolidge	AZ	A1			
Douglas	AZ	A2	201C3 205A3 211A3		

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	NEW ASSIGNMENTS
FLAGSTAFF	AZ B1	203D1	203A3	207B1
GLOBE	AZ A2	211A3		
HOLBROOK	AZ A2			201A2
KINGMAN	AZ A3	211A3 220C3		
MCNARY	AZ A1	201A3		
NOGALES	AZ A1	217C3		
PAGE	AZ A1			201A1
PARKER	AZ A1	211A3		
ARKADELPHIA	AR A2	216D1	216A1	202A2
BATESVILLE	AR A2	201D1		211A2
EL DORADO	AR A3			201A3
FAYETTEVILLE	AR A3	205D1	205A2	209A3
HARRISON	AR A2			211A2
HOT SPRINGS	AR A3			205A3
JONESBORO	AR A2	220C2		
RUSSELLVILLE	AR A2			203A2
BARSTOW	CA A3			201A3
BISHOP	CA A1			202A1
BLYTHE	CA A1			201A1
BRAWLEY	CA A1			201A1
CHICO	CA A2	216A3		
COALINGA	CA A1			212A1
COTATI	CA A1			
EUREKA	CA A2			211A2

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNE	... ASSIGNMENTS
FORT BRAGG	CA A1			201A1
INDIO	CA A2			201A2
REDDING	CA A3			201A3
RIDGECREST	CA A2	206D1	206A1	201A2
SALINAS	CA A2	215D1		219A1
SAN LUIS OBISP	CA A2	211B3 217A3		
SAN MATEO	CA A2	216B2		
SANTA ANA	CA A3			
SANTA CRUZ	CA A2	201A3 206B3		
SUSANVILLE	CA A1			201A1
WATSONVILLE	CA A2			211A2
YREKA	CA A2			201A2
ALAMOSA	CO A1	215D1		201A1
CRAIG	CO A1			201A1
DURANGO	CO A1	220D1		
GLENWOOD SPG	CO A1			201A1
GRAND JUNCTION	CO A2	217D1	217A1	201A2
GUNNISON	CO A1	220D1		201A1
LA JUNTA	CO A1			201A1
LAMAR	CO A2			201A2
LEADVILLE	CO A1			201A1
MONTROSE	CO A1			201A1

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	ASSIGNMENTS
SALIDA	CO A1			202A1
STERLING	CO A1			201A1
TRINIDAD	CO A2			201A2
NORWICH	CT A3			
DOVER	DE A2			217A2
SEAFORD	DE A1			201A1
BOCA RATON	FL A3			
BRADENTON	FL A2			
COCOA	FL A2			
FORT MYERS	FL A2			201A2
FORT PIERCE	FL A2			202A2
LAKE CITY	FL A2			204A2
LEESBURG	FL A2			
MADISON	FL A2			220B2
MARIANNA	FL A2			213A2
NEW SMYRNA B	FL A2			
OCALA	FL A3			204A3
PALATKA	FL A2			205A2
PANAMA CITY	FL A2	214B1		
SEBRING	FL A2			201A2
ASHBURN	GA A2			201A2
ATHENS	GA A3	213B1		
CARNESVILLE	GA A1			201A1
CARROLLTON	GA A2	207D1		213A2

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANN	.W ASSIGNMENTS
CEDARTOWN	GA A2			208A2
CHATSWORTH	GA A1			218A1
COCHRAN	GA A2			203A2
DAWSON	GA A2			202A2
DRAKETOWN	GA A1			
ELBERTON	GA A2			202A2
FLINTSTONE	GA A1			218A1
LAFAYETTE	GA A2			204A2
PELHAM	GA A2			214A2
TOCCOA	GA A2			204A2
VALDOSTA	GA A2	219B1		
VIDALIA	GA A3			201A3
WARM SPRINGS	GA A1			204A1
WAYCROSS	GA A2			201A2
WREN	GA A1			212A1
YOUNG HARRIS	GA A1			202A1
BURLEY	ID A2			201A2
COEUR D'ALEN	ID A2			
GRANGEVILLE	ID A1			201A1
IDAHO FALLS	ID A2	220D1	222A1	201A2
FILER	ID A1			201A1
MOSCOW	ID A2	207A1 219B2		

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNELS	NEW ASSIGNMENTS
PRESTON	ID A2			201A2
POCATELLO	ID A2	208D1	208A1	201A2
SANDPOINT	ID A1			211A1
TWIN FALLS	ID A2			205A2
WEISER	ID A1			213A1
CARBONDALE	IL A2	220B3		
DEKALB	IL A2	208B3		
EDWARDSVILLE	IL A2	204B3		
FREEPORT	IL A2			205A2
KANKAKEE	IL A2	202D1	202A1	220A2
MACOMB	IL A2	217B1		
MOLINE	IL A2			
OLNEY	IL A2			202A2
QUINCY	IL A2	212D1	212A1	202A2
STREATOR	IL A2			202A2
URBANA	IL A2	219C3		
VANDALIA	IL A1			207A1
BLOOMINGTON	IN A2			212A2
GARY	IN A3	204A3		
MADISON	IN A2			203A2
VINCENNES	IN A2	216B3		
AMES	IA A3	211C3 220D1	220A2	
BURLINGTON	IA A2			212A2
CARROLL	IA A2			202A2

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	NEW ASSIGNMENTS
COUNCIL BLUF	IA A3			
DECORAH	IA A2	208D1		202A2
ESTHERVILLE	IA A2			201A2
FORT DODGE	IA A2	201D1 205D1	201A1 205A1	216A2
IOWA CITY	IA A3	219C3		
MASON CITY	IA A3			213A3
OTTUMWA	IA A2			201A2
RED OAK	IA A2			216A1
CHANUTE	KS A1			201A1
COLUMBUS	KS A1			201A1
DODGE CITY	KS A2			
EMPORIA	KS A2			202A2
HAYS	KS A2			201A2
HUTCHINSON	KS A2	211A1		
LAKIN	KS A1			201A1
LINCOLN CNTR	KS A1			201A1
MANHATTAN	KS A2	201D1		205A2
OAKLEY	KS A1			201A1
PARSONS	KS A2			202A2
PHILLIPSBURG	KS A1			201A1
PRATT	KS A1			202A1
SEDAN	KS A1			202A1

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	NEW ASSIGNMENTS
ASHLAND	KY	A2			216A2
BOWLING GREE	KY	A3			202A3
COVINGTON	KY	A2			
ELIZABETHTOWN	KY	A2			203A2
HAZARD	KY	A1			201A1
MADISONVILLE	KY	A2	210B2		
MOREHEAD	KY	A1	212C1		
MURRAY	KY	A2	217B2		
OWENTON	KY	A1			203A1
PIKEVILLE	KY	A2			202A2
SOMERSET	KY	A2	214D1	214A1	201A2
ALEXANDRIA	LA	A2			201A2
DERIDDER	LA	A2			211A2
MORGAN CITY	LA	A1			201A1
NATCHITOCHES	LA	A2	219D1	219A1	201A2
TULLULAH	LA	A1			209A1
AUGUSTA	ME	B1			217B1
CALAIS	ME	A3			201A3
FORT KENT	ME	B1	212D1	212A3	216B1
FRYEBURG	ME	A1			216A1
HOULTON	ME	A3	206D1		
KITTERY	ME	A3			

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	NEW ASSIGNMENTS
MILLINOCKET	ME	A2			201A2
ORONO	ME	A3	220A2		
PRESQUE ISLE	ME	B1	201A3 216D1		
RUMFORD	ME	B1			219B1
ANNAPOLIS	MD	A2			
CUMBERLAND	MD	A2			211A2
FREDERICK	MD	A2			201A1
HAGERSTOWN	MD	A2			201A1
SALISBURY	MD	A2			204A2
WALDORF	MD	A2			
NEW BEDFORD	MA	A3			213A1
NORTH ADAMS	MA	A2	205D1 216D1	214A2	
ALPENA	MI	A2	213C3		
BAD AXE	MI	A1			201A1
BAY CITY	MI	A2	217D1		201A2
CADILLAC	MI	A2			205A2
CALUMET	MI	A1			202A1
EAST LANSING	MI	A2	213C3		
IRON MT	MI	A2			217A2
IRONWOOD	MI	A2			201A2
MANISTEE	MI	A2			205A2
MANISTIQUE	MI	A2			204A2
MARQUETTE	MI	A2	211C2		

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	NEW ASSIGNMENTS
MT PLEASANT	MI A2	208C1 218D1	218A1	
PETOSKEY	MI A2			213A2
SAULT STE MARI	MI A3			201A3
WEST BRANCH	MI A1			211A1
ALEXANDRIA	MN A2			201A2
APPLETON	MN A1			201A1
AUSTIN	MN A2	214D1	214A1	
BEMIDJI	MN A2	220D1	220A1	201A2
BRAINERD	MN A2			201A2
CROOKSTON	MN A2	219D1	219A1	213A2
ELY	MN A1			201A1
FAIRMONT	MN A3			204A3
HIBBING	MN A2			211A2
INTERNATIONAL	MN A1	218D1		201A1
MANKATO	MN A2	213D1	213A1	219A2
MARSHALL	MN A2			201A2
ST CLOUD	MN A2	203D1		
WADENA	MN A2			202A2
WILLMAR	MN A2			201A2
WINONA	MN A2	208D1 215D1		
WORTHINGTON	MN A1			201A1
BOONEVILLE	MS A2			202A2

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	ASSIGNMENTS
BUDE	MS A1			09A1
CLARKSDALE	MS A2			213A2
CLEVELAND	MS A2			212A2
COLUMBIA	MS A2			202A2
COLUMBUS	MS A2	215D1	215A1	201A2
GREENWOOD	MS A1			212A1
HATTIESBURG	MS A3	216D1	216A2	204A3
MERIDIAN	MS A3			202A3
STARKVILLE	MS A2			201A2
NATCHEZ	MS A2			201A2
OXFORD	MS A2			201A2
SENATOBIA	MS A1	211B2		
YAZOO CITY	MS A2			211A2
BIRCHTREE	MO A1			201A1
BOWLING GREEN	MO A1			203A1
CAPE GIRARDEAU	MO A3	215D1	215A2	
CARROLLTON	MO A1			219A1
FLAT RIVER	MO A1			209A1
JEFFERSON CITY	MO A3	209B3		
JOPLIN	MO A3	214B3		
KING CITY	MO A1			204A1
LA PLATA	MO A1			201A1
LOWRY CITY	MO A1			213A1
POPLAR BLUFF	MO A2			201A2

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANN	EW ASSIGNMENTS
ROLLA	MO	A2	203C1 203A2		
SPRINGFIELD	MO	B1	216E1		
BOZEMAN	MT	A2	211C1 220A3	211A1	
BUTTE	MT	A2	218D1	218A1	211A2
CUT BANK	MT	A1			201A1
DILLON	MT	A1			211A1
GLENDIVE	MT	A1			201A1
HAVRE	MT	A1			201A1
HELENA	MT	A2	208C1		212A2
KALISPELL	MT	A1			201A1
MILES CITY	MT	A1			
MISSOULA	MT	A2	206C3		
WOLF POINT	MT	A1			201A1
ALBION	NE	A1			201A1
ALLIANCE	NE	A1			201A1
BASSETT	NE	A1			201A1
HASTINGS	NE	A2	201D1	201A1	205A2
LEXINGTON	NE	A1			201A1
MERRIMAN	NE	A1			201A1
NORFOLK	NE	A2			203A2
NORTH PLATTE	NE	A2			211A2
OMAHA	NE	B1	214B2 218B3		

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	ASSIGNMENTS
ELKO	NV A2			201A2
FALLON	NV A1			201A1
MCGILL	NV A1			211A1
TONOPAH	NV A1			201A1
WINNEMUCCA	NV A2			201A2
YERINGTON	NV A1			201A1
BERLIN	NH B1			217A2
DURHAM	NH A3	217A3		
HANOVER	NH A3			201A3
KEENE	NH A3	201D1	206A1	217A2
LITTLETON	NH B1			216A2
LITTLE FALLS	NJ A1			
NEW BRUNSWICK	NJ A2	209A3		
TRENTON	NJ A2	217A3		
ALAMAGORDO	NM A3	201C3 209A3		
CARLSBAD	NM A2	211A3 215C3		
CLAYTON	NM A1			201A1
DEMING	NM A2	218A3		
FARMINGTON	NM A3			211A3
GALLUP	NM A2			201A2
HATCH	NM A1			205A1
LAS CRUCES	NM A3	209A3 214C1		
LOVINGTON	NM A2	220A3		
PORTALES	NM A2	208C1		

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	NEW ASSIGNMENTS
RATON	NM A2			203A2
ROSWELL	NM A3	213C3 217A3		
SANTA FE	NM A3			201A3
SILVER CITY	NM A2	212C3 217A3		
SOCORRO	NM A2	208A3 216C3		
TUCUMCARI	NM A2			201A2
AMSTERDAM	NY A2			
CORNING	NY A1	220D1		203A1
GLENS FALLS	NY A2	220D1	220A1	215A2
ITHACA	NY A2	219D1		
JAMESTOWN	NY A2			202A2
LAKE PLACID	NY A1			204A1
LEVITTOWN	NY A2			
MASSENA	NY A2			
ONEONTA	NY A2	208D1 215D1	215A1	219A2
PLATTSBURGH	NY A2			
WATERTOWN	NY A2			216A1
CHAPEL HILL	NC A2	207A3 219C2		
COLUMBIA	NC A1			201A1
CONCORD	NC A2			
FRANKLIN	NC A1			202A1
GREENVILLE	NC A2			201A2

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNE	EW ASSIGNMENTS
HIGH POINT	NC	A3	212D1		
LINVILLE	NC	A1			204A1
BISMARCK	ND	A2			201A2
DEVILS LAKE	ND	A2			201A2
DICKINSON	ND	A2			201A2
ELLENDALE	ND	A1			201A1
GRAND FORKS	ND	A2	207B3		
JAMESTOWN	ND	A2			201A2
MINOT	ND	A2			
WILLISTON	ND	A2			201A2
ALLIANCE	OH	A2	216A3		
ATHENS	OH	A3	217B3		
BOWLING GREEN	OH	A2	201A3		
CAMBRIDGE	OH	A2			204A2
HILLSBORO	OH	A2			211A2
NEWARK	OH	A2			215A2
OXFORD	OH	A2	203A3		
PORTSMOUTH	OH	A2			208A2
ADA	OK	A2			201A2
ALTUS	OK	A2			201A2
ARDMORE	OK	A3			202A3
ELK CITY	OK	A2			201A2
ENID	OK	A3			202A3
GUYMON	OK	A2			201A2

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	..W ASSIGNMENTS
HUGO	CK A1			201A1
MCALESTER	CK A2			201A2
MIAMI	CK A2			203A2
WOODWARD	CK A2			201A2
ASTORIA	OR A2			201A2
BEND	OR A2			201A2
BROOKINGS	OR A1			201A1
BURNS	OR A2			201A2
CORVALLIS	OR A2	211D1	211A1	201A2
KLAMATH FALLS	OR A2	201D1	201A1	205A2
LA GRANDE	OR A1	216D1		201A1
MEDFORD	OR A2			201A2
NORTH BEND	OR A2			201A2
THE DALLES	OR A1			201A1
CLEARFIELD	PA A1			219A1
[illegible] COLLEGE	PA A2	210B2 216A2		
AIKEN	SC A2			
ALLENDALE	SC A2			219A2
BEAUFORT	SC A2			205A2
CONWAY	SC A2			211A2
FLORENCE	SC A2			206A2
GEORGETOWN	SC A2			204A2

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	NEW ASSIGNMENTS
GREENWOOD	SC A2			213A2
ROCK HILL	SC A2	205C2		
SUMTER	SC A2	201C2		
ABERDFEN	SD A2	211D1 211A2		
BROCKINGS	SD A2	202C1		
EAGLE BUTTE	SD A1			201A1
LOWRY	SD A1			201A1
MARTIN	SD A1			202A1
MITCHELL	SD A2			204A2
PIERRE	SD A2			211A2
RAPID CITY	SD A3	201D1	201A2	205A3
SENECA	SD A1			201A1
VERMILLION	SD A1	200B3		
ATHENS	TN A2			213A2
COOKEVILLE	TN A2	203D1	203A1	211A2
CROSSVILLE	TN A2			217A2
FAYETTEVILLE	TN A2			203A2
JACKSON	TN A3			201A3
JOHNSON CITY	TN A3	208C3		
LEXINGTON	TN A2			205A2
SNEEDVILLE	TN A1			212A1
BAY CITY	TX A2			206A2
BIG SPRING	TX A2	203C3 207A3		
CHILDRESS	TX A2			201A2

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNELS	NEW ASSIGNMENTS
DEL RIO	TX A2	204C3 214A3		
DENTON	TX A3	201B2 203A2		
GALVESTON	TX A3			
HARLINGEN	TX A3	205A3		
MARSHALL	TX A3	216D1	216A2	220A3
NACOGDOCHES	TX A3			202A3
CEDAR CITY	UT A2	211A2		
LOGAN	UT A2	216B2		
MOAB	UT A2			201A2
MONTICELLO	UT A1			201A1
PRICE	UT A1			
RICHFIELD	UT A1			201A1
ST GEORGE	UT A2	211D1	211A1	202A2
VERNAL	UT A1	206D1		201A1
BURLINGTON	VT A2	211A2		
RUTLAND	VT A2			202A2
ST JOHNSBURY	VT A3			219A2
WINDSOR	VT A3			214A3
BLACKSBURG	VA A2	214A2		
BLUEFIELD	VA A2			211A1
BRISTOL	VA A2			202A2
CHARLOTTESVILL	VA A2	217A2		

COMMUNITY		CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNEL	NEW ASSIGNMENTS
COURTLAND	VA	A1			201A1
DANVILLE	VA	A3			213A2
FREDERICKSBURG	VA	A2			
FRONT ROYAL	VA	A2			201A2
KENBRIDGE	VA	A1			212A1
HORTON	VA	A2			201A2
CHANCOCK	VA	A1			201A1
STAUNTON	VA	A2			201A2
WEST POINT	VA	A2			213A2
BELLINGHAM	WA	A3	207D1		
CENTRALIA	WA	A2	217D1	217A1	206A2
PULLMAN	WA	A2			211A2
RICHLAND	WA	A3			201A2
VANCOUVER	WA	A2			
WENATCHEE	WA	A2			201A2
YAKIMA	WA	A2	220C1		
GRANDVIEW	WV	A1			211A1
KEYSER	WV	A1			201A1
MARTINSBURG	WV	A2			209A2
MORGANTOWN	WV	A2	215BJ		
PARKERSBURG	WV	A2			207A2
WISTON	WV	A3			
WILLIAMSON	WV	A1			204A1

COMMUNITY	CLASS	CURRENTLY ACTIVATED CHANNELS	UPGRADES TO ACTIVATED CHANNELS	NEW ASSIGNMENTS
COLFAX	WI A1			204A1
WAUSAU	WI A2	215C3		
CASPER	WY A2			
CHEYENNE	WY A2			201A2
LARAMIE	WY A2	216D1 220C2		

PART THREE

COMMUNITIES NOT CONSTITITUTING URBANIZED AREAS AND NOT HAVING NONCOMMERCIAL TELEVISION RESERVATIONS BUT WHICH HAVE EXISTING NONCOMMERCIAL FM STATIONS OR ASSIGNMENTS

(IN ALPHABETICAL ORDER)

COMMUNITY		CURRENTLY ACTIVATED CHANNELS
AUBURN	AL	216A, 240
DECATUR	AL	219A3
EUTAW	AL	217C1
TROY	AL	211B3
PRESCOTT	AZ	206A3
PRESCOTT	AZ	214C3
SAFFORD	AZ	215C3
SAFFORD	AZ	220A3
WICKENBURG	AZ	209A3
YUMA	AZ	201A3
YUMA	AZ	205A3
ANGWIN	CA	210C1
BERKELEY	CA	207A, 240
CHUALAR	CA	209A3
CLAREMONT	CA	204A3
CONCORD	CA	213A3
DAVIS	CA	212B1
LONG BEACH	CA	201A3
LOS ALTOS	CA	209B1
MOORPARK	CA	216B3
NORTHRIDGE	CA	203A3
PASADENA	CA	207C1
REDLANDS	CA	206A, 240
RIVERSIDE	CA	209A3
SANTA MONICA	CA	210B3
STANFORD	CA	211A, 240
FORT COLLINS	CO	213A3
GREELEY	CO	218C, 240
MORRISON	CO	216B3
FAIRFIELD	CT	218B1
MIDDLEFIELD	CT	213B1
MIDDLETOWN	CT	201A3
MONROE	CT	201A3
STORRS	CT	219B1
WEST HARTFORD	CT	217A3
WEST HAVEN	CT	204A3
WESTPORT	CT	212A, 240
BOYNTON BEACH	FL	204B3
BOYNTON BEACH	FL	214C1
BOYNTON BEACH	FL	219A3
HOLLYWOOD	FL	201A3
LAKELAND	FL	217B3
MILTON	FL	201C1
TITUSVILLE	FL	207A3
WINTER PARK	FL	218A3
WAIALUA	HI	217A3
CARLINSVILLE	IL	216B3
DOWNER GROVE	IL	202A, 240
EAST MOLINE	IL	207C1
ELGIN	IL	215B1
EVANSTON	IL	207B1
GLENN ELLYN	IL	215B1
LAKE FOREST	IL	205A, 240
LINCOLN	IL	203B1
LOCKPORT	IL	201A, 240
MT CARMEL	IL	206B3
NAPERVILLE	IL	206B1
NORMAL	IL	206A3
ANGOLA	IN	202A, 240
CARMEL	IN	217A, 240
ELKHART	IN	201B, 240
FRANKLIN	IN	208B1
GOSHEN	IN	210A, 240
GREENCASTLE	IN	218A, 240
HUNTINGTON	IN	220A, 240
NEW ALBANY	IN	201A3
NORTH MANCHEST	IN	206A3
NOTRE DAME	IN	205B1
CEDAR FALLS	IA	208B, 240
CEDAR FALLS	IA	215C3
SIOUX CENTER	IA	217B3
GREAT BEND	KS	220A3
LAWRENCE	KS	210C3
HIGHLAND HEIGH	KY	209B1
RICHMOND	KY	205C, 240
BANGOR	ME	203A, 240
BANGOR	ME	215B3
ELKTON	MD	202A3
TAKOMA PARK	MD	220B3
TOWSON	MD	209C1
WILLIAMSPORT	MD	213B1
WORTON	MD	213B, 240
AMHERST	MA	207A3
AMHERST	MA	210A, 240
BOLTON	MA	211B, 240
BOXFORD	MA	202A, 240
CAMBRIDGE	MA	201A, 240
ESSEX	MA	202B1
LOWELL	MA	218A3
NEWTON	MA	212A3
SALEM	MA	219A, 240
STOCKBRIDGE	MA	217A, 240
WILLIAMSTOWN	MA	220A, 240
BERRIEN SPRING	MI	214B3

COMMUNITY		CURRENTLY ACTIVATED CHANNELS
POTSDAM	NY	216A2
SCHENECTADY	NY	206B3
STONY BROOK	NY	211B1
TROY	NY	218B2
BOILING SPRING	NC	202B1
BOONE	NC	213A2
BOYES CREEK	NC	211A3
BURLINGTON	NC	211A3
DAVIDSON	NC	213B2
KINSTON	NC	213A3
ROANOKE RAPIDS	NC	211A2
WARRENTON	NC	215B3
BELCOURT	ND	203B2
BATAVIA	OH	204B1
BEREA	OH	202A3
CANAL FULTON	OH	215A2
CEDERVILLE	OH	212B1
GREENVILLE	OH	219A1
JEFFERSON	OH	215B1
JEFFERSON VILL	OH	205A3
KENT	OH	209B1
MARIETTA	OH	202B1
MOUNT VERNON	OH	207B2
READING	OH	207A2
STREETSBORO	OH	216A3
STRUTHERS	OH	214B2
UNIVERSITY HEI	OH	204A3
WILBERFORCE	OH	205A3
WOOSTER	OH	220A2
YELLOW SPRINGS	OH	217B2
YELLOW SPRINGS	OH	218B1
EDMOND	OK	211B3
GOODWELL	OK	219A2
STILLWATER	OK	219C1
ASHLAND	OR	211B2
GRANTS PASS	OR	217C3
GRESHAM	OR	210B3
CLARION	PA	219A3
HERSHEY	PA	206B3
INDIANA	PA	211A3
INDIANA	PA	217A3
MALVERN	PA	201B1
MEADVILLE	PA	212A1
NORRISTOWN	PA	219A1
NEW WILMINGTON	PA	205A1
SELINSGROVE	PA	205B2
KINGSTON	RI	212A3
COLLEGEDALE	TN	214C2
BERRIAN SPRING	MI	215B2
HOUGHTON	MI	216C2
INTERLOCHEN	MI	202C3
SOUTHFIELD	MI	202A2
SPRING ARBOR	MI	207B1
YPSILANTI	MI	206B2
COLLEGEVILLE	MN	211C2
GRAND RAPIDS	MN	219C1
MOORHEAD	MN	216C1
NORTHFIELD	MN	207C1
PIPESTONE	MN	219C2
RUSHFORD	MN	219C2
THIEF RIVER FA	MN	211A3
CORINTH	MS	213A3
LORMAN	MS	205C2
BUFFALO	MO	212B1
FERGUSON	MO	216A3
MARYVILLE	MO	213C2
POINT LOOKOUT	MO	219B3
ST CHARLES	MO	206A3
WARRENSBURG	MO	215C1
WAYNE	NE	220A2
EAST ORANGE	NJ	216A3
FLEMINGTON	NJ	213A2
GLASSBORO	NJ	209A2
MACKETTSTOWN	NJ	220B2
LINCROFT	NJ	213A3
SOUTH ORANGE	NJ	208B1
TEANECK	NJ	206A3
ARTESIA	NM	219A3
HOBBS	NM	211A3
LAS VEGAS	NM	216A1
LORDSBURG	NM	220A3
RAMAH	NM	209C1
TRUTH OR CONSE	NM	220A3
BROOKLYN	NY	218B2
BROOKVILLE	NY	201A2
CENTRAL SQUARE	NY	207A3
GARDEN CITY	NY	212A3
GARDEN CITY	NY	212A3
GENESEO	NY	207A3
GENEVA	NY	209A3
GREECE	NY	211A3
HAMILTON	NY	211A3
HEMPSTEAD	NY	204A2
LAKE RONKONKOM	NY	220A3
LOUDONVILLE	NY	202B1
OSWEGO	NY	210B3

COMMUNITY		CURRENTLY ACTIVATED CHANNELS
MIDLAND	TX	211A3
MONAHANS	TX	210A3
NEW BRAUNFELS	TX	202A3
OZONA	TX	213A3
PEARSALL	TX	213A3
PECOS	TX	205A3
PLAINVIEW	TX	216A2
PORT LAVACA	TX	201A3
PRAIRIE VIEW	TX	202B3
PRESIDIO	TX	202A3
RAYMONDVILLE	TX	201A3
RIO GRANDE	TX	201A3
ROCKPORT	TX	217A3
ROCKSPRINGS	TX	210A3
SANDERSON	TX	207A3
SAN MARCOS	TX	216A3
SAN SABA	TX	210A3
SEGUIN	TX	215A3
SEMINOLE	TX	205A3
SONORA	TX	211A3
SWEETWATER	TX	213A3
UVALDE	TX	216A3
VAN HORNE	TX	202A3
VICTORIA	TX	203A3
ZAPATA	TX	202A3
CEDAR CITY	UT	211A2
PLEASANT GROVE	UT	201B2
COLCHESTER	VT	208B3
CHESAPEAKE	VA	213A3
HARRISONBURG	VA	214B3
LEXINGTON	VA	218A2
PORTSMOUTH	VA	204A2
WILLIAMSBURG	VA	206A3
YORKTOWN	VA	218B3
BELLEVUE	WA	217A2
COLLEGE PLACE	WA	217A2
OLYMPIA	WA	207A2
PASCO	WA	211B1
BECKLEY	WV	219B3
BUCKHANNON	WV	205B3
FORT GAY	WV	214B1
BRULE	WI	210B3
DELAFIELD	WI	214C2
HIGHLAND	WI	217C2
KENOSHA	WI	216B1
MENOMIE	WI	208B3
MENOMONIE	WI	214A3
OSHKOSH	WI	212A2
PLATTEVILLE	WI	213A2
RIVER FALLS	WI	204A3
STEVENS POINT	WI	210A2
SUPERIOR	WI	217A2
WHITEWATER	WI	219A2
RIVERTON	WY	201A3

COMMUNITY		CURRENTLY ACTIVATED CHANNELS
LEBANON	TN	217A2
MADISON	TN	203A2
MURFREESBORO	TN	208B3
MURFREESBORO	TN	218B1
OLIVE HILL	TN	208A3
ALPINE	TX	219C3
ANDREWS	TX	209A3
BALLINGER	TX	211A3
BEEVILLE	TX	218A3
BIG LAKE	TX	211A3
BOERNE	TX	210A3
BRACKETVILLE	TX	218A3
BRADY	TX	213A3
BROWNWOOD	TX	205C3
BROWNWOOD	TX	212A3
CARRIZO SPRING	TX	201A3
COLEMAN	TX	220A3
COLLEGE STATIO	TX	212B1
COLORADO CITY	TX	211A3
COMMERCE	TX	205B1
COTULLA	TX	203A3
CRANE	TX	205A3
CRYSTAL CITY	TX	214A3
CUERO	TX	210A3
DEISON	TX	209B3
DENISON-SHERMA	TX	209A3
EAGLE PASS	TX	208C3
EAGLE PASS	TX	213A3
EDINBURG	TX	203A3
ELDORADO	TX	219A3
FORT STOCKTON	TX	201C3
FORT STOCKTON	TX	206A3
FREDERICKSBURG	TX	201A3
FREER	TX	214A3
GUILAD	TX	216A3
GENZALES	TX	220A3
HEBBRONVILLE	TX	220A3
HONDO	TX	208A3
JUNCTION	TX	212A3
KEENE	TX	202A3
KENEDY-KARNE	TX	201A3
KERMIT	TX	212A3
KERRVILLE	TX	216A3
KILLEEN	TX	217C2
KINGSVILLE	TX	216A3
LAMESA	TX	210A3
LLANO	TX	203A3
MARFA	TX	203A3

[FR Doc. 78-17419 Filed 6-23-78; 8:45 am]

federal register

MONDAY, JUNE 26, 1978
PART III



INTERSTATE COMMERCE COMMISSION

■

IMPROVING GOVERNMENT REGULATIONS

PREVIOUSLY PUBLISHED DOCUMENTS

Listed below are other documents on improving Government regulations previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
ACTION	May 24	22325
Administrative Committee of the Federal Register	May 22	21995
Agency for International Development	June 2	24218
Agriculture Department	May 22, June 16	21986, 26091
American Battle Monuments Commission	May 25	22602
Civil Service Commission	May 23	22157
Commerce Department	May 30	23170
Committee for Purchase From the Blind and Other Severely Handicapped	June 23	27229
Community Services Administration	May 25	22595
Defense Department	May 22	21994
Energy Department	May 1, June 2	18634, 24215
Environmental Protection Agency	May 31	23679
Environmental Quality Council	May 25	22593
Equal Employment Opportunity Commission	May 25	22610
Farm Credit Administration	May 22	21984
Federal Mediation and Conciliation Service	May 22	21993
General Services Administration	May 25	22612
Health, Education, and Welfare Department	May 30	23119
Housing and Urban Development Department	May 25	22598
Interior Department	May 25	22573
Justice Department	May 26	22922
Labor Department	May 26	22915
Management and Budget Office	May 22, June 2	21997, 24219
National Aeronautics and Space Administration	May 22	21981
National Capital Planning Commission	May 15	20945
National Credit Union Administration	May 31	23688
National Foundation on the Arts and the Humanities	May 25	22591
National Science Foundation	June 2	24216
Pennsylvania Avenue Development Corporation	June 2	24213
Pension Benefit Guaranty Corporation	May 25	22608
Postal Service	May 25	22587
Railroad Retirement Board	May 25	22603
Renegotiation Board	May 30	23197
Selective Service System	April 11	15211
Small Business Administration	May 25	22605
State Department	May 25	22589
Tennessee Valley Authority	June 15	25951
Transportation Department	June 1	23925
Treasury Department	May 24	22319
Veterans Administration	May 22	21983
Water Resources Council	May 30	23199

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 350]

IMPROVING COMMISSION REGULATIONS

AGENCY: Interstate Commerce Commission.

ACTION: Statement of Policy.

SUMMARY: This Statement is being issued by the Commission in order that the public may be informed of the manner in which the Commission processes, and intends to process, proceedings looking toward the adoption of regulations and general policy statements. It responds in part to the provisions of Executive Order 12044, "Improving Government Regulations." It describes the processes by which the Commission develops new regulations and selects existing regulations for review. It requests public comment on ways in which the Commission's regulations and its processes for developing them could be improved.

DATES: Comments should be filed with the Commission on or before August 25, 1978.

ADDRESSES: An original and 10 copies, if possible, of each submission should be forwarded to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

James S. Todd 202-275-1912.

SUPPLEMENTAL INFORMATION: On March 23, 1978, President Carter signed Executive Order 12044, entitled "Improving Government Regulations." The order contains specific requirements and general policy guidance designed to improve present and future regulations and to insure that the public will have an adequate opportunity to participate in the rulemaking process. Although the order is not applicable to the Interstate Commerce Commission, the President has asked that the Commission voluntarily apply the new policies and procedures. This policy statement discusses the extent to which the Commission is now in compliance with the President's order and the additional actions which the Commission is taking in order to improve its informal rulemaking procedures.

In conjunction with this publication, the Commission is also publishing proposed rules governing the rulemaking proceedings which it conducts in accordance with section 553 of the Administrative Procedure Act (Title 5, U.S.C. 553), and the public is being asked to comment on them. These rules, which have for the most part been followed routinely by the Commission for some time, set forth the steps involved in a rulemaking proceeding and state the ways in which the public may participate. The rules are being published at this time in an effort to help the public better understand the process whereby the Commission adopts regulations. They will take the place of present Rule 42 of the Commission's rules of practice (49 CFR 1100.42).

The President's Order requires that each Executive Branch agency publish within 60 days:

(1) A brief description of its process for developing regulations and the changes that have been made to comply with the order;

(2) Proposed criteria for—

(a) Defining significant agency regulations,

(b) Identifying which regulations require regulatory analysis, and

(c) Selecting existing regulations to be reviewed; and

(3) A list of regulations that the agency will consider for initial review. In addition agencies are required to publish semiannually an agenda of significant regulations under development or review. This Statement will discuss items (1) and (2); item (3) will be included in the first of the Commission's semiannual agendas, which is now being prepared. It will be published within a few weeks.

