

Registered Federal

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

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

Rules Going Into Effect Today

EPA—Air quality implementation plans:
California..... 55605; 10-27-77
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ments by bus..... 51586; 9-29-77

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 422.....Pub. L. 95-198
To amend the Tariff Schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous

importation. (Nov. 23, 1977; 91 Stat. 1422). Price: \$.50.

H.R. 4049.....Pub. L. 95-199
To amend the Regional Rail Reorganiza-
tion Act of 1973 to authorize additional
appropriations for the United States
Railway Association, and for other pur-
poses. (Nov. 23, 1977; 91 Stat. 1423).
Price: \$.50.

H.R. 7074.....Pub. L. 95-200
To provide improved authority for the
administration of certain National Forest
System lands in Oregon. (Nov. 23, 1977;
91 Stat. 1425). Price: \$.50.

H.R. 8175.....Pub. L. 95-201
"Veterans' Administration Physician and
Dentist Pay Comparability Amendments
of 1977". (Nov. 23, 1977; 91 Stat.
1429). Price: \$.50.

H.R. 8701.....Pub. L. 95-202
"GI Bill Improvement Act of 1977".
(Nov. 23, 1977; 91 Stat. 1433). Price:
\$.90.

S. 1750.....Pub. L. 95-203
"Saccharin Study and Labeling Act".
(Nov. 23, 1977; 91 Stat. 1451). Price:
\$.50.

presidential documents

[3195-01]

Title 3—The President

PROCLAMATION 4541

Wright Brothers Day, 1977

By the President of the United States of America

A Proclamation

The era of modern aviation began near Kitty Hawk, North Carolina, on December 17, 1903, when Wilbur and Orville Wright, bicycle makers and inventors, made the first successful flight in a heavier-than-air, powered aircraft.

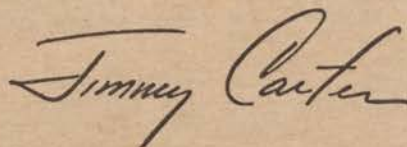
The achievement of the two brothers, almost unnoticed at the time, has since been recognized as one of history's most significant accomplishments. Trips that once took months now take a few hours and all the peoples of the earth have become neighbors.

It is particularly appropriate to remember this first powered flight during 1977, the 50th anniversary of Charles A. Lindbergh's solo, nonstop trans-Atlantic flight on a plane, the "Spirit of St. Louis", which was powered by a Wright Whirlwind engine.

To commemorate the historic achievements of the Wright brothers, the Congress, by a joint resolution of December 17, 1963 (77 Stat. 402, 36 U.S.C. 169), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1977, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers and to provide a stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of November, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and second.



[FR Doc.77-34187 Filed 11-23-77;3:24 pm]

2. Essential documents

1. The document

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

[3410-02]

Title 7—Agriculture

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

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1977-78 crop year, to be collected from handlers to support activities of the Raisin Administrative Committee which locally administers the Federal marketing order covering California raisins.

EFFECTIVE DATES: August 1, 1977, through July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On October 26, 1977, notice was published in the FEDERAL REGISTER (42 FR 56512) inviting written comments, not later than November 18, 1977, on proposed expenses and a rate of assessment under the marketing agreement, and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including the proposals in the notice, it is found that:

§ 989.328 Expenses of the Raisin Administrative Committee and rate of assessment for the 1977-78 crop year.

(a) Expenses (other than those specified in § 989.82) that are reasonable and likely to be incurred by the Raisin Administrative Committee during the period beginning August 1, 1977, through July 31, 1978, will amount to \$192,739.

(b) The rate of assessment for said period payable by each handler in accordance with § 989.80 is fixed at \$1.10 per ton for: (1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins under paragraph (b) (3) of this section; (2) reserve tonnage raisins released or sold to the han-

dler for use as free tonnage during that crop year; and (3) standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

It is further found that good cause exists for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The order requires that the rate of assessment for the marketing year shall apply to all assessable raisins from the beginning of the year.

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

D. S. KURYLOSKI,
Acting Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 77-34095 Filed 11-25-77; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0131]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Director, Division of Banking Supervision and Regulation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has delegated the authority to approve a State member bank's proposed subordinated debt issue as an addition to the bank's capital. The Director of the Division of Banking Supervision and Regulation has been assigned responsibility for the performance of this function.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION, CONTACT:

Jack M. Egerton, Assistant Director,
Division of Banking Supervision and
Regulation, Board of Governors of the
Federal Reserve System, Washington,
D.C. 20551, 202-452-3408.

SUPPLEMENTARY INFORMATION: A proposed subordinated debt issue of a State member bank is exempt from the reserve requirements imposed by the Board's Regulation D and interest rate limitations imposed by Regulation Q when the debt issue satisfies certain requirements established by the Board's regulations and has been approved by the

Board as an addition to the capital structure of the issuing bank. In order to expedite and facilitate the performance of certain of the Board's supervisory and regulatory functions over State member banks, the Board has delegated the authority to approve a subordinated debt issue of a State member bank as an addition to its capital structure. The Director of the Division of Banking Supervision and Regulation has been assigned the responsibility for performance of this function. This authority may be exercised by the Director when (1) the terms of the proposed debt issue meet the requirements of Regulations D and Q and the Board's guideline criteria (1976 Bulletin 603, 604); (2) the appropriate Reserve Bank recommends approval; and (3) no significant policy issue is raised by the proposed issue as to which the Board has not expressed its view.

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date, are not followed in connection with the adoption of this amendment because the changes involved are procedural in nature and do not constitute substantive rules subject to the requirements of that section.

Pursuant to section 11(k) of the Federal Reserve Act (12 U.S.C. § 248(k)), paragraph (c) of § 265.2 of Part 265 is amended by adding subparagraph (25) as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

(c) The Director of the Division of Banking Supervision and Regulation (or in the Director's absence, the Acting Director) is authorized:

(25) To approve a State member bank's proposed subordinated debt issue as an addition to the bank's capital structure if all of the following conditions are met:

(i) The terms of the proposed debt issue satisfy the requirements of §§ 204.1(f) (3) (i) and 217.1(f) (3) (i) of this part (Regulations D and Q) and the Board's guideline criteria for approval of subordinated debt as an addition to capital.

(ii) The appropriate Reserve Bank recommends approval.

(iii) No significant policy issue is raised by the proposed issue as to which the Board has not expressed its view.

By order of the Board of Governors,
November 16, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 77-34098 Filed 11-25-77; 8:45 am]

[1505-01]

CHAPTER III—FEDERAL DEPOSIT
INSURANCE CORPORATIONSUBCHAPTER A—PROCEDURE AND RULES OF
PRACTICEPART 308—RULES OF PRACTICE AND
PROCEDURES

Procedures and Standards Applicable to
Suspensions and Prohibitions Where
Felony Charged

Correction

In FR Doc. 77-33307, appearing at page 59491 in the issue for Friday, November 18, 1977, in § 308.56 on page 59493, in paragraph (b), in the 6th and 7th lines, delete the following: "decision. Provided, however, that". In place of the deleted phrase, insert the following: "decision, but".

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS
ADMINISTRATIONPART 107—SMALL BUSINESS
INVESTMENT COMPANIES

Statement of General Policy Concerning
Case-by-Case Exemptions to Permit Li-
censees to Specialize in the Financing
of Small Operative Homebuilders

AGENCY: Small Business Administra-
tion.

ACTION: Statement of general policy.

SUMMARY: SBA has adopted a general policy of granting exemptions, on a case-by-case basis, from its regulation for small business investment companies (SBIC's) to permit SBIC's to specialize in the financing of operative homebuilders. This policy will encourage much-needed financing in this vital segment of the national economy.

EFFECTIVE DATE: November 28, 1977.

FOR FURTHER INFORMATION CON-
TACT:

Peter F. McNeish, Deputy Associate
Administrator for Investment, Small
Business Administration, 1441 L Street
NW., Washington, D.C. 20416, 202-
653-6584.

SUPPLEMENTARY INFORMATION:
Under § 107.101(c) (2), investments of a non-real estate specialist Licensee in (1) small concerns classified under Major Group 15 (Building Construction), including operative builders (Industry No. 1531), of the Standard Industrial Classification Manual prepared by the Office of Management and Budget, (2) eligible real estate concerns (subdividers and developers; title abstract companies; and agents, brokers, and managers) classified as Industry Nos. 6531, 6541, and 6552 under Major Group 65 (Real Estate) and/or (3) Major Group 70 (Hotels, Rooming Houses, Camps and other Lodging Places) may not exceed one-third of its portfolio in any one such Major Group nor two-thirds for any combination. SBA has adopted a general policy of granting ex-

emptions, on a case-by-case basis, from § 107.101(c) (2) to permit such Licensees to concentrate their investments in small operative builders to an extent greater than one-third of their respective portfolios. Each exemption will be accompanied by appropriate safeguards to assure SBA-approved investment standards and practices, and full compliance with all applicable regulations.

This Notice is published in accordance with Section 3 of the Administrative Procedure Act (5 U.S.C. 552(a) (1), (D)) requiring Federal agencies to publish in the FEDERAL REGISTER for the guidance of the public " * * * statements of general policy * * * formulated and adopted by the agency." As a statement of general policy, it is exempted by 5 U.S.C. 553(b), (A), and 5 U.S.C. 553(d) (2) from public participation-comment procedure and the 30-day postponed effective date requirements of 5 U.S.C. 553 (c) and (d), respectively.

STATEMENT OF GENERAL POLICY

Case-by-Case Exemptions from § 107.101(c) (2) to Permit Licensee to Invest in Small Operative Homebuilders to Exceed Greater Than One-Third of its Portfolio: Section 107.101(c) of the SBIC Regulation provides that a duly licensed small business investment company (Licensee) may not, unless specifically authorized in writing by SBA, maintain more than one-third of its portfolio in eligible real estate concerns (subdividers and developers; title abstract companies; and agents, brokers, and managers) classified under Major Group 65 of the Standard Industrial Classification Manual, prepared by the Office of Management and Budget. (If expressly authorized by SBA to exceed this one-third investment limit, the Licensee may operate as a real estate specialist.) If the Licensee operates as a non-real estate specialist, its investments in small concerns classified under Major Group 15 (Building Construction), including operative builders (Industry No. 1531), Major Group 65 (Real Estate), and/or Major Group 70 (Hotels, Rooming Houses, Camps and Other Lodging Places) may not exceed one-third of its portfolio in any one such Major Group nor two-thirds for any combination (§ 107.101(c) (2)).