THE COMMISSION'S PROCESS FOR DEVELOPING REGULATIONS

The Commission fully supports President Carter's efforts to improve government regulations. The great majority of the Commission's present regulations have been adopted pursuant to the rulemaking procedures of the Administrative Procedure Act (5 U.S.C. 552 and 553), and persons affected by the Commission's regulations have participated extensively in their development and have made major contributions to them.

The majority of the Commission's rulemaking proceedings are conducted in the traditional manner. The Commission issues a notice of proposed rules which is published in the FEDERAL REGISTER. The notice sets forth the proposed rules, discusses why they are necessary and what they are intended to accomplish, identifies the legal basis for the action, and requests public comment. After comments are received and reviewed, another notice is published in the FEDERAL REGISTER either adopting final rules; requesting additional comments; or closing the proceeding because there is insufficient basis to adopt the proposed rules.

One of the major problems that the Commission has faced in its rulemaking proceedings is that the public comment sometimes does not provide it with sufficient basis for either adopting or rescinding a proposal. To overcome this problem, the Commission has made use of a number of methods to obtain the additional information it needs. In some cases the Commission has published supplemental notices of proposed rulemaking, stating that it did not receive sufficient information as a result of its initial notce to enable it to make a decision, and requesting that the public respond to certain specific questions. In proceedings involving highly technical rules and a limited number of participants, the Commission has sometimes supplied all of the parties with copies of the comments filed on a rulemaking proposal and has requested the parties to file reply comments.

In highly controversial rulemaking proceedings where the issues are likely to be hotly contested, the Commission may include in its notice of proposed rulemaking a request that anyone wishing to participate in the proceeding notify the Commission. A service list is prepared and served upon those indicating a desire to participate. Those filing comments are required to serve copies on the parties listed, and an opportunity is provided for the cross-filing of reply comments and occasionally even rebuttal comments.

In major proceedings, where the number of individuals likely to be affected is large or the impact on the national transportation system could be significant, the Commission has used more elaborate methods of seeking public participation. For example, the Commission is currently engaged in a major effort to improve its regulation of entry into the motor carrier transportation industry. In July 1977, a staff task force submitted 39 recommendations, a number of which involved the initiation of rulemaking proceedings to modify or amend the Commission's regulations governing motor carrier entry. Prior to initiating most of these proceedings, the Commission held hearings in seven cities across the Nation to obtain public comment on the 39 recommendations. The public comment was then reviewed, and, where appropriate, was incorporated into the rulemaking proceedings. The Commission believes that the information received from these hearings was invaluable in the subsequent formulation of rulemaking proposals for the individual recommendations. The public made it clear that some of the proposals were widely favored, and the Commission proceeded quickly to initate them. Others required some modification to reflect problems raised in the public comment. In a few cases, it was determined that there was not sufficient basis to proceed with a particular recommendation. In other cases, it was determined that more information was needed and, as a result, the Commis-

sion published advanced notices of proposed rulemaking which stated the issues on which the Commission desired more information before determining whether or not to proceed with the formulation of proposed regulations.

The Commission's Rail Services Planning Office recently completed a rail merger study which included the publication of an initial paper, seven issue papers, and a preliminary report, all for public comment. In addition, the staff held numerous informal seminars and meetings with interested groups throughout the Nation and hearings were held in several cities. After receiving the Office's final report, the Commision initiated a rulemaking proceeding, which is currently pending, to give the public a further opportunity to comment on the merger policy which the Commission proposed to adopt.

The Commission has found all of these procedures to be beneficial. It intends to continue using them, and it will continue to search for additional means for increasing public participation in its rulemaking processes.

Criteria for Defining Significant Regulations

The Commission does not believe that any purpose would be served by proposing criteria for defining significant regulations. The requirement of the Executive Order that "significant" proposed regulations be identified appears to be included largely because it is only these regulations that the order requires be prepared under the direct oversight of the heads of the Executive Branch agencies. Unlike these agencies, the entire membership of the Commission considers and votes on all rulemaking proposals which the Commission publishes. The Commission's Organization Rules specifically reserve to the Commission the jurisdiction over rulemaking proceedings, 49 CFR 1011.2(a)(1). Thus, in effect, every rulemaking proposal is treated as though it were "significant," and the Commission does not believe that any formal criteria for determining what are significant regulations are needed.

Criteria for Identifying Regulations Requiring Regulatory Analysis

The Commission has recently completed a revision of its internal organization and has established new processes for developing regulations which include criteria for determining which rulemaking proposals require regulatory review. Under the new processes, any bureau or office of the Commission which is considering the preparation of a notice of proposed rulemaking, either in response to a petition from an individual or on the Commission's own motion, must notify the Policy Review Office, a new office within the Office of the Chairman of the Commission. Policy Review then provides guidance to the initiating office, assesses the relative priority of the rulemaking, and coordinates the proposal, where necessary, with other bureaus and offices of the Commission. If a rulemaking proposal is of such limited significance or of such obvious merit that it does not require a complete regulatory analysis, Policy Review may waive compliance with all or specified parts of the regulatory analysis. As a result of this process, the great majority of rulemaking proposals will be the subject of at least some regulatory analysis, the bulk of which will be included in the notice of proposed rules.

The regulatory analysis will explore whether there is an identifiable public or Commission policy objective involved in the proposal; attempt to estimate the anticipated effects which adoption of the proposal would have on the transportation industry, the public, and the Commission in terms of benefits and costs; weigh whether the anticipated costs would be justified by the expected benefits; explore what the alternative approaches are and how they would compare in cost, time required, and results; determine what Commission resources could and should it be used both in developing the proposed regulation and in administering it should be adopted; and determine whether outside assistance is necessary and obtainable.

In some instances the Commission would issue an advance notice of proposed rulemaking, seeking comments and assistance from members of the public prior to the drafting of actual proposed rules. The preparation of all or portions of the required regulatory analysis might be postponed in such cases until after the first round of public comments had been received, and the comments received would then be looked to as a source for the preparation or completion of the regulatory analysis.

The Commission has tried to adapt the concept of regulatory analysis to the particular nature of the Commission's rulemaking. The kind of regulatory analysis which an agency will find necessary and useful depends upon the type of regulations which it normally issues. For example, the criterion contained in the Executive Order requiring the analysis of any regulation which would have a $100-million annual impact upon the economy may be valid for a standard-setting agency such as the Environmental Protection Agency or the Consumer Product Safety Commission, but might well be totally meaningless for an agency whose regulations primarily are procedural.

The Commission's role, of course, is economic regulation, and its regulations in large part address such matters as procedures to be followed when its jurisdiction is engaged and standards are to be applied in decisionmaking. As an economic regulatory body, the Commission requires information about the industry which it regulates, and it, therefore, imposes a variety of accounting and data filing requirements. Although the Commission's regulations do not often impose major costs on individual companies or the public, they almost inevitably affect large numbers of carriers, major segments of the industry, and significant numbers of the users of transportation services. For this reason, the Commission has decided that regulatory analysis should be routinely performed as a prerequisite to the issuance of all notices of proposed rulemaking, except those determined to be of such limited significance or obvious merit that the regulatory anaylsis would not serve any purpose.

Criteria for Selecting Regulations for Review

The review of existing regulations is a continuing process at the Commission. Several major reviews are underway at the present time, including reviews of the Commission's tariff regulations (49 CFR Parts 1300–1310) and the Commission's regulations affecting carriers of household goods (49 CFR Part 1056). The criteria applied to determine which regulations should be reviewed include the following:

(1) *Stautory requirements.* For example, the Commission is required by law to review its rules of practice every three years.

(2) *Time.* The length of time that has elasped since a regulation was last reviewed may indicate a need for review.

(3) *Cost.* Regulations are candidates for review if they are costly in terms of compliance on the part of the public or administration or enforcement by the Commission.

(4) *Clarity.* A regulation must be readily understandable to those affected by it. The Commission strives to use "plain English" in all its regulations, although it recognizes that in dealing with technical subjects the use of a technical vocabulary, not totally familiar to every lay person, may be necessary.

In many cases, it is public complaints and suggestions which call attention to the need to review specific regulations. The Commission welcomes such comments, and it anticipates that they will play a major role in helping it select regulations for review in the future.

Although this is not a rulemaking proceeding, the public is invited to comment on all aspects of this state-

ment of Commission policy. The Commission is firmly committed to improving its regulations and the process by which it develops them, and it is convinced that the more public input it obtains, the better its regulations and processes will be.

Dated: June 14, 1978.

By the Commission.

NANCY WILSON,
Acting Secretary.

Commissioner Murphy, concurring:

The statement of policy is a significant development which should enhance the public's understanding of the Commission's functioning.

Nevertheless, the statement could have more fully informed the public of the wide variety of techniques utilized by the Commission to facilitate the promulgation of regulations or policy statements. Specific examples could have highlighted that process. For instance, in one of the major and important rulemaking proceedings, Ex Parte No. 230, *Substituted Service—Piggyback*, 322 I.C.C. 301, the Commission utilized a wide variety of techniques in reaching its ultimate decision.

The statement indicates that an "agenda of significant regulations under development or review" will be published in a few weeks. I believe it would have been appropriate to publish that agenda along with this policy statement so that the public would be given a broad picture instead of uncoordinated segments. I note that comments are invited on the policy statement.

The policy statement fails to fully inform the public of the Commission's continuous review of existing rules, orders, and the like which have served their purpose and which should be eliminated.

[FR Doc. 78-17501 Filed 6-21-78; 9:57 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1103]

[Ex Parte No. 350 (Sub-No. 1)]

INFORMED RULEMAKING PROCEDURES

Proposed Rules

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rules.

SUMMARY: The Interstate Commerce Commission is publishing proposed regulations governing rulemaking proceedings which it conducts in accordance with section 553 of the Administrative Procedure Act. The rules are intended to familiarize the public with the Commission's processes and to facilitate public participation in the proceedings.

DATES: Comments must be filed with the Commission on or before August 25, 1978.

ADDRESSES: An original and 10 copies (if possible) of each submission should be forwarded to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

James S. Todd (202) 275-1912.

SUPPLEMENTARY INFORMATION: The Commission is proposing to adopt rules governing those rulemaking proceedings which it conducts in accordance with section 553 of the Administrative Procedure Act (Title 5, U.S.C. 553). The proposed rules, which are largely self-explanatory, set forth the steps involved in a rulemaking proceeding and state the ways in which interested persons may participate, including filing a petition for the opening of a rulemaking proceeding, commenting on rulemaking proposals, and petitioning for reconsideration of the Commission's final action in a proceeding. These rules have, for the most part, been followed routinely by the Commission for some time; however, they have never been incorporated in the Code of Federal Regulations. They are being proposed at this time in an effort to insure that the public is fully aware of the processes whereby the Commission adopts regulations. These rules will take the place of present Rule 42 of the Commission's Rules of Practice (49 CFR 1100.42).

The proposed regulations apply to the issuance, amendment, and repeal of rules. In determining whether or not to open a rulemaking proceeding, the Commission may act on its own motion or in response to the petition of an individual. Section 1103.2(c) of the proposed rules tells how to file a petition and what it must contain. In determining whether to grant a petition, the Commission will consider such things as whether the proposal is consistent with the National transportation Policy (49 U.S.C. preceding 1) or whether it meets some other recognized public policy objective; whether the benefits of the proposal would outweigh its costs; and whether the Commission has the resources to accomplish the proposal's objectives.

If the Commission denies a petition concerning a common carrier by rail, it must publish a statement of the reasons for the denial in the FEDERAL REGISTER. In other cases, the Commission will simply notify the petitioner and provide him with a statement of the reasons for the denial.

If the Commission opens a rulemaking proceeding, any person may participate by filing written statements or in any other way specified by the Commission. The Commission has found in the past that inviting written comments does not always provide it with sufficient information to justify going forward with a proposal, and the Commission intends to use a variety of methods to obtain public participation.

The proposed rules are intended to facilitate public participation in the Commission's proceedings, and the Commission urges the public to study them carefully and to submit comments on them. In particular, the public is urged to identify in its comments any portions of the proposed rules which are not clear and to suggest any ways in which the proposed rules could be improved.

This notice of proposed rulemaking is issued under the authority of the provisions of 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act).

Issued in Washington, D.C., June 14, 1978.

By the Commission.

NANCY WILSON,
Acting Secretary.

Commissioner Murphy, concurring:

The adoption of the proposed regulation herein will hopefully give the public firm guidelines with respect to petitions proposing a rule or an amendment of an existing rule. The recent dismissal of the petition of the Southern Pacific in No. 36868 (see my separate expression in Ex Parte No. 346, *Rail General Exemption Authority*, served May 31, 1978), would thus, be avoided.

The proposed regulations fail to emphasize environmental considerations. Where the proposed rule or an amendment would have a major Federal impact on the environment, petitioners should be required to comply with the regulations in *Implementation—Natl. Environmental Policy Act*, 1969, 352 I.C.C. 451.

Accordingly, I would modify the proposed regulations, 49 CFR 1103.2, opening of proceeding, by adding to (c) the following:

(5) Comply with 49 CFR 1108.12(b), Environmental Procedures, as appropriate.

PART 1103—PROCEDURES GOVERNING INFORMAL RULEMAKING PROCEEDINGS

Sec.

1103.1 Applicability.
1103.2 Opening of proceeding.
1103.3 Publication of notices.
1103.4 Participation.
1103.5 Consideration of comments received.
1103.6 Petitions for extension of time to comment.
1103.7 Availability of dockets.
1103.8 Adoption of final rules.
1103.9 Petitions for exemptions.
1103.10 Petitions for reconsideration.

AUTHORITY: 5 U.S.C. 552, 553, and 559.

§ 1103.1 Applicability.

This part contains general rulemaking procedures that apply to the issuance, amendment, and repeal of rules of the Interstate Commerce Commission, adopted under the procedures of section 553 of Title 5 of the United States Code (the Administrative Procedure Act).

§ 1103.2 Opening of proceeding.

(a) The Commission may open a rulemaking proceeding on its own motion. In doing so, it may consider the recommendations of other agencies of the United States and of other persons.

(b) Any person may petition the Commission to issue, amend, or repeal a rule.

(c) Each petition filed under this section must—

(1) Be submitted, along with 10 copies, if possible, to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423;

(2) Set forth the text or substance of the rule or amendment proposed or specify the rule that the petitioner wants to have repealed or modified;

(3) Explain the interest of the petitioner in the action requested; and

(4) Contain any information and arguments available to the petitioner to support the action sought.

(d) The Commission will grant or deny a petition within 120 days of its receipt.

(e) If the Commission determines that a petition contains adequate justification, it will open a rulemaking proceeding pursuant to § 1103.3 and will notify the petitioner of its action.

(f) If the Commission determines that the petition does not contain adequate justification for opening a rulemaking proceeding, the petition will be denied, with a brief statement of the grounds for denial, and the petitioner will be notified of the Commission's action.

(g) If a petition under this section, concerning common carrier by railroad, is granted, the Commission will begin the proceeding as soon as is practicable. If the petition is denied, the Commission will publish a statement of the reasons for the denial in the FEDERAL REGISTER.

§ 1103.3 Publication of Notices.

(a) Interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice may be issued as final without notice or other public rulemaking proceedings.

(b) General rulemaking proceedings will be opened by the issuance of either a notice of intent to institute a rulemaking proceeding, an advance notice of proposed rulemaking, or a notice of proposed rules. The notice will be published in the FEDERAL REGISTER, and it will invite the public to participate in the rulemaking proceeding. No notice will be issued in instances where the Commission finds, for good cause, that notice is impractical or unnecessary or contrary to the public interest.

(c) Notices of proposed rules will include—

(1) The proposed rules;

(2) A discussion of why the rules are needed and what they are intended to accomplish;

(3) Identification of significant dates in the proceeding, such as dates by which comments must be filed or on which the rules are proposed to take effect;

(4) Any relevant addresses;

(5) The name and phone number of an individual within the Commission who can provide further information concerning the proceeding;

(6) Any supplementary information required; and

(7) Reference to the legal authority under which the rule is proposed.

(d) In addition to being published in the FEDERAL REGISTER, notices of proposed rulemaking, and subsequent notices and decisions in rulemaking proceedings, will be served on the parties and made available to the public through the Office of the Secretary. To the extent possible, the date of service will be the same as the date of publication in the FEDERAL REGISTER. Where the service and publication dates are not the same, the date of publication in the FEDERAL REGISTER is controlling for the purpose of determining time periods set by these procedures or by notices issued in individual proceedings.

§ 1103.4 Participation.

Any person may participate in rulemaking proceedings by submitting written information or views. In addition, the Commission may invite persons to present oral arguments, participate in informal conferences, appear at informal, fact-finding hearings, or participate in any other proceeding. Information gathered as a result of any additional proceeding and information contained in written submissions will be given the same consideration.

§ 1103.5 Consideration of comments received.

All timely comments will be considered before final action is taken on a rulemaking proposal. Comments which are filed late will be considered so far as possible without incurring additional expense or delay.

§ 1103.6 Petitions for extension of time to comment.

(a) Any person may petition the Commission for an extension of time to submit comments in response to a notice of proposed rulemaking. The petition and one copy must be submitted not later than 15 days before expiration of the time stated in the notice. The filing of the petition does not automatically extend the time for the filing of petitioner's comments.

(b) The Commission will grant the petition only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if the extension is in the public interest. If an extension is granted, notice of it will be published in the FEDERAL REGISTER, and it will apply to all persons.

§ 1103.7 Availability of dockets.

Dockets of pending rulemaking proceedings will be maintained in the office of the Commission's Secretary. These dockets are available for inspection by any person, and copies may be obtained upon payment of the prescribed fee.

§ 1103.8 Adoption of final rules.

If, after consideration of all comments received, final rules are adopted, notice will be published in the FEDERAL REGISTER.

§ 1103.9 Petitions for exemptions.

Any person may petition the Commission for a permanent or temporary exemption from any rule. Petitions should be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, and should identify the rule involved and the arguments in favor of granting the exemption.

§ 1103.10 Petitions for reconsideration.

Any person who has participated in a rulemaking proceeding may petition for reconsideration of the Commission's decision in that proceeding. Petitions should be filed within 30 days of the date that the final decision is published in the FEDERAL REGISTER and should identify the interest of the petitioner, the specific action sought, and the arguments favoring that action.

[FR Doc. 78-17502 Filed 6-21-78; 9:57 am]

federal register

MONDAY, JUNE 26, 1978
PART IV



ENVIRONMENTAL PROTECTION AGENCY

■

GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 899-8]

PART 128—PRETREATMENT STANDARDS

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

Final Rules

AGENCY: Environmental Protection Agency.

ACTION: Final rules.

SUMMARY: On February 2, 1977, the Environmental Protection Agency (EPA) proposed a rule (42 FR 6476-6502) which would establish mechanisms and procedures for enforcing national pretreatment standards controlling the introduction of nondomestic wastes into publicly owned treatment works (POTW's). In addition, the preamble to these proposed general pretreatment regulations set forth for public comment four options under consideraton by EPA as the overall national policy for the establishment and enforcement of pretreatment standards for existing and new sources under sections 307 (b) and (c) of the Clean Water Act (the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977). This rule is now being promulgated in final form and will become effective 60 days after promulgation. These regulations replace the existing general pretreatment regulation, 40 CFR Part 128. The preamble and Appendix A of this regulation describe the EPA's overall policy for establishing and enforcing pretreatment standards for new and existing industrial users of POTW's and they delineate the responsibilities and deadlines applicable to each party in this effort.

The intent of this regulation and the national pretreatment policy is to:

(i) Prevent the introduction of pollutants into POTW's which will interfere with the operation of the POTW or contaminate the sewage sludge;

(ii) Prevent the introduction of pollutants into POTW's which will pass through the treatment works into receiving waters or the atmosphere or otherwise be incompatible with the work; and

(iii) Improve opportunities to recycle and reclaim wastewaters and the sludges resulting from wastewater teatment.

To reduce the health and environmental risk of pollution caused by discharges to POTW's the national pretreatment policy, and this regulation implementing the policy, provide for national pretreatment standards. These pretreatment standards will include general discharge prohibitions that apply to all users of a POTW who discharge nondomestic wastes as well as standards applicable to specific industrial categories. The discharge limits set out in categorical pretreatment standards will be based on the best available technology economically achievable for industrial users of POTW's (or, in some cases, more stringent effluent limits under section 307(a)). The categorical pretreatment standards will be promulgated in separate regulations. Within 3 years of issuance or reissuance of a National Pollutant Discharge Elimination System (NPDES) permit for each POTW but in no case later than July 1, 1983, a pretreatment program will be required as a condition of the permit. A POTW pretreatment program will be required if the POTW has a design flow of more than 5 million gallons per day (a total capacity of more than 5 million gallons per day where a single authority operates more than one POTW) and receives wastes from sources subject to section 307 (b) or (c) pretreatment standards. Where a POTW pretreatment program is developed, the POTW will be responsible for enforcement of the national pretreatment standards as well as any local or State standards. Funding to assist POTW's in developing pretreatment programs will be available through section 201 (construction grants) and section 208 (areawide and State Planning grants). Modification of the pollutant discharge limits in categorical pretreatment standards by POTW's will be authorized for documented removal of pollutants attained by the POTW if a pretreatment program has been developed and the locally selected method of POTW sludge use or disposal complies with sludge management requirements established under section 405 of the Clean Water Act. The EPA and States approved to administer the NPDES will enforce national pretreatment standards where local governments do not develop a pretreatment program and assume enforcement responsibiity.

EFFECTIVE DATE: This regulation is effective 60 days after promulgation in the FEDERAL REGISTER, August 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen F. Heare, Office of Water Planning and Standards (WH-586), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-6885. Additional information may also be obtained from the EPA's 10 Regional Offices.

SUPPLEMENTARY INFORMATION

I. BACKGROUND

A. SCOPE OF THE PROGRAM

The scope and complexity of a national pretreatment program and the significance of its potential impact on protection of health and the environment make it desirable to provide the public with a detailed statement of EPA pretreatment policy (see Appendix A. National Pretreatment Strategy) along with the general pretreatment regulation promulgated today. While all nondomestic discharges of waste to POTW's are covered by the general prohibitions contained in this regulation, there are at least 87,000 existing industrial dischargers to POTW's in the 21 industrial categories (see Appendix A, section B. Pretreatment Standards and Guidance) which will be considered in the initial focus of categorical pretreatment standards. In the future, additional industrial categories may be added to the list of 21 industries. Industrial dischargers who dispose of their water-borne wastes through POTW's may also be subject to State or local pretreatment requirements developed to supplement the national program.

Most of the industrial facilities potentially subject to categorical pretreatment standards discharge to approximately 2,500 of the Nation's 13,000-plus POTW's. While the majority of these 2,500 POTW's have either primary or secondary treatment as many as one-half of the 2,500 may provide treatment at levels greater than secondary treatment.

The nationwide pretreatment program is expected to require compliance with categorical pretreatment standards by up to 20,000 dischargers in 1980 and potentially as many as 38,000-55,000 by 1983. Such a major pollution control effort will require substantial dedication of resources as well as public and political support at the municipal, State, and national levels of government.

B. EFFECTS OF INDUSTRIAL DISCHARGES TO POTW'S ON THE PUBLIC HEALTH AND ENVIRONMENT

Industrial discharges to POTW's are known to be the source of significant problems. A number of the pollutants discharged by industrial users of POTW's are substances for which there is evidence of carcinogenicity, mutagenicity, and/or teratogenicity. Others are known to have acute toxic effects on human or aquatic organisms at sufficiently high concentrations. Many of the toxic pollutants are persistent in the environment and some bioaccumulate and enter food chains. When industrial pollutants enter POTW's they can create three types of problems:

(i) *Interference.* The most immediate impact of these pollutants can be on

the operation of the POTW. Discharges of high volumes or concentrations of certain pollutants can inhibit or interfere with the proper operation of a POTW, thus causing it to do an inadequate job of treating normal domestic wastes as well as industrial wastes. As a result, the POTW can be prevented from meeting its permit requirements.

(ii) *Sludge Management.* Toxic pollutants, partially treated by a POTW, enter the POTW's sludge and can contribute significantly to sludge management problems. Industrial pollutants, particularly metals and other toxic pollutants, can limit the sludge management alternatives available to the POTW and increase the cost to the public of providing adequate sludge management. Sludge contaminated with toxic materials can be rendered unusable as a soil conditioner. Many communities are already faced with serious problems in managing ever-increasing quantities of sludge. In some cases, improper handling of sludges contaminated with metals and other toxic pollutants can result in uptake of these pollutants by crops in the human food chain or leaching of these pollutants into ground water (currently the source of approximately 50 percent of the Nation's drinking water) as well as surface waters.

(iii) *Pass-through.* Even when the inhibition/interference and sludge management problems mentioned above have been dealt with, there still are many toxic industrial pollutants that do not receive adequate treatment in most POTW's. These toxic pollutants pass through POTW's in quantities and concentrations that can be harmful to the environment and that would be unacceptable under Federal, State, and local regulations dealing with industrial discharges directly to receiving waters. Toxic industrial pollutants which pass through the POTW can prevent reuse of municipal wastewaters and the productive recycling of organic matter and nutrients in land treatment systems. The pass-through of toxic industrial pollutants can also prevent the attainment of water quality standards and increase the cost to consumers of treating drinking water.

Pollutants which cause or have the potential to cause any of the above problems when discharged to a POTW are said to be "incompatible" (see Appendix A, National Pretreatment Strategy, subsection B(2)(d)).

II. Statutory Considerations

The EPA pretreatment policy and the general pretreatment regulation are based upon the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977, (Pub. L. 95-217) 33 U.S.C. 1251 et seq.

A. General Statutory Considerations

The Clean Water Act was meant to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters" by establishing as a national goal the elimination of the discharge of pollutants into the navigable waters by 1985. A major emphasis for attainment of this goal was placed upon technology-based regulations. Industries which discharge into waters of the U.S. are required to achieve limitations based on Best Practicable Control Technology Currently Available (BPT) by July 1, 1977, and Best Available Technology Economically Achievable (BAT) by July 1, 1983, in accordance with sections 301 and 304. New sources are required to comply with New Source Performance Standards (NSPS) based on Best Available Demonstrated Control Technology (BDT) under section 306. POTW's are obliged to meet "secondary treatment" by 1977, and Best Practicable Waste Treatment Technology (BPWTT) by 1983, in accordance with sections 301(b), 304(d), and 201(g)(2)(A). Users of a POTW are required to comply with pretreatment standards promulgated pursuant to section 307.

Sections 307 (b) and (c) are the key sections of the Act in terms of pretreatment. Section 307(b) requires the EPA Administrator to promulgate regulations establishing pretreatment standards for the introduction of pollutants by existing sources into POTW's. Pretreatment standards promulgated under section 307(b) must be established to prevent the discharge of any pollutant which interferes with the POTW (or contaminates its sludge), passes through, or otherwise is "incompatible" with POTW's.

Section 307(c) requires that the Administrator promulgate pretreatment standards for sources which would be a new source subject to section 306 if it were to discharge pollutants to waters of the U.S. These regulations must be promulgated simultaneously with the promulgation of standards of performance under section 306. New source pretreatment standards must be designed to prevent the discharge of any pollutant into the POTW which may interfere with, pass through, or otherwise be incompatible with the operation of the works, including sludge use or disposal.

Under section 307(d), it is unlawful to operate a new or existing source in violation of a pretreatment standard promulgated under sections 307 (b) and (c). Violations of section 307(d) are subject to enforcement actions brought by the EPA (under section 309) against both the POTW and the industrial user who is in violation.

The Clean Water Act amendments of 1977 reflect a Congressional consensus that the approach discussed above is sound and, with modifications to ensure a special emphasis on control of toxic pollutants, should be continued. The Clean Water Act has added several new provisions relevant to pretreatment. Section 307(b)(1) was amended to allow for local modification of national categorical pretreatment standards to take into account the actual pollutant removal capabilities of particular POTW's. Section 402(b)(8) was amended to provide that any NPDES permit issued to a POTW should include, as permit conditions, requirements for identifying pollutants from significant industrial users and for instituting an adequate local program to ensure compliance by users with national pretreatment standards. Finally, section 405 was amended to expand the guideline provisions relating to the disposal and utilization of sludge and to provide that any permit for the discharge of sewage sludge shall be subject to the requirements of section 402 of the Clean Water Act.

III. Summary of Originally Proposed Strategy Options

The following is a brief discussion of the four Alternative Pretreatment Strategy Options that were included in the preamble to the general pretreatment regulation proposed in the Federal Register on February 2, 1977.

All four proposed strategy options attempted to achieve the statutory objectives of preventing interference and passthrough; however, the options differed in terms of how they reached those objectives. The options differed generally in terms of the extent to which industrial users of POTW's would be controlled by national technology-based pretreatment standards versus locally-developed and applied pretreatment limits. Specifically, the options differed with respect to the number and type of pollutants and sources that would be covered by categorical standards and the amount of flexibility that would be allowed at the local level in applying the standards. Another major difference among the four options was the extent to which the POTW versus the EPA and those States approved to administer the NPDES (NPDES States) would have the primary responsibility for enforcement of applicable pretreatment requirements.

A. Common Elements in February 2, 1977 Proposals

A number of elements were common to all four proposed strategies, including:

(i) Prohibitions on the addition to the POTW by any user of certain pollutants which would substantially interfere with the operation of the POTW;

(ii) Promulgation of categorical technology-based pretreatment standards

under section 307 (b) and (c) to regulate, at a minimum, the more significant toxic pollutants;

(iii) Levels of treatment in categorical pretreatment standards based on available and economically achievable pretreatment technologies;

(iv) Consideration of POTW removal capabilities in determining the compatibility of a pollutant and thus the need for national standards to regulate it;

(v) A variance for fundamentally different factors for existing sources similar to the provision in all promulgated direct discharge standards;

(vi) Provision for case-by-case modifications of the categorical pretreatment standards for pollutant removals achieved by, at a minimum, fundamentally different types of POTW's (i.e., physical-chemical systems, etc.);

(vii) Guidance to local authorities and States on, at a minimum, pretreatment requirements for other significant industrial sources and pollutants not covered by natural pretreatment standards.

(viii) Federal incentives under sections 201 and 208 of the Clean Water Act (201/208 funds for the development costs of POTW pretreatment programs, development of a program as a condition of final payment of Step 3 construction grants, and requiring grantees to develop user charge systems adequate to fund the operating costs of a pretreatment program);

(ix) Federal enforcement of national pretreatment standards directly against industrial users where no approved POTW pretreatment program exists and as a back-up where there is an approved program; and

(x) A requirement in municipal NPDES permits that local pretreatment programs be established by 1983.

B. THE OPTIONS

Since all four options proposed incorporated the above concepts, the following descriptions focus primarily on the major points of difference.

1. Option I—Local Enforcement of Technology Standards. Establish technology-based pretreatment standards for 21 industrial categories covering most incompatible pollutants (including 65 toxic pollutants, see Appendix A, section B. Pretreatment Standards and Guidance). Allow modification of categorical pretreatment standards for removal which the POTW is designed to achieve as well as for those removals which occur incidental to the treatment process, but only where the POTW implements a pretreatment program. Local enforcement of pretreatment standards wherever a pretreatment program is approved; Federal or NPDES State enforcement everywhere else.

2. Option II—Local Enforcement of Technology Standards or Water Quality Variances. Establish pretreatment standards and provide for modifying standards as in Option I, but where approved, allow POTW's to establish and enforce substitute pretreatment requirements based on local water quality instead of the national pretreatment standards. Local enforcement of pretreatment standards wherever a pretreatment program is approved; Federal or NPDES State enforcement everywhere else.

3. Option III—Local Enforcement of Toxic Technology Standards. Establish technology-based pretreatment standards (and provide for modifying standards as in Option I) only for the most toxic pollutants and covering only the most significant contributors of those pollutants (i.e., less than 21 industrial categories and 65 toxic pollutants). Allow POTW's to regulate all other pollutants based on guidance issued by the EPA and incorporate those limits in POTW's permit. Local enforcement of pretreatment standards wherever a pretreatment program is approved; EPA or NPDES State enforcement everywhere else.

4. Option IV—Federal/State Enforcement of Technology Standards. Establish technology-based standards for most if not all dischargers of incompatible pollutants (more than 21 industrial categories). Standards to cover most, if not all, incompatible pollutants and modifications of standards allowed only for removal the POTW is designed to achieve. All enforcement of national pretreatment standards by EPA or NPDES States.

IV. Activities Since Proposal

Proposal on February 2, 1977 of the four options for an EPA pretreatment policy or National Pretreatment Strategy and a general pretreatment regulation precipitated extensive public and congressional consideration of the issues. Following proposal the EPA held public hearings in Chicago, Boston, San Francisco and Washington. Each public hearing was preceded by public meetings with State governments, local governments, industry, and environmental, consumer and other public interest groups. These four public hearings and sixteen public meetings provided significant opportunity for public review and comment on the alternatives. During this period approximately 400 individuals and groups testified and/or submitted written comments. The public debate focused on:

(i) The basis for establishing national pretreatment standards, that is, whether the standards should be based on technological capabilities of dischargers or instream water quality considerations;

(ii) How the standards should be enforced, in particular, whether the primary responsibility for enforcement should be placed on Federal, State, or local authorities;

(iii) The number and types of pollutants and sources which should be regulated by national pretreatment standards;

(iv) The flexibility which should be provided to tailor the national standards and enforcement program to case-specific circumstances; and

(v) The role of pretreatment in facilitating reuse of municipal wastewater and the recycling of municipal and industrial sludges.

In the last half of 1977, the EPA pretreatment policy was considered by the Congress as it developed the Clean Water Act amendments of 1977. The Congressional debate also focused on the above five issues and contributed significantly to their resolution. In addition, the Clean Water Act focused pretreatment in the larger context of national pollution control policy by emphasizing the Congressional intent to control toxics, requiring technology as the basis for establishing levels of pollution control in pretreatment, and re-emphasizing the objective of reclamation and reuse of wastes wherever possible.

V. Major Issues in Public Comments

The major issues covered by public testimony and comment are discussed in this section. The National Pretreatment Strategy selected by the EPA is stated in Appendix A of the regulation. Additional public comments are addressed in a separate document entitled "Response to Public Comments on 40 CFR 403". The complete hearing records, public comments, and the EPA response to significant public comments are available for inspection at the Freedom of Information Office, Environmental Protection Agency, 401 M Street SW., Washington, D.C. Copies of the "Response to Public Comments on 40 CFR Part 403" are available from the Office of Water Planning and Standards, WH-586, U.S. Environental Protection Agency, Washington, D.C. 20460.

A. BASIS FOR PRETREATMENT STANDARDS

Significant public comment has been received as to what the basis should be for establishing national pretreatment standards. All four policy options presented for public comment provided for technology-based national pretreatment standards. However, one option enabled local authorities to develop and enforce locally-derived pretreatment limits in lieu of the national standards, provided that State Water Quality Standards or section 304(a) water quality criteria were not violated.

Proponents of pretreatment standards based on water quality in the receiving waters argued that such standards ensure that the dollar and energy

costs of treatment do not exceed what local water quality conditions may require. Proponents assert that such standards would focus Federal and State resources on municipal discharges which directly affect the environent rather than on the many industrial sources whose environmental impact may be modified by treatment at the POTW. These commenters emphasized that by focusing on the POTW's discharge, enforcement could be tied to the municipal discharger's NPDES permit and POTW's could devise the most cost-effective pretreatment controls for their specific industries. It was also suggested that as technology improved technology-based controls provided an uncertain moving target for pretreaters.

Proponents of pretreatment standards based on the technological capabilities of industries emphasized that such standards: provide for maximum progress towards the Act's basic goal of eliminating the discharge of pollutants into waters of the U.S., insure greater equity between industrial users of POTW's and direct dischargers who are already required to comply with technology-based standards, and will result in greater environmental protection since compliance with technology-based standards is far easier to determine. These commenters stressed that water quality-based standards would delay environmental improvement because water quality standards do not exist for many industrial toxic pollutants and lengthy, costly and methodologically uncertain studies would be required to establish such standards. Testimony was received which emphasized that the Consent Decree in *Natural Resources Defense Council, Inc.* vs. *Train*, 8 ERC 2120 (D.D.C. 1976) (hereafter referred to as the Consent Decree) stipulates technology-based pretreatment standards. Several industries and municipalities expressed concern that only nationwide technology-based standards could ensure equity of environmental burden among competing industrial users of POTW's and prevent new industries from "shopping" for the least restrictive locations.

In establishing its pretreatment policy the EPA has rejected the concept of national pretreatment limits based upon water quality considerations and will instead establish technology-based standards. Congress intended the pretreatment standards to be technology-based since section 307(b)(2) states: "The Administrator shall, from time to time, as control technologies, processes, operating methods, or other alternatives change, revise such standards following the procedure established by this subsection for promulgation of such standards." And section 307(b)(3) requires the prepretreatment standards to be applied to categories of point sources. Moreover, the Consent Decree (Paragraph 13(a)) explicitly provides that the pretreatment standards shall be technology based. This conclusion is confirmed by the legislative history. The Conference Report accompanying amendments to section 307 (b) and (c) of the Clean Water Act provides clear Congressional direction to "establish national pretreatment standards for toxic pollutants based on the best available technology economically achievable, or any more stringent effluent standards under section 307(a)" (House Conference Report (95th Congress, first session, No. 95-830, p. 87)). The EPA agrees with the commenters who stressed the need for technology-based standards, most significantly because many toxic industrial pollutants are conservative in nature, do not degrade in receiving waters, concentrate in bottom sediments and are thus not acknowledged in water quality measurement, and by virtue of their persistence and bioaccumulation can concentrate downstream in food chains and water supplies.

During the public hearings the EPA requested that persons supporting national standards applicable only to the POTW's discharge, in lieu of national pretreatment standards applicable to the industrial users, provide suggestions on how such standards should be developed and evidence demonstrating the practicality of their proposal. The public record does not provide convincing evidence that feasible, readily available methodologies exist at this time to establish comprehensive limits on toxic pollutants in the POTW's effluent.

B. COVERAGE OF SOURCES OF POLLUTANTS

Substantial public comment was received on the number and types of pollutants and sources which should be regulated by national standards. The four options presented for coment on February 2, 1977 differed in terms of the number and type of pollutants covered by national pretreatment standards as well as how many sources of each pollutant would be regulated by these technology-based pretreatment standards.

In support of broad coverage by national standards of industrial categories, the number of industries per category, and the number and type of pollutants, a number of commenters stressed that such coverage:

(i) Would best protect the public health and environment;

(ii) Is required by section 307 (b) and (c) of the Clean Water Act and the Consent Decree in *NRDC* v. *Train*, 8 ERC 2120 (D.D.C. 1976);

(iii) Is necessary to prevent varying and inconsistent local standards and to ensure that controls are established where local expertise or will is deficient;

(iv) Is the most cost-effective method for developing standards; and

(v) Would encourage resource recovery and recycling of concentrated pollutants and minimize sludge contamination.

On the other hand, in support of focusing national standards on only the most toxic incompatible pollutants and significant sources of these toxic pollutants and providing Federal guidance to States and local governments for controlling all other incompatible pollutants, many local authorities, industries and some States emphasized that:

(i) Uniform national pretreatment standards were needed only for the most toxic and hazardous pollutants to insure maximum protection for public health and the environment;

(ii) More cost-effective regulation of other pollutants would result from State and local standards based on Federal guidance which allowed consideration of specific treatment works, municipal sludge disposal or use, removal efficiences of the POTW, NPDES permit limits, conditions in the receiving waters, energy efficiency and water conservation;

(iii) Focusing initially on priority pollutants and sources most quickly provides the greatest public health and environmental protection by minimizing the surveillance, sampling, testing, and processing of variance requests, and other paperwork that would otherwise drain limited local, NPDES State and Federal resources while programs are being developed; and

(iv) Control of non-toxic incompatible pollutants should be by effluent limits in NPDES permits issued to POTW's and a requirement for local standards to be developed to prevent interference, pass-through or sludge contamination consistent with the permit requirements.

In developing its national pretreatment policy, the EPA has not specifically selected the coverage of sources and pollutants outlined in any one of the four alternative strategies proposed on February 2, 1977. The EPA recognizes that the coverage of sources and pollutants are prescribed by the Consent Decree in *NRDC* v. *Train*, 8 ERC 2120 (D.D.C. 1976). The pretreatment requirements of the Consent Decree are discussed in detail in Appendix A (National Pretreatment Strategy) of the regulation.

However, in consideration of the limited resources of the EPA and after analysis of the Hearing Record, the 1977 amendments to the Act, and information available on the environmental problems caused by industrial pollutants discharged through POTW's and the present and project-

ed capabilities of government at all levels to address these problems, the EPA will be guided in its coverage of sources and pollutants by the following considerations.

(i) *Priority on Toxics.* For the following reasons, EPA priority for standard setting should be given to control of incompatible pollutants identified as toxic. Section 101(a)(3) of the Act establishes as national policy "that the discharge of toxic pollutants in toxic amounts be prohibited." In amending section 307(a) of the Act, Congress strengthened this national policy by identifying specific priority toxic pollutants to be controlled at a minimum. In amending section 307(b) of the Act, Congress specifically directed the Agency's attention to the 307(a) toxic pollutants (House Conference Report (95th Congress, first session, No. 95-830, page 87)). Control of toxic incompatible pollutants discharged through POTW's is necessary to achieve other statutory purposes including the recycling of potential sewage pollutants, the reclamation of wastewater and the ultimate disposal of sludge in a manner that will not result in environmental hazard (section 201(d) of the Act) and encourages "integrating facilities for sewage treatment and recycling with facilities to * * * utilize industrial and municipal wastes" (section 201(e) of the Act). Source control of industrial toxic pollutants through pretreatment is also a necessary element of ensuring safe drinking water supplies, minimizing public exposure to toxic air pollutants released in incineration of municipal sludges, and encouraging the recovery of concentrated toxics from industrial sludges.

(ii) *Local government cooperation is necessary for success.* Sections 309(f) and 402(b)(8) of the Clean Water Act provide for Federal and NPDES State enforcement of national pretreatment standards through the POTW. The number of industrial sources and pollutants potentially subject to pretreatment requirements under the statutory criteria for incompatible pollutants is far larger than the number of sources and pollutants controlled by the NPDES program for direct industrial dischargers. At the same time, present and projected Federal and State resources for controlling industrial discharges to POTW's are far smaller than those available for controlling direct industrial sources. While Federal and State enforcement may compel industry and recalcitrant POTW's to comply with pretreatment requirements, only cooperative local government efforts will result in substantial industrial compliance in light of these resource constraints. The public hearing record for pretreatment provides overwhelming testimony on the importance local governments place on having Federal standards cover toxic pollutants and significant sources and allowing local standards to cover other pollutants and sources. Further, Congress recognized in amending section 307(a) that even the toxic pollutants have varying levels of toxicity and that "because of limitations on EPA resources," the Administrator may exercise some discretion in determining pollutants which should be covered by standards (House Conference Report (95th Congress, first session, No. 95-830, page 85)).

These conclusions helped shape the EPA's preference for the coverage of pollutants and sources described more fully in Appendix A (National Pretreatment Strategy) of the regulation.

C. TYPE OF ENFORCEMENT PROGRAM

The extent and emphasis on Federal and State versus local enforcement varied in the four strategy options proposed for public comment on February 2, 1977. Significant public comment was received on whether the primary responsibility for enforcement of pretreatment standards should be placed on Federal, State, or local authorities.

Comments supporting the NPDES authority (the EPA or a State with NPDES responsibility) as the level of government responsible for notifying industrial users, performing compliance reviews and monitoring, enforcing violations, etc. stressed that:

(i) Federal and State resources, staff, technical capability, and legal authorities were superior to those of local governments and more appropriate to the seriousness and magnitude of the pretreatment problem;

(ii) The Federal Government was less vulnerable to special interest pressures that could compromise industrial compliance;

(iii) Federal enforcement was mandated by the Clean Water Act in section 309;

(iv) Federal or NPDES State enforcement actions would be more likely to bring the widespread compliance because of their greater visibility and larger penalties;

(v) Small communities may be unable to implement an effective pretreatment program.

In support of assigning primary enforcement responsibility to local government, other commenters emphasized that:

(i) Successful enforcement requires a degree of local knowledge, flexibility, communication, and visible presence in the field which can only be provided by local government enforcement programs;

(ii) State and Federal governments lack adequate resources;

(iii) Local enforcement is consistent with the policy of the Act to preserve for State and local governments the primary responsibility to control water pollution;

(iv) POTW's bear the costs of inadequate pretreatment and, therefore, find it in their self-interest to require industrial compliance;

(v) Local enforcement is more efficient, simpler to adminster and involves less paperwork.

The issue of enforcement responsibilities and methods has been largely resolved by the Clean Water Act amendments of 1977; the National Pretreatment Strategy reflects the direction provided by Congress. The 1977 amendments modified section 402(b)(8) of the Clean Water Act to require local pretreatment programs to enforce national pretreatment standards as a condition of municipal NPDES permits. Congress added a new subsection (f) to section 309 of the Act to provide that violations by industrial users of national pretreatment standards should be enforced by the POTW. If after 30 days' notification of a violation, the POTW does not commence appropriate enforcement action, the EPA or the NPDES State may begin a civil action against the POTW. In any such civil action, the violating industrial user shall be made a party to the action. In addition, the EPA retains authority under section 309 to bring criminal charges against industrial users who violate national pretreatment standards and against POTW's who violate terms of their NPDES permit.

Thus in the amendments to section 309 and 402 of the Clean Water Act, Congress assigned the primary responsibilities for enforcing national pretreatment standards to the POTW's, while providing the EPA or the NPDES State with the responsibility to assure that local government fulfills this obligation.

The EPA's National Pretreatment Strategy provides that upon the reissuance or modification of an existing NPDES permit for a POTW a compliance schedule for development of a pretreatment program meeting the requirements of 40 CFR 403.8 will be incorporated into the permit. The schedule for development of a POTW pretreatment program will require compliance as soon as reasonable and not more than 3 years from the date the permit expired or was reopened, but in no event later than 1983.

A number of comments questioned whether small communities had the resources, technical capabilities, and where a large industry uses the system, the political will, to effectively enforce national pretreatment standards through a POTW pretreatment program. Several commenters questioned whether requiring such small communities to develop pretreatment programs could unnecessarily delay the NPDES permit and construction

grant programs and yet still require State or Federal enforcement of pretreatment standards. After consideration of the testimony, a review of the performance of small POTW's in complying with present permit requirements, the significance of industries in different-sized POTW's, and the expected costs of developing and administering a pretreatment program, the National Pretreatment Strategy was amended to exempt POTW's with a design flow of 5.0 million gallons per day (mgd) or less from the uniform requirement to have a POTW pretreatment program unless the Regional Administrator or the Director of an NPDES State determines that a program is necessary due to the significance of the character or volume of industrial wastes introduced into the POTW. This exemption and exceptions to it are described in Appendix A (National Pretreatment Strategy, subsection D.1) of the regulation.

There are approximately 568 POTW's that receive industrial wastes and are designed to accept flows of more than 5 mgd. These 568 POTW's account for approximately 87 percent of the industrial influent to POTW's. NPDES States or EPA will be the responsible enforcement authority for industrial users in the approximately 1900 POTW's not required to develop pretreatment programs. The schedule for permit expirations for the 568 POTW's is as follows:

	Total	In NPDES States
Fiscal year:		
1978	133	64
1979	156	102
1980	57	44
1981	25	16
1982	196	141
1983	1	0
Total	568	367

A number of commenters also objected to the vagueness of the State's role in the February 2, 1977 proposal. In amending section 402 of the Clean Water Act, Congress required that NPDES States must have authority similar to the EPA's to require POTW's to develop pretreatment programs as a condition of the municipal NPDES permit. The Act provides NPDES States, at a minimum, one year from passage (December 27, 1977) to make any necessary modifications in their program, or where State enabling legislation will be required, the State is given 2 years at a minimum. The National Pretreatment Strategy and 40 CFR 403 have been expanded to describe the requirements of and procedures for modifying the State NPDES program consistent with the Act. In response to comments from several States, the strategy has also been expanded to enable NPDES States with approved pretreatment programs to elect to vest in that program the primary responsibility for enforcing violations against industrial users in lieu of relying upon POTW pretreatment programs.

A number of States also expressed concern that the cost impact on State government had not been adequately considered and that financial assistance would be needed to absorb the impact. An economic analysis of the impact of 40 CFR 403 upon State and local governments and industrial users of POTW's has been prepared and is summarized in Part VI, Economic Analysis of this preamble. Provision for use of Federal financial assistance under sections 106, 205 and 208 of the Clean Water Act have been made to help defray additional State costs. These provisions for financial assistance are discussed more fully in Appendix A (National Pretreatment Strategy, subsection D.5) of the regulation.

The National Pretreatment Strategy has been amended to phase-in implementation in recognition that the magnitude of the national pretreatment program would exceed current and projected State and Federal manpower if implemented for all affected POTW's simultaneously. As described in the above table, compliance with the requirement for a POTW pretreatment program will be phased by requiring a local program within 3 years of the expiration of existing NPDES permits, but not later than July 1, 1983. Compliance with national pretreatment standards will also be phased since the standards will be issued over a period of several years and the Act requires compliance within 3 years of the standards' promulgation.

D. ROLE OF PRETREATMENT IN SLUDGE MANAGEMENT AND WASTEWATER REUSE

A major issue in public comments concerned the role of pretreatment in facilitating reuse of municipal wastewater and the management of municipal and industrial sludges. These public comments focused on three concerns:

(i) Whether the EPA has authority to consider impact on municipal sludge management in establishing and enforcing national pretreatment standards.

(ii) The extent of industry and pollutant coverage by national pretreatment standards necessary to avoid contaminating municipal sludge.

(iii) Whether modification of the pollutant discharge limits in national pretreatment standards by a POTW should be allowed if it could preclude wastewater reclamation or recycling of the POTW's sludge on croplands.

Each of these concerns are discussed separately below.

1. Authority to Consider Management of Municipal Sludge. A number of commenters questioned whether the EPA had the legal authority to set pretreatment standards on pollutant discharges that cause interference with sludge management and to condition local modification of national standards on sludge management concerns. In amending the Clean Water Act in 1977, Congress addressed both of these issues. The House Conference Report (95th Congress, first session, No. 95-830, page 88) directs the EPA to consider sludge disposal or use in establishing section 307(b) pretreatment standards.

Section 307(b)(1) of the Clean Water Act deals with consideration of sludge use or disposal in modifying national pretreatment standards. Section 307(b)(1) establishes as a precondition of any modification by a POTW of national pretreatment standards that such modification "* * * does not prevent sludge use or disposal by (the POTW) in accordance with section 405 of the Act."

2. Extent of Industry and Pollutant Coverage In National Pretreatment Standards. A number of commenters stressed that national pretreatment standards should be broadly inclusive of industrial categories and pollutants in order to minimize contaminating municipal sludge and foreclosing options for sludge management, especially land-spreading on crop lands. The EPA concurs with the thrust of these comments. The EPA's consideration of sludge disposal or use in setting national pretreatment standards and the justification is described in the discussion on determining incompatible pollutants. (See Appendix A, National Pretreatment Strategy, subsection B(2)(d).)

Several commenters also urged that the pollutant discharge limits required by national pretreatment standards be stringent to protect options for beneficial use of sludge, wastewater reuse, and public health. These commenters emphasized that the Clean Water Act requires that pretreatment standards "prevent the discharge of any pollutant * * * which * * * is incompatible with treatment works (as defined by section 212)". Section 212 of the Act defines "treatment works" to include: "any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment." Furthermore, the 1977 amendments to the Act re-emphasize the intent of Congress to give preferential consideration to land treatment processes to reclaim and recycle municipal and industrial wastewater.

Pretreatment standards for the removal of metals and toxic substances

would expand the potential for land treatment of industrial wastewater and further enhance the potential for utilization of municipal wastewater and sludges for agricultural purposes. As described in Appendix A of the regulation, the National Pretreatment Strategy will result in national pretreatment standards based on the best available technology economically achievable (BAT) by industrial users of POTWs. In establishing the best available technology economically achievable the EPA will not consider the level of pollutant removal which may be achieved by a POTW since such removal may preclude reclamation/reuse. All four Alternative Pretreatment Strategies proposed on February 2, 1977, had included consideration of POTW removals in establishing the required level of technology in setting national standards.

3. Modification of National Standards *vs.* Reclamation and Recycling. A major issue in public comments concerns allowing modifications of national pretreatment standards for toxic pollutants removed and treated by a POTW where wastewater reclamation or sludge recycling would be precluded by the additional pollutant loads resulting from the modification.

As discussed above, Congress, in amending Title II of the Clean Water Act, strengthened the national commitment and preference for alternative and innovative municipal wastewater treatment technologies (and treatment processes) which renovate and reuse wastewater as well as recycle the organic matter and nutrients in a beneficial manner. These amendments provide for a 15 percent credit in evaluating the cost-effectiveness of construction grants for alternative and innovative technologies. The amendments also provide for increasing the Federal share from 75 to 85 percent for construction grants utilizing innovative and alternative technologies and they require one-half of one percent of State allotments for construction grants to be spent on such grant increases.

The EPA recognizes that the reduction of potentially toxic metals and organics in industrial discharges to municipal systems often is critical to the feasibility and success of land treatment. Under section 201(g)(5) of the Clean Water Act, the EPA is precluded from making construction grants after September 30, 1978 unless innovative and alternative technologies have been fully evaluated against the objectives of section 201(d), which include reclamation of wastewater and recycling of sewage pollutants. In order to ensure that local modification of national pretreatment standards under section 307(b)(1) will not preclude compliance with the Congressional intent to encourage innovative and alternative technologies, the National Pretreatment Strategy provides that authorization by the EPA or an NPDES State of any local modification of national standards will only be given after completion of the analysis required by section 201(g)(5) of the Act. This policy applies to POTWs who have received a grant from funds authorized for any fiscal year beginning after September 30, 1978. The analysis of alternative and innovative technologies required by section 201(g)(5) should assume the application of national pretreatment standards without local modification. If the analysis determines that national pretreatment standards without local modification are necessary to the use of an innovative or alternative technology, then local modification of the standard(s) would be prohibited.

Congress, in amending section 307(b)(1) of the Clean Water Act to allow modification of national pretreatment standards for pollutants removed and treated by POTWs, established compliance with section 405 of the Act as the criterion for sludge considerations. Subsection 405(e) states that: "The determination of the manner of (POTW) disposal or use of sludge is a local determination except that it shall be unlawful * * * to dispose of sludge * * * for any use for which guidelines have been established pursuant to subsection (d) of this section, except in accordance with such guidelines." The initial guidelines in the regulations under section 405 are required by January 1979. The guidelines required by section 405 of the Act will be issued jointly with regulations governing sludge use and disposal under the Solid Waste Disposal Act.

In addition, by October 1, 1978 the EPA is required by section 516(d) of the Clean Water Act to submit to Congress a report on the current and potential utilization of municipal sludge for such productive purposes as energy production and soil conditioning. The report is to recommend whether Federal legislation is adequate to encourage or require the expanded use of municipal sludge or whether new legislation will be necessary. In considering the legal, institutional, public health and other impediments to the greater utilization of sludge under sections 405 and 516(d), the EPA will give serious consideration to amending the policy on the modification of national pretreatment standards (see subsection C(2)(d) of Appendix A, National Pretreatment Strategy). The amendment would include consideration of a revised policy which (i) requires evaluation of the beneficial uses of the POTW's sludge, and (ii) would deny authorization to modify a national pretreatment standard for a pollutant which could interfere with beneficial uses, unless the POTW demonstrates that beneficial uses of sludge are clearly not economically feasible or that such could jeopardize public health.

E. PROGRAM FLEXIBILITY

This major issue concerns the flexibility which should be provided to local and State government to tailor the national pretreatment standards and enforcement program to specific circumstances in a State or locality. The major aspects of the National Pretreatment Strategy affecting flexibility and receiving the most public comment included:

(i) The extent of pollutant and industry coverage by national pretreatment standards *vs* locally-developed pretreatment limits;

(ii) Replacement of national pretreatment standards by State or local developed limits based on receiving water quality conditions;

(iii) Modification of national pretreatment standards to reflect POTW pollutant removal capabilities;

(iv) Expression of discharge limits in pretreatment standards as concentration limits *vs* expression as production-based mass limits;

(v) The degree to which existing local and State pretreatment programs will be modified by Federal requirements.

The first two issues above have been discussed in detail in Part V of this preamble (See A. Basis for Pretreatment Standards and B. Coverage of Sources and Pollutants). The last three issues are discussed below.

1. Local Modification of Pollutant Discharge Limits. This issue concerns whether POTW's should be empowered to modify pollutant discharge limits in categorical pretreatment standards to ensure that industrial users are not required to provide pretreatment which would be redundant of treatment provided by the POTW. Public comments also raised a number of questions concerning the conditions under which such modifications should be permitted and the burden imposed on POTW's to show compliance with such conditions.

In amending section 307(b)(1) of the Clean Water Act, Congress included provision for modifying a national categorical pretreatment standard for existing sources of a toxic pollutant to reflect the degree of reduction of that pollutant achieved by the treatment works. As preconditions of modifying pollutant discharge limits in national standards the amendment requires that: (i) All or part of the pollutant be removed by the POTW; (ii) the combination of pretreatment and treatment by the municipal treatment works achieves at least the level of treatment which would be required if the industrial user were making a direct discharge, and (iii) the modification of

the national standard does not prevent sludge use or disposal by the POTW in compliance with section 405 of the Act. The House Conference Report (95th Congress, first session, No. 95-830, pages 87-88) states as the intent of Congress that "Any effluent reduction attained by the treatment works and used to justify a modification of pretreatment requirements must be a permit condition enforceable against the owner or operator of the treatment work(s)." Congress also amended section 402(b)(8) of the Act to require POTW's to develop programs to assure compliance by industrial users with national pretreatment standards. Senator Muskie, in his Floor Manager's Report for the Clean Water Act, states that local modification of national standards is contingent on the POTW having an approved program to assure compliance with national standards and any locally-modified pretreatment standards (123 Cong. Rec. S-19650, December 15, 1977). These provisions for modifying national pretreatment standards applicable to sources of toxic pollutants are described more fully in Appendix A of the regulation, [National Pretreatment Strategy, subsection C(2)].

A number of the issues on local flexibility to modify national standards are also germane to implementation of section 307(b)(1) of the amended Act. The following discussion covers how the most significant of these comments have been considered in the National Pretreatment Strategy.

One commenter suggested that allowing local modification of a national pretreatment standard to reflect POTW removals would not be sufficient to prevent redundant treatment. This commenter argued that redundant treatment would be prevented if pretreatment were required only where toxic concentrations were found in the POTW's effluent in excess of that required by water quality standards. This comment assumes that avoiding redundant treatment is the same as not requiring pretreatment unless an ambient environmental standard requires additional treatment. The EPA does not concur with this interpretation. The EPA interprets redundant treatment as meaning duplicating treatment provided by the POTW. This interpretation is consistent with the Congressional decision to base treatment levels upon technology and it is consistent with the Act's ultimate goal to eliminate the discharge of pollutants. Further, in amending section 307(b)(1) to deal with the problem of redundant treatment, Congress established the principal of equity of requirements with direct dischargers and rejected the concept of only requiring pretreatment where ambient conditions require. Direct dischargers are subject to technology-based effluent limitations, except where water quality conditions require more stringent treatment.

A number of State and local governments were concerned that the proposed criteria and procedures for modifying national pretreatment standards to account for POTW removals was too complex and burdensome. Particular concern was expressed with the requirements for documenting POTW removal efficiencies. The EPA concurs with this assessment and has redrafted the regulatory language and procedures to make them simpler wherever possible. In particular, the requirements for documenting POTW removal of a pollutant have been made less costly and burdensome and more representative of actual operating conditions (See 40 CFR 403.7(c)). In addition, the procedures for obtaining approval of POTW removal efficiencies have been simplified by enabling POTW's to receive one authorization to modify categorical standards for all pollutants removed by the POTW; then, as national pretreatment standards are promulgated, POTW's can modify the standards where they have previously obtained pollutant-specific authorization, based on removal efficiencies.

A number of commenters stressed the need to define the level of POTW removal which is deemed "consistent" and used in the EPA's formula for modifying national pretreatment standards. In amending section 307(b)(1) of the Clean Water Act, the Congress established achievement of at least the level of treatment which would be required if the industrial source were a direct discharger as a criterion. Since direct dischargers are required to comply with their effluent limitations at all times, the EPA believes that the pollutant removal claimed by a POTW should be that removal which occurs virtually all of the time. As used in the regulation (§ 403.7), "consistent" removal is the removal capability that a POTW achieves in 95 percent of the representative samples taken.

2. Conflicts with Existing Local and State Pretreatment Programs. A number of commenters were concerned that a National Pretreatment Strategy should build upon and reinforce prior local and State efforts at source control and minimize disruption of on-going pretreatment programs. EPA shares this objective and believes that to the degree permitted by the Clean Water Act, support and expansion of existing State and local programs is critical to the success of the national pretreatment program.

The National Pretreatment Strategy has been developed to minimize conflicts with existing programs wherever possible. Federal standard-setting will give priority to the control of toxic pollutants. Since the vast majority of existing local programs are focused upon the discharge of non-toxics and/or a very limited number of toxic pollutants which may interfere with or upset the operation of the treatment works, in most cases Federal standards should supplement rather than replace the existing State or local standards.

A small number of POTW's have developed pretreatment programs to control the pass-through of some heavy metals and a few other toxic pollutants. These pass-through standards have been based on water quality standards in the receiving waters. In a review of five such local pretreatment programs, the EPA found in four of the five that the pass-through standards for toxic pollutants would require dischargers to install the same levels of treatment technology as national technology-based standards. Where existing State or local standards regulate a toxic pollutant which will also be covered by a national standard, § 403.4 of these regulations provides that the national standard will not affect any State or local requirement which is of equal or greater stringency.

There will, of course, be some cases where a national pretreatment standard requires a more stringent level of control technology than an existing State or local standard for the same pollutant. A similar situation confronts may direct industrial dischargers and, in both instances, the installation of more stringent technology will be necessary to comply with the national standards. The Act does not provide for less stringent standards or longer compliance times in such instances. As discussed in Part A. Basis for Pretreatment Standards, EPA believes that technology-based standards are appropriate for toxic industrial pollutants, many of which are conservative in nature, do not degrade in receiving waters, concentrate in bottom sediments and by virtue of their persistence and bioaccumulation, can concentrate downstream in food chains.

In developing the National Pretreatment Strategy, consideration was also given to minimizing potential procedural conflicts. For example, a few States have statewide enforcement programs for pretreatment. NPDES States may assume primary responsibility for enforcing pretreatment standards rather than developing local pretreatment programs. In addition, the requirements for an approved local pretreatment program in the 40 CFR Part 403 regulations are stated in terms of specific performance criteria; the manner in which the criteria are met may vary from locality to locality.

3. Standards Expressed in Terms of Mass Versus Concentration. This issue concerns whether the discharge limits

in national pretreatment standards should be expressed in terms of mass per unit of production or in terms of uniform concentration limits. Commenters supporting standards expressed in terms of mass emphasize that such standards:

(i) Encourage water conservation,

(ii) Require only one sampling point in multi-process industrial facilities; and

(iii) Minimize the discharge of bioaccumulative and persistent toxics whereas concentration limits may in some cases only avoid acute toxicity problems, and

(iv) Avoid problems of industrial compliance by dilution. Advocates of mass-based standards also expressed concern that concentration-based standards could penalize industries who conserve water.

Supporters of pretreatment standards expressed as concentration limits emphasized that such standards:

(i) Are far more easily monitored and enforced by POTW's since only a grab sample of the industrial effluent is needed, and

(ii) Are least disruptive of progress underway in existing pretreatment programs, almost all of which use concentration limits.

A number of commenters emphasized that mass-based standards require (a) accurate production data which is quickly obtainable, (b) accurate daily flow data, (c) that a direct correlation between production and pollutant loading has been established, and (d) a quick, relatively straightforward means of computing this information. These commenters stressed that these conditions could not be met in their community.

Several communities refuted concerns about dilution as a means of compliance by reporting declines in industrial water usage following enforcement of concentration-based pretreatment standards. They attributed declines in water usage to greater industrial reuse and recycle, high water and sewer rates which were increased by local surcharges based on pretreatment standards, on-site inspections to enforce local dilution prohibitions, and local review of plans and specifications for pretreatment facilities. In addition, several communities emphasized that the reductions in concentration of pollutants discharged required by national standards were greatly in excess of what could economically be achieved by dilution.

Some commenters argued that pretreatment standards should be expressed as mass per unit of production since the EPA had no reason to treat industries using a POTW different from those discharging directly. Direct dischargers are subject to effluent limitations which are included in each source's NPDES permit and are derived from mass-based effluent guidelines developed under section 304 of the Clean Water Act. The NPDES permits are written in terms of pounds-per-day based on a negotiated value for industrial production. In contrast, section 307 pretreatment requirements must be expressed as standards rather than guidelines. Neither the EPA nor an NPDES State is authorized by the Act to issue a permit to an industrial user of a POTW. Thus, in order to enforce mass-based pretreatment standards without a permit, flow, concentration, and production would have to be determined simultaneously since production would not be a fixed negotiated figure. EPA and NPDES State resources are not sufficient to implement such a system within the statutory compliance period.

The EPA has decided to state pretreatment standards in terms of concentration (mg/1) and wherever possible to provide an equivalent mass per unit of production which, at the discretion of State and local authorities, could be used in lieu of the concentration limits, especially in water short areas or for an industry that has conserved water. In considering periodic revisions to pretreatment standards as required by the Act, the EPA will evaluate State and local experience with concentration-based standards. If it is determined that nationally there are significant problems with compliance by dilution or that water conservers are being penalized, the EPA will require mass-based standards for that industrial sub-category in subsequent revisions of a pretreatment standard. If upon reissuance of a POTW's permit, compliance by dilution is found to be a problem in that POTW's pretreatment program, local use of mass based standards may be required for that POTW. In addition to enabling local authorities to choose to enforce standards expressed as concentrations or mass or both, the strategy has been altered to deal with several public concerns expressed about concentration standards. To minimize dilution, industries will be required to monitor compliance at the individual process unit and to continuously monitor wastewater flow. This is equivalent to the monitoring required of direct dischargers. To enable a multi-process facility to comply with pretreatment standards in the most cost-effective manner and to encourage innovative technology while minimizing compliance by dilution, provision has been made for computing a concentration limit for combined waste streams of several processes which is equivalent to the concentration standards that would apply at the individual process unit of that source. These provisions are discussed in detail in Appendix A in subsection (B)(2)(e), National Pretreatment Strategy.

VI. Summary of Economic Impacts

The cost of implementing 40 CFR Part 403 will be distributed among POTWs, NPDES States, and industrial users of POTWs. Only POTWs with a design flow of greater than 5 mgd will be required to develop pretreatment programs. Approximately 568 POTWs will be required to develop pretreatment programs. The regulation will affect approximately 40,000 industrial users of POTWs. Thirty NPDES States and Territories will be required to administer State pretreatment programs. The total costs borne by each of these three sectors over the next 5 years is estimated to be as follows:

Annual Costs

[In thousands of dollars]

	1979	1980	1981	1982	1983
Municipal costs	231	842	5,586	9,371	17,043
NPDES State costs	13,434	13,662	11,829	9,962	3,213
Industry costs	2,196	3,686	5,790	4,298	0
Total	15,861	18,190	23,205	23,631	20,256

Costs for each POTW, NPDES State and industrial discharger are estimated to be as follows:

	1979	1980	1981	1982	1983
Municipal costs (dollars per POTW)	1,737	2,913	9,835	16,498	48,920
NPDES State costs (dollars per State)	447,800	455,400	394,300	332,067	107,100
Industry costs (dollars per discharger)	460	460	460	460	0

The decreasing NPDES State costs and increasing POTW costs represent the effect of shifting the burden of the pretreatment program from the States to the municipalities as POTW pretreatment programs become operational.

A. Municipal Costs

Only POTWs with design flows of more than 5 million gallons of water per day will be required to develop pretreatment programs. these POTWs will incur costs to develop the pretreatment programs, to operate the

programs, and, in some cases, to apply for and maintain authorization to modify categorical pretreatment standards for pollutants removed by the POTW.

Federal funds are available under the authority of sections 201 and 208 of the Clean Water Act to cover 75 percent of the costs of developing POTW pretreatment programs, and the costs here are net of this funding.

Application for authority to modify categorical pretreatment standards for pollutants removed by POTW's is discretionary with each POTW. About 360 POTW's are expected to apply for such authorization, at a cost of about $29,000 per POTW request.

Because of industrial pretreatment, municipal sludge quality may be improved significantly. The improvement will enable POTW's to land spread sludge that had previously been incinerated or disposed of in land fills. This could result in savings of about $35 per metric ton of sludge. The costs to municipalities shown here are net of the estimated benefits realized by some POTW's who are able to shift from sludge disposal to beneficial use of sludge. In addition, industrial pretreatment may enable some POTW's to continue less costly sludge management practices in compliance with more stringent environmental protection as municipal sludge disposal and use are regulated by more stringent environmental standards under section 405 of the Clean Water Act and the hazardous and non-hazardous provisions of the Solid Waste Disposal Act. These benefits are not included in the costs shown.

The regulation requires municipalities to develop adequate sources of revenue for the implementation of their pretreatment programs. In practice, this means that local costs will be distributed among users of the systems. If user charges are employed, both domestic and non-domestic users will support POTW costs. If industrial cost recovery or metered surcharges are employed, all municipal costs of pretreatment programs will be distributed among industrial users, at an average of about $401 per discharger by 1983.