In order to permit Licensees to specialize in the financing of small operative homebuilders, SBA has approved a general policy of granting exemptions from § 107.101(c) (2), on a case-by-case basis, to permit them to concentrate their investments in such concerns to an extent greater than one-third of their respective portfolios. Each exemption will provide for safeguards to assure SBA-approved investment and profit-sharing standards and practices; preservation of the portfolio concern's freedom of action as an independent enterprise; pro-rata, non-preferential profit-sharing according to the degree of risk assumed; and full compliance with other applicable SBIC regulations, including those governing conflicts of interest, maximum cost of money, and reasonable management fees. Coupled with standards de-

signed to facilitate these objectives, the case-by-case authorizations will enable SBICs to concentrate their investments in small operative homebuilders and thus encourage much-needed financing in this vital segment of the national economy.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 8, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 77-34074 Filed 11-25-77; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMIN-
ISTRATION, DEPARTMENT OF TRANS-
PORTATION

[Airspace Docket No. 77-SW-41]

PART 71—DESIGNATION OF FEDERAL
AIRWAYS, AREA LOW ROUTES, CON-
TROLLED AIRSPACE, AND REPORTING
POINTS

Designation of Transition Area, Edna, Tex.

AGENCY: Federal Aviation Administra-
tion (FAA), DOT.

ACTION: Final rule.

SUMMARY: This designates a transition area at Edna, Tex., to provide controlled airspace for aircraft executing the newly established NDB instrument approach procedure to Jackson County Airport.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CON-
TACT:

David Gonzalez, Airspace and Proce-
dures Branch (ASW-536), Air Traffic
Division, Southwest Region, Federal
Aviation Administration, P.O. Box
1689, Fort Worth, Tex. 76101; tele-
phone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On September 19, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 46929) stating that the Federal Aviation Administration proposed to designate the Edna, Tex., transition area. Interested persons were invited to participate in this rule-making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Four comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates the Edna, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Jackson County Airport.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and

Procedures Branch, and Robert C. Nelson, Office of the 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 (42 FR 440) is amended, effective 0901 G.m.t., January 26, 1978, as follows.

In Subpart G, § 71.181 (42 FR 440), the following transition area is added:

EDNA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Jackson County Airport (latitude 29°00'03" N., longitude 96°34'55" W.) and within 3.5 miles either side of the 322° bearing from the NDB extending 6.5 miles from the 5-mile radius.

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

NOTE.—The FAA 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 Fort Worth, Tex., on November 16, 1977.

PAUL J. BAKER,

Acting Director, Southwest Region.

[FR Doc. 77-34031 Filed 11-25-77; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-38]

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

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This designates a transition area at Mexia, Tex., to provide controlled airspace for aircraft executing the newly established NDB instrument approach procedure to Mexia-Limestone County Airport.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On September 15, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 46338) stating that the Federal Aviation Administration proposed to designate the Mexia, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal

Aviation Administration. Four comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates the Mexia, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Mexia-Limestone County Airport.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the 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 (42 FR 440) is amended, effective 0901 G.m.t., January 26, 1978, as follows:

In Subpart G, § 71.181 (42 FR 440), the following transition area is added:

MEXIA, TEX.

That airspace extending from 700 feet above the surface within a 6.5-mile radius of Mexia-Limestone County Airport (latitude 31°38'20" N., longitude 96°30'52" W.) and within 3.5 miles each side of the 155° bearing from the NDB (latitude 31°38'16" N., longitude 96°30'43" W.) extending from the 6.5 radius area to a point 12 miles southeast of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA 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 Fort Worth, Tex., on November 16, 1977.

PAUL J. BAKER,

Acting Director, Southwest Region.

[FR Doc. 77-34032 Filed 11-25-77; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURES AND RULES OF PRACTICE

PART 1—GENERAL PROCEDURES

Subpart B—Rules and Rulemaking Under Sec. 18(a)(1)(B) of the FTC Act as Amended by Pub. L. 93-637

TRADE REGULATION RULEMAKING PROCEDURES

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The rule establishing procedures for handling communications by

persons not employed by the Commission to Commissioners or members of their personal staff with respect to trade regulation rulemaking proceedings is clarified to reflect that it does not change existing provisions which allow for communications to the Commission. The rules of practice are also being amended to specifically provide for oral presentations to the Commission under certain circumstances.

EFFECTIVE DATE: November 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Thomas A. Sheehan, Attorney, Office of General Counsel, Federal Trade Commission, 6th St. & Pennsylvania Ave. NW., Washington, D.C. 20580, 202-523-3990.

SUPPLEMENTARY INFORMATION: On September 1, 1977 (at 42 FR 43973) the Commission announced final rules concerning communications from persons not employed by the Commission to Commissioners or their personal staffs with respect to the merits of pending trade regulation rulemaking proceedings. Comments on this action were invited and fourteen individuals and organizations did comment. The Commission is clarifying the rule to reflect that certain communications to the Commission which are provided for in the rules of practice have not been affected. The Commission is also amending its rules of practice to provide that persons who have previously participated in a rulemaking proceeding may have an opportunity to make oral presentations to the Commission.

DISCUSSION OF MAJOR COMMENTS

A TOTAL PROHIBITION AGAINST OUTSIDER COMMUNICATIONS IS UNJUSTIFIED

A number of comments urge that the rule be rescinded or modified, arguing that a total ban on communications between persons not employed by the Commission and Commissioners (or their staffs) is not required by law, would unnecessarily formalize rulemaking proceedings, and serves to insulate Commissioners from information and opinions of outsiders. As an alternative to a total ban, one comment suggests banning contacts only after the post-hearing comment period provided for by Rule § 1.13(h), 16 CFR 1.13(h), has ended; several comments contend that a prohibition is not needed, that all that is required is to make communications public (e.g., recommending that the Commission adopt Recommendation 77-3 of the Administrative Conference of the United States, 42 FR 54253).

While the Commission indicated that it did not believe its action to be required by law, it believes that the rule is justified by policy reasons. Unlike rulemaking governed solely by 5 U.S.C. 553, the type of rulemaking to which the ACUS recommendation addressed itself, trade regulation rulemaking under the Magnuson-Moss Warranty — Federal Trade Commission Improvements Act, 15 U.S.C. 57a is required by statute to in-

clude an oral hearing with a limited opportunity for cross-examination. The Commission believes that trade regulation rulemaking is thus one of the "limited rulemaking categories" where restrictions on communications are appropriate (see ACUS Recommendations 77-3, Paragraph No. 5).

Despite the prohibition on communications to Commissioners or their staffs, interested persons have several opportunities to comment on the proposed rule. In addition to the opportunity to present written comments and to participate in the oral hearing noted above, an opportunity is presented under Rule § 1.13(h), 16 CFR 1.13(h), to offer concluding comments on the staff and presiding officer's reports. This post-hearing comment period allows persons to summarize their recommendations and to highlight those portions of the record that are, in their opinion, most significant.

The Commission adopted its prohibition against outside communications in order to insure that its extensive comment procedures would not become irrelevant and to prevent the appearance of special access to the ultimate decision-makers. The Commission was also concerned with the problem of allowing other interested persons to comment on communications to Commissioners, which would require continually reopening the record with resulting delays in reviewing the record and deciding whether to promulgate a rule. Although a cut-off period on communications could be established (e.g., after the post-hearing comment period closes), the appearance of preferential access would remain and the drain on Commissioners' time to allow any interested persons to communicate directly with them would be significant.

COMMUNICATIONS FROM THE STAFF SHOULD ALSO BE PROHIBITED

The second major category of comments suggested that the scope of the rule be expanded to prohibit Commission staff members who have participated in the rulemaking proceeding from communicating with Commissioners or their personal staffs. The rationale for the suggested change is that allowing staff communications would give an unfair advantage to advocates of the proposed rule. The analogy given is that the rule-making staff is comparable to complaint counsel in adjudications, who are prohibited from communicating on an ex parte basis with decisionmakers.

The comparison of rulemaking with adjudication is not appropriate. The distinction in staff roles between adjudication and rulemaking has long been recognized. The APA provisions on separation of functions, 5 U.S.C. 554(d), for example, applies only to adjudicatory proceedings. Similarly, the APA prohibitions of ex parte communications by interested persons outside the agency applies only to matters required by statute to be determined on the record after opportunity for an agency hearing, 5 U.S.C. (Supp. V) section 557(d), a category which does not include Magnuson-Moss

rulemaking. While the staff in an adjudication is engaged in a prosecutorial activity, rulemaking staff are responsible for assisting the Commission in its quasi-legislative role. The rulemaking staff the responsibility of seeing that a complete record is established.

In light of the above considerations, the Commission does not believe that staff communications should be banned. Staff communications serve a positive function, by allowing Commissioners, in reviewing what are often massive records that have not been shaped by a clear-cut adversarial process, to receive assistance from those persons in the Commission who are most familiar with the record. To seek assistance from staff members who have not participated in the rulemaking proceeding, as some comments suggest, would result in a misallocation of resources by ignoring the people best-suited to aid the Commission. Accordingly, the Commission has determined not to expand the scope of the rule.

ALLOW ORAL PRESENTATIONS TO COMMISSIONERS

Several comments suggest that the Commission establish some procedure for direct access to the Commission. The Commission concurs in this suggestion. Although such an oral presentation could now be held pursuant to rule 1.14(a), the Commission is adding § 1.13(i) to its rules of practice to clarify the role of oral presentations in trade regulation rulemaking. This new rule, 16 CFR 1.13(i) provides that during Commission review of the rulemaking record, interested persons may be allowed to make oral presentations to the Commission. The rule further provides that, with respect to a specific proceeding, the Commission may determine not to allow such presentations if it believes that oral presentations would not significantly assist it in its deliberations. As the Commission wishes to experiment with different formats for oral presentations in order to determine those formats that are of most assistance in its review of the record, the rule provides that the format for oral presentations will be announced for each proceeding where such presentations will be allowed. Interested persons may request an opportunity to participate in any oral presentations at the time post-record comments pursuant to § 1.13(h) are submitted. In addition, the Commission could vote to permit oral presentations at any time.

Because of the addition of Rule § 1.13(i), Rules §§ 1.14(a) and 1.18(a), 16 CFR §§ 1.14(a) and 1.18(a), are being amended. Rule § 1.14(a) is now concerned solely with promulgation of a rule, as references to review of the rulemaking record have been transferred to Rule § 1.13(i). The definition of "rule-making record" in Rule § 1.18(a) is amended to include the verbatim transcripts of any oral presentations.