In 1983 municipal costs are highest. Average costs for POTW's sized 16–33 mgd (22.28 mgd, mean) in 1983 is $42,475 (average size of 568 POTW's is 28.78 mgd). These costs may be compared with annual POTW operating costs, described in the "Areawide Assessment Procedures Manual, Appendix H, Point Source Control Alternatives." For activited sludge treatment systems, the manual gives total annual costs of $2,172,000 for a system with a flow of 20 mgd. These are the only cost figures readily available for POTW's in the size ranges under consideration, but they show that for comparable POTW's the costs of this regulation is less than 2 percent of current costs (for this discussion, savings from improved sludge quality were not considered; for many POTW's, 2 percent will be a great over-estimate of net incremental costs).

B. NPDES STATE COSTS

The largest burden on the NPDES States and Territories is the assumption of pretreatment program responsibilities in those POTW's that do not develop local pretreatment programs. This cost declines as the number of local programs increases, but EPA estimates that about 1,900 POTW's sized 5 mgd or less receive industrial effluent. If the smaller POTW's do not develop their own programs, then pretreatment program responsibilities in these municipalities will continue to be performed by the NPDES States (and EPA).

Federal funds are available, in the form of grants under sections 106, 205, and 208 of the Clean Water Act, to subsidize some of the expenses incurred by the NPDES States in developing and implementing State pretreatment programs.

The only costs shown by the analysis for 1978 is the cost of State enabling legislation and program development. This is not shown in the summary tables, but comes to about $54,000, or about $1,800 per State.

C. INDUSTRY COSTS

Costs to industry as a direct result of this regulation are expected to be small. The regulation does require that dischargers monitor their own effluent at the time of promulgation of pretreatment standards applicable to them. Dischargers must also sample and analyze their effluent twice a year after the deadlines for compliance with standards have been passed. However, in advance of promulgating specific standards it is impossible to determine the exact number of industrial users affected, the date compliance will be required, or the number of pollutants covered for each industrial user. The reporting and monitoring costs required by this regulation are attributable to the pretreatment standards themselves and will be assessed for impact as those regulations are developed. Preliminary estimates prepared in developing the national pretreatment strategy indicate that when all 21 industrial categories have standards, the average annual costs per industrial user in 1983 may be approximately $2,900 and the total industry costs in 1983 may be $116,800,000; these costs include sampling, monitoring and reporting. The costs of actually meeting a pretreatment standard and the costs of any fundamentally different factor variances that may be sought in connection with that standard, will be assessed as each pretreatment standard is developed.

In addition to the costs shown, increases in industrial surcharges might raise the cost of this regulation to the average discharger by about $400 in each year after 1981. Based on currently available information it is not possible to determine the distribution across dischargers of this average added cost. If flow is proportional to the charge, it may be safe to presume that smaller, more vulnerable concerns will experience rate increases well below $400.

The costs shown are exclusive of the economic benefits to industrial users of modifications to categorical pretreatment standards for pollutants removed by the POTW.

ANNUALIZED COSTS OF PRETREATMENT PROGRAM ACTIVITIES

[In thousands of dollars]

	1979	1980	1981	1982	1983
A. Municipal costs:					
Local program development	231	427	889	889	889
Local program operation	0	0	4,555	7,669	16,600
Removal credit applications	0	415	834	1,650	1,650
Removal credit maintenance	0	0	1,265	2,543	5,029
Total	231	842	7,543	12,751	24,168
Municipal benefits	0	0	1,957	3,380	7,125
Net municipal costs	231	842	5,586	9,371	17,043
B. NPDES State costs:					
State program development	63	63	63	63	63
Local program development	44	114	252	252	252
Local program operation	13,327	13,327	11,246	9,091	2,686
Removal credit applications	0	158	225	461	0
Removal credit maintenance	0	0	43	95	212
Total NPDES State costs	13,434	13,662	11,829	9,962	3,213
C. Industry costs:					
Reporting costs	2,196	3,686	5,790	4,298	0
Total industry costs	2,196	3,686	5,790	4,298	0
Total	15,861	18,190	23,205	23,631	20,256

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

Dated: June 12, 1978.

DOUGLAS M. COSTLE.
Administrator.

Title 40 of the Code of Federal Regulations is revised by deleting Part 128 and by adding a new Part 403 to read as follows:

PART 128—PRETREATMENT STANDARDS [DELETED]

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

Sec.

403.1 Purpose and applicability.
403.2 Objectives of General Pretreatment Regulation.
403.3 Definitions.
403.4 State or local law.
403.5 National Pretreatment Standards: Prohibited discharges.
403.6 National Pretreatment Standards: Categorical Standards.
403.7 Revision of categorical Pretreatment Standards to reflect POTW Removal of pollutants.
403.8 POTW Pretreatment Programs: Development by POTW.
403.9 POTW Pretreatment Programs and/or authorization to revise Pretreatment Standards: Submission for approval.
403.10 Development and Submission of NPDES State Pretreatment Programs.
403.11 Approval procedures for State and POTW Pretreatment Programs. POTW revisions of categorical Pretreatment Standards.
403.12 Reporting requirements for POTW's and Industrial Users.
403.13 Variances from categorical Pretreatment Standards for fundamentally different factors.
403.14 Public access to information.
Appendix A—National Pretreatment Strategy.
Appendix B—65 Toxic Pollutants.
Appendix C—Subcategories of 21 Industries.

§ 403.1 Purpose and applicability.

(a) This part implements sections 204(b)(1)(C), 208(b)(2)(C)(iii), 301(b)(1)(A)(ii), 301(b)(2)(A)(ii), 301(h)(5) and 301(i)(2), 304 (e) and (g), 307(b), 307(c), and 307(d), 308, 309, 402(b), 405, and 501(a) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (Pub. L. 95-217) or "The Act." It establishes responsibilities of Federal, State, and local government, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge.

(b) This regulation applies: (1) to nondomestic pollutants covered by section 307 (b) and (c) Pretreatment Standards discharged into or transported by truck or rail or otherwise introduced into POTWs as defined below in § 403.3; (2) to POTWs which receive wastewater from sources subject to National Pretreatment Standards established pursuant to sections 307 (b) and (c) of the Act; (3) States which have National Pollutant Discharge Elimination System (NPDES) programs approved in accordance with section 402 of the Act; and (4) to any new or existing source subject to section 307 (b) and (c) Pretreatment Standards. National Pretreatment Standards apply to new and existing sources of nondomestic pollutants who discharge to POTWs whose NPDES permit requires compliance with secondary treatment (section 301(b)(2)(B) and (C) of the Act) or best practicable waste treatment technology (section 301(b)(2)(B) of the Act). National Pretreatment Standards do not apply to sources who discharge to a sewer which is not connected to a public facility which provides treatment before discharge to receiving waters or to "discharge of pollutants" as defined in regulations issued pursuant to section 402 of the Act. (Comment: These sources are subject to effluent guidelines promulgated under section 301(b) of the Act.)

In those States which have approved NPDES programs, the appropriate State water pollution control agency will have primary responsibility: (a) for enforcing against discharges prohibited by § 403.5; (b) for applying and enforcing any National Pretreatment Standards established by the Environmental Protection Agency (EPA) in accordance with section 307 (b) and (c) of the Act; (c) for reviewing, approving, and overseeing POTW Pretreatment Programs to enforce National Pretreatment Standards in accordance with the procedures discussed in § 403.11; (d) for requiring a POTW Pretreatment Program in NPDES Permits issued to POTWs as required in § 403.8 and as provided in section 402(b)(8) of the Act; (e) for reviewing and approving modification of categorical Pretreatment Standards to reflect removal of pollutants by a POTW and for enforcing related conditions in the municipal NPDES Permit.

§ 403.2 Objectives of General Pretreatment Regulation.

By establishing the responsibilities of government and industry to implement National Pretreatment Standards this regulation fulfills three objectives: (a) to prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge; (b) to prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and (c) to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

§ 403.3 Definitions.

For the purpose of this regulation:

(a) Except as discussed below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this regulation.

(b) The term "Act" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(c) The term "Approval Authority" means the Director in an NPDES State with an approved State pretreatment program and the Administrator of the EPA in a non-NPDES State or NPDES State without an approved State pretreatment program.

(d) The term "Approved POTW Pretreatment Program" or "Program" or "POTW Pretreatment Program" means a program administered by a POTW that meets the criteria established in this regulation (§§ 403.8 and 403.9) and which has been approved by a Regional Administrator or State Director in accordance with § 403.11 of this regulation.

(e) The term "Director" means the chief administrative officer of a State or Interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act and an approved State pretreatment program.

(f) The term "Indirect Discharge" means the discharge or the introduction of nondomestic pollutants from

any source regulated under section 307 (b) or (c) of the Act, into a POTW.

(g) The term "Industrial User" means a source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act.

(h) The term "Interference" means inhibition or disruption of a POTW's sewer system, treatment processes or operations which contributes to a violation of any requirement of its NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, or any criteria guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(i) The term "National Pretreatment Standard" or "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users.

(j) The term "New Source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) categorical Pretreatment Standard which will be applicable to such source, if such Standard is thereafter promulgated within 120 days of proposal in the FEDERAL REGISTER. Where the Standard is promulgated later than 120 days after proposal, a New Source means any source, the construction of which is commenced after the date of promulgation of the Standard.

(k) The terms "NPDES Permit" or "Permit" means a permit issued to a POTW pursuant to section 402 of the Act.

(l) The term "NPDES State" means a State or Interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act.

(m) The term "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(n) The term "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by § 403.6(d).

(o) The term "Pretreatment Requirements" means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

(p) the term "Regional Administrator" means the appropriate EPA Regional Administrator.

(q) The term "Submission" means (1) a request for approval of a Pretreatment Program by a POTW to the EPA or a State Director; (2) a request to the EPA or a State Director by a POTW for authority to revise the discharge limits in categorical Pretreatment Standards to reflect POTW pollutant removals; or (3) a request to the EPA by an NPDES State for approval of its State pretreatment program.

§ 403.4 State or local law.

Nothing in this regulation is intended to affect any Pretreatment Requirements, including any standards or prohibitions, established by State or local law as long as the State or local requirements are not less stringent than any set forth in National Pretreatment Standards, or any other requirements or prohibitions established under the Act or this regulation. States with an NPDES permit program approved in accordance with section 402 (b) and (c) of the Act, or States requesting NPDES programs, are responsible for developing a State pretreatment program in accordance with §§ 403.10 and 403.11 of this regulation.

§ 403.5 National Pretreatment Standards: Prohibited Discharges.

(a) Pollutants introduced into POTW's by any source of a nondomestic discharge shall not inhibit or Interfere with the operation or performance of the works. These general prohibitions apply to all such users of a POTW whether or not the user is subject to other National Pretreatment Standards or any National, State, or local Pretreatment Requirements.

(b) The following pollutants may not be introduced into a POTW:

(1) Pollutants which create a fire or explosion hazard in the POTW;

(2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in sewers, or other Interference with the operation of the POTW;

(4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause Interference in the POTW.

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40° C (104° F) unless the works is designed to accommodate such heat.

(c) POTW's developing POTW Pretreatment Programs pursuant to § 403.8 shall be required to develop and enforce specific limits for discharges of the pollutants listed in § 403.5(b)(1)–(5). In addition, any POTW in violation of an NPDES Permit requirement as a result of Interference by a pollutant listed in § 403.5(b)(1)–(5) shall be required by the EPA or NPDES state to develop and enforce such specific limits.

(d) Where specific prohibitions or limits on the pollutants or pollutant parameters listed in § 403.5(b)(1)–(5) are developed by a POTW, either as a requirement of an Approved POTW Pretreatment Program pursuant to § 403.8 or an NPDES Permit, such limits shall be incorporated in the NPDES Permit issued to the POTW and shall replace and be enforceable in lieu of the general prohibitions set forth in this section.

(e) Compliance with the provisions of this section is required beginning on the effective date of this regulation, except for paragraph (b)(5) of this section which must be complied with within 3 years of the effective date of this regulation.

§ 403.6 National Pretreatment Standards: Categorical Standards.

(a) National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to a POTW by existing or new Industrial Users in specific industrial subcategories will be established as separate regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N. These Standards, unless specifically noted otherwise, shall be in addition to the general prohibitions established in § 403.5 of this regulation.

(1) Within 30 days after the effective date of a Pretreatment Standard for a subcategory under which an Industrial User believes itself to be included, the Industrial User may request that the EPA Regional Enforcement Division

Director or Director, as appropriate, provide written certification to the effect that the Industrial User does or does not fall within that particular subcategory.

(2) Each request shall contain a statement:

(i) Describing which subcategories might be applicable;

(ii) Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Each such statement shall contain an oath stating that the facts contained therein are true on the basis of the applicant's personal knowledge or to the best of his information and belief. The oath shall be attested to by a notary public.

(3) *Deficient Requests.* The Enforcement Division Director or Director will only act on written requests for determinations that contain all of the information required. Persons who have made incomplete Submissions will be notified by the Enforcement Division Director or Director that their requests are deficient and unless the time period is extended, will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the Enforcement Division Director or the Director, the request for a determination shall be denied.

(4) *Final Decision.* (i) When the Enforcement Division Director or Director receives a submittal from a Requester he will, after determining that it contains all of the information required by subparagraph (2) of this paragraph, consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The Enforcement Division Director or Director will then make a written determination of the applicable subcategory and state the reasons for his determination.

(ii) Where the request is submitted to the Director, the Director shall forward the finding described in this paragraph to the Enforcement Division Director who may make a final determination. If the Enforcement Division Director does not modify the Director's decision within 60 days after receipt thereof, the Director's decision is final.

(iii) Where the request is submitted to the Enforcement Division Director or where the Enforcement Division Director elects to modify the Director's decision, the Enforcement Division Director's decision will be final.

(iv) The Enforcement Division Director or Director, as appropriate, shall send a copy of his determination to the requestor. Where the final determination is made by the Enforcement Division Director, he shall send a copy of his determination to the Director.

(5) *Requests for hearing and/or legal decision.* Within 30 days following the date of receipt of notice of the Enforcement Division Director's decision disapproving the Requester's choice of subcategory, the Requester may submit a petition to the Regional Administrator for a hearing and/or legal opinion to reconsider or contest the decision. If the Regional Administrator declines to issue a legal opinion or to hold a hearing or affirms the Enforcement Division Director's decision, the Requester may submit a petition for a hearing and/or legal decision to the Administrator within 30 days following the date of receipt of notice of the Regional Administrator's decision.

(6) If an Industrial User fails either to seek the certification referred to in subparagraph (1) of this paragraph within the prescribed 30-day period, or to contest a negative determination through the administrative channels provided, an Industrial User will be bound by any subsequent determination made by EPA or the Director as to the subcategory under which an Industrial User should be included.

(b) Compliance by existing sources with categorical Pretreatment Standards shall be within 3 years of the date the Standard is promulgated unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. Direct dischargers with NPDES permits modified or reissued to provide a variance pursuant to section 301(i)(2) and 40 CFR Parts 124, 125 shall be required to meet compliance dates set forth in any applicable categorical Pretreatment Standard. Existing sources which become Industrial Users subsequent to promulgation of an applicable categorical Pretreatment Standard shall be considered existing Industrial Users except where such source meets the definition of a New Source as defined under § 403.3(j). Compliance with categorical Pretreatment Standards for New Sources will be required upon promulgation.

(c) Pollutant discharge limits in categorical Pretreatment Standards will normally be expressed as concentration limits. Wherever possible, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use either concentration or mass limits. Concentration limits in categorical Pretreatment Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the Standard.

(d) Except where expressly authorized to do so by an applicable categorical Pretreatment Standard, no Industrial User shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical Pretreatment Standard.

§ 403.7 Revision of categorical pretreatment standards to reflect POTW removal of pollutants.

This subpart provides the criteria and procedures to be used by a POTW in revising the pollutant discharge limits specified in categorical Pretreatment Standards to reflect Removal of pollutants by the POTW.

(a) *Definition.* For the purposes of this section:

(1) "Consistent POTW Removal" or "Pollutant Removal" or "Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of a pollutant in the influent to a POTW to a less toxic or harmless state in the effluent which is achieved by that POTW in 95 percent of the samples taken when measured according to the procedures set forth in § 403.7(c)(2). The reduction or alteration can be obtained by physical, chemical or biological means and may be the result of specifically designed POTW capabilities or it may be incidental to the operation of the treatment system. Removal as used in this subpart shall not mean dilution of a pollutant in the POTW or its sewer system. The inability of monitoring equipment to detect pollutants in the influent to the POTW shall not by itself, constitute Removal, except where the pollutant is shown by the POTW to be degradable during the time it is in the POTW or its sewer system.

(b) *Revision of categorical Pretreatment Standards to reflect POTW Pollutant Removal.* Any POTW receiving wastes from an Industrial User to which a section 307 (b) or (c) categorical Pretreatment Standard applies may, subject to the conditions of this section, revise the discharge limits for a specific pollutant(s) covered in the categorical Pretreatment Standard, applicable to that user, based upon the POTW's demonstrated capability to remove that (those) pollutant(s). Revision of pollutant discharge limits in categorical Pretreatment Standards by a POTW may be made provided that:

(1) The POTW applies for, and receives, authorization from the Regional Administrator and/or Director to revise the discharge limits in Pretreatment Standards, for specific pollutants, in accordance with the requirements and procedures set out in this section and §§ 403.9 and 403.11;

(2) The POTW has a Pretreatment Program approved in accordance with § 403.8, § 403.9 and § 403.11;

(3) The POTW provides Consistent removal of each pollutant for which the discharge limit in a categorical Standard is to be revised, at a level which justifies the amount of revision to the discharge limit. POTWs with

combined sewers or systems which at least once annually, bypass untreated wastewater to receiving waters may claim Consistent Removal of a pollutant only where efforts to correct the conditions resulting in untreated discharges by the POTW are underway in accordance with the policy and procedures set forth in "PRM 75-34" or "Program Guidance Memorandum—61" published on December 16, 1975 by EPA's Office of Water Program Operations (WH-546). Revisions to discharge limits in categorical Pretreatment Standards may not be made where efforts have not been committed to by the POTW to minimize pollution from bypasses. At a minimum, the POTW must have an approved facility plan which includes treatment and control of bypasses and be implementing the plan or have an application submitted for a Step 2 construction grant to implement the facility plan. Authorization will not be granted where efforts are not being made to minimize pollution from bypasses.

(4) The POTW's sludge use or disposal practices are currently, and after any revisions are made to the discharge limits in National Pretreatment Standards will remain, in compliance with sludge use or disposal criteria, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act; or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Subtitle D of SWDA) applicable to the sludge management method being used.

(c) *POTW application for authorization to revise discharge limits.* Application for authorization to revise discharge limits for Users who are or may in the future be subject to categorical Pretreatment Standards will be included with a POTW's Pretreatment Program Submission pursuant to § 403.8, § 403.9 and § 403.11 of this regulation. Subsequent applications for authorizations covering additional pollutants will be processed only at the time of any NPDES Permit reissuance; therefore, POTW's should apply initially for authorization for any pollutant they remove and for which they may wish to modify an existing or prospective National Pretreatment Standard prior to the next scheduled Permit reissuance. Requests for authorization to revise discharge limits in categorical Pretreatment Standards must be supported by the following information:

(1) A list of pollutants for which discharge limit revisions are proposed.

(2) Influent and effluent operational data and any other information which demonstrates Consistent Removal of the pollutants for which discharge limit revisions are proposed. This data shall meet the following requirements:

(i) The data shall be representative of yearly and seasonal conditions to which the POTW is subjected for each pollutant for which a discharge limit revision is proposed.

(ii) The data shall be representative of the quality and quantity of normal effluent and influent flow of the system.

(iii) The data shall be obtained through a composite sample taken on each of three consecutive days during each season. Each composite sample will contain a minimum of 12 discrete samples taken at equal time intervals over the 24-hour period and proportional to the flow. More than the minimum number of discrete samples may be required by the Director and/or Regional Administrator where necessary to determine Consistent Removal.

(iv) Where a composite sample is not an appropriate sampling technique, a grab sample shall be taken. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results. A grab sample is an individual sample collected over a period of time not exceeding 15 minutes.

The sampling referred to in paragraphs (c)(2) (i)-(iv) of this section and an analysis of these samples shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, [Comment: Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977 (available from Office of Water Planning and Standards, (WH-551), U.S. EPA, Washington, D.C. 20460) and any amendments to this publication or any other applicable sampling and analytical procedures approved by the Administrator.] All sampling and analysis of the specified pollutants must be submitted to the Approval Authority (EPA or NPDES State). Removal for a specific pollutant shall be determined for each sample by measuring the difference between the concentrations of the pollutant in the influent and effluent of the POTW and expressing that difference as a percent of the influent concentration.

(3) A list of the industrial subcategories for which discharge limits in categorical Pretreatment Standards would be revised, including the number of Industrial Users in each such subcategory and an identification of which of the pollutants on the list prepared under paragraph (c)(1) of this section are discharged by each subcategory.

(4) Proposed revised discharge limits for each of the subcategories of Industrial Users identified in paragraph (c)(3) of this section calculated in the following manner:

(i) The proposed revised discharge limit for a specified pollutant shall be derived by use of the following formula:

$$Y = \frac{x}{1-r}$$

where:

x = pollutant discharge limit specified in the applicable categorical Pretreatment Standard (expressed in mg/l)

r = POTW's Consistent Removal rate for that pollutant as established under 403.7 (c)(2) (percentage expressed as a decimal)

Y = revised discharge limit for the specified pollutant (expressed in mg/l)

(ii) In calculating revised discharge limits, such revision for POTW Removal of a specified pollutant shall be applied equally to all existing and new Industrial Users in an industrial subcategory subject to 307 (b) or (c) categorical Pretreatment Standards and who discharge that pollutant to the POTW.

(5) Data showing the concentrations and amounts in the POTW's sludge of the pollutants for which discharge limit revisions are proposed and for which sludge disposal or use criteria applicable to the POTW's current method of sludge use or disposal have been published by EPA or a State. This data shall meet the following requirements:

(i) The data shall be obtained through a composite sample taken during each of the same three consecutive day periods selected to measure Consistent POTW Removals in accordance with the requirements of paragraph (c)(2)(iii) of this section. Each composite sample will contain a minimum of 12 discrete samples taken at equal time intervals over a 24 hour period. Where a composite sample is not an appropriate sampling technique, grab samples shall be taken.

(ii) Sampling and analysis of the samples referred to in paragraph (i) of this section shall be performed in accordance with the sampling and analytical techniques described previously in paragraph (c)(2)(iv) of this section.

(6) A specific description of the POTW's current methods of use or disposal of its sludge and data demonstrating that the current sludge use or disposal methods comply and will con-

tinue to comply with the requirements of § 403.7(b)(4).

(7) Certification that the Pollutant Removals and associated revised discharge limits have been or will be calculated in accordance with this regulation and any guidelines issued by EPA under section 304(g) of the Act.

(d) *Procedure for authorizing modification of Standards.* (1) Application for authorization to revise National Pretreatment Standards shall comply with § 403.9. Notice, public comment, and review by the Approval Authority shall comply with § 403.11.

(2) POTW's who have received a construction grant from funds authorized for any fiscal year beginning after September 30, 1978, will only be considered for authorization to modify National Standards after they have completed the analysis required by section 201(g)(5) of the Act and demonstrated that modification of the discharge limits in National Standards will not preclude the use of innovative or alternative technology.

(3) With respect to requests for authority to revise discharge limits submitted at the time of Permit reissuance after the POTW Pretreatment Program has been approved, the Regional Administrator shall review, issue notice of, and receive public comment on such applications in accordance with the procedures specified in § 403.9 and § 403.11.

(4) The Approval Authority shall, either at the time of POTW Pretreatment Program approval or at the time of any permit reissuance thereafter, authorize the POTW to revise Industrial User discharge limits as submitted pursuant to paragraph (c)(4) of this section which comply with the requirements of 403.7 (b) and (c).

(e) *Continuation and withdrawal of authorization.* (1) Following authorization to revise the discharge limits in National Pretreatment Standards, the POTW shall continue to monitor and report on (at such frequencies and over such intervals as may be specified by the Regional Administrator, but in no case less than two times per year) the POTW's Removal capabilities for all pollutants for which authority to revise the Standards was granted. Such monitoring and reporting shall be in accordance with § 403.12 paragraphs (g) and (i) of this regulation. Approval of authority to revise Pretreatment Standards will be re-examined whenever the municipal NPDES Permit is reissued, unless the Regional Administrator determines the need to re-evaluate the authority pursuant to § 403.7(e)(4). In addition where bypasses of untreated waste by the POTW continue to occur the Regional Administrator may condition continued authorization to revise discharge limits upon the POTW performing additional analysis and/or implementing additional control measures as is consistent with EPA policy toward POTW bypass.

(2) Once authority to revise discharge limits for a specified pollutant is granted, the revised discharge limits for Industrial Users of the system as well as the Consistent Removal documented by the POTW for that pollutant and the other requirements of paragraph (b) of this section, shall be included in the POTW's NPDES Permit upon the earliest reissuance or modification (at or following Program approval) and shall become enforceable requirements of the POTW's NPDES Permit.

(3) Pursuant to written agreement similar to that provided in 40 CFR 124.23, the Regional Administrator may waive, in whole or in part, the right to review and object to Submissions for authority to revise discharge limits under this section.

(4) If, on the basis of pollutant Removal capability reports received pursuant to paragraph (f) of this section or other information available to it, the Approval Authority determines (i) that one or more of the discharge limit revisions made by the POTW or the works itself no longer meets the requirements of paragraph (b) of this section, or (ii) that such discharge limit revisions are causing or contributing to a violation of any conditions or limits contained in the POTW's NPDES Permit, the Approval Authority shall notify the POTW and, if appropriate corrective action is not taken within a reasonable time, not to exceed sixty days, withdraw authority to revise discharge limits. The Approval Authority shall not withdraw authorization unless it shall first have notified the POTW and all Industrial Users to whom revised discharge limits based on that authority have been applied, and made public, in writing, the reasons for such withdrawal. Following such notice and withdrawal of authority all Industrial Users to whom revised discharge limits based on the authorization had been applied, shall be subject to the discharge limits prescribed in the applicable categorical Pretreatment Standards and shall achieve compliance with such Standards within such time (not to exceed three years or such lesser period as may be prescribed in the applicable categorical Pretreatment Standard) as may be specified by the Approval Authority.

§ 403.8 POTW Pretreatment Programs: Development by POTW.

(a) *POTW's required to develop a Pretreatment Program.* Any POTW (or combination of POTW's operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) and receiving from Industrial Users pollutants which pass through untreated or interfere with the operation of the POTW or are otherwise subject to section 307(b) or 307(c) standards will be required to establish a POTW Pretreatment Program. The Regional Administrator or State Director may require that a POTW with a design flow of 5 mgd or less develop a POTW Pretreatment Program if he finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent interference with the POTW or pass through of untreated pollutants. In addition, any POTW desiring to modify national pretreatment standards for pollutants removed by the POTW (as provided for by § 403.7) must first have an approved POTW Pretreatment Program.

(b) A POTW which meets the criteria of paragraph (a) of this section must receive approval of a POTW Pretreatment Program no later than 3 years after the reissuance or modification of its existing NPDES permit but in no case later than July 1, 1983. POTW's whose NPDES permits are modified under section 301(h) of the Act shall have a Pretreatment Program within less than 3 years as provided for in 40 CFR Part 233. The POTW Pretreatment Program shall meet the criteria set forth in paragraph (f) of this section and will be administered by the POTW to ensure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

(c) A POTW may develop an approvable POTW Pretreatment Program anytime before the time limit set forth in paragraph (b) of this section. If (1) the POTW is located in a State which has an approved State permit program under section 402 of the Act and an approved State Pretreatment Program in accordance with § 403.11; or (2) the POTW is located in a State which does not have an approved permit program under section 402 of the Act; the POTW's NPDES Permit will be reissued or modified by the NPDES State or EPA, respectively, to incorporate the approved Program conditions as enforceable conditions of the Permit (see § 403.11). If the POTW is located in an NPDES State which does not have an approved State Pretreatment Program, the approved POTW Pretreatment Program shall be incorporated into the POTW's NPDES Permit as provided for in § 403.10(d).

(d) If the POTW does not have an approved Pretreatment Program at the time the POTW's existing Permit is reissued or modified, the reissued or modified Permit will contain the short- est reasonable compliance schedule, not to exceed three years or July 1, 1983, whichever is sooner, for

the development of the legal authority, procedures and funding required by paragraph (f) of this section. Where the POTW is located in an NPDES State currently without authority to require a POTW Pretreatment Program, the Permit shall incorporate a modification or termination clause as provided for in § 403.10(d) and the compliance schedule shall be incorporated when the Permit is modified or reissued pursuant to such clause.

(e) Under the authority of section 402(b)(1)(C) of the Act, the Approval Authority may modify, or alternatively, revoke and reissue a POTW's Permit to put the POTW on a compliance schedule for development of a POTW Pretreatment Program where:

(1) The addition of pollutants into a POTW by an Industrial User or combination of Industrial Users presents a substantial hazard to the functioning of the treatment works, quality of the receiving waters, human health, or the environment; or

(2) The Permit must be reissued or modified to coordinate the issuance of a section 201 construction grant with the incorporation into a Permit of a compliance schedule for a POTW Pretreatment Program.

(3) A modification of the Permit is approved under sections 301(h) and 301(i) of the Act.

(f) *POTW Pretreatment Program Requirements.* A POTW Pretreatment Program shall meet the following requirements:

(1) *Legal Authority.* The POTW shall operate pursuant to legal authority, enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:

(i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users;

(ii) Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;

(iii) Control, through permit, contract, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements;

(iv) Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable pretreatment standards and requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12;

(v) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which an effluent source or treatment system is located or in which records are required to be kept under § 403.12(m) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act.

(vi) (A) Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. All POTW's shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. In cases where State law has authorized the municipality or POTW to pass ordinances or other local legislation, the POTW shall exercise such authorities in passing legislation to seek and assess civil or ciminal penalties for noncompliance by Industrial Users with Pretreatment Standards and Requirements. POTW's without such authorities shall enter into contracts with Industrial Users to assure compliance by Industrial Users with Pretreatment Standards and Requirements. An adequate contract will provide for liquidated damages for violation of pretreatment standards and requirements and will include an agreement by the Industrial User to submit to the remedy of specific performance for breach of contract.

(B) Pretreatment Requirements which will be enforced through the remedies set forth in subparagraph (A) will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; or any reporting requirements imposed by the POTW or these regulations. The POTW shall have authority and procedures to halt or eliminate immediately and effectively any actual or threatened discharge of pollutants to the POTW which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes Interference with the operation of the POTW. The Approval Authority shall have authority to seek judicial relief for noncompliance by Industrial Users when the POTW has acted to seek such relief but has sought a penalty which the Approval Authority finds to be insufficient.

(2) *Procedures.* The POTW shall have procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:

(i) Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request.

(ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under § 403.8(f)(2)(i). This information shall be made available to the Regional Administrator or Director upon request.

(iii) Notify Industrial Users identified under § 403.8(f)(2)(i) of applicable Pretreatment Standards and any applicable requirements under section 204(b) and 405 of the Act and sections 3001, 3004, and 4004 of the Solid Waste Disposal Act.

(iv) Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12.

(v) Randomly sample and analyze the effluent from Industrial Users and conduct surveillance and inspection activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. The results of these activities shall be made available to the Regional Administrator or Director upon request.

(vi) Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under § 403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions;

(vii) Comply with the public participation requirements of section 101(e) of the Act and 40 CFR Part 105 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annually providing public notification, in the largest daily newspaper published in the municipality in which the POTW is located, of Industrial Users which the POTU is located, of Industrial Users during the previous 12 months which at least once were not in compliance with the applicable Pretreatment

Standards or other pretreatment requirements. The notification shall summarize enforcement actions taken by the control authorities during the same 12 months.

(3) *Funding.* The POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in § 403.8(f) (1) and (2). In some limited circumstances, funding and personnel may be delayed where (i) the POTW has adequate legal authority and procedures to carry out the Pretreatment Program requirements described in § 403.8, and (ii) a limited aspect of the Program does not need to be implemented immediately (see § 403.9(b)).

§ 403.9 POTW Pretreatment Programs and/or Authorization to Revise Pretreatment Standards: Submission for Approval.

(a) A POTW requesting approval of a POTW Pretreatment Program shall develop a program description which includes the information set forth in subparagraphs (1)–(4) of this paragraph. If the POTW is located in a State which has not assumed NPDES authority, this description shall be submitted to the Regional Administrator. POTWs located in NPDES States shall submit this description to the Director. The Regional Administrator or Director, as appropriate, will make a determination on the request for program approval in accordance with the procedures described in § 403.11, except, where an NPDES State does not have an approved State pretreatment program, the director may deny, but not approve requests for POTW Pretreatment Program approval; in this case the Regional Administrator will make the final determination on whether to approve the program. The program description must contain the following information:

(1) A statement from the City Solicitor or a city official acting in a comparable capacity (or the attorney for those POTWs which have independent legal counsel) that the POTW has authority adequate to carry out the program described in § 403.8. This statement shall: (i) Identify the provision of the legal authority under § 403.8(f)(1) which provides the basis for each procedure under § 403.8(f)(2); (ii) identify the manner in which the POTW will implement the program requirements set forth in § 403.8, including the means by which Pretreatment Standards will be applied to individual Industrial Users (e.g., by order, permit, ordinance, contract, etc.); and, (iii) identify how the POTW intends to ensure compliance with Pretreatment Standards and Requirements, and to enforce them in the event of noncompliance by Industrial Users.

(2) A copy of any statutes, ordinances, regulations, contracts, agreements, or other authorities relied upon by the POTW for its administration of the Program. This Submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising and/or funding the POTW Pretreatment Program if approved.

(3) A brief description (including organization charts) of the POTW organization which will administer the Pretreatment Program. If more than one agency is responsible for administration of the Program the responsible agencies should be identified, their respective responsibilities delineated, and their procedures for coordination set forth;

(4) A description of the funding levels and full- and part-time manpower available to implement the Program;

(b) The POTW may request conditional approval of the Pretreatment Program pending the acquisition of funding and personnel for certain elements of the Program. The request for conditional approval must meet the requirements set forth in paragraph (a) of this section except that the submission shall demonstrate that:

(1) A limited aspect of the program does not need to be implemented immediately;

[Comment: For example, where a compliance monitoring program for a certain industrial category is not yet required because the Pretreatment Standard for that industrial category has not been promulgated and no other pretreatment requirements apply to that source.]

(2) The POTW had adequate legal authority and procedures to carry out those aspects of the program which will not be implemented immediately; and

(3) Funding and personnel for the program aspects to be implemented at a later date will be available when needed. The POTW will describe in the Submission the mechanism by which this funding will be acquired.

Upon receipt of a request for conditional approval, the Approval Authority will establish a fixed date for the acquisition of the needed funding and personnel. If funding is not acquired by this date, the conditional approval of the POTW Pretreatment Program, and any removal allowances granted to the POTW, may be withdrawn.

(c) The request for authority to revise Categorical Pretreatment Standards must contain the information required in § 403.7 (b) and (c).

(d) Prior to forwarding the Submission to the Approval Authority, the POTW shall provide for informal consultation on the Submission with interested as well as affected members of the public. This consultation may take the form of task forces, public meetings, advisory groups, workshops, or conferences. A copy of the draft Submission should be available to the public 30 days before it is submitted to the Approval Authority, together with a fact sheet distributed to the public which adequately describes, in layman's language, the POTW Pretreatment Program and its significance and/or the basis for requesting authority to modify categorical Pretreatment Standards for pollutants removed by the POTW. The Submission to the Regional Administrator or the State Director shall include a summary of these public participation efforts; major public comments received, including comments received in conjunction with adopting any statute, ordinance, contract, agreement or other authority for enforcing pretreatment standards; and the manner in which major issues identified by the public have been resolved.

(e) Any POTW requesting POTW pretreatment program approval shall submit to the Approval Authority three copies of the Submission described in paragraphs (a), (b), and/or (c) of this section. Upon a preliminary determination that the Submission meets the requirements of paragraphs (a), (b), (d), and/or (c) of this section, the Approval Authority shall:

(1) Notify the POTW that the Submission has been received and is under review; and

(2) Commence the public notice and evaluation activities set forth in § 403.11.

(f) If, after review of the Submission as provided for in paragraph (e) of this section, the Approval Authority determines that the Submission does not comply with the requirements of paragraphs (a), (b), (d), and/or (c) of this section, the Approval Authority shall so notify the applying POTW in writing. This notification shall identify any defects in the Submission and advise the POTW of the means by which it can comply with the requirements of paragraphs (a), (b), (d), and/or (c) of this section.

(1) In order to be approved the POTW Pretreatment Program shall be consistent with any approved water quality management plan developed in accordance with 40 CFR Parts 130, 131, as revised, where such 208 plan includes Management Agency designations and addresses pretreatment in a manner consistent with 40 CFR Part 403. In order to assure such consistency the Approval Authority shall solicit the review and comment of the appropriate 208 Planning Agency during the public comment period provided for in § 403.11(b)(1)(ii) prior to approval or disapproval of the Program.

(2) Where no 208 plan has been approved or where a plan has been approved but lacks Management Agency designations and/or does not address pretreatment in a manner consistent

with this regulation, the Approval Authority shall nevertheless solicit the review and comment of the appropriate 208 planning agency.

§ 403.10 Development and Submission of NPDES State Pretreatment Programs.

(a) No State NPDES program shall be approved under section 402 of the Act after the effective date of these regulations unless it is determined to meet the requirements of paragraph (f) of this section. Any State which has submitted a request for program approval but has not received such approval prior to the effective date of these regulations and which does not comply with the requirements of paragraph (f) of this section may, at its option, request additional time to modify its submission. If additional time is requested, the 90-day period for review of a State NPDES program submission (provided for by section 402(c)(1) of the Act) shall be suspended and shall recommence upon receipt of a modified submission.

(b)(1) All NPDES States shall submit to the Administrator within 45 days of the effective date of 40 CFR Part 403 a statement by the State Attorney General (or the attorney for those State water pollution control agencies which have independent legal counsel) indicating whether the State has adequate authority, and a statement by the Director indicating whether the State has adequate procedures and funding to carry out the requirements of paragraph (f) of this section. If this statement asserts that the State does *not* have adequate authority, procedures or funding, to carry out the requirements of paragraph (f) of this section, the statement shall identify the authorities, procedures or funding which the State currently *does* have and the additional authorities, procedures or funding which will be obtained by the State in order to conform to the requirements of paragraph (f) of this section.

(2) Any NPDES State with a permit program approved under section 402 of the Act prior to December 27, 1977, which requires modification to conform to the requirements set forth in paragraph (f) of this section will be required to submit a request for approval of a modified program (hereafter State Pretreatment Program approval) within 6 months after promulgation of 40 CFR Part 403 or by March 27, 1979, whichever is later, unless an NPDES State must amend or enact a law to make required modifications, in which case the NPDES State shall request State Pretreatment Program approval by March 27, 1980.

(c) The Administrator may exercise the authorities available to him to apply and enforce pretreatment Standards and Requirements until the necessary implementing action is taken by the State. Failure of a State to seek approval of a State Pretreatment Program as provided for in paragraph (a) or (b) and failure of an approved State to administer its State Pretreatment Program in accordance with the requirements of this section constitutes grounds for withdrawal of NPDES program approval under section 402(c)(3) of the Act.

(d)(1) Before the effective date for State Pretreatment Program approval set forth in § 403.10(b), any Permit issued to a POTW which meets the requirements of § 403.8(a) by an NPDES State without an approved State pretreatment program shall include a modification clause. This clause will require that such Permits be promptly modified or, alternatively, revoked and reissued after the effective date for State Pretreatment Program approval set forth in § 403.10(b) to incorporate into the POTW's Permit an approved POTW Pretreatment Program or a compliance schedule for the development of a POTW Pretreatment Program according to the requirements of § 403.8 (b) and (d) and § 403.12(h).

The following language is an acceptable clause for the purposes of this subparagraph:

This permit shall be modified, or alternatively, revoked and reissued, by September 27, 1979 (or September 27, 1980, as appropriate) to incorporate an approved POTW Pretreatment Program or a compliance schedule for the development of a POTW Pretreatment Program as required under section 402(b)(8) of the Clean Water Act and implementing regulations or by the requirements of the approved State pretreatment program, as appropriate.

[Comment: this clause allows the State six months from the date on which it is required to have an approvable State Pretreatment Program (see § 403.10(b)) in which to modify or reissue municipal permits to include pretreatment requirements.]

(2) All Permits subject to the requirements of subparagraph (1) of this paragraph which do not contain the modification clause referred to in that paragraph will be subject to objection by EPA under section 402(d) of the Act as being outside the guidelines and requirements of the Act.

(3) Permits issued by an NPDES State after the effective date for State Pretreatment Program approval set forth in 403.10(b) shall contain conditions of an approved Pretreatment Program or a compliance schedule for developing such a program in accordance with § 403.8 (b) and (d) and § 403.12(h).

(e) A State with an approved Pretreatment Program may assume responsibility for implementing the POTW Pretreatment Program requirements set forth in § 403.8 in lieu of requiring the POTW to develop a Pretreatment Program. However, this does not preclude POTW's from independently developing Pretreatment Programs.

(f) In order to be approved, a request for State Pretreatment Program Approval must demonstrate that the State Pretreatment Program has the following elements:

(1) Legal Authority: The Director shall have legal authority to apply and enforce the requirements of sections 307 (b) and (c), and 402(b)(1), 402(b)(2), 402(b)(8), and 402(b)(9) of the Act. This authority should be substantially similar to that exercised by EPA under section 309 of the Act and should at a minimum be equal to the NPDES State authorities set forth in 40 CFR 124.73 and amendments thereto. At a minimum, this authority shall enable the Director to:

(i) Incorporate POTW Pretreatment Program conditions into permits issued to POTW's; require compliance by POTW's with these incorporated permit conditions; and require compliance by industrial Users with Pretreatment Standards.

(ii) ensure continuing compliance by POTW's with pretreatment conditions incorporated into the POTW Permit through review of monitoring reports submitted to the Director by the POTW in accordance with § 403.12 and ensure continuing compliance by Industrial Users with Pretreatment Standards through the review of self-monitoring reports submitted to the POTW or to the director by the Industrial Users in accordance with § 403.12.

(iii) Carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the POTW, compliance or noncompliance by the POTW with pretreatment conditions incorporated into the POTW Permit; and carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the Industrial User, whether the Industrial User is in compliance with Pretreatment Standards.

(iv) Seek civil and criminal penalties, and injunctive relief, for noncompliance by the POTW with pretreatment conditions incorporated into the POTW Permit and for noncompliance with Pretreatment Standards by Industrial Users as set forth in § 403.8(f)(1)(vi). The Director shall have authority to seek judicial relief for noncompliance by Industrial Users even when the POTW has acted to seek such relief (e.g., if the POTW has sought a penalty which the Director finds to be insufficient).

[Comment: However, in most cases the Director's authority to seek judicial relief will be exercised where there is no POTW Pretreatment Program or where the POTW has failed to act.]

(v) Approve and deny requests for approval of POTW Pretreatment Pro-

grams submitted by a POTW to the Director.

(vi) Deny and recommend approval of (but not approve) requests for Fundamentally Different Factors variances submitted by Industrial Users in accordance with the criteria and procedures set forth in § 403.13.

(vii) Approve and deny requests for authority to modify categorical Pretreatment Standards to reflect removals achieved by the POTW in accordance with the criteria and procedures set forth in §§ 403.7, 403.9 and 403.11.

(2) Procedures: The Director shall have developed procedures to carry out the requirements of sections 307 (b) and (c), and 402(b)(1), 402(b)(2), 402(b)(8), and 402(b)(9) of the Act. At a minimum, these procedures shall enable the Director to:

(i) Identify POTWs required to develop pretreatment programs in accordance with § 403.8(a) and notify these POTW's of the need to develop a POTW Pretreatment Program. In the absence of a POTW Pretreatment Program, the State shall have procedures to carry out the activities set forth in § 403.8(f)(2).

(ii) Provide technical and legal assistance to POTWs in developing Pretreatment Programs.

(iii) Develop compliance schedules for inclusion in expiring POTW Permits which set forth the shortest reasonable time schedule for the completion of tasks needed to implement a POTW Pretreatment Program.

(iv) Sample and analyze: (A) Influent and effluent of POTW to identify, independent of information supplied by the POTW, compliance or noncompliance with pollutant removal levels set forth in the POTW permit (see § 403.7); and (B) the contents of sludge from the POTW and methods of sludge disposal and use to identify, independent of information supplied by the POTW, compliance or noncompliance with sludge conditions set forth in the Permit.

(v) Investigate evidence of violations of pretreatment conditions set forth in the POTW Permit, by taking samples and acquiring other information as needed. This data aquisition shall be performed with sufficient care as to produce evidence admissible in an enforcement proceeding or in court.

(vi) Review and approve requests for approval of POTW Pretreatment Programs and authority to modify categorical Pretreatment Standards submitted by a POTW to the Director.

(vii) Consider requests for Fundamentally Different Factors variances submitted by Industrial Users in accordance with the criteria and procedures set forth in § 403.13.

(3) Funding: The Director shall assure that funding and qualified personnel are available to carry out the authorities and procedures described in subparagraphs (1) and (2) of this paragraph.

(g) The request for State Pretreatment Program approval will consist of:

(1) A description of the State's legal authority to implement the State Pretreatment Program requirements set forth in § 403.10(f) above. At a minimum, this description shall:

(i) Include a statement from the State Attorney General (or the attorney for those State Agencies which have independent legal counsel), that the laws of the State, provide adequate authority to carry out the program described in § 403.10(f) above;

(ii) Identify the provision of legal authority under § 403.10(f)(1) which provides the basis for each procedure under § 403.10(f)(2);

(iii) Identify the mechanisms which the State Pretreatment Program will develop to ensure compliance by Industrial Users with Pretreatment Standards (e.g., by order, permit, regulation, or similar means) and enforce these Pretreatment Standards in the event of noncompliance by Industrial Users.

A copy of any statutes, regulations, agreements, or other authorities relied upon by the State for its implementation of the State Pretreatment Program shall be attached to the description of legal authority.

(2) A description of the funding levels and full- and part-time personnel available to implement the program; and

(3) Any modifications to the memorandum of agreement required by 40 CFR 123.5; program description required by 40 CFR 123.3; and/or the Attorney General's statement required by 40 CFR 123.4 which are necessary to implement the State Pretreatment Program.

(h) Any approved NPDES State requesting State Pretreatment Program approval shall submit to the Administrator three copies of the Submission described in paragraph (g) of this section. Upon a preliminary determination that the Submission meets the requirements of paragraph (g) the Administrator shall:

(1) Notify the Director that the Submission has been received and is under review; and

(2) Commence the public notice and Program evaluation activities set forth in § 403.11.

(i) If, after review of the Submission as provided for in paragraph (h) of this section, the Administrator determines that the Submission does not comply with the requirements of paragraph (g) of this section, the Administrator shall so notify the applying NPDES State in writing. This notification shall identify any defects in the Submission and advise the NPDES State of the means by which it can comply with the requirements of paragraph (g) of this section.

§ 403.11 Approval Procedures for State and POTW Pretreatment Programs and POTW revision of categorical pretreatment Standards.

The following procedures shall be followed in approving or denying requests for State and/or POTW Pretreatment Program approval:

(a) The Approval Authority shall have 90 days from the date of receipt of any Submission complying with the requirements of § 403.9 (e) and (f) or § 403.10(g) and/or § 403.7 (b) and (c), as appropriate, to review the submission for compliance with the requirements of § 403.8(f), § 403.10(f) and/or § 403.7 (b) and (c), as appropriate. The Approval Authority may have up to an additional 90 days to complete the evaluation of the Submission if the public comment period provided for in paragraph (b)(1)(ii) of this section is extended beyond 45 days or if a public hearing is held as provided for in paragraph (b)(2) of this section. In no event, however, shall the time for evaluation of the Submission exceed a total of 180 days from the date of receipt of a Submission meeting the requirements of § 403.9 (e) and (f) or § 403.10(g) and/or § 403.7 (b) and (c), as appropriate.

(b) Upon receipt of a Submission which meets the requirements of § 403.8(f), § 403.10(f) and/or § 403.7 (b) and (c), as appropriate, the Approval Authority shall:

(1) Issue a public notice of request for approval of the Submission.

(i) This public notice shall be published in the FEDERAL REGISTER in the case of a State Submission and shall be circulated in a manner designed to inform interested and potentially interested persons of the Submission. Procedures for the circulation of public notice shall include:

(A) Mailing notices of the request for approval of the Submission to adjoining States whose waters may be affected;

(B) Mailing notices of the request for approval of the Submission to designated 208 planning agencies; Federal and State fish, shellfish, and wildlife resource agencies; upon request, to other appropriate government agencies; and to any other person or group, including those on appropriate mailing lists; and

(C) Publication of a notice of request for approval of the Submission in the largest daily newspapers of the city or municipality in which the POTW is located if POTW Pretreatment Program approval is requested; and if State Pretreatment Program approval is requested, in the largest daily newspaper of all cities within that State with POWT's subject to the requirements of § 403.8(a).

(ii) The public notice shall provide a period of not less than 45 days following the date of the public notice

during which time interested persons may submit their written views on the Submission.

(iii) All written comments submitted during the 45 day comment period shall be retained by the Approval Authority and considered in the decision on whether or not to approve the Submission. The period for comment may be extended at the discretion of the Approval Authority.

(2) Provide an opportunity for the applicant, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the Submission.

(i) This request for public hearing shall be filed within the 45 day (or extended) comment period described in subparagraph (1)(ii) of this paragraph and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted.

(ii) The Approval Authority shall hold a hearing if a State or a POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the Submission should be approved. Instances of doubt should be resolved in favor of holding the hearing.

(iii) Public notice of a hearing to consider a Submission and sufficient to inform interested parties of the nature of the hearing and the right to participate shall be published in the same newspaper as the notice of the original request for approval of the Submission paragraph (b)(1)(i)(C) of this section).

(c) At the end of the 45 day (or extended) comment period and within the 90 day (or extended) period provided for in paragraph (a) of this section, the Approval Authority shall approve or deny the Submission based upon the evaluation in paragraph (a) of this section and taking into consideration comments submitted during the comment period and the record of the public hearing, if held.

(d) No POTW pretreatment program shall be approved by the Director if during the 45 day (or extended) evaluation period provided for in paragraph (b)(1)(ii) of this section, the Administrator objects in writing to the approval of such Submission.

(e) When, upon undertaking the determination referred to in paragraph (c) of this section, the Approval Authority determines that the Submission will not be approved, the Approval Authority shall so notify the POTW or Director, as appropriate. This notification shall include suggested modifications and revisions necessary to bring the Program into compliance with applicable requirements.

(f) The Approval Authority shall notify those persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the Submission. In addition, the Approval Authority shall cause to be published a notice of approval in the same newspapers as the original notice of request for approval of the Submission was published. The Approval Authority shall identify in any notice of POTW Pretreatment Program approval any authorization to modify categorical Pretreatment Standards which the POTW may make, in accordance with § 403.7, for removal of pollutants subject to Pretreatment Standards.

(g) The Approval Authority shall ensure that the Submission and any comments upon such Submission are available to the public for inspection and copying.

§ 403.12 Reporting requirements for POTW's and Industrial Users.

(a) *Definition.* The term "Control Authority" as it is used in this section refers to: (1) The POTW if the POTW's Submission has been approved in accordance with the requirements of § 403.11; or (2) the Approval Authority if the Submission has not been approved.

[Comment: In cases where there is an approved POTW Pretreatment Program, the Approval Authority may request that Industrial Users submit to it copies of reports required under § 403.12.]

(b) *Reporting Requirements for Industrial Users.* Within (i) 180 days after the promulgation of a Pretreatment Standard under section 307 (b) or (c) of the Act, or (ii) 180 days of the effective date of 40 CFR Part 403 where 307 (b) or (c) pretreatment standards are promulgated before the effective date of 40 CFR Part 403, existing Industrial Users subject to such Pretreatment Standards and currently discharging or scheduled to discharge into a POTW will be required to submit to the Control Authority a report which contains the information listed in subparagraph (1)-(7) of this paragraph.

[Comment: Where reports containing this information already have been submitted to the Director or Regional Administrator in compliance with the requirements of 40 CFR 128.140(b), the Industrial user will not be required to submit this information again.]

New sources shall be required to submit to the Control Authority a report which contains the information listed in subparagraphs (1)-(5) of this paragraph:

(1) The name and address of the Industrial User;

(2) The location of such Industrial User;

(3) The nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User;

(4) The average and maximum flow of the discharge from such Industrial User to the POTW, in gallons per day;

(5) The nature and concentration of pollutants in the discharge from each regulated process from such Industrial User and identification of the applicable Pretreatment Standards and Requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable Pretreatment Standard. If an equivalent concentration limit has been calculated in accordance with the Pretreatment Standard, this adjusted concentration limit shall also be submitted to the Control Authority for approval.

(6) A statement, reviewed by an authorized representative of the Industrial User (as defined in subparagraph (k) of this section) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O. and M.) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

(7) If additional pretreatment and/or O. and M. will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(c) The following conditions shall apply to the schedule required by paragraph (b)(7) of this section:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(2) No increment referred to in paragraph (c)(1) of this section shall exceed 9 months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between

such progress reports to the Control Authority.

(d) Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the Industrial User which are limited by such Pretreatment Standards or Requirements. the report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O. and M. and/or pretreatment is necessary to bring the Industrial User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, as defined in paragraph (k) of this section, and certified to by a qualified professional.

(e) (1) Any Industrial User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph (b)(4) of this section. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted. (2) The Control Authority may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the Industrial User.

(f) The Industrial User shall notify the POTW immediately of any slug loading, as defined by § 403.5(b)(4), by the Industrial User.

(g) The reports required in paragraphs (b)(5), (d), and (e) of this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

[Comment: Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.]

(h) *Reporting Requirements for POTW's.* The following conditions and reporting requirements shall apply to the compliance schedule for development of an approvable POTW Pretreatment Program required by § 403.8.

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW Pretreatment Program (e.g. acquiring required authorities, developing funding mechanisms, acquiring equipment).

(2) No increment referred to in paragraph (g)(1) of this section shall exceed nine months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the Approval Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Approval Authority.

(i) A POTW which has received authorization to modify categorical Pretreatment Standards for pollutants removed by the POTW in accordance with the requirements of § 403.7 must submit to the Approval Authority, within 60 days after the promulgation of a Pretreatment Standard for which authorization to modify has been approved, a report which contains the information required by §§ 403.7(c)(2), 403.7(c)(5), and 403.7(c)(6). For the purposes of this section, the first line of subdivision (iii) of § 403.7(c)(2) shall read, "The data shall be obtained through a composite sample taken on 3 consecutive days during the reporting period."

(j) The reports referred to in paragraph (i) of this section will be submitted to the Approval Authority at 6-month intervals beginning with the submission of the initial report referred to in paragraph (i) of this section unless required more frequently by the Approval Authority.

(k) The reports required by paragraphs (b), (d), and (e), of this section must be signed by an authorized representative of the Industrial User. An authorized representative may be:

(1) A principal executive officer of at least the level of vice president, if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section is a corporation,

(2) A general partner or proprietor if the Industrial User submitting the report required by paragraphs (b), (d), and (e) of this section is a partnership or sole proprietorship, respectively;

(3) A duly authorized representative of the individual designated in subparagraph (1) or (2) of this paragraph if such representative is responsible for the overall operation of the facility from which the Indirect Discharge originates;

(l) Reports submitted to the Approval Authority by the POTW in accordance with paragraphs (h), (i), and (j) of this section must be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the POTW.

(m) The reports required by paragraphs (b), (d), (e), (h), (i), and (j) of this section shall be subject to the provisions of 18 U.S.C. section 1001 relating to fraud and false statements and the provisions of section 309(c)(2) of the Act governing false statements, representations or certifications in reports required under the Act.

(n) (1) Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(ii) The dates analyses were performed;

(iii) Who performed the analyses;
(iv) The analytical techniques/methods use; and
(v) The results of such analyses.

(2) Any Industrial User or POTW subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case of an Industrial User). This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director and the Regional Administrator.

(3) Any POTW to which reports are submitted by an Industrial User pursuant to paragraphs (b), (d), and (e) of this section shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Director and the Regional Adminstrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the POTW Pretreatment Program or when requested by the State Director or the Regional Administrator.

§ 403.13 Variances from categorical Pretreatment Standards for fundamentally different factors.

(a) *Definition.* (i) The term "Enforcement Division Director" means one of the Directors of the Enforcement Divisions within the Regional offices of the Environmental Protection Agency or the delegated representative of the Enforcement Division Director.

(ii) The term "Requester" means an Industrial User of a POTW or other interested person seeking a variance from the limits specified in a categorical Pretreatment Standard.

(b) In establishing categorical Pretreatment Standards for existing sources, the EPA will take into account all the information it can collect, develop and solicit regarding the factors relevant to pretreatment standards under section 307(b). In some cases, information which may affect these Pretreatment Standards will not be available or, for other reasons, will not be considered during their development. As a result, it may be necessary on a case-by-case basis to adjust the limits in categorical Pretreatment Standards, making them either more or less stringent, as they apply to a certain Industrial User within an industrial category or subcategory. Any interested person believing that factors relating to an Industrial User are fundamentally different from the factors considered during development of a categorical Pretreatment Standard applicable to that User and further, that the existence of those factors justifies a different discharge limit from that specified in the applicable categorical Pretreatment Standard, may request a fundamentally different factors variance under this section or such a variance request may be initiated by the EPA.

(c) A request for a variance based upon fundamentally different factors establishing discharge limits either more or less stringent than those specified by a categorical Pretreatment Standard shall be approved only if:

(1) Factors relating to the Industrial User affected by the categorical Pretreatment Standard are fundamentally different from the factors considered by the EPA in establishing the Standard;

(2) The factors upon which the variance request is based existed prior to EPA promulgation of the categorical Pretreatment Standard.

(3) Because of the fundamental difference, the cost of compliance by the User with the categorical Pretreatment Standard would be grossly disproportionate to the cost of compliance considered by the EPA in establishing the Standard;

(4) The alternative discharge limits to be established for the User are justified by the extent of the fundamental difference;

(5) There is an applicable effluent limitation guideline or standard promulgated under section 307(b) of the Act which specifically controls the pollutant for which alternative effluent limitations or standards have been requested;

(6) In the case of a request for less stringent limits or standards, the Industrial Users' raw waste load cannot be treated to levels equal to or more stringent than those prescribed by the effluent limitations guidelines or standards by the technologies upon which guidelines or standards are based or by reasonably available control alternatives;

(7) In the case of a request for more stringent limits or standards, the discharger's raw waste load can be treated to levels more stringent than those prescribed by the effluent limitations guidelines or standards and by the technologies upon which guidelines or standards are based or by reasonably available alternatives;

(8) The request for alternative discharge limits is made in accordance with the procedural requirements of this section;

(9) The alternative effluent limitations or standards will not result in any additional requirements on any other point or non-point source discharger.

(d) *Factors which may be considered fundamentally different are:* (1) Fundamental aspects of the Industrial User's process which significantly affect the nature or quality of the pollutants or pollutant parameters contained in the raw waste load in the applicant's process wastewater;

(2) Fundamental aspects of the Industrial User's process which significantly affect the volume of the User's process wastewater and the volume of effluent discharged.

(3) Nonwater quality environmental impact of control and treatment of the discharger's raw waste load, but only when such control and treatment will result in the violation of another applicable Federal or State environmental law;

(4) Energy requirements of the application of control and treatment technology, but only if the discharger demonstrates that less energy consumptive alternative control technology is not available;

(5) Age, size, land availability, and configuration as they relate to the discharger's equipment or facilities, processes employed, engineering aspects of the application of control technology, and other factors viewed in light of the previous factors of this paragraph; and

(6) Cost of Compliance with required control technology, but only if it is caused by one or more of the above listed factors.

(e) Requests for a variance and supporting evidence must be submitted in writing to the Director if the Industrial User is located in a NPDES State or to the Enforcement Division Director. In order to be considered, requests for variances must be submitted within 90 days after promulgation by the EPA of the categorical Pretreatment Standard or where the Standard is published prior to the effective date of 40 CFR Part 403 within 90 days after the effective date of this regulation.

Written Submissions for variance requests, whether made to the Enforcement Division Director or to the Director must include:

(i) The name and address of the person making the request; (ii) Identification of the interest of the Requester which is affected by the categorical Pretreatment Standard for which the variance is requested; (iii) Identification of the POTW currently receiving the waste from the Industrial User for which alternative discharge limits are requested; (iv) Identification of the categorical Pretreatment Standards which are applicable to the Industrial User; (v) A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought; (vi) The alternative discharge limits proposed by the Requester for each pollutant or pollutant parameter identified in item (v) of this paragraph; (vii)

A description of the Industrial User's existing water pollution control facilities; (viii) A schematic flow representation of the Industrial User's water system including water supply, process wastewater systems, and points of discharge; and (ix) A statement of facts clearly establishing why the variance request should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request, e.g., technical and economic data collected by the EPA and used in developing each pollutant discharge limit in the Pretreatment Standard.

(f) *Deficient Requests.* The Enforcement Division Director or Director will only act on written requests for variances that contain all of the information required. Persons who have made incomplete Submissions will be notified by the Enforcement Division Director or Director that their requests are deficient and unless the time period is extended, will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the Enforcement Division Director or the Director, the request for a variance shall be denied.

(g) *Preliminary findings.* When the Enforcement Division Director or Director receives a submittal from a Requester he will, after determining that it contains all of the information required by paragraph (b) of this section, consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The Enforcement Division Director or Director will then make a written finding indicating whether or not there are factors which are fundamentally different, for that Industrial User, from those factors considered in the development of the appropriate categorical Pretreatment Standard. This preliminary finding will include the reasons as to whether or not the variance should be granted.

(h) *Fundamentally different factors do not exist.* (1) Where the request is submitted to the Director and the Director finds that fundamentally different factors do not exist, he may deny the request and notify the requester (and Industrial User where they are not the same) of the denial. (2) If the request is submitted to the Enforcement Division Director and the Enforcement Division Director finds that fundamentally different factors do not exist, he shall deny the request for a variance and send a copy of his written preliminary finding to the Director, where appropriate, and to the Requester (and to the Industrial User concerned, where they are not the same).

(i) *Fundamentally different factors do exist.* (1) If the request is submitted to the Director and the Director finds that fundamentally different factors do exist, he shall forward the request, and a recommendation that the request be approved, to the Enforcement Division Director. (2) If upon review of the recommended approval submitted by the Director or on the basis of his own preliminary findings when the request has been submitted directly to him, the Enforcement Division Director finds that fundamentally different factors do exist and that a partial or full variance is justified, he will approve the variance. In approving the variance, the Enforcement Division Director will: (i) prepare recommended alternative discharge limits for the Industrial User either more or less stringent than those prescribed by the applicable categorical Pretreatment Standard to the extent warranted by the demonstrated fundamentally different factors; and (ii) provide the following information in his written determination: (a) the preliminary findings; (b) the recommended alternative discharge limits for the Industrial User concerned; (c) the rationale for the adjustment of the Pretreatment Standard (including the Enforcement Division Director's reasons for recommending that a fundamentally different factor variance be granted and an explanation of how the Enforcement Division Director's recommended alternative discharge limits were derived); (d) the supporting evidence submitted to the Enforcement Division Director; and (e) other information considered by the Enforcement Division Director in developing the recommended alternative discharge limits.

(j) *Requests for hearing and/or legal decision.* (1) Within 30 days following the date of receipt of notice of the Enforcement Division Director's decision approving in part a variance request or denying such a request, the Requester may submit a petition to the Regional Administrator for a hearing and/or legal opinion to reconsider or contest the decision.

(2) If the Regional Administrator declines to issue a legal opinion or to hold a hearing and the Regional Administrator affirms the Enforcement Division Director's findings, the Requester may submit a petition for a hearing and/or legal decision to the Administrator within 30 days of the Regional Administrator's decision.

§ 403.14 Public Access to Information.

Information and data provided by an Industrial User to the Approval Authority pursuant to this part, identifying the nature and frequency of a discharge, shall be available to the public without restriction. All other information which may be so submitted or which may be furnished by an Industrial User to the Approval Authority in connection with required periodic reports shall also be available to the public unless the Industrial User or other interested person specifically identifies and is able to demonstrate to the satisfaction of the Approval Authority or its authorized representative that the disclosure of such information or a particular part thereof to the general public would divulge methods or processes entitled to protection as trade secrets. Any requests for confidential treatment of information and for access to such information shall be governed by procedures specified in 40 CFR Part 2.

APPENDIX A—NATIONAL PRETREATMENT STRATEGY

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APPENDIX A—NATIONAL PRETREATMENT STRATEGY

A. INTRODUCTION AND SUMMARY

This National Pretreatment Strategy includes revisions to the February 2, 1977 proposal in the FEDERAL REGISTER of common strategy elements and is a composite of several of the four proposed strategy options. The strategy as stated in this Appendix replaces both the common elements and the four options proposed on February 2, 1977.

The objectives of the National Pretreatment Strategy are: (i) To prevent inhibition/interference with the operation of publicly owned treatment works (POTW's), including contamination of municipal sludge; (ii) to correct inadequate treatment of many pollutants by industry and by POTW's prior to their release to the environment; and (iii) to improve opportunities to recycle and reclaim wastewaters and the sludges resulting from wastewater treatment.

Given these objectives and the complexity of the pretreatment problem, the EPA determined that an overall pretreatment strategy should be developed and outlined to the public. The strategy is intended to provide the framework for cleanup of industrial pollutant discharges to POTW's and to delineate the various responsibilities and deadlines applicable to each party involved in this effort, including the EPA, States, POTW's, industry and the public. Hopefully, publication of this strategy will minimize confusion over the EPA's intended actions in the coming years regarding pretreatment, result in better coordination among municipal and industrial water pollution control programs, and provide a consistent and equitable approach nationwide toward industrial use of POTW's.

A secondary objective of developing a National Pretreatment Strategy was to begin to reconcile existing pretreatment programs in many cities with the approach called for by the Federal legislation. Pretreatment programs which are fair, cost-effective, and successful in reducing pollutant discharges through POTW's and into the environment must be developed. This effort will require the dedication of substantial resources as well as public and political support at the local, State, and national level.

The strategy selected by the EPA, with the help of public comment and Congressional action, involves the establishment of pretreatment standards under section 307 (b) and (c) of the Clean Water Act. These pretreatment standards include general discharge prohibitions which apply to all nondomestic discharges to POTW's as well as pollutant discharge limits which apply to certain categories of industrial users of POTW's. The levels of pollutant control required by these "categorical" pretreatment standards will be determined by the application of the best available technology economically achievable for existing sources or any more stringent effluent standards under section 307(a) of the Act. The standards for new sources will be based upon the best available demonstrated technology economically achievable. As outlined in the following discussion the EPA will initially consider 21 industrial categories for coverage by standards, although coverage of additional industries may be added subsequently. Categorical standards will focus on toxic incompatible pollutants. Guidance issued under section 304(g) of the Act will be provided to State and local governments to assist them in establishing limits for discharges of incompatible pollutants not covered by national standards.

All authorities who own and operate POTW's with design flows exceeding five (5.0) million gallons per day and which receive wastes from sources subject to coverage by national pretreatment standards will be required to establish pretreatment programs to enforce the standards as a condition of the NPDES permit. Smaller POTW's will be required to develop pretreatment programs where they wish to modify the pollutant discharge limits in categorical standards to account for POTW removal of a pollutant and also where the Regional Administrator or Director of an NPDES State determines that a program is necessary due to the significance of the character or volume of industrial influent to the POTW. Grants to assist local authorities in setting up a required pretreatment program will be made available and where a local program is required, establishing a pretreatment program will be a condition of any new construction grant. Where a POTW's pretreatment program is approved, the POTW may revise the discharge limits for its industrial users covered by categorical pretreatment standards to reflect actual pollutant removal attained and maintained by the POTW, although such revision may be made only where a POTW meets any EPA criteria applicable to the sludge disposal method it uses.

The regulations, 40 CFR Part 403, accompanying the National Pretreatment Strategy replace the previous general pretreatment regulations, 40 CFR 128, and will be the primary vehicle for implementing the EPA's overall approach toward regulating industrial use of POTW's.

Both POTW's and new and existing users of POTW's will be covered by this regulation and subject to its provisions. The application of this regulation does not depend on whether or not the POTW if Federally funded. Moreover, although section 301(b) of the Act contemplates that pretreatment requirements will apply to users of a POTW which meet the standards established for POTW's pursuant to sections 304(d)(1) and 201(g)(2)(A), the fact that a POTW may not be in compliance with the provisions of the Act does not relieve users of the POTW of their own obligations to comply with national pretreatment standards.

The following is a detailed discussion of major aspects of the EPA's National Pretreatment Strategy.

B. PRETREATMENT STANDARDS AND GUIDANCE

1. National Standards on Prohibited Wastes

The strategy calls for the EPA to establish two sets of pretreatment standards under the authority of sections 307 (b) and (c) of the Clean Water Act. The first set is contained in the general pretreatment regulations, 40 CFR Part 403. The standards, specified in § 403.5, prohibit the discharge by any user of a POTW of any non-domestic wastes containing certain types (or amounts) of pollutants which would substantially interfere with the operation of the POTW. These standards, are known as "prohibited discharge standards." They are designed to prevent inhibition or interference with the municipal treatment works by prohibiting the discharge of pollutants of such nature or quantity that the mechanical or hydraulic integrity of the POTW is endangered. This includes prohibiting pollutants which create a fire or explosion hazard, non-domestic discharges with a pH lower than 5.0, solid or viscous pollutants which obstruct the flow in a sewer system, discharges of such volume or concentration that they upset the treatment process and cause a permit violation, and heat in such quantities that the POTW's influent water exceeds 40° C except where the POTW is designed to handle such heat. The prohibitions apply to all non-domestic discharges to POTW's whether or not a user is subject to other national and/or local pretreatment requirements.