DISCUSSION OF MISCELLANEOUS COMMENTS

(1) Exempt rulemaking proceedings not involving disputed facts. One comment suggests that a ban on communi-

cations is appropriate only where there are disputed issues of material fact; where there are no disputed issues of material fact communications should be allowed and made public. The proposed distinction misconceives the purposes of the rule limiting off-the-record contacts. Furthermore, the distinction is deemed by the Commission to be impractical to implement.

(2) Extend rule to prohibit communications with Presiding Officers. A few comments suggest that the Presiding Officer be insulated from staff and outsider communications because of his fact-finding role. The Presiding Officer's chief function is to preside, not to decide, and he is thus unlike an administrative law judge in an adjudication who makes an initial decision which can become final without further action. The findings of the presiding officer are prepared merely to assist the Commission in its deliberations and in that sense he is part of the rulemaking staff to whom the Commission should have unrestricted access.

(3) Adopt a rule on communications for other forms of Commission rulemaking. One comment, noting that the rule applies only to trade regulation rulemaking pursuant to Section 18 of the FTC Act, suggests that a rule making communications public also be considered with respect to other forms of Commission rulemaking (see, 16 CFR 1.21-1.26). The Commission will give further consideration to this suggestion in the near future.

DISCUSSION OF OTHER REVISION

The rule is being clarified to address one issue that was not raised in the public comments. In promulgating the rule, the Commission did not intend to prevent the Commission from deciding to allow communications with the Commission as a body, as opposed to communications with individual Commissioners. Additionally, the change was not intended to affect certain provisions of the Rules of Practice that specifically provide for communications to the Commission during a rulemaking proceeding. One example is appeals from decisions of the Presiding Officer, 16 CFR 1.13(c)(2). The rule is being changed to clarify the Commission's original intention that communications provided for by other provisions of the rules of practice are not affected and that the Commission can vote to allow oral presentations at any time.

In consideration of the foregoing, 16 CFR Chapter I is amended as follows:

1. By adding § 1.13(i) to read as follows:

§ 1.13 Rulemaking proceeding.

(i) Commission review of the rulemaking record. The Commission shall review the rulemaking record to determine what form of rule, if any, it should promulgate. During this review process, the Commission may allow persons who have previously participated in the proceeding to make oral presentations to the Commission, unless it determines with

respect to that proceeding that such presentations would not significantly assist it in its deliberations. Presentations shall be confined to information already in the rulemaking record. Requests to participate in an oral presentation must be received by the Commission no later than the close of the comment period under § 1.13(h). The identity of the participants and the format of such presentations will be announced thereafter.

2. By amending § 1.14(a) to read as follows:

§ 1.14 Promulgation.

(a) The Commission, after review of the rulemaking record, may issue, modify, or decline to issue any rule. Where it believes that it should have further information or additional views of interested persons, it may withhold final action pending the receipt of such additional information or views. If it determines to issue a rule, it shall adopt a Statement of Basis and Purpose to accompany the rule. If it determines not to issue a rule, it may adopt and publish an explanation for not doing so. The Statement of Basis and Purpose to accompany a rule promulgated under this subpart shall include (1) a statement as to the prevalence of the acts or practices treated by the rule, (2) a statement as to the manner and context in which such acts or practices are unfair or deceptive, (3) a statement as to the economic effect of the rule, taking into account the effect on small businesses and consumers, and (4) a statement as to the effect of the rule on state and local laws.

3. By amending § 1.18 (a) and (c) to read as follows:

§ 1.18 Rulemaking record.

(a) *Definition.* For the purposes of these rules the term "rulemaking record" includes the rule, its Statement of Basis and Purpose, the verbatim transcript of the informal hearing, written submissions, the summary and findings of the presiding officer and the staff recommendations as well as any public comment thereon, verbatim transcripts of oral presentations to the Commission, if any, and any other information which the Commission considers relevant to the rule.

(c) *Communications to Commissioners and their attorney advisors.* Except as otherwise provided in this subpart or by the Commission, after commencement of a trade regulation rule proceeding, no person not employed by the Commission shall communicate, orally or in writing, with any Commissioner or any member of a Commissioner's personal staff, with respect to the merits of that proceeding. If a prohibited communication does occur, the communication will be placed on the public record on receipt. In the case of an oral communication, the Commissioner or staff member shall place on the public record a memorandum setting forth the contents of such

communication and the circumstances thereof. Such communications or memoranda will not be part of the rulemaking record.

(15 U.S.C. 46(g)).

By direction of the Commission dated October 26, 1977, Commissioner Dole dissented in part and concurred in part and submitted a separate statement.

CAROL M. THOMAS,
Secretary.

STATEMENT OF COMMISSIONER DOLE, DISSENTING IN PART AND CONCURRING IN PART

I adhere to my view that the majority has erred in establishing a rule flatly banning all private communications by outside parties to a Commissioner on the merits of a pending trade regulation rule. As I indicated in my dissent from the original promulgation of this rule, its purpose, which I fully support, would have been served by a less rigid and formalistic rule, requiring that all written communications and summaries of oral communications of substantive significance from members of the public to a Commissioner addressed to the merits of a proposed rule be placed on the public record.

The numerous public comments received in response to the Commission's adoption of the new ex parte rule lend strong support to my view that it erects an unnecessary barrier isolating the Commission from the public in legislative-type matters. As noted by the commenters, this rule is not required by statute or by prevailing judicial precedent, and is contrary to the recommendations of the Administrative Conference of the United States. The rule is a major step toward judicializing the rulemaking process—a process whose vitality and effectiveness rest upon flexibility and informality. In short, I am afraid that the rule may sap the lifeblood out of the rulemaking process.

However, given the majority's decision, I support the promulgation of a rule providing for oral presentations before the Commission. Although the new rule allows the Commission to dispense with these presentations, I can conceive of few, if any, instances where I will wish to do so. Oral presentations are no substitute for the give and take that is only possible in an informal setting, but they will at least remove some of the isolation which the Commission has imposed upon itself.

[FR Doc.77-34101 Filed 11-25-77;8:45 am]

[4810-22]

Title 19—Customs Duties

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

[T.D. 77-277]

PART 113—CUSTOMS BONDS

Corporations as Principals

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

ACTION: Final rule.

SUMMARY: This rule clarifies the Customs Regulations by providing that a corporate subsidiary which joins its parent corporation on a Customs bond as co-principal must conform to the same documentation requirements as the parent corporation. This clarification will prevent delays in obtaining bond coverage which occur when improperly completed Customs bond forms are submitted.

EFFECTIVE DATE: November 28, 1977.

FOR FURTHER INFORMATION CONTACT:

John E. Elkins, Attorney, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5856.

SUPPLEMENTARY INFORMATION:

To protect the revenue of the United States or to assure compliance with any pertinent law, regulation, or instruction, Customs bonds or other security are required by law in many instances and may be authorized by regulation in others (section 623, Tariff Act of 1930, as amended (19 U.S.C. 1623)). Part 113 of the Customs Regulations (19 CFR Part 113) contains provisions regarding Customs bonds. The requirements which must be met by a corporation to act as a principal on a Customs bond are set forth in § 113.34 of the Customs Regulations. It is a matter of common knowledge to surety companies and most of the importing community that the requirements of § 113.34 apply to each corporation which acts as a principal on a Customs bond, including a subsidiary corporation which joins its parent corporation on the bond as a co-principal. However, on occasion, bond forms are submitted to Customs that are not properly completed in conformity with the provisions of the regulations. This causes a delay in bond coverage, disrupts Customs transactions, and inconveniences members of the importing public. To avoid these problems, Customs has determined that § 113.34 should be amended to make it clear that where a corporation is joined on a bond by one or more of its subsidiary corporations as co-principals, each subsidiary corporation must comply with the requirements of that section.

Because this amendment simply clarifies and explains a requirement of the Customs Regulations, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with the delayed effective date provisions of 5 U.S.C. 553.

DRAFTING INFORMATION

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

AMENDMENTS TO THE REGULATIONS

Accordingly, § 113.34 of the Customs Regulations (19 CFR 113.34) is amended by adding a new paragraph (e) to read as follows:

§ 113.34 Corporations as principals.

(e) *Subsidiaries as co-principals.* The provisions of this section shall be applicable to each corporate subsidiary which joins its parent corporation on the bond as co-principal.

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759 (19 U.S.C. 66, 1623, 1624).)

G. R. DICKERSON,

Acting Commissioner of Customs.

Approved: November 15, 1977.

BETTE B. ANDERSON,

Under Secretary of the Treasury.

[FR Doc. 77-34131 Filed 11-25-77; 8:45 am]

[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 446—STATE ORGANIZATION—MEDICAL ASSISTANCE PROGRAMS

PART 450—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Staffing and Training in Medical Assistance Programs

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

ACTION: Final regulations.

SUMMARY: These regulations bring together, clarify, and recodify, with few substantive changes, current policies on staffing and training, including training and use of subprofessional staff and volunteers, as they apply to the Medicaid program (Title XIX of the Social Security Act). The basis is HCFA's desire to make its regulations clearer and simpler. The purpose is to contribute to more effective operation of the Medicaid programs.

EFFECTIVE DATE: These regulations are effective on February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret Schnoor, area code 202-245-1960.

SUPPLEMENTARY INFORMATION: The content of these regulations is derived from three sources:

1. 45 CFR 205.202, Staff development.
 2. 45 CFR Part 225—Training and Use of Subprofessional and volunteers.
 3. 42 CFR 450.120, Staffing for administration of the medical assistance programs, Federal financial participation.
- The third is a Medicaid regulation. The other two are regulations applicable to Medicaid and other programs previously administered by the Social and Rehabilitation Service (SRS).

A proposed revision of 45 CFR 205.202 and an NOI requesting public comment on whether to issue a single integrated training regulation or 3 separate regulations for financial assistance, medical assistance, and social services, were published on January 11, 1977 (42 FR 2440). Because there are differences in the laws which authorize the three programs and in the programs themselves, not all of the changes proposed on January 11, 1977, nor all of the comments received were pertinent to training for Medicaid. For instance, title XIX does not authorize grants to educational institutions.

The proposed changes and comments that were pertinent to Medicaid are discussed below:

1. Elimination of the State plan requirement to have a training program. Nine respondents objected to the elimination and none supported it. The requirement is retained.