While these prohibitions are Federally enforceable requirements it is the EPA's intent that all POTW's will develop specific limits for these pollutants based on each POTW's capacity to accept such pollutants and that such limits shall supplement the national discharge prohibitions. Those POTW's developing pretreatment programs pursuant to these regulations will be required to set and enforce such limits as a requirement of the program. Any POTW not meeting its permit limits as a result of interference by any of these pollutants will be required to develop and enforce specific discharge limits for such pollutants. Such limits will be incorporated into the POTW's NPDES permit. The EPA will publish guidance under section 304(g) of the Act to assist POTW's in establishing specific limits for the pollutants covered in the prohibited discharge standards.

Most of these prohibited discharge standards are identical or quite similar to the prohibitions contained in the previous general pretreatment regulations, 40 CFR Part 128. Specifically, § 403.5(b)(1)–(4) are similar to § 128.131. A few language changes have been made in these prohibitions, particularly the prohibitions concerning the discharge of high volume and high strength pollutants, but the intent and basic requirements are the same. Since these requirements are essentially the same and since the deadline for compliance with § 128.131 has passed, no lapse in compliance with these four requirements will be allowed.

These regulations also prohibit the discharge of heat in quantities sufficient to inhibit biological activity in a treatment system. In most cases, heat in fairly substantial quantities can be introduced into a municipal sewage system along with waste water without causing an upset or other difficulty in operating the POTW. As a matter of fact, some heat, particularly in cold weather, may prove to be beneficial and may accelerate the effectiveness of the treatment process. However, POTW's include biological treatment systems whose performance can be affected adversely if an excess of heat is found in the treatment plant itself. Hence, some safeguard is needed to prevent an excess of heat being discharged to the treatment plant while still allowing lesser amounts of heat to be discharged to and dissipated in a POTW. The point of damage to biological activity in the POTW is considered to be 40° C (104° F); and, thus this regulation as specified in § 403.5(b)(5), prohibits heat in such quantities that the influent waters to the POTW exceed 40° C except where the POTW is designed to accommodate such heat. Since

this is an additional requirement, not contained in § 128.131, compliance with this provision will be required within three years of the date of promulgation of 40 CFR 403.

2. Categorical Pretreatment Standards

A second set of pretreatment standards will be established and from time to time revised under the authority of sections 307 (b) and (c) of the Clean Water Act. Provision for this second set of pretreatment standards is contained in 40 CFR 403.6. These pretreatment standards will apply to existing and new sources in specific industrial subcategories and will be established in the industrial subpart regulations of 40 CFR Chapter I, Subchapter N. These categorical pretreatment standards will contain numerical pollutant discharge limitations for each industrial subcategory based upon the best available technology economically achievable (BAT) by existing industrial users of a POTW or any more stringent effluent standards under section 307(a) of the Clean Water Act. New Source standards will be based upon the best available demonstrated technology economically achievable in each industrial subcategory.

a. *Requirements of the Consent Decree.* In 1976 the EPA entered into a Consent Decree in the case of *NRDC* vs. *Train*, 8 ERC 2120 (D.D.C. 1976) with the Natural Resources Defense Council, Inc.; Environmental Defense Fund, Inc.; Businessmen for the Public Interest, Inc.; National Audubon Society, Inc.; and citizens for a Better Environment.

Under the Consent Decree the EPA is obligated to: (i) Develop direct discharge standards under sections 301 and 304(b)(2) of the Act for 21 listed industrial categories by December 1979, (ii) establish pretreatment standards under section 307 (b) and (c) of the Act for 8 of the 21 before June 1977, and (iii) by December 1979 develop, as appropriate, BAT pretreatment standards for the remaining 13 industries as well as revise the standards for the first 8 industries such that they require BAT. The 21 industrial categories are listed in subsection B(2)(b) of this Appendix.

The Consent Decree requires the EPA to review 65 toxic pollutants which may be discharged by the 21 industrial categories and to establish pretreatment standards for any of the 65 toxic pollutants and any other nontoxic pollutants found not to be susceptible to treatment by POTW's or which would interfere with the operation of the POTW. The 65 toxic pollutants are listed in Appendix B. As provided by section 307 (b) and (c) of the Act, the Consent Decree requires that the pretreatment standards shall be established to prevent the discharge of pollutants through treatment works which interfere with, pass through, or otherwise are incompatible with the treatment works.

Paragraph 8 of the Consent Decree provides for exclusions from the pollutant coverage where:

(i) "Equally or more stringent protection is already provided by pretreatment a * * * standard * * *,"

(ii) "The specific pollutant is present in the effluent which is introduced into (the POTW) * * * solely as a result of its presence in the * * * source's intake waters, provided however, that such * * * source may be subject to an appropriate effluent limitation for such pollutant pursuant to the requirements of section 307," or

(iii) "The specific pollutant is either not present * * * in the effluent which is introduced into (the POTW) or is present only in trace amounts and is neither causing, nor likely to cause, toxic effects with respect to any identifiable organisms affected or likely to be affected by such * * * effluent".

The EPA believes that since many nontoxic incompatible pollutants would, after pretreatment for toxic pollutants, be present only in trace amounts and not cause toxic effects, they would not require standard setting under the terms of the Consent Decree. In cases where a nontoxic pollutant is found on a national level to pose very serious threats to the operation of POTW's or to water quality as a result of being incompatible with POTW's, the EPA would deem it consistent with the pretreatment strategy to set national standards for such a pollutant. If however, it is determined that many nontoxic pollutants of lesser significance are present in industrial discharges after the application of toxic pollutant standards and that such pollutants would not be exempt by a reasonable interpretation of paragraph 8, the EPA will seek a modification of the Consent Decree. Such action would be dictated by the limited resources of the EPA which do not enable it to issue and enforce categorical standards for all incompatible pollutants in the near future.

Paragraph 6(a) of the Consent Decree requires that the pretreatment standards cover 95 percent of the industrial users in each industrial category. Paragraph 8(b) provides that an industrial category may be excluded "if 95 percent or more of all * * * sources in the category or subcategory introduce into treatment works * * * only * * * (compatible) pollutants; or if (A) the amount * * * (of incompatible pollutants) and (B) the toxicity of such pollutants taken together is so insignificant as not to justify developing a pretreatment regulation in accordance with the schedules set out in (the Consent Decree)."

To reconcile the Federal resources available to establish pretreatment standards and the Federal, State, and local government capabilities to enforce the standards within statutory timetables, the EPA will, in this round of standard setting, concentrate categorical standards on pollutants which now appear most toxic or hazardous. The pollutants which now appear most toxic are the 65 pollutants listed in the Consent Decree and referenced in section 307(a) of the Clean Water Act (See Appendix B). Provisions for adding or deleting pollutants and sources to this list of toxics are provided in the Consent Decree and section 307(a) of the Act. EPA studies of technology, economic, public health and ecological factors necessary to develop pretreatment standards and/or determine exclusions under paragraph 8 of the Consent Decree, will focus on the 65 toxic pollutants and the 21 industrial categories (see subsection B(2)(b) of this Appendix) through 1979. The EPA will issue guidelines under section 304(g) of the Act to State and local governments to assist them in setting their own standards on pollutants which may be incompatible but which do not merit national standards under this strategy.

The focus of categorical pretreatment standards on toxic pollutants is consistent with: (i) The Congressional priority placed on pretreatment standards for the 65 toxic pollutants in section 307(a) of the Clean Water Act; (ii) the overwhelming preference, especially of State and local governments, expressed in testimony received by the EPA on its February 2, 1977 proposal for four alternative pretreatment strategies; and (iii) the Congressional intent expressed through amendments to sections 307(b), 309(f) and 402(b)(8) of the Act to make State, and especially local, governments responsible for enforcing pretreatment standards. The following sections on (b) coverage of Industrial Categories, (c) Coverage of Pollutants, (d) Determining Incompatibility, and (e) Establishing Levels of Treatment, describe the EPA's approach to establishing national categorical standards. The EPA considers itself bound by the Consent Decree. Where the approach discussed in these sections is determined at any future date to be inconsistent with the Consent Decree, the EPA will seek modification of the Decree.

b. *Coverage of Industrial Categories.* The strategy calls for the EPA concentrate its standard setting effort on the industries believed to by discharging the pollutants of greatest environmental concern. The 21 industrial categories listed in the Consent Decree will be the initial focus of the EPA for categorical pretreatment standards. These 21 industrial categories are listed below. The 8 industries identified with an asterisk (*) are those for which interim pretreatment standards were promulgated in 1977 and 1978 pursuant to the Consent Decree. These eight industries are candidates for revised pretreatment standards based upon studies being conducted to develop BAT limits on all 21 categories.

Automatic and Other Laundries
Coal Mining
Electroplating*
Inorganic Chemicals Manufacturing*
Iron and Steel Manufacturing
Leather Tanning and Finishing*
Machinery and Mechanical Products Manufacturing
Miscellaneous Chemicals Manufacturing
Nonferrous Metals Manufacturing*
Ore Mining
Organic Chemicals Manufacturing
Paint and Ink Formulation Printing
Paving and Roofing Materials
Petroleum Refining*
Plastic and Synthetic Materials Manufacturing
Pulp and Paperboard Mills and Converted Paper Products
Rubber Processing
Soap and Detergent Manufacturing
Steam Electric Power Plants*
Textile Mills*
Timber Products Processing*

A more detailed list of specific industrial subcategories, identified by four-digit Standard Industrial Classification Code is contained in Appendix C.

Since the EPA desires to focus on the most significant environmental problems and the industries which contribute to these problems, categorical pretreatment standards covering toxic pollutants will be established for all industrial users of POTW's in the 21 industrial categories except where the EPA determines, following its examination of a category or subcategory, that it meets the exclusion criteria set forth in paragraph 8 of the Consent Decree (see earlier discussion of paragraph 8).

Based on current information from the first ten industrial categories being reviewed for BAT standards, the EPA believes that many subcategories within the 21 major industry groups (and some entire groups) will not require categorical pretreatment standards because they may be excludable under paragraph 8 of the Consent Decree.

Within each industrial category the EPA will establish pretreatment standards for 95 percent of the sources unless, consistent with the criteria in paragraph 8 of the Consent Decree, a category or subcategory is excluded. Three of the categories (paint and ink formulation printing, automatic and other laundries, and machinery and mechanical products manufacturing) may total more than 85,000 industrial sources. The environmental problems produced by some of the sources in these three categories may not warrant national regulation for 95 percent of the sources in each category. In addition, Federal, State and local resources to enforce pretreatment standards for 95 percent of the sources in these three categories may be beyond the projected capabilites. If it is determined that a lesser coverage of sources in one or more of these three categories is not consistent with the criteria for exclusions in the Consent Decree but that the environmental problems associated with these sources would, in light of available State and local enforcement capabilities, not warrant 95 percent coverage, then the EPA will seek modification of the Decree. Any modification found to be necessary would be designed to enable enforcement to focus on a smaller number of sources while significantly reducing the environmental impact of discharges from these three industrial categories.

c. *Coverage of Pollutants.* Under the EPA's strategy, technology-based categorical pretreatment standards for existing and new sources in the 21 industrial categories will be established for incompatible toxic pollutants. In developing categorical pretreatment standards the EPA will consider the 65 priority toxic pollutants listed in Appendix B and published in the FEDERAL REGISTER on January 31, 1978. The criteria for excluding a pollutant would be as stated above in paragraph 8 of the Consent Decree. As provided below (see d. Determining Incompatibility) and in section 307(a) of the Act, modifications to the list (deletions and additions) may result as the EPA develops further information about toxic substances. Under the strategy, it is possible that additional pollutants, not on or added to the list of toxics, may be covered by categorical standards where their discharge results in potentially harmful effects on the public or where they are surrogates for toxic pollutants.

The 65 pollutants were selected on the basis of a review of available data on the 232 pollutants of greatest environmental concern at the time the Consent Decree was developed. The 65 toxic pollutants include:

(i) Substances for which there is substantial evidence of carcinogenicity, mutagenicity and/or teratogenicity;

(ii) Substances which are structurally similar to the above compounds or for which there is some evidence of carcinogenicity, mutagenicity, or teratogenicity; and

(iii) Substances which are known to have toxic effects on human or aquatic organisms at sufficiently high concentration and are present in industrial influent.

Guidance on regulating incompatible pollutants not covered by categorical pretreatment standards will be provided to State and local government under section 304(g) of the Act. The EPA believes that the technology required to meet the discharge limits in categorical pretreatment standards for the 65 toxic pollutants will incidentally pretreat most other incompatibles as well. Furthermore, EPA or an NPDES State may, in a permit under section 402 of the Act, establish limits on the POTW which would require further pretreatment by industrial users excluded from categorical pretreatment standards. The EPA is required to establish more stringent limits where necessary to achieve water quality standards or to comply with Best Practicable Waste Treatment Technology.

d. *Determining Incompatibility.* In determining whether to regulate a particular pollutant in categorical pretreatment standards the Act requires that the EPA make a determination as to whether the pollutant is "incompatible" with a POTW based on the criteria of interference, pass-through, sludge contamination or other incompatible effects. Pollutants discharged to POTW's will fall, generally, into two classes. The first class is composed of those which are found in municipal sewage and for which a POTW is "designed" to treat. In general, these "compatible pollutants or parameters" will include biochemical oxygen demand (BOD) and suspended solids (SS). (See the Secondary Treatment Regulation, 40 CFR Part 133.) Categorical pretreatment standards under section 307 (b) and (c) of the Act will not establish limits for discharges of compatible pollutants, except in instances where compatible pollutants may be used as indicators or surrogates for toxic pollutants.

The second class of pollutants contains those which may be incompatible and require pretreatment prior to discharge in order to prevent interference with the operation of the POTW, sludge contamination, or pass-through the POTW into receiving waters or into the atmosphere. All of the 65 pollutants would be subject to coverage in categorical pretreatment standards based on whether or not they are determined to be incompatible.

To be more specific regarding potentially incompatible pollutants, some materials other than BOD and SS can be treated effectively in small concentrations in a POTW but cannot be treated effectively when the concentrations exceed the system's tolerance levels. In addition, some pollutants are degradable, but only if retained in the treatment works longer than usual. Some pollutants are considered incompatible because they simply are not effectively treated by a POTW regardless of the influent concentration or retention time. Many of the pollutants of greatest environmental concern (those on the list of 65 toxics) fall into this category.

In determining which toxic pollutants are incompatible, the EPA will consider: (i) Potential inhibition and interference effects of the pollutant on the POTW; (ii) whether the pollutant is susceptible to treatment in the POTW; and (iii) the ability of POTW's to remove the pollutant from wastewaters, and if removed, the potential impact of the pollutant on the POTW's ability to use or dispose of its municipal sludge and on air quality.

In determining whether a pollutant is removed and treated in the POTW some assumption must be made regarding the type of POTW being used. Because the EPA is developing national standards, it will assume that the POTW is a secondary biological treatment works. Although some POTW's provide less than secondary treatment at this time, these POTW's are required under the Act to achieve secondary treatment.

To be more specific regarding this assumption, the EPA will assume that the POTW is one of a group or family of biological treatment processes which are commonly used in the treatment of municipal sewage and which are designed to achieve the secondary treatment standards for biochemical oxygen demand, suspended solids and pH in 40 CFR Part 133.

There are a variety of sewage treatment plant systems which, when properly designed and operated, meet secondary treatment requirements on a consistent basis. These designs include the activated sludge system and its modifications, trickling filters, and oxidation ponds. There are a number of activated sludge system modifications which incorporate variations on the amount of sludge recirculation, the amount of air or oxygen supplied to the aeration tanks, the use of pre- and post-chlorination, and the use of sludge digestion, sludge combustion, or land filling as mechanisms for disposal of the sludge generated. The retention time of sewage in such systems generally is short; it is normally 6 hours with retention times as short as 3 to 4 hours not uncommon. POTW's having facilities for substantial chemical addition for the purpose of removing materials other than BOD and SS will not be included in this group of sewage treatment systems assumed by the EPA in determining the incompatibility of a pollutant.

In determining compatibility or incompatibility of a toxic pollutant, the EPA will not consider the mere removal of the substance from the POTW's wastewater as adequate to protect the environment since the substance may be discharged into the air or onto the land. Some toxic pollutants (i.e., organic compounds such as polynuclear aromatic hydrocarbons) may not be treated by the POTW but instead may be volatized during treatment (such as aeration) and thus increase human exposure to air pollutants.

The EPA will also consider the ultimate fate of toxic pollutants removed from the wastewater and concentrated in the municipal sludge in determining the incompatibility of a pollutant. Section 307(b) of the Act requires pretreatment standards for pollutants introduced into POTW's as defined in section 212 which would interfere with the operation of such works. Section 212 of the Act contemplates sludge use or disposal as included in the definition of treatment works. In addition, the House Conference Report (95th Congress, first session, No. 95-830, page 88) directed the Administrator in establishing pretreatment standards to consider any guidelines for sludge disposal or use established under section 405 of the Act.

Industrial discharges to POTW's may increase the levels in municipal sludge of heavy metals such as lead, mercury, and cadmium as well as organic substances such as chloroforms, benzene, pesticides and PCB's. Incineration of sludge containing toxic pollutants may result in hazardous air emissions and surface and ground water pollution both by fallout and improper disposal of the ash. Landfilling of sludge with toxic pollutants may result in pollution of surface and groundwaters. In some areas, sludge is used for landspreading on croplands. Landspreading of sewage sludge and other recycle methods can have three important benefits: It can reduce the tremendous volumes of sludge which now must be disposed of in less environmentally acceptable ways; it can contribute to crop and forest production; and it can substantially reduce public costs of sludge management in contrast to dispos-

al alternatives. However, landspreading of sludges contaminated by toxicants can result in their bioaccumulation in the food chain. Thus, the presence of toxic pollutants in sludge can limit the disposal alternatives available to the POTW and thereby increase the cost of sludge disposal or use.

In recognition of these problems the EPA will classify a toxic pollutant incompatible, even when removed by the POTW, if there is evidence that its presence in municipal sludge can interfere with sludge use or disposal. The method of sludge use to which the interference criteria will be applied will be landspreading on croplands since this requires the cleanest sludge. In addition, any toxic pollutant identified as hazardous under section 3001 of the Solid Waste Disposal Act, will also be considered incompatible for the purposes of section 307 (b) and (c) of the Clean Water Act. This interpretation of incompatibility will complement Congress' intent under sections 201(d) and 516(d) of the Clean Water Act to encourage the beneficial uses of municipal sludge.

Thus, the incompatibility of a pollutant will be determined on the basis of the criteria discussed above as well as the extent to which it is consistently removed by the POTW and will not cause problems in sludge disposal or use or other problems for the POTW. However, given the extreme variability in removals experienced by most secondary treatment systems, the EPA's focus on toxic pollutants, and its commitment to encourage beneficial uses of municipal sludge, the EPA will be conservative in its assumptions regarding POTW removal capabilities.

Under the EPA's strategy, a toxic pollutant which is found to be incompatible will be regulated in the categorical pretreatment standards for those industrial users who discharge the pollutant. In the EPA's strategy, a pollutant which is found to be incompatible, but is not included on a list of toxic or hazardous substances, will be covered by section 304(g) guidance. Section 304(g) guidance is designed to be used by State and local governments to establish their own pretreatment limits. The pollutant discharge limits for incompatible toxic pollutants in categorical pretreatment standards will be developed in the manner described below.

e. *Establishing Levels of Treatment.* The pollutant discharge limits in categorical pretreatment standards will be based upon technologies available to each industrial subcategory, taking into account the technical and economic constraints (e.g., space limitations, economic impact, etc.) peculiar to industrial users of POTW's. The levels of treatment required of existing sources of toxic pollutants will be based on the best available technologies economically achievable (pretreatment techniques, process and procedure innovations, operating methods) or any more stringent effluent standards established under section 307(a) of the Clean Water Act. The Consent Decree requires best available control technology economically achievable and Congress concurred in this decision in amending the provisions of section 307(a) with respect to toxic pollutants and in the Legislative History for section 307(b) (House Conference Report, 95th Congress, first session, No. 95-830, page 87). In establishing the standards, the EPA will take into account such factors as the cost of achieving these limits, the age of equipment and industrial facilities involved, the process employed, the engineering aspects of applying various types of control techniques, process changes, nonwater quality environmental impacts, and any other factors the Administrator deems appropriate.

The EPA will also consider the economic impact of its regulations before establishing categorical pretreatment standards. In determining economic impact, the cost of municipal waste treatment, including the charges imposed on industry by a POTW (user charges and industrial cost recovery, etc.) will be assumed as part of the baseline cost for an industrial user. The incremental cost of the technologies or process changes will then be evaluated to determine if significant impacts in terms of price effects, potential plant closings, and unemployment, etc. will result from implementation of the standard. As with the technical factors considered, this analysis may result in the establishment of separate standards (with different discharge limits) for some industrial subcategories.

Categorical pretreatment standards for new sources established pursuant to section 307(c) of the Act will be the same as New Source Performance Standards established under section 306 of the Act. The discharge limits in these standards will be based upon the "degree of effluent reduction achievable through the application of the best available demonstrated control technology, processes, operating methods, or other alternatives" (see section 306(a)(1) of the Act). In establishing these pretreatment standards for new sources, the EPA will take into account the economic, energy, and nonwater quality environmental impacts of these standards.

The discharge limits in categorical pretreatment standards and section 304(g) guidance will be expressed in terms of concentrations. The rationale for the derivation of the concentration discharge limits will be described in detail in the supporting documentation for each pretreatment standard. An attempt will also be made to provide equivalent mass discharge limits in each standard's preamble or the supporting documentation so that local, State, and Federal authorities may enforce either concentration or mass limits. the mass limits may be applied by State and local authorities in implementing a pretreatment program, provided the State or local mass limits are consistent with Federal requirements (see section 307(b)(4) of the Act and § 403.4 below). State and local authorities will be encouraged to enforce mass limits wherever possible.

The major reasons for expressing national pretreatment standards in terms of uniform concentration limits include the ease of enforcing such limits and the desire to ensure that POTW's are willing and able to implement the pretreatment program as quickly as possible. However, dilution as a means of achieving compliance can be a problem where the costs of increased water and sewer use are less than the annualized costs of installing and operating pretreatment technology. To minimize this problem, restrictions and constraints against excessive water use and dilution will be included when appropriate in each national pretreatment standard. Such prohibitions against dilution will apply at the point of process discharge. The national standards will also require continuous flow monitoring. POTW's will also be encouraged to inspect pretreatment design plans and constructed facilities as well as to apply surcharges to limit water usage and compliance with standards by dilution. Where dilution is encountered POTW's should give preference to the use of equivalent mass limits.

In addition, upon NPDES permit reissuance, POTW's with approved pretreatment programs who have been unable to minimize dilution associated with concentration limits, may be required by the Regional Administrator or State Director to enforce equivalent mass limits instead of concentration limits. Finally, section 307(b)(2) of the Act provides for periodic reconsideration, and where appropriate, revision of pretreatment standards. When reconsidering standards, the EPA will review the effectiveness of concentration limits as a means to enforce pretreatment standards. Where deemed necessary to prevent dilution or further encourage water conservation the EPA may, on a category-by-category basis, repromulgate specific categorical pretreatment standards with discharge limits expressed only as mass limits.

Pollutant discharge limits in categorical pretreatment standards expressed as a concentration will apply to the treated effluent of the industrial process regulated by the standard. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, an equilvalent concentration limit will be derived by the enforcement authority (or by the discharger with the written concurrence of the enforcement authority) and applied to the mixed effluent so as to account for the presence of flows not contributed by the regulated process. However, in no event may an equivalent pretreatment limit be used if the regulated pollutants would no longer be detectable by the equipment monitoring the combined wastewaters. The equivalent concentration limit for a specified pollutant would be derived by the use of the following formula:

$$Y = \frac{XF}{F_1}$$

Where:

X=Pollutant limit specified in the applicable categorical pretreatment standard for a process (expressed in mg/l).

Y=Equivalent pollutant limit to be applied to a mixed discharge which includes the wastewater of the regulated process (expressed in mg/l).

F=*Wastewater flow generated solely by the regulated process (expressed as an average flow per day).*

F_1=Total flow of the mixed discharge including the wastewater from the regulated process (expressed as an average flow per day).

For example if the limit in a categorical pretreatment standard for a specific pollutant is 3 mg/l and the process, to which the standard applies, generates 1000 liters of wastewater per day but is mixed prior to treatment with 5000 liters per day of additional wastewater from other processes, the equivalent concentration of the specified pollutant that would apply to the mixed effluent would equal 0.5 mg/l.

f. *Compliance Deadlines.* Under section 307(b) of the Act compliance deadlines for pretreatment standards will be not later than three years from the date of standard promulgation for existing industry standards. A shorter compliance date may be specified where risk to human health or the environment may result from delays in com-

pliance. Compliance with pretreatment standards for new sources will be required immediately upon their promulgation and will apply to sources whose construction is commenced after the publication of a proposed new source pretreatment standard, if the standard is promulgated within one hundred and twenty days of proposal. If a new source pretreatment standard is promulgated later than 120 days after its proposal in the FEDERAL REGISTER, it will apply to sources whose construction is commenced on or after the date the standard is promulgated.

Prior to the *NRDC* vs. *Train* Consent Decree, the EPA had promulgated final existing source pretreatment standards for two industrial categories on the list of 21. Until these standards are superseded by new standards being developed under the Consent Decree, they will remain in effect for those pollutants covered which are on the list of 65. New source pretreatment standards already promulgated for industries on the list of 21 will also remain in effect for those pollutants covered which are on the list of 65.

The Agency has promulgated pretreatment standards for existing sources in 10 industrial categories not on the Consent Decree list of 21 and for new sources in 13 categories not in the Consent Decree. Most of these standards were promulgated with no pretreatment required because the wastes from these sources are compatible and can be treated by most POTW's.

A few existing and new source pretreatment standards which set limitations were also promulgated for industries not on the list of 21 industrial categories. These standards addressed either potential or known incompatibles, including some on the list of 65. Where these standards cover pollutants on the list of 65 they will remain in effect but may be revised upward by the EPA to reflect BAT or best available demonstrated control technology, as appropriate, if they presently represent best practicable technology levels of treatment.

As previously mentioned, the Consent Decree required pretreatment standards for 8 of the 21 listed industry categories by May 1977. For the most part these standards do not address toxic pollutants on the list of 65. The EPA recognizes that revisions to the first eight pretreatment standards promulgated pursuant to the Consent Decree are needed now that the general policy has been determined and established. Until these first eight pretreatment standards are superseded by the revised standards also being developed under the Consent Decree, these standards will remain in effect.

g. Section *304(g) Guidance.* Prior to developing this National Pretreatment Strategy and 40 CFR Part 403, EPA issued guidance prepared by a contractor under section 304(g) of the Clean Water Act for use by State and local government in establishing pretreatment programs and interference/inhibition limits. The EPA will revise and expand this 304(g) guidance so that it is consistent with this National Pretreatment Strategy. In the interim, local authorities may wish to refer to this guidance document for assistance in initiating pretreatment programs. The guidance was issued in 1977 and is entitled *Federal Guidelines: State and Local Pretreatment Programs,* Volumes I, II, and III. The guidelines are available from GSA Centralized Mailing Lists Services, Building 41, Denver, Colo. 80225. Please request publication No. EPA-430/9-76-017 (a), (b), and (c). Care should be exercised by readers to ensure that any consulted portions of the 1975 guidance are not inconsistent with this statement of the National Pretreatment Strategy and 40 CFR Part 403.

Revised guidance under section 304(g) will contain recommended discharge limits for use by local and State government for pollutants which may be incompatible and which have not been regulated by national pretreatment standards including those covered in the general prohibitions. Recommended discharge limits for incompatible pollutants, which can be treated effectively in small concentrations in a POTW but which cannot be treated when the concentrations exceed the system's tolerance levels (for example, oil and grease of mineral origin), would be aimed at reducing the concentrations so the POTW can provide treatment without interference. Limits on these pollutants would be based on the levels at which inhibition or interference with the POTW can be prevented and would tend to be similar regardless of the industrial subcategories being regulated. On the other hand, pollutants considered incompatible because they simply are not effectively treated by a POTW regardless of the influent concentrations would be given recommended limits which are technology-based. The guidance will include an explanation of the technical/economic factors to be considered in establishing local or State pretreatment requirements. The guidance will also provide information for identifying toxic pollutants not included on the list of 65, including background information on Ames tests, structure analyses, fish cough, and other short-cut testing methods.

In addition, the revised section 304(g) guidance will include:

(i) Model ordinances and industry contracts for enforcing pretreatment standards;

(ii) Recommended staffing levels;

(iii) Recommended procedures for inspection, monitoring and enforcement activities, including testing protocols for toxic pollutants;

(iv) Criteria and guidance for use in documenting POTW removal efficiencies for toxic pollutants;

(v) Criteria and guidance for documenting compliance with requirements for municipal sludge disposal or use;

(vi) Guidance in establishing user charge and surcharge systems to defray the public costs of treating industrial wastes, operate a POTW pretreatment program, and penalize industrial noncompliance with pretreatment requirements.

C. MODIFICATION OF NATIONAL STANDARDS

1. Variance for Fundamentally Different Factors

In the preparation of the supporting documentation (Development Document) for a 307(b) categorical pretreatment standard, all of the information which the EPA can amass concerning processes and procedures related to that industrial subcategory is collected and analyzed. However, it is possible that certain facts do not become available to the EPA and cannot be employed in decisions related to the pollutants which may be discharged from a particular industrial operation. Because of this possibility it has been recognized that variations from the numerical discharge limits contained in a national pretreatment standard for an existing source may be necessary in certain circumstances to compensate for factors not adequately considered in establishing the pretreatment standard. The Agency has provided a mechanism (the "BPT variance") to compensate for such circumstances in direct discharge effluent limitations and similarly, § 403.13, of this regulation provides for a fundamentally different factors variance for existing industrial users of POTW's similar to that provided for direct dischargers.

This provision for a variance will allow an existing (but not a new source) industrial user of a POTW (or any other interested person) to apply for an adjustment (either more or less stringent) to the numerical discharge limits contained in a categorical pretreatment standard when factors relating to an industrial user, fundamentally different from those considered in promulgating the pretreatment standard, justify the establishment of a significantly different discharge limit. The factors considered in approving or disapproving a variance will generally include the nature and volume of the discharge including the types and amounts of pollutants, the raw materials used in the operation, equipment, facilities and processes employed by the discharger, nonwater quality environmental impact of complying with pretreatment standards and the cost (and energy requirements) of applying pretreatment technologies. The economic/financial capability of the firm will not be considered in this variance. A fundamentally different factors variance will be granted only with the approval of the EPA; where the source is located in an NPDES State, the State Director must also approve the variance. Where a fundamentally different factors variance is approved, the EPA will establish alternative discharge limits for the industrial user that are justified by the fundamental difference. The NPDES permit regulations (40 CFR Part 125) are being updated by the EPA. When 40 CFR Part 125 are promulgated they will repeal the provisions for fundamentally different factors variances now included in 40 CFR 403 and consolidate in one place (40 CFR Part 125) the variance provisions for direct dischargers and industrial users of POTW's.

2. Revisions to Reflect POTW Removal of Pollutants

a. *Pollutant Removal by POTW's.* As discussed previously (see B. Pretreatment Standards and Guidance) levels of treatment required in categorical pretreatment standards for existing and new sources will be technology-based. Such a level of pretreatment will be established with the assumption that no pollutant removal occurs in the POTW to which the industry discharges. While the legislative history (House Conference Report (95th Congress, first session, No. 92-911, page 113)) of the Federal Water Pollution Control Act Amendments of 1972 cautions against preventing redundancies in treatment, consideration of POTW pollutant removal in establishing national pretreatment standards is extremely difficult, and in many cases impossible. Among the reasons for this difficulty are the vast numbers of industrial users of POTW's, the numerous combinations of municipal/industrial waste treatment facilities, and the extreme variability in pollutant removals experienced by POTW's (even those POTW's of the same treatment configuration).

It is recognized that some industrial users may have to treat to levels higher than

would be required if the removal capability of POTW's were considered in setting national standards. Approximately 900-1,000 POTW's provide better than secondary treatment and a number of these may be specifically designed (e.g., physical-chemical systems) to remove pollutants from industrial contributors. In addition, some secondary biological treatment systems may provide substantial removal of pollutants that they are not specifically designed to treat.

b. *Accounting for POTW removal capabilities.* The National Pretreatment Strategy, in accordance with the Federal Water Pollution Control Act Amendments of 1972 and the Clean Water Act of 1977, provides a mechanism for POTW's to revise the pollutant discharge limits in categorical pretreatment standards for industrial users to compensate for pollutant removals attained by the POTW. This section will discuss such revisions for POTW removal of a pollutant and will explain the requirements of § 403.7 which sets out the conditions and procedures for modifying categorical pretreatment standards.

Section 307(b)(1) of the Clean Water Act provides for case-by-case revisions of categorical pretreatment standards for existing sources to compensate for pollutants removed and treated by the POTW, both where the POTW is designed to remove the pollutant as well as for cases where the additional removal is incidental to the treatment configuration. In section 307(b)(1) the Act conditions such case-by-case revisions upon: (i) The POTW removing all or part of the pollutant, (ii) the POTW not violating the effluent limitation applicable to the pollutant if it were discharged by the industrial source other than through a POTW, and (iii) any such revision not preventing use or disposal of the POTW's sludge in accordance with section 405 of the Act. The same requirements will be applied to modifications of pretreatment standards for new sources.

Each categorical pretreatment standard will include a provision recognizing the option of the owner or operator of the POTW to modify the discharge limits in the standard applicable to individual classes of sources introducing a pollutant which is removed in whole or in part by the POTW. Revision of a categorical pretreatment standard will be conditioned on documentation submitted to EPA (or an NPDES State) which:

(i) Justifies the revision on the basis of POTW specific data showing reliable and consistent removal of the pollutant in accordance with the definitions and criteria set forth in § 403.7; and

(ii) Demonstrates that its method of sludge use or disposal is in compliance with any published EPA criteria applicable to the sludge disposal method being used and would remain so with the revisions.

In addition to meeting these two major requirements, the POTW must have an approved POTW pretreatment program pursuant to § 403.8.

c. *Documented POTW removal of pollutant.* One criterion in section 307(b)(1) of the Act states: "* * * the treatment by such [POTW] removes all or any part of such toxic pollutant and the discharge from such works does not violate that effluent limitation or standard which would be applicable to such toxic pollutant if it were discharged by such source other than through a publicly owned treatment works* * *". The House Conference Report (95 Congress, first session, No. 95830, page 87) accompanying the Clean Water Act states that the intent of Congress was that the combination of pretreatment and treatment by the POTW shall achieve at least that discharge limit required if the same industrial source were making a direct discharge. In other words, the modified pretreatment requirement for an industrial user, plus the treatment provided by the POTW must equal at least the treatment level required by BAT for a direct discharger in the same industrial category. The statements of Senator Muskie of Maine and others regarding this particular provision of the Act indicate that the intent of Congress was to provide equity in the criteria establishing the levels of pollutant removal required of industrial dischargers, whether they discharge through a POTW or directly to receiving waters.

In applying the statutory language, as written, the first decision is to determine what would be the equivalent direct discharge limitation for an industrial user of a POTW. National pretreatment standards will be expressed as concentration limits and in most cases will specify uniform limits across an entire industrial subcategory. On the other hand, direct discharge limitations are expressed as a mass limit or amount of a pollutant per unit of production. This means that the effluent limit for each direct industrial discharger varies with its production. An accurate conversion would, therefore, require the POTW to examine the flow, concentration and production levels of each industrial user and calculate an equivalent direct discharge limitation. Many POTW's especially smaller ones, have submitted testimony to the EPA stating it would not be possible for them to examine and determine a mass pretreatment standard for each industrial user because of staff limitations and difficulties in obtaining accurate production data and correlating the data with concentration and flow.

In some subcategories industrial users will be regulated by categorical pretreatment standards, but direct discharges in the same subcategories have not or will not be regulated by national effluent guidelines. This could mean that for industrial users in some industrial categories (i.e. electroplaters) direct discharge limitations needed to determine compliance with the criteria in section 307(b)(1) for modifying categorical pretreatment standards will not be available in time to determine and apply a modified standard. Where no national effluent limitation will be developed, industrial users would be denied the opportunity to reduce the costs of compliance with pretreatment standards only because a comparable standard had not been developed.

Under the statutory criteria for modifying a categorical pretreatment standard, a POTW would next have to monitor, over time, the mass of the particular pollutant in its effluent and compare it with the total allowable mass discharge from all regulated sources of the pollutant (based on the calculated equivalent direct discharge limits for each source of the pollutant). In determining eligibility for modifying national standards, the POTW's effluent would include mass emissions by unregulated point and nonpoint sources. If the monitored POTW effluent did not exceed the computed total allowable direct discharge standard, the POTW would then have to develop modified categorical pretreatment standards for all sources of the pollutant and check to insure that the modified pretreatment standards would still allow the POTW's effluent to be at least equivalent to the effluent limitation that would apply to a direct discharger in the same industrial category. Finally, as industrial dischargers to the POTW change over time, continued compliance with the statutory criterion as written in the Act would require repetitions of this complex procedure.

The EPA does not believe that the intent of Congress in drafting section 307(b)(1) was to establish a criterion that prevented modified categorical pretreatment standards simply because (i) direct discharge standards did not exist, (ii) some POTW's were technically unable to perform the required analysis, or (iii) the administrative burden to the POTW, NPDES States, and the EPA was unmanageable in the time required for compliance with the categorical pretreatment standards.

For the above reasons the strategy provides a system for calculating POTW removals and modified pretreatment standards which the EPA believes fulfills the intent of the law, but is workable. The system bases the determination of eligibility to modify a categorical pretreatment standard upon operating data that shows consistent removal of a pollutant by the POTW. That is, the system is based on the language in section 307(b)(1) which states that "* * * the treatment by such [POTW] removes all or any part of such toxic pollutant * * *." The POTW's removal of a pollutant would be determined by measuring the influent concentration versus the effluent concentration at the POTW and expressing the difference as a percentage of the influent concentration. The categorical pretreatment standard for each industrial subcategory discharging the pollutant could then be modified by the percentage removed by the POTW. Since the national standard for direct discharges and the pretreatment standard for industrial users are both based upon BAT or more stringent criteria, the modified pretreatment standard should "achieve at least that level of treatment which would be required if the industrial source were making a direct discharge" and it will "reflect the degree of reduction of that pollutant achieved by the treatment works" (See House Conference Report (95th Congress, first session, No. 95830, page 87)).

The revised discharge limit for a specified pollutant would be derived by use of the following formula:

$$y = \frac{x}{1 - r}$$

where:

x = pollutant discharge limit specified in the applicable categorical pretreatment standard (expressed in mg/l)

r = POTW's consistent removal rate for that pollutant percentage expressed as a decimal

y = revised discharge limit for the specified pollutant (expressed in mg/l)

For example, if the national standard for a pollutant is 1 mg/l and the POTW consistently removes 50 percent of that pollutant, then the new pretreatment limit would be 2 mg/l. The same modified pretreatment requirement would be applied to all users of the POTW in that industrial subcategory.

The strategy and regulation call for removal to be calculated by measuring the dif-

ference between the concentrations of a pollutant in the influent and effluent of the POTW for representative conditions during dry and wet weather and expressing that difference as a percent of the measured influent concentration. The "removal" must be the result of actual treatment by the POTW, that is either a reduction in the amount of, or an alteration in the nature of a pollutant in the wastewater to a less toxic or harmless state. The EPA recognizes that in some cases small amounts of a toxic pollutant discharged to a POTW's sewer system may become so diluted by huge volumes of municipal wastewater that monitoring equipment will be unable to detect it in the influent of the POTW. This inability of equipment to detect a highly diluted toxic pollutant will not, by itself, be accepted by the Agency as proof that the POTW removes the pollutant. In the case of pollutants that can be shown to be degradable during the average retention time in the sewer system removal could still be assumed where no detectable amount was found in the influent to the POTW. However, in the case of conservative or nondegradable pollutants, inability to measure pollutant concentration in the influent or removal across the POTW would not justify revising the categorical pretreatment standard.

In order to justify allowing a revision to a categorical pretreatment standard the pollutant removal claimed by a POTW must occur virtually all of the time. The EPA believes that a stringent interpretation of "removal" is warranted in light of the policy of the Act to prohibit the discharge of toxic pollutants in toxic amounts (section 101(a)(3)) and the application of section 307(b)(1) to section 307(a)(1) toxic pollutants. Most of these toxic pollutants are persistent and/or may bioaccumulate in food chains. As used in the regulation (§ 403.7), "consistent" removal is the removal capability that a POTW is able to show occurs in 95 percent of the representative measurements taken.

POTW's which have combined sewers or systems which regularly bypass untreated waste to receiving waters allow significant discharges of toxic pollutants. POTW's which bypass more than once per year may modify categorical pretreatment standards for their documented removal only where, in compliance with the EPA's policy (see EPA, Office of Water Programs Operations document, "PRM 7534," also known as "Program Guidance Memorandum 61," dated December 16, 1975), efforts are underway to correct conditions that result in untreated bypasses. At a minimum a POTW that bypasses at least once a year will be required to have an approved facility plan which includes treatment and control of combined sewer overflows and be implementing the plan or have submitted an application for a step 2 construction grant to implement the plan. Allowances for POTW removal will not be considered where efforts (detention and treatment, street sweeping, point or nonpoint source control, etc.) are not being made to minimize pollution from bypasses.

In the case of POTW's whose removal may be altered by construction, approval of POTW removals may be conditioned on an existing pilot plant's influent and effluent data. The conditional approval would give the owner or operator of the POTW up to 12 months after completion of the construction to collect the necessary operating data and confirm or modify the removals that were allowed based on pilot plant data.

d. *Compliance with section 405 of the Act.* The second major criterion in section 307(b)(1) of the Act governing modification of categorical pretreatment standards is that the modified standard "* * * (will) not prevent sludge use of disposal by such works in accordance with section 405 * * *" The purpose of this provision is to insure that any additional amount of incompatible pollutants allowed into the POTW as a result of modified pretreatment standards not contaminate the sludge or otherwise interfere with use or disposal in a manner which protects the environment.

Section 405 of the Act requires the EPA to develop and publish regulations providing guidelines for the disposal and the utilization of sludge for various purposes. These regulations will identify uses (including disposal), specify factors to be taken into account in determining measures and practices applicable to use or disposal options, and identify wherever possible, concentrations of pollutants which interfere with each such use or disposal option. Under section 405, the determination of the manner of sludge use or disposal is a local decision. However, once a sludge management option is selected, it is unlawful for the POTW to violate the guidelines established under section 405 for that use or disposal option. The applicable guidelines from section 405 will be incorporated as conditions in the municipal NPDES permit.

EPA expects to propose section 405 regulations by December 1978. The regulations will be issued jointly with regulations developed under section 4004 of the Solid Waste Disposal Act (Pub. L. 94-580). The regulation will also incorporate by reference applicable regulations issued under the authority of the Clean Air Act for incineration, the Toxic Substances Control Act, existing ocean dumping regulations, and any more stringent State criteria (including those contained in any State sludge management plans developed in partial fulfillment of the Solid Waste Disposal Act). The section 405 regulations will also incorporate, as appropriate, provisions for disposal of municipal sludges classified as hazardous under subtitle C of the Solid Waste Disposal Act.

Under section 307(b)(1) of the Clean Water Act local authority to modify categorical pretreatment standards will in part be contingent upon the POTW's sludge management meeting and remaining in compliance with any published section 405 criteria applicable to the method of sludge management that has been locally selected. Where section 405 criteria are not yet available, applicable EPA and State guidance will be used and the municipal NPDES permit will condition continuation of the allowances for POTW removal upon compliance with section 405 criteria whenever it is published. A reasonable time for compliance will be established by the Regional Administrator.

e. *Approved POTW pretreatment program required.* The 40 CFR Part 403 regulations authorize modification of a national pretreatment standard only where a POTW pretreatment program (purusant to § 403.8) has been developed and approved. Section 402(b)(8) of the Clean Water Act requires the POTW to have a program to assure compliance with national pretreatment standards. The EPA believes that Congress intended to require an approved POTW pretreatment program to be established prior to authorizing a POTW to modify national standards. A local pretreatment program is necessary to insure that the revised pretreatment standards are complied with by industrial users and that the POTW removal levels which justify modification of national standards can be maintained.

The House Conference Report (95th Congress, first session, No. 95-830, pages 8788) states that: "Any effluent reduction attained by the treatment works and used to justify a modification of pretreatment requirements must be a permit condition enforceable against the owner or operator of the treatment works." In this manner Congress provided a way to ensure that the requirements of section 307(b)(1) were met initially and continued and that the public would be accorded due process protections in any modification of a national standard.

In establishing the right to grant modifications of national standards for pollutant removals attained by a POTW, Congress, in section 402(b)(8) of the Act provided that local programs to enforce categorical pretreatment standards must precede modifications of the standards. Page 87 of the House Conference Report states "* * * in applying these pretreatment standards *through its pretreatment program*, the owner or operator of the municipal treatment works could modify the requirements * * * to reflect the degree of reduction achieved by the treatment works" [emphasis added]. Senator Muskie explained the rationale for this precondition to modifying a national standard in his Floor Manager's Report: "* * * Tying local credits (allowances for POTW removals) to local compliance programs * * * provides assurance that the removal levels which justified the local credits will be maintained by a publicly owned treatment works committed to operating a sound pretreatment program."

When a POTW revises a categorical pretreatment standard to compensate for its removal of a pollutant, a partnership is formed in which both the discharger and the POTW assume responsibility for meeting the pretreatment standards. The shared responsibility is established by section 307(b)(1) which requires that where national standards are revised, the combination of pretreatment and treatment by the POTW shall be at least equal to BAT for a direct discharger. Thus section 307(b)(1) presumes that the POTW will replace the national standard with a locally enforced pretreatment requirement. The shared responsibility for compliance with national standards, with or without local modification for POTW removals, is reinforced in section 309(f) of the Act. Section 309(f) requires that where a source is in violation of a pretreatment standard and the POTW does not commence enforcement within 30 days, Federal enforcement shall be against the POTW for failing to secure compliance by the source. Such Federal enforcement must include the owner or operator of the violating source as a co-defendent according to section 309(f). Thus section 309(f) assumes the prior existence of a POTW pretreatment program. Logic dictates that the existence of a POTW pretreatment program is even more necessary where consistent national standards are modified locally and the source and the POTW share responsibility for treatment in compliance with the modified standards.

The requirements for POTW pretreatment programs and procedures by which such programs are approved are discussed in both the strategy (see D. POTW pretreatment programs) and the regulation (§ 403.8).

f. *Establishment of modified pretreatment standards.* Application for authorization to revise discharge limits for users who are or may in the future be subject to categorical pretreatment standards may be included with a POTW's pretreatment program submission pursuant to § 403.8, § 403.9 and § 403.11 of the regulation. Subsequent applications for authorizations covering additional pollutants will be processed only at the time of the POTW's NPDES permit reissuance; therefore, POTW's should apply initially for authorization for any pollutant they remove and for which they may wish to modify an existing or prospective categorical pretreatment standard prior to the next scheduled permit reissuance. Upon receipt of the application, the approval authority (either the Regional Administrator or State director in an NPDES State with an approved pretreatment program) will review, issue notices and receive public comment on the request in accordance with the procedures described in § 403.11 of the regulation. The POTW will be authorized to modify categorical pretreatment standards (according to the procedures described in § 403.7) where the POTW demonstrates that the following summary of conditions have been met:

(i) The pollutant is consistently removed and treated by the POTW in whole or in part. This means: (a) The documented removal occurs in 95 percent of the representative samples taken; and (b) the POTW, if it bypasses untreated discharges one or more times annually, has completed an analysis as required in program guidance memorandum PG-61 and is implementing control measures identified by that analysis.

(ii) The POTW's method of sludge disposal or utilization is currently and will remain in compliance with the criteria, guidelines, and regulations established under section 405 of the Clean Water Act.

(iii) If the POTW has a construction grant from funds authorized in a fiscal year beginning after September 30, 1978, it must have completed the analysis required by section 201(g)(5) of the Clean Water Act and have demonstrated that the removal claimed will not preclude an alternative or innovative technology.

(iv) The POTW has a pretreatment program approved in accordance with the provisions of 40 CFR 403.

After a POTW has been authorized to modify categorical pretreatment standards for one or more pollutants, the modified standards established by the POTW will become the applicable limits for new and existing industrial sources of that pollutant. These alternative pretreatment requirements will be included in the POTW's NPDES permit and enforced through the local authority's industrial waste ordinance, permits, licenses, joint powers agreements, or contractual agreements. The EPA will also enforce the alternative pretreatment limits, if necessary, against both the POTW and the industrial user. Further, EPA or the NPDES State can withdraw the authorization (and the POTW pretreatment program) upon 60 days notice of continued violation of either the modified pretreatment limits or any conditions contained in the POTW's permit. If the authorization is withdrawn, the EPA or the NPDES State will notify the industrial users of the POTW and require compliance with limits in the categorical pretreatment standards as quickly as possible (never more than 3 years) thereafter.

D. POTW PRETREATMENT PROGRAMS

The pretreatment strategy embodied in these regulations envisions a parallel effort on the part of Federal, State and local governments to implement and enforce pretreatment and municipal sludge management requirements. The main focus of this implementation and enforcement effort is at the local level through the establishment of POTW pretreatment programs.

The primary responsibility for ensuring compliance with and enforcing against violations of pretreatment standards will fall upon these local authorities since they have the most immediate stake in the success of the pretreatment program, including protection of the proper functioning of the POTW, protection of public health and the local environment, and increased opportunity to use lower cost sludge management methods. This focus on local implementation and enforcement of national pretreatment standards is reflected in section 402(b)(8) of the Clean Water Act which requires the establishment of pretreatment programs enforceable through the POTW's NPDES permit. It is also reflected in the requirement of section 309(f) that a civil action be taken against a POTW if the POTW does not enforce against violations of national pretreatment standards by industrial users.

NPDES States, through State pretreatment programs which meet the requirements of § 403.10, will oversee the operation of the POTW program, provide backup compliance assurance and enforcement activities and, where a POTW pretreatment program has not been developed, assume primary responsibility for applying pretreatment standards and other pretreatment requirements to industrial users. The Federal role in this three-tiered hierarchy is much like that of the NPDES State. EPA will oversee the operation of NPDES State pretreatment programs and POTW pretreatment programs, provide backup enforcement and compliance assurance activities to supplement those carried out by NPDES States and POTW's and, in the absence of a POTW pretreatment program and State pretreatment program, apply pretreatment standards and requirements to industrial users.

1. POTW's Which Must Establish Pretreatment Programs

Section 402(b)(8) of the Act requires that POTW's receiving pollutants from significant industrial sources subject to section 307(b) standards establish a POTW pretreatment program to ensure compliance with these standards. Therefore, POTW's receiving wastes from industrial sources of non-domestic pollutants subject to the discharge prohibitions in 40 CFR 403.5 and the categorical pretreatment standards in 40 CFR Chapter I, Subchapter N will be required to develop a POTW pretreatment program.

The only exception to this broad requirement is that smaller POTW's which would be unlikely to have sufficient funding or technical expertise to implement an effective pretreatment program will not automatically be required to develop a POTW pretreatment program. These smaller POTW's are defined as those with a design flow of 5 million gallons per day (mgd) or less. However, a local authority operating two or more small POTW's in a regional system whose combined design flow is greater than 5 mgd, will be required to develop a pretreatment program. The Approval Authority (an NPDES State with an approved pretreatment program or EPA) will assume primary responsibility for enforcing pretreatment standards for industrial users in these 5 mgd or smaller POTW's. The Approval Authority may require that a POTW with a design flow of 5 mgd or less develop a POTW pretreatment program if the nature or volume of the industrial effluent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant. In addition, any POTW desiring to modify categorical pretreatment standards for pollutants removed by the POTW must first have an approved POTW pretreatment program. POTW's excepted from the requirement to have a pretreatment program will nevertheless be subject to an enforcement action under section 309(f) of the Act.

There are approximately 568 POTW's which are designed to accept wastewater flows of more than 5 mgd and which are believed to receive industrial wastes subject to national pretreatment standards. These 568 POTW's account for approximately 87 percent of the industrial influent to POTW's. EPA and the NPDES States will be responsible for enforcement of national pretreatment standards in the approximately 1,900 POTW's receiving industrial wastewaters which are not required to develop pretreatment programs.

Although POTW's with a design flow of more than 5 mgd receiving industrial wastes subject to pretreatment standards will be required to develop a POTW pretreatment program, EPA will initially focus particular attention on ensuring that certain classes of POTW's are in compliance with the requirement for a pretreatment program. POTW's receiving significant toxic loadings from any of the 21 industrial classes identified in the NRDC Consent Decree will be a prime focus for Federal, State, and local pretreatment efforts. In addition, POTW's which are failing to meet effluent limitations because of possible interference with POTW operations by industrial effluent, and POTW's which receive industrial effluent and are on State priority lists for receipt of construction grant monies will receive priority attention.

2. NPDES Permit Requirements for POTW Pretreatment Programs

When the existing municipal NPDES permit for those POTW's required to develop a pretreatment program, is next issued, reissued, or modified, a compliance schedule will be incorporated in the permit. The compliance schedule will require the development of an approvable POTW pretreatment program as soon as reasonable and within not more than 3 years of the time of permit issuance, reissuance or modification but in no case later than July 1, 1983 (see § 403.8). This compliance schedule will be incorporated into almost all affected POTW permits upon reissuance at the end of their existing term.

In some cases, however, the compliance schedule will be incorporated into the POTW permit in mid-term through a permit modification. POTW's discharging into marine waters and requesting a waiver of secondary treatment requirements under section 301(h) of the Act will have their permits modified to incorporate a pretreatment program compliance schedule (see proposed 40 CFR Part 233, Subpart H) if a modification of the secondary treatment require-

ment is approved. POTW's which receive a modified permit to extend the compliance schedule for development of secondary treatment under the provisions of section 301(i) of the Act will also have a pretreatment program compliance schedule incorporated into the permit at the time of approval of any time extension. The pretreatment compliance schedules for section 301(h) will require a pretreatment program within not more than 2 years of permit modification. In addition, a POTW permit will be modified in mid-term to incorporate a schedule for the development of a POTW pretreatment program, including the disposal or use of its sludge, where the operation of a POTW without a pretreatment program poses significant public health, environmental or related concerns, or where a pretreatment program compliance schedule must be developed to coordinate with construction grant awards (see proposed 40 CFR 35.907).

Development of the POTW pretreatment program according to the compliance schedule will be enforced through the POTW's NPDES permit. Upon approval of the POTW pretreatment program, the requirements of the program will also be enforceable through incorporation into the POTW permit, as the discussion in section F. Enforcement will explain.

A POTW may elect and is encouraged to begin developing a pretreatment program before its existing NPDES permit is reissued or modified. Those POTW's with permits not expiring until 1982 or later will probably have to begin developing a pretreatment program prior to reissuance of their permit in order to comply with the requirements for a local program by July 1, 1983. Where a POTW desires to modify categorical pretreatment standards to take into account removal of pollutants by the treatment works, the POTW's pretreatment program must first be approved. In accordance with the requirements of § 403.8 and § 403.9, the POTW would submit a description of the program which has been developed to the Approval Authority. Upon approval of the program by the Approval Authority, the POTW's NPDES permit will be modified to incorporate the conditions of the POTW pretreatment program and any demonstrated precentage of removal and/or modifed pretreatment standards, if the POTW is requesting authority to modify national standards (§ 403.9).

In addition to the requirements for a POTW pretreatment program which will be incorporated into some municipal NPDES permits, several other requirements may be incorporated into any municipal permit issued a POTW regardless of its capacity which receives wastes from sources subject to 307(b) pretreatment standards. To supplement the national discharge prohibitions (§ 403.5), NPDES permits will require the POTW to develop prohibitions which are specific to the POTW's capacity and ability to accept and treat pollutants without interference. Under the authority of section 402(b) of the Act, POTW's may also be required as a condition of their permit to develop local pretreatment standards which are more stringent than national standards or cover other incompatible pollutants. More stringent or additional local standards may be required to comply with State water quality standards, attain and maintain best practicable waste treatment technology, comply with section 405 sludge management requirements, or compensate for lower rates of removal of toxics associated with suspended solids in POTW's not yet providing at least secondary treatment.

3. Requirements of POTW Pretreatment Program

A POTW, through its pretreatment program will be expected to require compliance with national pretreatment standards and with pretreatment requirements developed by the POTW. The POTW will also be expected to enforce against industrial users for violations of these standards. To be approved by EPA or an NPDES State, the POTW pretreatment program would be required to contain a number of authorities, procedures, and program elements as described in 40 CFR 403.8.

First, the POTW will be required to have an ordinance, statute, contract, permit, joint powers agreement or other written legal authority binding upon industrial users which authorizes and enables the POTW to enforce pretreatment standards and requirements under contract law or the police powers in the appropriate courts (§ 403.8(f)(1)). This authority shall include authority and procedures for identifying sources of industrial wastewaters, prohibiting the discharge by industrial users of certain hazardous wastes, requiring compliance with applicable pretreatment standards and requirements, and initiating enforcement actions, if needed.

Second, the POTW will be required to have procedures and authority to require monitoring and reporting by industrial users; to enter the industrial users' premises; to carry out monitoring and inspections to verify compliance by industrial users, independent of reports submitted by industrial users; to enforce against violations identified in these reports; and comply with public participation requirements (§ 403.8(f)(2)). EPA or the NPDES State may recommend that the POTW annually audit a specified sample of its industrial users and follow-up these compliance reviews with enforcement proceedings where needed.

Third, the POTW would be required to show it has the funding, personnel, and other resources to implement a POTW pretreatment program (§ 403.8(f)(3)) including, where a construction grant is involved, a user charge system which meets the requirements of amendments to 40 CFR 35.929-2.

4. Process for Approval of POTW Pretreatment Program and Authorization of POTW Removals

A description of the POTW pretreatment program authorities and procedures described above, copies of statutes, ordinances, contracts, and agreements to be relied upon in implementing these authorities and procedures, and an accounting of funding and manpower for the program along with a description of the organization of the responsible administrative body of the POTW will comprise the pretreatment program submission. In addition, POTW's requesting authority to modify national standards under § 403.7 shall include in the submission the demonstrated level of removal of those pollutants for which a modification of national standards is requested. This POTW pretreatment program submission would be submitted for approval to the Approval Authority.

If the POTW is located in an NPDES State with an approved State pretreatment program, the Director of the NPDES State is the Approval Authority. If the POTW is located in a State without NPDES responsibility, or in an NPDES State without an approved State pretreatment program, EPA is the Approval Authority. Where EPA is the Approval Authority, an NPDES State without an approved pretreatment program will receive requests for program approval and authorization to modify categorical pretreatment standards from POTW's, but will have only the authority to deny such requests, and to forward any recommendations for approval to EPA for a final determination. Denial by NPDES States of POTW requests for approval of the program or pollutant removals may not be appealed to EPA. EPA will consult with the NPDES State in approving all POTW pretreatment programs and POTW authorizations to modify national standards.

At the Approval Authority's discretion, approval of POTW pretreatment programs which do not have resources sufficient to carry out all program objectives may be granted if resources sufficient to address current program needs are available and a mechanism has been developed to acquire additional resources as required (i.e., user charges, surcharges, industrial cost recovery, etc.—see § 403.8(f)(3)).

Upon submission of a request for approval of a POTW pretreatment program the Approval Authority will issue a public notice, provide a 45 day comment period, and provide an opportunity for a public hearing. The public comment period and public hearing on the submission may be held at the same time and it is recommended that this be done wherever possible.

In general, EPA or the State will be required to approve or disapprove the POTW pretreatment program within 90 days after receipt of the request. This period may be extended to no more than 180 days if the public comment period is extended or if a public hearing is held.

Where the NPDES State is the Approval Authority, EPA will reserve the right to veto the State approval within 45 days upon a written finding that the POTW pretreatment program does not comply with the Act or these regulations (40 CFR Part 403).

5. Financial Incentives for Pretreatment Programs

The strategy provides for Federal grants under sections 106, 201, 205, and 208 of the Clean Water Act to assist POTW's and States to develop pretreatment programs. Under the authority of sections 201 and 208, Federal funds can provide 75 percent of the costs of developing POTW pretreatment programs. Construction grants would be used to fund development of a POTW pretreatment program wherever the EPA Regional Administrator or a State determines that a section 208 plan or areawide wastewater management plan has not provided for the development of a pretreatment program which meets the requirements of § 403.8.

On April 28, 1978, EPA proposed amendments to the construction grant regulations (40 CFR Part 35). These amendments are summarized in this section. The public comment period on these amendments closes June 30, 1978. EPA expects to promulgate regulations for 40 CFR Part 35 in the fall of 1978.

The proposed amendments to 40 CFR 35.907 would require the development of a pretreatment program where required under 40 CFR 403.8. EPA will issue guid-

ance to States encouraging increased priority for step 1 grants to help establish local pretreatment programs. States should consider priority funding of POTW pretreatment programs where significant problems with toxics may exist, industrial wastes may be responsible for frequent inhibition or interference with POTW operations, and where wasterwater recycle/reuse or land application of municipal sludge may be prevented by industrial pollutants.

The proposed amendments would authorize the Regional Administrator to require revision or amendment of a step 1, 2, or 3 grant for the development of an approvable POTW pretreatment program.

The proposed amendments would require accomplishing increments of progress in developing pretreatment programs in step 1, 2, and 3 grants, including:

(i) Developing an inventory of industrial and commercial wastes being introduced into the treatment works;

(ii) An evaluation of legal authority, including the adequacy of enabling legislation and the selection of mechanisms to be used for control and enforcement;

(iii) An evaluation of financial programs and revenue sources to ensure adequate funding to carry out the pretreatment program;

(iv) A determination of technical information (including specific requirements to prevent sludge discharges and specify violations of the discharge prohibitions in § 403.5) necessary to develop an industrial waste ordinance or other means of enforcing pretreatment standards;

(v) Design of a monitoring enforcement program;

(vi) A determination of pollutant removals in existing treatment works;

(vii) A determination of the treatment work's tolerance to pollutants which interfere with its operation or with sludge use or disposal;

(viii) Purchase of monitoring and laboratory equipment for use by the POTW;

(ix) Construction of facilities necessary to monitor industrial wastes; and

(x) Any other works or activities approved by the Regional Administrator as necessary to obtain approval of the pretreatment program pursuant to 40 CFR Part 403.

The amendments proposed to 40 CFR 35.940-1 would establish development of a POTW pretreatment program which meets the requirements of § 403.8 as allowable project costs. Items (vi) and (vii) above would be grant eligible when necessary for the design of the treatment facility; they would not be grant eligible when done only to support a request for authorization to modify national standards under § 403.7.

The requirements for POTW pretreatment programs in construction grants would be phased in so that pretreatment programs are established at the maximum practicable pace and without severe disruption of the construction grants program. Proposed amendments to 40 CFR 35.917-1 would require that a POTW pretreatment program as described above be provided for in facilities plans. Proposed amendments to 40 CFR 35.920-3 provide that after December 31, 1979, grantees who are required to develop a pretreatment program shall submit items (i), (ii), and (iv) above to obtain approval of their step 2 application. After June 30, 1980, grantees subject to the requirement for pretreatment programs would be required to submit items (i) through (vii) above, as applicable, in their step 3 application. Items (vii) and (ix) above would be funded in step 3.

Amendments proposed in May 1978 to 40 CFR 35.929-2 require the grantee to demonstrate that local funds will be available to operate the pretreatment program as part of compliance with section 204(b) of the Act. Where a pretreatment program is required, a user charge system submitted for approval after June 30, 1979, would, in combination with other sources of revenue, have to be adequate to fund the operating costs of the pretreatment program. These costs include compliance with applicable municipal sludge disposal or use criteria in section 405 of the Act and related regulations.

The proposed amendments to 40 CFR 35.935 would prohibit the Regional Administrator from paying more than 90 percent of the Federal share of any step 3 grant awarded after the effective date of the promulgated regulation if the grantee has not submitted a POTW pretreatment program approvable by the Regional Administrator or the NPDES State. For grants awarded prior to June 30, 1980, the proposed amendment enables the Regional Administrator to decide to continue grant payments upon determining that significant progress has been made (and is likely to continue) toward the development of an approvable pretreatment program and that withholding grant payments would not be in the best interest of protecting the environment.

EPA will use funds available under section 208 to provide 75-percent funding for the development of State or local pretreatment programs. Some existing areawide 208 planning grants are assisting in the development of pretreatment programs. To assist States and areas currently lacking 208 funding for developing pretreatment programs in areas where a construction grant is not anticipated, EPA has requested 208 funding for pretreatment in fiscal years 1979 and 1980.

The Agency recognizes that in many cases POTW's may be the best equipped to develop the technical aspects of a local pretreatment program and, that as the NPDES permittee, POTW's are legally responsible for ensuring compliance by industrial contributors with pretreatment standards. In such cases, 208 planning agencies, if different than the POTW, will be encouraged to channel some of their 208 funds directly to POTW's for development of specific parts of the local pretreatment program. In other instances States may designate 208 agencies as the agency responsible for developing POTW pretreatment programs or they may assign the responsibility to a POTW with provisions for assistance from the 208 planning agency.

Section 208 planning funds may be used to fund the pretreatment program development costs listed in items (i) through (v) and item (vii) above. Section 208 planning funds may also be used to coordinate development of the various POTW pretreatment programs in an area to insure that issues such as economic growth, sludge use or disposal, and wastewater reclamation and reuse are adequately considered in developing the pretreatment program. Section 208 funds may, in addition, be used to provide areawide or statewide services to assist POTW's to develop and implement pretreatment programs, including: Resolving jurisdictional disputes, assisting in public participation, central contracting for monitoring and technical services to be used by POTW's in areas where qualified consultants experienced with toxics are limited, design of pretreatment program financing arrangements, etc. In addition, where POTW's are 5 mgd or less and have not developed a pretreatment program, NPDES States may use 208 funds to develop the State's NPDES enforcement program for pretreatment.

E. NPDES STATE PRETREATMENT PROGRAMS

Section 402 of the Act requires that NPDES States have a program to ensure compliance by POTW's with the requirements described in the previous discussion and in § 403.7 and § 403.8 of this regulation. States with approved NPDES programs must seek a modification of the existing program, if necessary, to incorporate the necessary pretreatment authorities. NPDES States will be allowed until March 27, 1979, to apply for this modification unless new State legislation or revision of existing statutes is needed, in which case the deadline for modifying the State program will be March 27, 1980. The requirement to modify the State NPDES program for pretreatment may be accomplished by modifying the State/EPA memorandum of agreement, providing a State attorney general's statement attesting to State pretreatment program sufficiency, or through another similar mechanism. States which have not yet received NPDES authority must develop the requisite pretreatment program elements before their application to assume NPDES authority is approved.

All NPDES States will be required to submit to the Administrator within 45 days of the effective date of 40 CFR 403, a statement by the State attorney general (or the attorney for those State water pollution control agencies which have independent legal counsel) indicating whether the State has adequate authority, and a statement by the Director indicating whether the State has adequate procedures and funding to carry out the requirements of § 403.8(f) of these regulations. If this statement asserts that the State does not have adequate authority, procedures or funding, to carry out the requirements of § 403.8(f), it will identify the additional authorities, procedures or funding which will be obtained by the State in order to conform to the requirements of § 403.8(f) and the State will be allowed until March 27, 1979, or March 28, 1980, as appropriate, to develop an approvable State pretreatment program.

An NPDES State which currently lacks authority to reissue or modify existing POTW permits to incorporate pretreatment requirements before the appropriate effective date for State pretreatment program approval set forth in § 403.10(b) will not be required to do so before March 27, 1979, or March 27, 1980, as appropriate. For example, such States will not be required to put compliance schedules for the development of a POTW pretreatment program into expiring POTW permits or to modify or reissue a POTW's NPDES permit to incorporate the requirements of an approved POTW pretreatment program as required by § 403.8 (c) and (d). However, those States which lack the necessary authority will be required by § 403.10(d) to put a modification clause in expiring POTW permits requiring that such permits be promptly reissued or modified, after the effective date for State pretreatment program approval, to incorporate an approved POTW pretreatment program or a compliance schedule for the development of a POTW pretreatment program within 3 years of permit reissuance but in no case later than July 1, 1983. All

appropriate POTW permits reissued without this modification clause will be subject to veto by EPA.

The statement by the Director and State Attorney General referred to earlier will also identify the authorities, procedures or funding which the State currently does have. A State will be required to implement those authorities, procedures and funding conforming with the requirements of 403.8(f) which it does have before the appropriate compliance date for an approved State pretreatment program set forth in §403.10(b). For example, before attaining pretreatment program approval, NPDES States will receive and review requests for fundamentally different factors variances from industrial users and either deny the request or recommend approval of the request to EPA (see §403.13). Similarly, prior to pretreatment program approval, NPDES States will either deny or recommend for approval to EPA requests for POTW pretreatment program approval and requests for authority to modify categorical pretreatment standards.

The components of an acceptable NPDES State pretreatment program are set forth in §403.10. There are three basic requirements for an approvable State pretreatment program. First, an NPDES State must have legal authority, similar to that granted to EPA through section 309 of the Act, sufficient to apply and enforce section 307 (b) and (c) pretreatment standards and section 402(b)(8) pretreatment program and reporting requirements for POTW's. Second, the NPDES State must have developed procedures to carry out this authority, such as procedures to assist POTW's in developing pretreatment programs, and monitoring, inspection and surveillance procedures to ensure compliance by industrial users and POTW's. Third, the NPDES State must have adequate funding and qualified personnel to carry out the authorities and procedures described above.