2. Deletion of the requirement to include paid educational leave in the training program.

No comments received on this. Accordingly, the requirement is deleted for subprofessional, as well as professional staff, and the matter left to State option.

3. Definitions. The definitions of "orientation" and "part-time training" were considered confusing. It was requested that definitions of "subprofessional staff" and "volunteers" be added.

The first definition is no longer needed because policy was changed in response to other comments. The second has been clarified, and the last two added.

4. Provide 75 percent Federal financial participation for all Medicaid training.

The matching rates for specified classes of positions are established by statute and cannot be changed.

Regarding the overall structure of regulations, responses were divided, with 21 preferring the integrated approach and 8 recommending separate regulations. The reorganization order of March 9, 1977 (42 FR 13262) which abolished SRS and transferred the three programs to three different HEW agencies has made integrated regulations impractical. It is now necessary to develop, for each program, a separate version of the existing joint regulations.

This regulation accomplishes that purpose for those aspects of 45 CFR Part 225 and § 205.202 that are applicable to Medicaid. It incorporates those policies with the related policies of § 450.120.

The Department finds that there is good cause to waive notice of proposed rulemaking because:

1. No substantive changes are made to current policies in § 450.120;
2. Opportunity for public comment on changes in 45 CFR 205.202 was provided and all pertinent comments were considered; and
3. The minor change in the content derived from 45 CFR Part 225 (deletion of the requirement for paid educational leave) is necessary for conformance with the deletion in the § 205.202 content.

42 CFR Chapter IV is amended as set forth below:

1. Part 446 is amended by adding new §§ 446.150, 446.151, 446.165, 446.166, 446.170, 446.175, 446.180, and 446.185, and by providing Subpart titles. As amended, Part 446 reads as follows:

Subpart A—Advisory Bodies

Sec.
446.10 State medical advisory committees.

Subpart B—Personnel Administration

446.150 Scope.
446.151 Definitions.
446.160 Standards of personnel administration.
446.165 Training and use of subprofessional staff: State plan requirements.
446.166 Training and use of volunteers: State plan requirements.
446.170 Training Program: State plan requirements.
446.175 Federal financial participation: Staff and training costs.
446.180 Training and other administrative costs: Reporting requirements.
446.185 Sources of State share and cost allocation.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

Subpart A—Advisory Bodies

§ 446.10 State medical advisory committees.

Subpart B—Personnel Administration

§ 446.150 Scope.

This subpart contains the State plan requirements for personnel administration and the conditions for, and rates of, Federal financial participation in staff and training costs incurred for medical assistance programs under title XIX of the Social Security Act.

§ 446.151 Definitions.

(a) *Community service aides* means subprofessional staff, employed in a variety of positions, whose duties are an integral part of the agency's responsibility for planning, administration, and for delivery of health services.

(b) *FFP* means Federal financial participation.

(c) *Fringe benefits* means the employer's share of premiums for workmen's compensation, employees' retirement, unemployment compensation, health insurance, and similar expenses.

(d) *Full-time training* means training that requires employees to be relieved of all responsibility for performance of current agency work to participate in a training program.

(e) *Part-time training* means training that allows employees to continue full-time in their agency jobs or requires only partial reduction of work activities to participate in the training activity.

(f) *Skilled professional medical personnel* means physicians, dentists, and other health practitioners; nurses; medical and psychiatric social workers; medical, hospital and public health administrators, and licensed nursing home administrators; and other specialized

personnel in the field of medical care.

(g) *Staff of other public agencies* means skilled professional medical personnel and supporting staff (as defined in paragraphs (f) and (k) of this section), who are employed in State or local agencies other than the title XIX agency, whose duties are directly related to the administration of the medical assistance program and are specified in a written agreement with the State agency.

(h) *State agency* means the single State agency for title XIX.

(i) *State plan or the plan* means the State's plan approved under title XIX of the Social Security Act.

(j) *Subprofessional staff* means persons performing tasks that demand little or no formal education; a high school diploma; or less than four years of college.

(k) *Supporting staff* means secretarial, stenographic, clerical, and other subprofessional staff whose activities are directly necessary to the carrying out of the functions which are the responsibility of skilled professional medical personnel, as defined in paragraph (f) of this section.

(l) *Training program* means a program of educational activities based on the agency's training needs and aimed at insuring that agency staff acquire the knowledge and skills necessary to perform their jobs.

(m) *Volunteer* means a person who contributes personal service to the community through the agency's program but is not a replacement or substitute for paid staff.

§ 446.160 Standards of personnel administration.

§ 446.165 Training and use of subprofessional staff: State plan requirements.

(a) *Basic requirement.* The plan shall provide for the training and effective use of subprofessional staff as community service aides and meet all requirements of paragraph (b) through (g) of this section.

(b) *Recruitment and selection.* The plan shall provide for methods of recruitment and selection that afford opportunity for full-time or part-time employment of persons of low income, including:

- (1) Young, middle-aged, and older persons;
- (2) Physically and mentally disabled; and
- (3) Recipients of medical assistance.

(c) *Merit system.* The plan shall provide that positions for subprofessionals are subject to merit system requirements except where special exemption is approved on the basis of a State alternative plan for employment of disadvantaged persons.

(d) *Staffing plan.* The plan shall provide for an agency staffing plan that includes the kinds of jobs that subprofessional staff can perform.

(e) *Career service.* The plan shall provide for a career service program that allows persons:

- (1) To enter employment at the subprofessional level; and
- (2) To progress to positions of increasing responsibility and reward:

(i) In accordance with their abilities; and

(ii) Through work-experience, pre-service and in-service training, and educational leave with pay.

(f) *Training, supervision and supportive services.* The plan shall provide for an organized training program, supervision, and supportive services for subprofessional staff.

(g) *Progressive expansion.* The plan shall provide for annual increase in the number of subprofessional staff until:

- (1) An appropriate ratio of subprofessional and professional staff has been achieved; and
- (2) There is maximum use of subprofessional staff as community aides in the operation of the program.

§ 446.166 Training and use of volunteers: State plan requirements.

(a) *Basic requirement.* The plan shall provide for the training and use of non-paid or partially-paid volunteers and meet all requirements of paragraphs (b) through (f) of this section.

(b) *Functions of volunteers.* The plan shall provide for the use of volunteers in:

- (1) Providing services to applicants for, and recipients of, medical assistance; and
- (2) Assisting any advisory committees established by the State agency.

As used in this paragraph, "partially paid volunteers" means volunteers who are reimbursed only for actual expenses incurred in giving service, without regard to the value of the service or the time required to provide it.

(c) *Staffing.* The plan shall provide for a position whose incumbent is responsible for:

- (1) The development, organization, and administration of the volunteer program; and
- (2) Coordination of the program with related functions.

(d) *Recruitment, selection, training, and supervision.* The plan shall provide for:

- (1) Methods of recruitment and selection that assure participation of volunteers of all income levels, in planning capacities and service provisions; and
- (2) A program of organized training and supervision of volunteers.

(e) *Reimbursement of expenses.* The plan shall provide for:

- (1) Reimbursing volunteers for actual expenses incurred in providing services; and
- (2) Assuring that no individual is deprived of the opportunity to serve because of the expenses involved.

(f) *Progressive expansion.* The plan shall provide for annual increase in the number of volunteers used until the volunteer program is adequate for the

achievement of the agency's service goals.

§ 446.170 Training program: State plan requirements.

(a) The plan shall provide for a program of training for State agency personnel. (See also §§ 446.145 and 446.166 for training programs for subprofessional staff and for volunteers.)

(b) The plan shall provide that the training program will include initial in-service training opportunities to improve the operation of the program.

(c) The plan shall provide that the training program will be related to job duties performed or to be performed by the persons trained, and consistent with the program objectives of the agency.

§ 446.175 Federal financial participation: Staff and training costs.

(a) *Availability of FFP.* FFP is available for salary or other compensation, fringe benefits, travel, per diem, and training, at rates determined on the basis of the individual's position, as specified in paragraph (b) of this section.

(b) *Rates of FFP.* (1) For skilled professional medical personnel and supporting staff of the State agency or of other public agencies (as defined in § 446.151), the rate is 75 percent.

(2) For personnel engaged directly in the operation of mechanized claims processing and information retrieval systems, the rate is 75 percent.

(3) For personnel engaged in the design, development, or installation of mechanized claims processing and information retrieval systems, the rate is 50 percent for training and 90 percent for all other costs specified in paragraph (a) of this section.

(4) For personnel of the State licensing agency who are responsible for inspections of skilled nursing or intermediate care facilities, the rate is 100 percent through September 30, 1980.

(i) If a work plan and budget plan relative to this personnel have been approved by the Department's regional office, and

(ii) Only for those expenditures that are not attributable to the overall cost of meeting the State licensing agency's responsibilities under State law and regulations, but are necessary and proper for carrying out the inspections required under title XIX and the pertinent regulations of this chapter.

(5) For personnel administering family planning services and supplies, the rate is 90 percent.

(6) For all other staff of the State agency or other public agencies providing services to the State agency, and for training and other expenses of volunteers, the rate is 50 percent.

(c) *Specific limitations.* (1) Rates of FFP in excess of 50 percent are applicable only to those portions of the individual's working time that are devoted to the kinds of positions or duties that qualify for those rates.

(2) The special matching rates for persons working on mechanized claims

processing and information retrieval systems (paragraph (b) (2) and (3) of this section) are applicable only if the design, development and installation, or the operation, have been approved by the Administrator in accordance with § 450.90 of this chapter.

§ 446.180 Training and other administrative costs: Reporting requirements.

(a) *Activities and costs to be reported as training expenditures.* (1) For full-time training (with no assigned agency duties): Salaries, fringe benefits, dependency allowances, travel, tuition, books, and educational supplies.

(2) For part-time training: Travel, per diem, books and educational supplies.

(3) For State and local agency staff development personnel (including supporting staff) assigned fulltime training functions: Salaries, fringe benefits, travel, and per diem. Costs for staff spending less than full time on training for the title XIX program must be allocated between training and administration in accordance with 45 CFR 205.150.

(4) For experts engaged to develop or conduct special programs: Salary, fringe benefits, travel, and per diem.

(5) For State agency training activities directly related to the program: Use of space, postage, teaching supplies, and purchase or development of teaching materials and equipment, for example, books and audiovisual aids.

(6) For field instruction in medical assistance: Instructors' salaries and fringe benefits, rental of space, travel, clerical assistance, teaching materials and equipment such as books and audiovisual aids.

(b) *Activities and costs not to be reported as training expenditures.* The following activities are to be reported as administrative costs:

(1) Salaries of supervisors (day-to-day supervision of staff is not a training activity); and

(2) Cost of employing students on a temporary basis, for instance, during summer vacation.

§ 446.185 Sources of State share and cost allocation.

(a) *Public funds as the State's share.* (1) Public funds may be considered as the State's share in claiming Federal reimbursement if they meet the conditions specified in paragraph (a) (1) and (3) of this section.

(2) The public funds are appropriated directly to the State or local agency, or transferred from other public agencies (including Indian tribes) to the State or local agency and under its administrative control, or certified by the contributing public agency as representing expenditures eligible for FFP under this section.

(3) The public funds are not Federal funds, or are Federal funds authorized by Federal law to be used to match other Federal funds.

(b) *Private donated funds as the State's share.* (1) Funds donated from private sources may be considered as the State's share in claiming Federal reimbursement only if they meet the con-

ditions specified in paragraph (b) (2) through (4) of this section.

(2) The private funds are transferred to the State or local agency and are under its administrative control.

(3) The private funds are donated without any restriction which would require their use for the training of particular individuals or at particular facilities or institutions.

(4) The private funds do not revert to the donor's facility or use unless the donor is a non-profit organization, and the State agency, of its own volition, decides to use the donor's facility.

(c) *Cost allocation.* Costs of training are chargeable to title XIX only to the extent that the training benefits that title. If the training benefits both Federally funded programs and other programs financed solely with State or local funds, the training costs must be allocated among programs as specified in 45 CFR Part 74, Appendix C and 45 CFR § 205.150.

Subpart B and § 450.120 [Deleted]

4. Part 450 is amended by vacating Subpart B and § 450.120.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

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

Dated: September 4, 1977.

ROBERT A. DERZON,
Administrator, Health
Care Financing Administration.

Approved: November 7, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-34126 Filed 11-25-77; 8:45 am]

[4110-35]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

PART 225—TRAINING AND USE OF SUBPROFESSIONALS AND VOLUNTEERS

Training for Medicaid

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

ACTION: Final rule.

SUMMARY: This rule revises § 205.202 and Part 225 to make them inapplicable to the Medicaid programs under title XIX of the Social Security Act. The pertinent content has been transferred to 42 CFR Part 446 in regulations published today at 42 FR 60564. Since these are merely technical conforming amendments, the Department finds that

there is good cause to waive public notice and opportunity for comment.

EFFECTIVE: These amendments shall be effective February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O. Schnoor, Medicaid Bureau, room 4094-MES, 330 C Street SW., Washington, D.C. 20201, 202-245-1960 or 245-7433.

45 CFR Chapter II is amended as set forth below:

1. Section 205.202 is amended to make it inapplicable to medical assistance programs under title XIX of the Social Security Act, by deleting all references to that title, as follows: In paragraph (a), "or" is inserted before "XVI" in line 2, and "or XIX" is deleted in line 3. In paragraph (b), subparagraph (4) is revoked.

2. Part 225 is amended to make it inapplicable to medical assistance programs under title XIX of the Social Security Act, by deleting all references to that title, as follows: In § 225.2 "or MA" is deleted from line 2 and "XIX" is deleted from line 3; "or" is inserted before "AABD". In § 225.2(a)(1), "or XIX" is deleted from line 10; "or" inserted before "XVI" in line 9. In § 225.3, "and XIX" is deleted from line 3; "and" is inserted before "XVI".

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.714—Medical Assistance Program.)

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

Dated: November 11, 1977.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

Approved: November 7, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-34127 Filed 11-25-77; 8:45 am]

[3510-03]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Amendment of Containerized Cargo Reporting Requirement

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This amendment changes the criteria for determining under what circumstances an operator of a vessel in the foreign commerce of the United

States is required to file a report regarding the carriage of certain containerized cargo. The amendment simplifies the reporting criteria and raises the minimum cutoff level for submitting a report from 10 to 25 containers carried during any one voyage.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen Orosz, Director, Office of Trade Studies and Statistics, Maritime Administration, Washington, D.C. 20230, telephone: 202-377-4758.

SUPPLEMENTARY INFORMATION: Operators of certain vessels engaged in the waterborne foreign trade of the United States are required by 46 CFR 222.2(a) to file various reports regarding their voyages. Pursuant to paragraph (a) (2) of § 222.2, operators of the subject vessels which carry certain containerized cargoes are required to file with the Maritime Administration Form MA-578A if they carry on any one voyage 10 or more containers of certain specified sizes. This amendment raises, from 10 to 25 containers, the minimum cutoff point for determining whether a report must be submitted. In addition, the amendment simplifies the size specifications of the containers subject to the reporting requirement.

Form MA-578A, the Supplemental Unitized Cargo Container Report, constitutes the sole source for data concerning the movement of waterborne containerized cargo. The information obtained from these reports is used by the Maritime Administration to assist in determining essentiality of services and as evidence for and part of the factual basis of decisions in formal hearings conducted by the Maritime Subsidy Board or its delegates in connection with the award of long-range subsidy contracts. In addition, container data are requested frequently by shipping companies, U.S. port authorities, investment banks, government agencies, and others for use in forecasting trends, in planning for port development, and as criteria for financial investment.

This amendment has been reviewed in accordance with Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 and has been determined to have no inflationary impact.

Accordingly, 46 CFR Part 222 is amended by revising the section heading and paragraph (a) (2) of § 222.2 to read as follows:

§ 222.2 Forms of vessel utilization and performance reports required.

(a) * * *

(2) In addition, and subject to the same qualifying and filing requirements set forth above, an accurate report on Form MA-578A, Container/Trailer Report—Foreign Trade, shall be filed by such operator when, on any one voyage, a vessel carried 25 or more 8x8x20 foot containers or trailers, or the equivalent thereof in TEU's.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (46 USC 1114); sec. 212(A), Merchant Marine Act, 1936, as amended (46 USC 1122a); Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036); Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1975).)

Dated: November 21, 1977.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc. 77-34020 Filed 11-25-77; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21363; RM-2891]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Columbia, La.; 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 Columbia, Louisiana. The station will provide a first full-time local aural broadcast service to the community.

EFFECTIVE DATE: January 3, 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: November 17, 1977.

Released: November 22, 1977.

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

Broadcast Stations. (Columbia, La.), Docket No. 21363, RM-2891.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, adopted August 16, 1977, 42 FR 42700, proposing the assignment of Channel 276A to Columbia, La., as a first FM assignment. The *Notice* was issued in response to a petition filed by KCTO Broadcasting Co. ("petitioner"), licensee of daytime-only AM Station KCTO, Columbia, La. Petitioner reiterated its intention to apply for a station if the channel is assigned and to build a station if authority is granted. No oppositions to the petition were filed.

2. Columbia (pop. 1,000), seat of Caldwell Parish (pop. 9,354)¹, is located approximately 47 kilometers (29 miles) south of Monroe, La.

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

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 276A to Columbia, La. A demand has been shown for its use and it would provide the community with a needed first full-time local aural broadcast service. It can be made without affecting any existing assignment and would be consistent with the applicable minimum spacing requirements, if the transmitter site is located 8.8 kilometers (5.5 miles) west of the community. Operating from such a site the station should be able to provide the requisite principal city coverage to Columbia.

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. In view of the foregoing: *It is ordered*, That effective January 3, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, as regards Columbia, Louisiana, is amended to read as follows:

City: Columbia, La. Channel No. 276A

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. 77-34134 Filed 11-25-77; 8:45 am]

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

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 907]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed regulation which would require fresh California-Arizona navel oranges shipped to market from Districts 1 and 3 to be at least 2.32 inches in diameter for the period December 30, 1977, through July 13, 1978. This proposed requirement is designed to promote orderly marketing to the interest of producers and consumers.

DATES: Comments must be received on or before December 13, 1977. Proposed effective dates: December 30, 1977, through July 13, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: The proposal under consideration was submitted by the Navel Orange Administrative Committee, established under Marketing Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer its terms and provisions. The proposal reads as follows:

§ 907.221 Navel Orange Regulation 221.

(a) During the period December 30, 1977, through July 13, 1978, no handler shall handle any navel oranges grown in District 1 or District 3 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the navel

oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handler", "handle", "District 1", and "District 3", mean the same as defined in the marketing order.

Dated: November 22, 1977.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit
and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-34096 Filed 11-25-77;8:45 am]

[3410-02]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Marketing Percentages for the 1977-78 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This action proposes that no volume regulation be established for the 1977-78 crop year for the four varieties of dates—Deglet Noor, Zahidi, Khadrawy, and Halawy—regulated under the marketing program for California dates. The anticipated demand in all outlets and carryover needs are expected to exceed the marketable content of the 1977-78 crops for these varieties. Handlers would be free to market these dates in domestic and export markets, subject to quality requirements effective during the season.

DATES: Comments must be received on or before December 16, 1977. Proposed effective dates: October 1, 1977, through September 30, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, room 1077, South Building, Washington, D.C. 20250, where

they will be available for public inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: The proposal pertains to the establishment of free and restricted percentages and withholding factors of 100 percent, 0 percent, and 0 percent, respectively, for marketable Deglet Noor, Zahidi, Halawy, and Khadrawy dates. The crop year began October 1, 1977. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, Calif., and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The free percentages, restricted percentages, and withholding factors are pursuant to §§ 987.44 and 987.45. These percentages and factors are based on the California Date Administrative Committee's estimates for the current crop year of supply and trade demand adjusted for handler carryover and other available information. Trade demand means the aggregate quantity of whole or pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the Committee finds will acquire dates and prices reasonably comparable with prices received in the continental United States.

In determining the percentages for each of the four varieties, the Committee considered the following data, estimates and information for the crop year beginning October 1, 1977:

	Deglet Noor (1,000)	Zahidi (1,000)	Halawy (1,000)	Kha- drawy (1,000)
1. Production of marketable dates (1977-78 crop).....	38,961	2,133	211	568
2. Plus: Noncertified handler carryover as of Sept. 30, 1977, of marketable dates.....	1,794	39	7	49
3. Total marketable supply.....	40,755	2,172	218	617
4. Trade demand for free whole and pitted dates.....	15,400	1,290	135	222
5. Plus: Desirable handler carryover as of Sept. 30, 1978, to assure date supplies for early demand.....	4,300	270	50	50
6. Less: Certified handler carryover as of Sept. 30, 1977, of free dates.....	566	36	0	6
7. Adjusted trade demand.....	19,134	1,524	185	266

It is estimated that the amounts in excess of adjusted trade demands for these four varieties will be utilized in products and/or export markets. Hence, no volume regulation is proposed.