NPDES State costs of enforcing pretreatment standards in areas without a local program will be included in the section 106 State program grant. NPDES State costs of developing its pretreatment program may be funded under section 208 of the Act. State costs of assisting, reviewing and approving POTW pretreatment programs and authorizations to modify national standards may be financed under section 205(g) of the Act.

NPDES States with approved pretreatment programs may elect to vest in the State program the primary responsibility for ensuring compliance by industrial users with pretreatment standards and enforcing against industrial users in violation of these standards. A determination that the State will assume primary responsibility for implementing a pretreatment program, in lieu of encouraging the development of POTW pretreatment programs, will not prohibit a POTW from also developing a pretreatment program.

F. ENFORCEMENT

1. Enforcement of National Pretreatment Standards for Industrial Users

a. *POTW enforcement.* While EPA, NPDES States and POTW's with approved pretreatment programs will have authority to ensure compliance with pretreatment standards and enforce against violations by industrial users of pretreatment standards, POTW's will play the most singificant role. Approximately 87 percent of the industrial influent to POTW's occurs in the larger POTW's which will be required to have a pretreatment program. Where an approved POTW pretreatment program exists, State and Federal enforcement will serve in a backup capacity. The POTW's responsibility will include but not be limited to:

(i) Identifying sources subject to national pretreatment standards;

(ii) Determining that industrial users are in compliance with national pretreatment standards within 3 years or less;

(iii) Developing mass-based standards or equivalent concentration standards where process flows are combined prior to pretreatment;

(iv) Receiving and evaluating self-monitoring reports prepared by industrial users;

(v) Carrying out inspection and monitoring activities to ensure, independent of the self-monitoring reports that the industrial user is in compliance with pretreatment standards, and

(vi) Enforcing against pretreatment violations by the industrial user.

The POTW will derive its enforcement authorities through a contract, joint powers agreement, ordinance or any of the other mechanisms allowed by §403.8. Remedies for industrial noncompliance available to the POTW will include at a minimum the ability to seek permanent or temporary injunctive relief.

Where an approved POTW pretreatment program exists, the approval authority (EPA or the NPDES State) may request review of the industrial users self-monitoring reports to spotcheck the POTW's detection of violations by industrial users. The approval authority will exercise its enforcement authorities where the POTW requests assistance, fails to take necessary enforcement action or where the penalty sought by the POTW is determined to be insufficient by the State director or the EPA Regional Administrator.

b. *State and Federal enforcement.* In the absence of an approved POTW pretreatment program, the NPDES State, if it has an approved State pretreatment program, will assume responsibility for those activities for which the POTW would have had primary responsibility (see the previous section on POTW enforcement). Federal enforcement in this case will play a backup role. The NPDES State responsibility will include ensuring compliance with and enforcing against violations by industrial users, receiving and evaluating self-monitoring reports submitted by industrial users and verifying compliance by the industrial user independent of information supplied by the industrial users' reports.

If the NPDES State does not have an approved pretreatment program, it will be required to exercise in the interim before State pretreatment program approval, those authorities and procedures required by §403.10(f) which it does have. EPA will assume responsibility for those activities which the State does not exercise (see §403.10(b)).

Where no POTW pretreatment program exists and where the State does not have NPDES authority, EPA will assume responsibility for those activities which would otherwise be a POTW or State responsibility (see the previous section on POTW enforcement).

Section 402(b)(2) of the Act requires that an NPDES State have legislation providing equivalent monitoring, inspection, and entry authorities granted to EPA under section 308 of the Act. Section 308 of the Act provides EPA and NPDES States with authority to impose monitoring and reporting requirements on industrial users to ensure attainment of and continuing compliance with pretreatment standards promulgated under section 307 (b) and (c) of the Act.

EPA will use the enforcement authority granted it under section 309 of the Act to enforce against violations of pretreatment standards by industrial users. An approved State NPDES permit program must have similar enforcement authorities. Section 309 of the Act allows the imposition of criminal and civil penalties and injunctive relief for violation of national pretreatment standards. The operation of a source in violation of national pretreatment standards is unlawful under section 307(d) of the Act. Thus EPA and NPDES States may seek civil, criminal, or injunctive relief for violation of pretreatment standards promulgated under section 307 (b) and (c).

In addition to granting enforcement authority to EPA and NPDES States, the Act, through section 505, provides citizens with the authority to bring a civil action for nondiscretionary actions required under sections 201(g)(5), 307, 402(b)(8), and 405 of the Act.

2. Enforcement of POTW Pretreatment Program Requirements

Once NPDES States have the legal authority, they will assume primary responsibility for ensuring compliance by POTW's with the POTW pretreatment program requirements set forth in §403.8 and for enforcing against POTW's in violation of these requirements. EPA will assume primary enforcement responsibility pending the State acquiring this authority.

The main vehicle for enforcing POTW pretreatment program requirements will be the POTW's NPDES permit. The Act provides that a POTW must develop a pretreatment program if it receives wastes regulated by national pretreatment standards from a significant industrial user (Section 402(a)(3) and 402(b)(8)). Upon the reissuance or modification of the existing permit for a POTW required to have a pretreatment program under §403.8, a compliance schedule for development of a pretreatment program which meets the requirements of §403.8 will be incorporated into the permit. This schedule for development of a POTW pretreatment program will require a program as soon as possible or within 3 years of permit reissuance or modification, but in no event later than July 1, 1983.

Once the schedule for development of the POTW pretreatment program is incorporated into the POTW's permit, compliance with this schedule is enforceable through the NPDES permit. Once the POTW's pretreatment program is approved, the conditions of the program will also be enforceable through the NPDES permit. These conditions will include but not be limited to:

(1) Carrying out monitoring and inspection activities to determine compliance by industrial users with pretreatment standards;

(2) Enforcing against violations of national, State and local pretreatment standards and requirements;

(3) Maintaining a demonstrated percentage removal by the POTW of any pollutant for which authorization to modify a national standard has been granted; and

(4) Ensuring that the POTW's sludge does not violate applicable criteria set forth in section 405 of the Act.

Once the approved POTW pretreatment program is incorporated into the NPDES permit, EPA will use section 309 of the Act to seek civil, criminal or injunctive relief for violations of NPDES permit conditions. State NPDES programs will have similar authority to seek civil or criminal sanctions or injunctive relief. EPA or the NPDES State may also exercise the option of withdrawing POTW pretreatment program approval in whole or part if the POTW fails to ensure that industrial users comply with pretreatment standards or fails to fulfill other responsibilities under the program. Withdrawal of program approval would mean a simultaneous withdrawal of any authorization to modify national standards which had been approved to compensate for pollutants removed by the POTW.

Under section 309(f) of the Act, EPA has authority to take an enforcement action against a POTW for pretreatment violations by its industrial users even in the absence of a POTW pretreatment program enforceable through the POTW's permit. Section 309(f) states that when EPA finds that an industrial user is discharging into the POTW in violation of pretreatment standards, EPA has the authority to notify the owner or operator of the POTW and the State of this violation. If the owner or operator of the POTW does not commence an appropriate enforcement action within 30 days of this notification, EPA has the authority to bring a civil action against the owner or operator of the POTW for the appropriate relief, including but not limited to, a permanent or temporary injunction. This provision manifests the Act's clear intention that the POTW have the primary role in enforcing pretreatment standards. The Act further requires that the industrial users which are violating the pretreatment standards must be joined in any enforcement action against the POTW. An appropriate remedy to an enforcement action against the POTW would be to require the POTW to enforce compliance by the industrial users with pretreatment standards. NPDES States are required to have a similar authority to enforce against violations of State-issued POTW permits (40 CFR Part 123).

An additional enforcement tool is provided to EPA through section 402(h) of the Act. The Clean Water Act of 1977 amends section 402(h) to enable EPA to seek through the courts to restrict or prohibit the introduction of any pollutant into a POTW from a new industrial source where any conditions of a POTW's permit are being violated. EPA may use this enforcement option in NPDES States as well as in all other States. This authority could be used by EPA in a variety of situations to encourage, for example; (i) development of POTW pretreatment programs that are behind schedule, (ii) local enforcement of national standards in an approved but recalcitrant program, and (iii) to ensure continued maintenance of POTW pollutant removal efficiencies and compliance with the sludge management requirements of section 405 of the Act.

In some cases the POTW, NPDES State, or EPA may want to commence development of a POTW pretreatment program before the existing POTW permit is reissued. There may be instances, for example, in which a delay in implementing a POTW pretreatment program will result in substantial endangerment to public health, the environment, operation of the POTW, municipal sludge disposal or the quality of surface or ground waters. In such a case, EPA or the NPDES State will use its authority to modify or revoke and reissue permits for cause in order to require the development of a local pretreatment program. Section 402(b)(1)(C) of the Act provides that EPA and NPDES States may terminate or modify a permit in mid-term for a justifiable cause. The NPDES regulations which implement this section of the Act specify that a situation in which there is a potential threat to the public health or welfare will constitute a justifiable cause within the meaning of the Act.

3. Enforcement of State Pretreatment Programs

The Act requires that NPDES States modify their existing NPDES programs if necessary to develop a pretreatment program which meets the requirements set forth in § 403.10. The Act specifies that NPDES States be given not less than one year from enactment of the Act in which to make any necessary modifications to their program unless a legislative enactment or revision is needed, in which case there is a 2-year time limit for the necessary modifications. If an NPDES State fails to make required modifications within the time period allowed by § 403.10 or if the State fails to implement the State pretreatment program in the manner agreed upon by the State and EPA, EPA may withdraw NPDES authority in whole or part from that State, or withhold section 106, 208 or that portion of section 205(g) funds not required to manage the State's construction grant program.

G. POSSIBLE ADDITIONS TO THE STRATEGY

The National Pretreatment Strategy as presented in this Appendix should not be considered static. With time and experience, changes in such a complex and large regulatory program should be anticipated. The purpose of this section is to highlight five additions to the Pretreatment Strategy that the EPA is currently aware of and may give further consideration to.

1. Pretreatment by Regulating the POTW's Effluent

The EPA will continue to explore means of supplementing technology-based pretreatment standards with pollutant specific limits which may be applied to the POTW's effluent. Limits applied to the POTW's effluent could result in improved operation and maintenance of the POTW, increased coverage of sources of nondomestic pollutants, increased stringency in locally-derived pretreatment standards, and/or local controls on discharges from nonpoint sources entering municipal sewers. If such POTW effluent limits can be developed and appear worthwhile, they could be incorporated in a redefinition of best practicable waste treatment technology for POTW's pursuant to sections 201(g)(2)(A), 301(b) and 304(d) of the Act.

2. Innovative Pretreatment Technology

The Clean Water Act enables direct industrial dischargers to receive an extension of the 1983 BAT deadline to not later than July 1, 1987 for the use of innovative technology. Consideration of such a provision for industrial users of POTW's may be considered if a legal basis exists for such a revision to the strategy.

3. Best Management Practices for Pretreatment

Section 304(e) of the Clean Water Act provides for the establishment of best management practices for toxic (section 307(a)(1)) and hazardous (section 311) pollutants to control industrial plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage. Consideration may be given to extending such best management practices as part of pretreatment standards to industrial users of POTW's who handle or store toxic and hazardous materials if a legal basis exists for such a revision to the strategy.

4. Section 301(c) Variance

If nontoxic incompatible pollutants are regulated by national pretreatment standards, consideration may be given to administratively extending the provisions of section 301(c) of the Clean Water Act to industrial users of POTW's in order to ensure that direct and indirect dischargers in the same industrial category are regulated equitably. Section 301(c) enables the Administrator to modify the effluent requirements of certain direct dischargers upon a showing that the modified requirements represent the maximum use of technology within the economic capability of the source and that they will result in reasonable further progress toward the elimination of the discharge of pollutants. Any decision to consider section 301(c) for industrial users of POTW's would only occur following promulgation of and experience with regulations implementing section 301(c) for direct dischargers.

5. Utilization of Treated Sludge

The EPA may in the future revise the policy on modifying national pretreatment standards to account for pollutant removal by the POTW. The modification to the policy stated in this appendix and 40 CFR 403 could be to encourage greater beneficial use of municipal sludge for energy production and/or nutrient conservation and recovery. A decision to modify the policy would be made as part of compliance with section 516(d) of the Act. Under this section the EPA is required by October 1, 1978 to submit a report to Congress on the current and potential utilization of municipal sludge for productive purposes. The report is to include the legal, institutional, public health and other impediments to the greater utilization of sludge. The report is also to recommend whether Federal legislation is adequate to encourage or require the expanded use of municipal sludge or whether new legislation will be necessary.

APPENDIX B—65 TOXIC POLLUTANTS

Acenaphthene
Acrolein
Acrylonitrile
Aldrin/Dieldrin
Antimony and compounds [1]
Arsenic and compounds
Asbestos
Benzene
Benzidine
Beryllium and compounds
Cadmium and compounds
Carbon tetrachloride
Chlordane (technical mixture and metabolites)

[1] As used throughout this Appendix B the term "compounds" shall include organic and inorganic compounds.

Chlorinated benzenes (other than dichlorobenzenes)
Chlorinated ethanes (including 1,2-dichloroethane, 1,1,1-trichloroethane, and hexachloroethane)
Chloroalkyl ethers (chloromethyl, chloroethyl, and mixed ethers)
Chlorinated naphthalene
Chlorinated phenols (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols)
Chloroform
2-chlorophenol
Chromium and compounds
Copper and compounds
Cyanides
DDT and metabolites
Dichlorobenzenes (1,2-,1,3-, and 1,4-dichlorobenzenes)
Dichlorobenzidine
Dichloroethylenes (1,1-and 1,2-dichloroethylene)
2,4-dichlorophenol
Dichloropropane and dichloropropene
2,4-dimethylphenol
Dinitrotoluene
Diphenylhydrazine
Endosulfan and metabolites
Endrin and metabolites
Ethylbenzene
Fluoroanthene
Haloethers (other than those listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether, bis(dischloroisopropyl) ether, bis-(chloroethoxy) methane and polychlorinated diphenyl ethers)
Halomethanes (other than those listed elsewhere; includes methylene chloromethylchoride, methylbromide, bromoform, dichlorobromomethane, trichlorofluoromethane, dichlorodifluromethane)
Heptachlor and metabolites
Hexachlorobutadiene
Hexachlorocyclohexane (all isomers)
Hexachlorocyclopentadiene
Isophorone
Lead and compounds
Mercury and compounds
Naphthalene
Nickel and compounds
Nitrobenzene
Nitrophenols (Including 2,4-dinitrophenol, dinitrocresol)
Nitrosamines
Pentachlorophenol
Phenol
Phthalate esters
Polychlorinated biphenyls (PCBs)
Polynuclear aromatic hydrocarbons (including benzanthracenes, benzopyrenes, benzofluoroanthene, chrysenes, dibenzanthracenes, and indenopyrenes)
Selenium and compounds
Silver and compounds
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)
Tetrachloroethylene
Thallium and compounds
Toluene
Toxaphene
Trichloroethylene
Vinyl chloride
Zinc and compounds

APPENDIX C—SUBCATEGORIES OF 21 INDUSTRIES

1. TIMBER PRODUCTS PROCESSING

SIC 2411—Logging Camps and Logging Contractors (Camps Only)
SIC 2421—Saw Mills and Planing Mills, General
SIC 2426—Hardwood Dimension and Flooring Mills
SIC 2429—Special Purpose Sawmills, Not Elsewhere Classified
SIC 2431—Millwork
SIC 2434—Wood Kitchen Cabinets
SIC 2435—Hardwood Veneer and Plywood
SIC 2436—Softwood Veneer and Plywood
SIC 2439—Structural Wood Members, Not Elsewhere Classified
SIC 2491—Wood Preserving
SIC 2499—Wood Products, Not Elsewhere Classified (Furniture Mills)
SIC 2661—Building Paper and Building Board Mills (Hardboard Only)

2. STEAM ELECTRIC POWER PLANTS

SIC 4911—Electric Services (Limited to Steam-Electric Power Plants)

3. LEATHER TANNING AND FINISHING

SIC 31—Leather and Leather Products

4. IRON AND STEEL MANUFACTURING

SIC 3312—Blast Furnaces (Including Coke Ovens), Steel Works and Rolling Mills.
SIC 3313—Electrometallurgical Products.
SIC 3315—Steel Wire Drawing and Steel Nails and Spikes.
SIC 3316—Cold Rolled Steel Sheet, Strip and Bars.
SIC 3317—Steel Pipe and Tubes.

5. PETROLEUM REFINING

SIC 2911—Petroleum Refining (Including (1) Topping Plant; (2) Topping and Cracking Plants; (3) Topping, Cracking and Petro-chemical Plants; (4) Integrated Plants; and, (5) Integrated and Petrochemical Plants)

6. INORGANIC CHEMICALS MANUFACTURING

SIC 2812—Alkalies and Chlorine
SIC 2813—Industrial Gasses
SIC 2816—Inorganic Pigments
SIC 2819—Industrial Inorganic Chemicals, Not Elsewhere Classified

7. TEXTILE MILLS

SIC 22—Textile Mill Products
SIC 23—Apparel and Other Finished Products Made from Fabrics and Similar Materials

8. ORGANIC CHEMICALS MANUFACTURING

SIC 2865—Cylic (Coal Tar) Crudes, and Cylic Intermediates, Dyes, and Organic Pigments (Lakes and Toners)
SIC 2869—Industrial Organic Chemicals, Not Elsewhere Classified

9. NONFERROUS METALS MANUFACTURING

SIC 2819—Industrial Inorganic Chemicals, Not Elsewhere Classified (Bauxite Refining Only)
SIC 3331—Primary Smelting and Refining of Copper
SIC 3332—Primary Smelting and Refining of Lead
SIC 3333—Primary Smelting and Refining of Zinc
SIC 3334—Primary Production of Aluminum
SIC 3339—Primary Smelting and Refining of Nonferrous Metals, Not Elsewhere Classified
SIC 3341—Secondary Smelting and Refining of Nonferrous Metals

10. PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

SIC 2951—Paving Mixtures and Blocks
SIC 2952—Asphalt Felts and Coatings
SIC 3996—Linoleum, Asphalted-Felt-Base, and Other Hard Surface Floor Coverings, Not Elsewhere Classified

11. PAINT AND INK FORMULATION AND PRINTING

SIC 2711—Newspapers: Publishing, Publishing and Printing
SIC 2721—Periodicals: Publishing, Publishing and Printing
SIC 2731—Books: Publishing, Publishing and Printing
SIC 2732—Book Printing
SIC 2741—Miscellaneous Publishing
SIC 2751—Commercial Printing, Letterpress and Screen
SIC 2752—Commercial Printing, Letterpress and Lithographic
SIC 2753—Engraving and Plate Printing
SIC 2754—Commercial Printing, Gravure
SIC 2761—Mainfold Business Forms
SIC 2771—Greeting Card Publishing
SIC 2793—Photoengraving
SIC 2794—Electrotyping and Stereotyping
SIC 2795—Lithographic Platemaking and Related Services
SIC 2851—Paints, Varnishes, Lacquers, Enamels, and Allied Products
SIC 2893—Printing Ink
SIC 3951—Pens, Mechanical pencils, and Parts and Stamp Pads (Inked Materials Only)
SIC 3952—Lead Pencils, Crayons, and Artists' Materials
SIC 3955—Carbon Paper and Inked Ribbons

12. SOAP AND DETERGENT MANUFACTURING

SIC 2841—Soap and Other Detergents, except Specialty Cleaners

13. AUTO AND OTHER LAUNDRIES

SIC 7211—Power Laundries, Family and Commercial
SIC 7213—Linen Supply
SIC 7214—Diaper Service
SIC 7215—Coin-operated Laundries and Dry Cleaning
SIC 7216—Dry Cleaning Plants, Except Rug Cleaning
SIC 7217—Carpet and Upholstery Cleaning
SIC 7218—Industrial Laundries
SIC 7219—Laundry and Garment Services, Not Elsewhere Classified
None—Auto Wash Establishments

14. PLASTIC AND SYNTHETIC MATERIALS MANUFACTURING

SIC 282—Plastic Materials and Synthetic Resins, Synthetic and Other Manmade Fibers, except Glass

15. PULP AND PAPERBOARD MILLS; AND CONVERTED PAPER PRODUCTS

SIC 2611—Pulp Mills
SIC 2621—Paper Mills, except Building Paper Mills
SIC 2631—Paperboard Mills
SIC 2641—Paper Coating and Glazing
SIC 2642—Envelopes
SIC 2643—Bags, Except Textile Bags
SIC 2645—Die-Cut Paper and Paperboard and Cardboard
SIC 2646—Pressed and Molded Pulp Goods
SIC 2647—Sanitary Paper Products
SIC 2648—Stationery, Tablets, and Related Products
SIC 2649—Converted Paper and Paperboard Products, Not Elsewhere Classified
SIC 2651—Folding Paperboard Boxes
SIC 2652—Set-up Paperboard Boxes
SIC 2653—Corrugated and Solid Fiber Boxes
SIC 2654—Sanitary Food Containers

SIC 2655—Fiber Cans, Tubes, Drums, and Similar Products
SIC 2661—Building Paper and Building Board Mills
SIC 2782—Blankbooks, Looseleaf Binders and Devices

16. RUBBER PROCESSING

SIC 2822—Synthetic Rubber (Vulcanizable Elastomers)
SIC 2891—Rubber Cement
SIC 3011—Tires and Inner Tubes
SIC 3021—Rubber and Plastics Footwear (Rubber Only)
SIC 3031—Reclaimed Rubber
SIC 3041—Rubber and Plastics Hose and Belting (Rubber Only)
SIC 3069—Fabricated Rubber Products, Not Elsewhere Classified
SIC 3293—Gaskets, Packing, and Sealing Devices (Rubber Packing Only)

17. MISCELLANEOUS CHEMICALS

SIC 2831—Biological Products
SIC 2833—Medicinal Chemicals and Botanical Products
SIC 2834—Pharmaceutical Preparations
SIC 2861—Gum and Wood Chemicals
SIC 2879—Pesticides and Agricultural Chemicals, Not Elsewhere Classified
SIC 2891—Adhesive and Sealants
SIC 2892—Explosives
SIC 2895—Carbon Black
SIC 2899—Chemicals and Chemical Preparation, Not Elsewhere Classified
SIC 3861—Photographic Equipment and Supplies

18. MACHINERY AND MECHANICAL PRODUCTS MANUFACTURING

SIC 3021—Rubber and Plastics Footwear (Balance)
SIC 3041—Rubber and Plastics Hose and Belting (Balance)
SIC 3079—Miscellaneous Plastics Products
SIC 3293—Gaskets, Packing, and Sealing Devices (Balance)
SIC 3321—Gray Iron Foundries
SIC 3322—Malleable Iron Foundries
SIC 3324—Steel Investment Foundries
SIC 3325—Steel Foundries, Not Elsewhere Classified
SIC 3351—Rolling, Drawing, and Extruding of Copper
SIC 3353—Aluminum Sheet, Plate, and Foil
SIC 3354—Aluminum Extruded Products
SIC 3355—Aluminum Rolling and Drawing, Not Elsewhere Classified
SIC 3356—Rolling, Drawing, and Extruding of Nonferrous Metals, except copper and aluminum
SIC 3357—Drawing and Insulating of Nonferrous Wire
SIC 3361—Aluminum Foundries (Castings)
SIC 3362—Brass, Bronze, Copper, Copper Base Alloy Foundries (Castings)
SIC 3369—Nonferrous Foundries (Castings), Not Elsewhere Classified
SIC 3398—Metal Heat Treating
SIC 3399—Primary Metal Products, Not Elsewhere Classified
SIC 3411—Metal Cans
SIC 3412—Metal Shipping Barrels, Drums, Kegs, and Pails
SIC 3421—Cutlery
SIC 3423—Hand and Edge Tools, Except Machine Tools and Hand Saws
SIC 3425—Hand Saws and Saw Blades
SIC 3429—Hardware, Not Elsewhere Classified
SIC 3431—Enameled Iron and Metal Sanitary Ware
SIC 3432—Plumbing Fixture Fittings and Trim (Brass Goods)
SIC 3433—Heating Equipment, Except Electric and Warm Air Furnaces
SIC 3441—Fabricated Structural Metal
SIC 3442—Metal Doors, Sash, Frames, Molding, and Trim
SIC 3443—Fabricated Platework (Broiler Shops)
SIC 3444—Sheet Metal Work
SIC 3446—Architectural and Ornamental Metal Work
SIC 3448—Prefabricated Metal Buildings and Components
SIC 3449—Miscellaneous Metal Work
SIC 3451—Screw Machine Products
SIC 3452—Bolts, Nuts, Screws, Rivets, and Washers
SIC 3462—Iron and Steel Forgings
SIC 3463—Nonferrous Forgings
SIC 3465—Automotive Stampings
SIC 3466—Crowns and Closures
SIC 3469—Metal Stampings, Not Elsewhere Classified
SIC 3482Small Arms Ammunition
SIC 3483—Ammunition, Except for Small Arms, Not Elsewhere Classified
SIC 3484—Small Arms
SIC 3489—Ordnance and Accessories, Not Elsewhere Classified
SIC 3493—Steel Springs, Except Wire
SIC 3494—Valves and Pipe Fittings, Except Plumbers' Brass Goods
SIC 3495—Wire Springs
SIC 3496—Miscellaneous Fabricated Wire Products
SIC 3497—Metal Foil and Leaf
SIC 3498—Fabricated Pipe and Fabricated Pipe Fittings
SIC 3499—Fabricated Metal Products, Not Elsewhere Classified
SIC 3511—Steam, Gas, and Hydraulic Turbines and Turbine Generator Set Units
SIC 3519—Internal Combustion Engines, Not Elsewhere Classified
SIC 3523—Farm Machinery and Equipment
SIC 3524—Garden Tractors and Lawn and Garden Equipment
SIC 3531—Construction Machinery and Equipment
SIC 3532—Mining Machinery and Equipment, Except Oil Field Machinery and Equipment
SIC 3533—Oil Field Machinery and Equipment
SIC 3534—Elevators and Moving Stairways
SIC 3535—Conveyors and Conveying Equipment
SIC 3536—Hoists, Industrial Cranes, and Monorail Systems
SIC 3537—Industrial Trucks, Tractors, Trailers, and Stackers
SIC 3541—Machine Tools, Metal Cutting Types
SIC 3542—Machine Tools, Metal Forming Types
SIC 3544—Special Dies and Tools, Die Sets, Jigs and Fixtures and Industrial Molds
SIC 3545—Machine Tool Accessories and Measuring Devices
SIC 3546—Power Driven Hand Tools
SIC 3547—Rolling Mill Machinery and Equipment
SIC 3549—Metalworking Machinery, Not Elsewhere Classified
SIC 3551—Food Products Machinery
SIC 3552—Textile Machinery
SIC 3553—Woodworking Machinery
SIC 3554—Paper Industries Machinery
SIC 3555—Printing Trades Machinery and Equipment
SIC 3559—Special Industry Machinery, Not Elsewhere Classified
SIC 3561—Pumps and Pumping Equipment
SIC 3562—Ball and Roller Bearings
SIC 3563—Air and Gas Compressors
SIC 3564—Blowers and Exhaust and Ventilation Fans
SIC 3565—Industrial Patterns
SIC 3566—Speed Changers, Industrial High Speed Drives, and Gears
SIC 3567—Industrial Process Furnaces and Ovens
SIC 3568—Mechanical Power Transmission Equipment, Not Elsewhere Classified
SIC 3569—General Industrial Machinery and Equipment, Not Elsewhere Classified
SIC 3572—Typewriters
SIC 3573—Electronic Computing Equipment
SIC 3574—Calculating and Accounting Machines, Except Electronic Computing Equipment
SIC 3576—Scales and Balances, Except Laboratory
SIC 3579—Office Machines, Not Elsewhere Classified
SIC 3581—Automatic Merchandising Machines
SIC 3582—Commercial Laundry, Dry Cleaning, and Pressing Machines
SIC 3585—Air Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment
SIC 3586—Measuring and Dispensing Pumps
SIC 3589—Service Industry Machines, Not Elsewhere Classified
SIC 3592—Carburetors, Piston, Piston Rings, and Valves
SIC 3599—Machinery, Except Electrical, Not Elsewhere Classified
SIC 3612—Power, Distribution, and Specialty Transformers
SIC 3613—Switchgear and Switchboard Apparatus
SIC 3621—Motors and Generators
SIC 3622—Industrial Controls
SIC 3623—Welding Apparatus, Electric
SIC 3624—Carbon and Graphite Products
SIC 3629—Electrical Industrial Apparatus, Not Elsewhere Classified
SIC 3631—Household Cooking Equipment
SIC 3632—Household Refrigerators and Home and Farm Freezers
SIC 3633—Household Laundry Equipment
SIC 3634—Electric Housewares and Fans
SIC 3635—Household Vacuum Cleaners
SIC 3639—Household Applicances, Not Elsewhere Classified
SIC 3641—Electric Lamps
SIC 3643—Current-Carrying Wiring Devices
SIC 3644—Noncurrent-Carrying Wiring Devices
SIC 3645—Residential Electric Lighting Fixtures
SIC 3646—Commercial, Industrial, and Institutional Electric Lighting Fixtures
SIC 3647—Vehicular Lighting Equipment
SIC 3648—Lighting Equipment, Not Elsewhere Classified
SIC 3651—Radio and Television Receiving Sets, Except Communication Types
SIC 3652—Phonograph Records and Pre-recorded Magnetic Tape
SIC 3661—Telephones and Telegraph Apparatus
SIC 3662—Radio and Television Transmitting, Signaling, and Detection Equipment and Apparatus
SIC 3671—Radio and Television Receiving Type Electron Tubes, Except Cathode Ray
SIC 3672—Cathode Ray Television Picture Tubes
SIC 3673—Transmitting, Industrial, and Special Purpose Electron Tubes
SIC 3674—Semiconductors and Related Devices

SIC 3675—Electronic Capacitors
SIC 3676—Resistors, for Electronic Applications
SIC 3677—Electronic Coils, Transformers and Other Inductors
SIC 3678—Connectors, for Electronic Applications
SIC 3679—Electronic Components, Not Elsewhere Classified
SIC 3691—Storage Batteries
SIC 3692—Primary Batteries, Dry and Wet
SIC 3693—Radiographic X-ray, Fluoroscopic X-ray, Therapeutic X-ray, and Other X-ray Apparatus and Tubes; Electromedical and Electrotherapeutic Apparatus
SIC 3694—Electrical Equipment for Internal Combustion Engines
SIC 3699—Electrical Machinery, Equipment, and Supplies, Not Elsewhere Classified
SIC 3711—Motor Vehicles and Passenger Car Bodies
SIC 3713—Truck and Bus Bodies
SIC 3714—Motor Vehicle Parts and Accessories
SIC 3715—Truck Trailers
SIC 3721—Aircraft
SIC 3724—Aircraft Engines and Engine Parts
SIC 3728—Aircraft Parts and Auxiliary Equipment, Not Elsewhere Classified
SIC 3731—Ship Building and Repairing
SIC 3732—Boat Building and Repairing
SIC 3743—Railroad Equipment
SIC 3751—Motorcycles, Bicycles, and Parts
SIC 3761—Guided Missiles and Space Vehicles
SIC 3764—Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts
SIC 3769—Guided Missile and Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified.
SIC 3792—Travel Trailers and Campers
SIC 3795—Tanks and Tank Components
SIC 3799—Transportation Equipment, Not Elsewhere Classified
SIC 3811—Engineering, Laboratory, Scientific, and Research Instruments and Associated Equipment
SIC 3822—Automatic Controls for Regulating Residential and Commercial Environments and Appliances
SIC 3823—Industrial Instruments for Measurement, Display and Control of Process Variables; and Related Products
SIC 3824—Totalizing Fluid Meters and Counting Devices
SIC 3825—Instruments for Measuring and Testing of Electricity and Electrical Signals
SIC 3829—Measuring and Controlling Devices, Not Elsewhere Classified
SIC 3832—Optical Instruments and Lenses
SIC 3841—Surgical and Medical Instruments and Apparatus
SIC 3842—Orthopedic, Prosthetic, and Surgical Appliances and Supplies
SIC 3843—Dental Equipment and Supplies
SIC 3851—Ophthalmic Goods
SIC 3873—Watches, Clocks, Clockwork Operated Devices and Parts
SIC 3911—Jewelry, Precious Metal
SIC 3914—Silverware, Plated Ware, and Stainless Steel Ware
SIC 3915—Jewelers' Findings and Materials, and Lapidary Work
SIC 3931—Musical Instruments
SIC 3942—Dolls
SIC 3944—Games, Toys, and Children's Vehicles; Except Dolls and Bicycles
SIC 3949—Sporting and Athletic Goods, Not Elsewhere Classified
SIC 3951—Pens, Mechanical Pencils, and Parts (Balance)
SIC 3961—Costume Jewelry and Costume Novelties, Except Precious Metal
SIC 3991—Brooms and Brushes
SIC 3993—Signs and Advertising Displays
SIC 3995—Burial Caskets

19. ELECTROPLATING

SIC 347—Coating, Engraving, and Allied Services

20. ORE MINING AND DRESSING

SIC 1011—Iron Ores
SIC 1021—Copper Ores
SIC 1031—Lead and Zinc Ores
SIC 1041—Gold Ores
SIC 1044—Silver Ores
SIC 1051—Bauxite and Other Aluminum Ores
SIC 1061—Ferroalloy Ores, Except Vanadium
SIC 1092—Mercury Ores
SIC 1094—Uranium-Radium-Vanadium Ores
SIC 1099—Metal Ores, Not Elsewhere Classified

21. COAL MINING

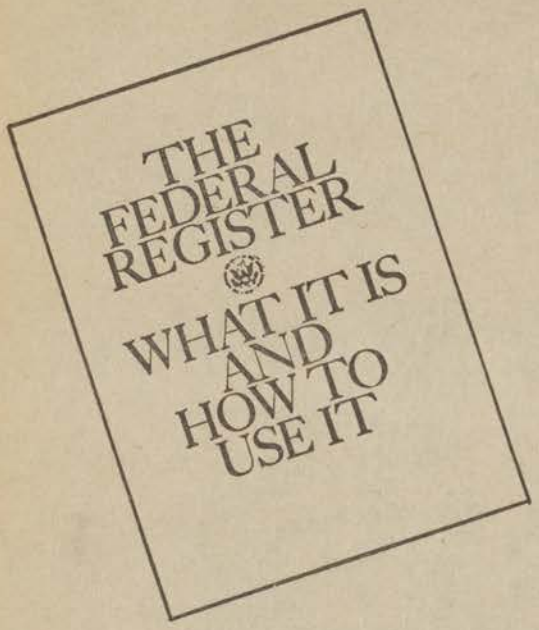
SIC 1111—Anthracite
SIC 1112—Anthracite Mining Services
SIC 1211—Bituminous Coal and Lignite
SIC 1213—Bituminous Coal and Lignite Mining Services

APPENDIX C

Acetone
n-alkanes (C_{10}—C_{30})
Biphenyl
Chlorine
Dialkyl ethers
Dibenzofuran
Diphenyl ether
Methylethyl Ketone
Nitrites
Secondary amines
Styrene
Terpenes

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