The proposal is as follows:

§ 97.225 Free and restricted percentages and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable date, of each variety shall be, for the crop year beginning October 1, 1977, and ending September 30, 1978, as follows: (a) Deglett Noor variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: November 22, 1977.

D. S. KURYLOSKI,
Acting Deputy Director,
Fruit and Vegetable Division.

[FR Doc.77-34135 Filed 11-15-77;8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-RM-8]

CONTROL ZONE

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Alamosa, Colorado Control Zone. Portions of the Alamosa Control Zone are based on a non-directional beacon owned by Frontier Air Lines which has been decommissioned.

DATES: Comments must be received on or before December 27, 1977.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

FOR FURTHER INFORMATION CONTACT:

Joseph Taber, Airspace Specialist, Operations, Procedures and Airspace Branch (ARM-537), Air Traffic Division, Federal Aviation Administration,

Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010; telephone: 303-837-3937.

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 be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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 NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by altering the control zone at Alamosa, Colorado. The present control zone has two extensions based on a privately owned non-directional beacon, owned by Frontier Airlines, which has recently been decommissioned. The extensions were necessary to contain a special use non-directional instrument approach to the Alamosa Airport which was cancelled when the non-directional beacon was decommissioned. Accordingly, the Federal Aviation Administration proposes to amend Subpart F of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending § 71.171 to alter the following control zone:

ALAMOSA, COLO.

Within a 5-mile radius of Alamosa Municipal Airport (latitude 37°26'15" N longitude 105°51'40" W) within 3.5 miles each side of the Alamosa VORTAC 127° and 335° radials extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and time established in ad-

vance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

DRAFTING INFORMATION

The principal authors of this document are Joseph T. Taber, Air Traffic Division, and Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the 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 the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Aurora, Colo., on November 18, 1977.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.77-34034 Filed 11-25-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-WE-20]

TRANSITION AREA, VICTORVILLE, CALIF.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to alter the Victorville, Calif. 700 foot transition area. This change is necessary in order to provide additional controlled airspace for radar vector services for George Air Force Base, (AFB).

DATES: Comments must be received on or before December 29, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

The official docket may be examined at the following location: Office of the Regional Counsel, Western Region, AWE-7, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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 December 29, 1977, 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 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.

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 700 foot transition area at Victorville, Calif. The present 700 foot transition area was found to be inadequate to provide controlled airspace for radar vector procedures north, south and west of George Air Force Base. We, therefore, propose to add the following additional 700 foot transition area; that airspace within 3.5 miles east and 14.5 miles west of the 005° and 185° radials George AFB TACAN extending from the 12 mile radius area to 20.5 miles north and south of the TACAN.

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 PROPOSED AMENDMENT

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]

VICTORVILLE, CALIF.

Delete the period following "117°22' 55" W.)" and add the following "and within 3.5 miles east and 14.5 miles west of 005° and 185° radials George AFB TACAN (latitude 34°35'40.5" N., longitude 117°23'20.5" W.) extending from

the 12 mile radius area to 20.5 miles north and south of the TACAN."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and section 6(c) of the 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 Los Angeles, Calif. on November 17, 1977.

ROBERT H. STANTON,
Director, Western Region.

[FR Doc. 77-34036 Filed 11-25-77; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-SW-63]

TRANSITION AREA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Waring, Tex., to provide controlled airspace for aircraft executing a proposed RNAV instrument approach procedure to the Rust Airport, using the San Antonio VORTAC. Coincident with this action, the airport will be changed from VFR to IFR.

DATES: Comments must be received by December 28, 1977.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex. 76106.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone: 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (42 FR 440) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of

aircraft conducting IFR activity. Designation of the transition area at Waring, Tex., will necessitate an amendment to this subpart.

COMMENTS INVITED

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before December 28, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. 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.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, or by calling 817-624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Waring, Tex. The FAA believes this action will enhance IFR operations at the Rust Airport by providing controlled airspace for aircraft executing a proposed RNAV instrument approach procedure using the San Antonio VORTAC. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) by adding the Waring, Tex., transition area as follows:

WARING, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rust Airport (latitude 29°57'25" N., longitude 98°47'25" W.) and within 2.5 miles either side of the 180° bearing from the runway 35 reference point, (latitude 29°57'14" N., longitude 98°47'25" W.) extending 3 miles from the 5-mile radius, excluding that portion which overlies the San Antonio, Tex., transition area.

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

NOTE.—The FAA 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 Fort Worth, Tex., on November 16, 1977.

PAUL J. BAKER,
Director, Southwest Region.

[FR Doc. 77-34033 Filed 11-25-77; 8:45 am]

[1505-01]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 77-SO-43]

RESTRICTED AREAS AND CONTINENTAL
CONTROL AREA

Proposed Restriction

Correction

In FR Doc. 77-32849, appearing at page 58957, in the issue for Monday, November 14, 1977, make the following corrections:

(1) On page 58957, in the third column, in the first full paragraph which begins in that column delete the 9th line and insert in its place: "as continental control area by including".

(2) On page 58958, in the first column, under "e. R-2901E Avon Park, Fla.," in the second line of the boundaries, "Long. 80°25'20"" should be changed to "Long. 81°25'20"".

(3) Also on page 58958, in the first column, under "FR-2901F Avon Park, Fla.," in the fourth line of the boundaries, ". . . Lat. 27°24'25"" should be changed to ". . . Lat. 27°24'45"".

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 101]

PROPOSED CHANGE IN THE FIELD OR-
GANIZATION OF THE CUSTOMS SERVICE

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to change the field organization of the Customs Service by extending the port limits of the Customs port of entry at Bar Harbor, Maine. The proposed change is part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to

provide better service to carriers, importers, and the public.

DATES: Comments must be received on or before December 28, 1977.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CON-
TACT:

Robert Schenarts, Operations Officer, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-8151.

SUPPLEMENTARY INFORMATION: As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, the Customs Service proposes to extend the port limits of the Customs port of entry at Bar Harbor, Maine, in the Portland, Maine, district (Region I) to include the township of Trenton, Maine. As extended, the port limits of Bar Harbor, Maine, will include Mt. Desert Island, the City of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, Winter Harbor, and Trenton, all in the State of Maine.

COMMENTS

Before adopting this proposal, consideration will be given to any written comments that are submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

AUTHORITY

This change is proposed under authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1957 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 14 (42 FR 35239).

DRAFTING INFORMATION

The principal author of this document was Sanford J. Parnes, Regulations and Legal Publications Division of the Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development, both on matters of substance and style.

Dated: November 15, 1977.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc. 77-34130 Filed 11-25-77; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—
Federal Housing Commissioner

[24 CFR Part 200]

[Docket No. R-77-489]

CARPET WITH FOAM RUBBER CARPET
CUSHION (FLOWED-ON)

Revision of an Existing HUD Standard

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

ACTION: Proposed rule.

SUMMARY: This proposed rule, Use of Materials Bulletin No. UM 44c, Addendum 3, modifies and updates a previous HUD carpet standard and inserts it into the HUD Carpet Certification Program. Upon adoption, this will become a part of the HUD Minimum Property Standards.

DATE: Comments must be received by January 12, 1978.

ADDRESSES: Submit all comments in triplicate to: Rule Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CON-
TACT:

Mr. James Kanegis, Materials Acceptance Branch, Architecture and Engineering Division, Department of Housing and Urban Development, Washington, D.C. 20410, telephone: 202-755-5929.

SUPPLEMENTARY INFORMATION: On November 25, 1974, the Department of Housing and Urban Development released its Use of Materials Bulletin No. UM 44c, "HUD/FHA Standard for Carpet and Carpet Certification Program". HUD's notice of intent to publish its Use of Materials Bulletin No. UM 44c was published in the FEDERAL REGISTER October 8, 1974 at 39 FR 36129 and covered both the standard and the certification program. As adopted, the program contains a provision that only carpet products determined to be in compliance with UM 44c and so certified by a program administrator, will be acceptable for HUD programs.

Carpet with attached foam rubber cushion was not covered by UM 44c, since it is a hybrid of carpet and cushion and the cushion requirements were not satisfactorily determined at that time. It has been determined that such a product, for HUD purposes, should not only be classified as carpet but should be an acceptable product covered by UM 44c and be subject to the provisions of the HUD Carpet Certification Program. The standard which is to be replaced had only a single class. Two classes have been incorporated into the present addendum

PROPOSED RULES

to make its treatment, use and installation concepts fully consistent with all other carpet constructions covered in UM 44c.

LIMITATIONS

This standard does not preclude acceptance of carpets with attached cushions other than latex foam. HUD presently has an Addendum 2 to UM 44c which covers carpet products having an attached urethane sponge cushion. Carpets with attached cushions of the Addendum 2 or the proposed Addendum 3 types may not be used in HUD programs unless they fully meet the provisions of these HUD standards. Nonstandard attached cushion products, if proposed to HUD, will be carefully evaluated and, if deemed equal to or superior to those presently covered by the standards, will be classified as acceptable through issuance of a Materials Release to their manufacturer(s).

ADDRESS

Interested parties are invited to submit written comments, suggestions, corrections or additions concerning the standard in triplicate, using the above Docket No. and title. If you propose different minimums or suggest other technical changes it will be more constructive if you furnish your rationale. All information received will be carefully considered prior to preparation of a final UM 44c, Addendum 3. Submit your correspondence to the Rules Docket Clerk, Office of the General Counsel, room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Copies of this correspondence will be available for examination at that address during normal business hours.

While HUD has several administrators of the HUD Carpet Certification Program, it reserves the right to spot check any carpet which has been entered into this program by the manufacturer, such samples to be obtained from any of several possible sites.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of 24 CFR 200.933 have been carefully evaluated in accordance with Executive Order No. 11821, (Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., November 16, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—
Federal Housing Commissioner.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL HOUSING ADMINISTRATION

USE OF MATERIALS, BULLETIN NO. 44C.
ADDENDUM 3

To: Area Office Directors, Insuring Office Directors.

Subject: Carpet With Foam Rubber Carpet Cushion (flowed-on).

Members of the HUD Staff processing cases and inspecting construction shall use this information in determining acceptability of the subject material for the uses indicated.

This bulletin should be filed with Bulletins on Special Methods of Construction and Materials as required by prescribed procedures. Additional copies may be requisitioned by the field offices.

The technical description, requirements and limitations expressed herein do not constitute an endorsement, approval or acceptance by the Federal Housing Administration of the subject matter, and any statement or representation, however made, indicating approval or endorsement by the Federal Housing Administration is unauthorized and false, and will be considered a violation of the United States Criminal Code 18, U.S.C. 709.

Any reproduction of this bulletin must be in its entirety and any use in sales promotion or advertising is not authorized.

Subject to good workmanship, compliance with local codes, and the methods of application listed herein, the materials described in the bulletin may be considered suitable for HUD Mortgage Insurance or Low Rent Public Housing Programs.

The eligibility of a property under these programs is determined on the property as an entity and involves the consideration of underwriting and other factors not indicated herein. Thus, compliance with this bulletin should not be construed as qualifying the property as a whole, or any part thereof, as to its eligibility.

The methods of application for the materials listed herein are to be considered as part of the HUD Minimum Property Stand-

ards and shall remain effective until this bulletin is cancelled or superseded.

Use: For inside wall-to-wall installation in all HUD programs.

SCOPE AND CLASSIFICATION

Scope: UM 44c, HUD/FHA Standard for Carpet, November 25, 1974; UM 44c, Addendum 1, Saxony Carpet, March 12, 1976; and UM 44c, Addendum 2, Carpet with Urethane Sponge Carpet Cushion (Flowed-on), November 30, 1976, are the standards of reference except as herein modified. This addendum covers carpet which meets the above reference standards, and to which is attached a foam rubber carpet cushion meeting the requirements below. The subject carpet must meet the provisions of HUD Carpet Certification Program and is to be sampled, tested, and identified accordingly.

Classification: Class 1 and Class 2 are the same as those classes described in UM 44c.

CONSTRUCTION AND COMPOSITION

Foam rubber carpet cushion shall conform to the attached cushion part of Interim Federal Specification DDD-C-001559 and amendments pertaining to cushion. The amendments in this Bulletin shall apply in case of conflict with DDD-C-001559 or its revisions.

Flowed-on cushion shall be produced by applying a mechanically frothed mixture containing a suitable formulation of natural or synthetic latexes onto the back of the fabric, in carefully measured amounts so that the ultimate thickness and weight can be closely maintained. It shall then be cured in an oven. The final cushion shall have a skin on the floor side when affixed to the carpet.

In the flowing on of the foam rubber to the carpet backing there occur slight differences in weight, thickness and density from area to area. Also, in the process of cutting the foam from the carpet, as outlined in the Test Method, there are variations in results using the same samples due to different cutting and brushing techniques. As no tolerances are permitted allowance must be made in the manufacturing process to ensure compliance with the requirements of this addendum.

Characteristic	Class 1	Class 2	Test method ¹
Weight, minimum, ounce/square yard.....	32	38	Subsection 4.
Thickness, minimum inch.....	3/4	3/4	Subsection 5.
Density, minimum pound/cubic foot.....	17	17	Subsection 6.
Compression set, 50 pct., maximum percent.....	15	15	Subsection 7.
Compression resistance, minimum, pound square inch.....	5	6	Subsection 8.
Delamination strength, minimum, pound foot/inch of width.....	2.0	2.0	Subsection 9.
Accelerated aging.....	Pass	Pass	Subsection 10.
Ash content, maximum percent.....	50	50	Subsection 11.
Flammability.....	Pass	Pass	DOC FF 1-70 ² or latest revision thereof.

¹ Subsections 1, 2, and 3 relate to pretesting provisions. Test methods are described in the appropriate additional subsections following this table. Most are identical to those used in UM 44c, Addendum 2, Urethane Sponge Carpet Cushion (Flowed-on) and are used to simplify carpet testing procedures.

² Administered by the Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207. This bulletin does not serve as a waiver of any provisions bearing on the flammability act as so administered. Carpet is tested face side up.

Subsection 1—Scope. The test methods are intended to define test procedures.

Subsection 2—Sample. A strip of finished carpet with the attached cushion 8" in the length direction shall be taken across the full width of the carpet. This sample is in addition to that needed for the evaluation of carpet properties specified in UM 44c and its addendums.

Subsection 3—Condition. Excluding those used for accelerated aging tests, all samples shall be conditioned from the dry side to equilibrium at 65 percent relative humidity

and 70°F. Minimum conditioning time shall be 24 hours. If other conditions are used, they should be noted and cleared with HUD Headquarters.

Subsection 4—Weight of Foam Backing. Die cut a total of six 4" x 4" square specimens from the carpet, taking two specimens from the center area and two specimens from each side area. The cut shall not be nearer than 6" from the outer edges of the carpet. Die cut the specimens, with the foam side against the cutting die. Weigh each specimen to the nearest 0.01 g.

Using an electric carving knife and supporting guides, separate the foam carpet backing by cutting at the line where the textile components meet the foam component. Cut as closely as possible without damaging the carpet-backing components. Put aside the slabs of foam for future use. Remove the remaining foam from the carpet backing by brushing it with a stiff wire-bristled brush. Weigh each resulting carpet specimen to the nearest 0.01g.

Calculate the weight of the foam for each specimen as the difference between the total weight of the carpet with foam backing and without foam backing. Report the average of the six specimens as the weight of the foam.

Subsection 5—Thickness. Mark the foam cut from each specimen for identification. Using a single determination, measure the total thickness of each specimen to the nearest 0.001". The thickness gauge shall have a circular presser foot with a diameter of 1.129" ± 0.001". The presser foot shall be allowed to exert a pressure of 100 g/sq in. The load shall be applied slowly without impact and the thickness shall be read immediately. The average of six readings shall be reported as the thickness of the foam.

Subsection 6—Density. The specimens measured for thickness shall then be weighed in grams to the nearest 0.01 g. Convert to pounds by multiplying by 0.002205. Redetermine the thickness in inches and obtain the volume in cubic feet by multiplying 4" x 4" x thickness in inches x 0.0005787. Then:

$$\text{Density} = \frac{\text{weight in pounds}}{\text{volume in cubic feet}}$$

Subsection 7—Compression Set. Cut each 4" x 4" foam specimen into four 2" x 2" specimens. Pile up the 2" x 2" specimens, skin side to cut side, until the pile has a total thickness of approximately 1". Prepare two such piles. Using a fixture consisting of two parallel plates that are larger than 2" x 2", place the piled specimens in the fixture. Apply a load of 100 g/sq in and measure the thickness. Call this the original thickness, OT. Compress the specimens to 50 percent of the OT and hold. Place the fixture with its compressed specimens into a previously preheated-to-temperature circulating air oven at 158° ± 2°F. Keep in oven for 22 hours ± ½ hour. Remove from oven, unclamp immediately, and remove the specimens from the fixture. After a 5 ± ½ hour recovery period remeasure the thickness of the piled specimens under a load of 100 g/sq in. Call this the final thickness, FT. Then

$$\text{Compressed set, percent} = \frac{OT - FT}{OT} \times 100$$

Do test on both sets of specimens and report the average. If the piles adhere after the oven treatment do not separate before remeasuring.

Subsection 8—Compression Indentation Resistance. Using 2" x 2" foam specimens that were not used in the compression set test, form piles of piled specimens, skin side to cut side, approximately 1" thick. Place in a compression tester and, with a circular presser foot 1.129" ± 0.001" in diameter measure the thickness of the piled specimens under a load of 100 g/sq in. Then compress the specimens to 75 percent of this measured thickness and immediately determine the load required to compress the specimen this amount. This reading, exclusive of the 100-gram preload, is the compression resistance of the foam. Using a second set of specimens, repeat the test to obtain a second

set of values. Both values shall be averaged and the result reported as the compression resistance.

Subsection 9—Delamination Strength. From the original sample cut a 2" x 6" strip lengthwise of the carpet, one from the center, and one from each side area. Cover the foam side with self-adhering tape. Separate the foam from the carpet for approximately 1-½" at one end of the 2" wide ends. A tensile tester equivalent to that described in FTMS No. 191, Method 5100 shall be used. Set the clamps 1" apart, clamp the loose end of the attached foam in the lower clamp and the loose end of the attached carpet in the upper clamp. The clamps must be as wide as the strips that are being gripped. Start the tester at a speed of 12" per minute and record the five highest readings required to strip the attached foam from the carpet. Omit first peak. Test the three specimens, average the results, and divide by two to determine the load in pounds per inch of width. If the foam tears rather than delaminates, the maximum recorded peak load shall be selected as the average value of that specimen.

Subsection 10—Accelerated Aging. Heat Aging: Do not condition the specimens prior to testing. Place a 2" x 4" specimen of the foam attached to the carpet in a circulating air oven at 275°F for 24 hours. Allow specimen to cool to room temperature. The cushion is to be flexed 180° at a uniform rate, foam side out, over a 1" diameter mandrel, completing the bend within 3 to 5 seconds. Cushion shall remain flexible and serviceable.

Subsection 11—Ash Content. Test shall be made on the foam only according to ASTM D 297 under Muffle Furnace Method.

APPENDIX

As an aid in correlating U.S. customary units to metric units, conversion factors for units in this bulletin follow. They are in accordance with the International System of Units (abbreviated SI).

- 1 inch = 2.54 centimeters.
- 1 ounce = 28.35 grams.
- 1 pound (mass) = 453.59 grams.
- 1 pound (force) = 4.448 newtons.
- 1 square yard = 0.8361 square meter.
- 1 cubic foot = 0.02832 cubic meter.
- 1 pound force per inch = 175.1 newtons per meter.
- 1 pound per square inch (psi) = 6.895 kilopascals.
- 1 gram per square inch = 15.20 pascals.
- 1 ounce per square yard = 33.91 grams per square meter.
- 1 pound per cubic foot = 16.02 kilograms per cubic meter.

$$T_c = (t_f - 32) / 1.8$$

where t_c = temperature in degrees Celsius.
 t_f = temperature in degrees Fahrenheit.

[FR Doc.77-34097 Filed 11-25-77; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 162 and 164]

PESTICIDE PROGRAMS

Intention To Develop Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intention To Develop Regulations.

SUMMARY: The Administrator of EPA has authorized the development of com-

prehensive revisions to the pesticide adjudicatory hearing procedures in 40 CFR Part 164, and complementary revisions to the Rebuttable Presumption Against Registration ("RPAR") process in 40 CFR Part 162. The purpose of these revisions would be (i) to organize the RPAR process, and to provide for fuller disclosure and greater opportunity for public comment during it; (ii) to link the registration procedures closely to the adjudicatory hearing provisions so that the two read together form an integrated mechanism for reaching final decisions regarding pesticide use; and (iii) to greatly reduce the time now required to complete adjudicatory hearings under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATES: Comments are due on or before December 28, 1977.

ADDRESS: Send all comments to: Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street SW.

FOR FURTHER INFORMATION CONTACT:

Either of the two persons listed below:

David E. Menotti, Deputy Associate General Counsel—Pesticides (A-132), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0763.

William F. Pedersen, Jr., Special Assistant to the General Counsel (A-130), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0434.

EPA's goal is to have a detailed Notice of Proposed Rulemaking ready for review under FIFRA Section 25 by the Secretary of Agriculture and the FIFRA Scientific Advisory Panel by February 1978. Therefore, EPA invites comments on the matters discussed in the Summary of this document, and any other relevant comments or suggestions.

This Notice of Intention to Develop Regulations is issued under authority of section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136w.

Dated: November 16, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-34118 Filed 11-25-77; 8:45 am]

[4110-12]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 5b]

PRIVACY ACT

Proposed Exemptions

AGENCY: Health, Education, and Welfare.

ACTION: Proposed rule.

SUMMARY: The Secretary of Health, Education, and Welfare is proposing to exempt two systems of records from certain provisions of the Privacy Act in addition to those previously exempted. Both systems, the "Health Resources Utilization Statistics, HRA/NCHS 0041-01" and the "Personnel Research and Test Validation Records, SSA/MA/HR 0175.02" are proposed to be exempted from the notification, access, correction, and amendment provisions of the Act. For explanations for the reasons for the exceptions see below.

DATES: Comments must be received on or before January 12, 1978.

ADDRESSES: Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

L. David Taylor, Acting Director, Fair Information Practice Staff, Room 526E, South Portal Bldg., 200 Independence Avenue, SW., Washington, D.C. 20201, Area Code, 202-245-7012.

SUPPLEMENTARY INFORMATION: The "Health Resources Utilization Statistics" is a system of records maintained by the National Center for Health Statistics under the authority of the Health Services Research, Health Statistics and Medical Libraries Act of 1974, 42 U.S.C. 242k. It contains records on: (1) the utilization of nursing home facilities, including data on residents, (2) the demographic characteristics and medical problems of persons visiting physicians' offices, (3) medical information, including diagnoses and surgical procedures abstracted from short-stay hospital medical records, and (4) family planning services provided by clinics participating in a nationwide reporting system, including data on the recipients of these services.

Subsection (k) (4) of the Privacy Act authorizes the Secretary to exempt any system of records within the agency from certain provisions of the Act if the system of records is "required by statute to be maintained and used solely as statistical records."

The Health Services Research, Health Statistics and Medical Libraries Act, requires that the "Health Resources Utilization Statistics" system be maintained and used solely for statistical research purposes. It is not used to make determinations about identifiable individuals.

The exemption is proposed for the "Health Resources Utilization Statistics" system to assure the continued cooperation of health care providers, including hospital and nursing home staffs and individual health care practitioners, who supply the records contained in the system. Many of these records are obtained with the understanding that the National Center for Health Statistics will not disclose individually identifiable records supplied by these sources to anyone, including patients or their agents. If this

system of records is not exempted from the notification and access and correction and amendment provisions of the Privacy Act, the continued success of health research activities through the voluntary cooperation of these data sources cannot be guaranteed.

The "Personnel Research and Test Validation Records" is a system of records maintained by the Social Security Administration under the authority of 5 U.S.C. §§ 1303, 3301. The records contained in this system include information pertaining to the education and employment history, interview data, supervisory ratings, responses to test questions, and test scores of certain individual SSA employees. The Secretary proposes an exemption for only those portions of this system that relate to testing and examination materials which meet the criteria stated in subsection (k) (6) of the Privacy Act.

That subsection authorizes the Secretary to exempt systems of records within the agency if the system of records is: "testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process."

Standardized aptitude tests are used by the Social Security Administration as a part of its employee promotion program. The purpose of these tests is to obtain a sampling of work-related behavior in a standardized situation. From this the Social Security Administration can predict the future success of an employee, both in training and on the job.

An essential factor in standardized testing is the time limitations placed on the examinee. Allowing SSA employees who have taken these aptitude tests to review the test questions for an additional period of time would give them an unfair advantage in retaking the test at a later date. This would effectively destroy the standardized nature of the test and testing program itself.

The proposed exemption for the "Personnel Research and Test Validation Records" system will not apply to records not pertaining to the standardized testing process, nor will it apply to job-knowledge tests which measure the attainment of specific knowledge. It would not be inappropriate for an employee who has taken a job-knowledge test to review the test questions along with his answers in order to identify his specific deficiencies.

The exemption is therefore proposed for the Personnel Research and Test Validation Records to insure the objectivity of the SSA testing process as it is used in that agency's employee promotion program.

AUTHORITY: (5 U.S.C. 301, 5 U.S.C. 552a).

It is proposed to amend Part 5b of 45 CFR Subtitle A (40 FR 47409) as follows:

PART 5b—PRIVACY ACT REGULATION

1. By adding paragraphs (b) (2) (iii) (E) and (b) (2) (vi) (A) as follows:

§ 5b.11 Exemptions.

- (b) * * *
- (2) * * *
- (iii) * * *

(E) The Health Resources Utilization Statistics, HRA/NCHS.

(vi) Pursuant to subsection (k) (6) of the Act:

(A) The Personnel Research and Test Validation Records, SSA/MA/HR.

Dated: November 17, 1977.

HALE CHAMPION,
Acting Secretary.

[FR Doc. 77-34088 Filed 11-25-77; 8:45 am]

[4110-02]

[45 CFR Part 173]

COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAM

Proposed Administration Standards

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rule-making.

SUMMARY: Regulations are proposed to implement the Community Service and Continuing Education Program authorized by Title I-A of the Higher Education Act of 1965, as amended by the Education Amendments of 1976, Pub. L. 94-482. These recent amendments revised and expanded the provisions of the program to require that continuing education and resource materials sharing programs be considered in co-equal status with community service programs. The proposed regulations provide necessary standards for the administration of the program.

DATES: Comments are due on or before January 12, 1978.

The public is invited to comment on these proposed regulations. In order to be considered, all comments must be received no later than the 45th day after publication of this Notice of Proposed Rulemaking in the FEDERAL REGISTER, or on the next business day if the 45th day is a Saturday, Sunday, or Federal holiday.

ADDRESSES: Comments should be addressed to the Bureau of Higher and Continuing Education, Community Service and Continuing Education Program, room 3717, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Comments will not be acknowledged individually but they will be available for inspection at the above address between 8:30 a.m. and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Dr. J. Eugene Welden, room 3717, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202. Telephone 202-245-9868.

SUPPLEMENTARY INFORMATION: 1. Background. This program is designed to strengthen the community service and continuing education activities of colleges and universities and to promote community-wide sharing of educational resources. Under the major component of the program, Federal grants go to designated State agencies which in turn solicit, review, and approve institutional project proposals. In order to receive funding the States annually submit program plans to the U.S. Office of Education for approval. In addition, the Commissioner may reserve up to ten percent of the appropriation of the program to make direct grants to institutions of higher education or combinations of these institutions to assist them in carrying out special programs and projects designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution.

The Education Amendments of 1976 made a number of changes in the State program requirements. Section 105 of the Higher Education Act of 1965 was amended to require that the State plan set forth procedures for developing continuing education and resource materials sharing programs as well as community services. Continuing education is defined under the amended section 102 (b) as "postsecondary instruction designed to meet the educational needs and interests of adults, including the expansion of available learning opportunities for adults who are not adequately served by current educational offerings in their communities."

Section 105(a) of the Higher Education Act of 1965 was amended to require that the States provide assurances that all institutions of higher education in the State have been given an opportunity to participate in the development of the State plan.

In addition to the change in State plan requirements, a new section 111 was added to permit the Commissioner to set aside a portion of the Title I-A appropriation (ten percent of any amount exceeding \$14,500,000) to provide technical assistance to the States and to institutions of higher education.

2. Summary of comments and response. The Commissioner published in the *FEDERAL REGISTER*, Vol. 41, No. 230, p. 52410, Monday, November 29, 1976, a Notice of Intent to Issue Regulations implementing the provisions of the Education Amendments of 1976. Comments were invited concerning the development of regulations for the Community Service and Continuing Education Program. Five public conferences were held at various locations between December 13-17, 1976, at which the Office of Education received comments on this and other provisions of the Education Amendments.

Comments. Commenters took the virtually unanimous position that the regulations should not be overly restrictive on the State's authority to administer the program, and that the regulations should not expand upon the statute by

establishing priorities or by limiting the types of continuing education activities that might be offered.

Response. The proposed regulations will allow the States wide discretion in supporting new, expanded, or improved programs of community service and continuing education, including planning for resource materials sharing, and establishing procedures to assure that each institution of higher education will have the opportunity to participate in the development of the State plan.

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

(Catalog of Federal Domestic Assistance Number 13.491, University Community Service; 13.557, University Community Service—Special Projects.)

Dated: September 1, 1977.

JOHN ELLIS,
Acting U.S.
Commissioner of Education.

Approved: November 21, 1977.

HALE CHAMPION,
Acting Secretary of Health,
Education, and Welfare.

Part 173 of Title 45 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General

- Sec. 173.1 Definitions.
- 173.2 General provisions regulations.

Subpart B—State Grant Program

- 173.10 Scope.
- 173.11 Purpose.
- 173.12 State agency.
- 173.13 State plan requirements.
- 173.14 Approval or disapproval of State plans.
- 173.15 Non-compliance.
- 173.16 Judicial review.
- 173.17 Ineligible programs.
- 173.18 Reports.
- 173.19 Allotment and reallocation of funds.
- 173.20 Federal financial participation.
- 173.21 Maintenance of effort.

Subpart C—Special Programs and Projects

- 173.40 Purpose.
- 173.41 Eligible projects.
- 173.42 Priority areas for new awards.
- 173.43 Eligible applicants.
- 173.44 Application requirements.
- 173.45 Evaluation criteria.
- 173.46 Reporting requirements.

AUTHORITY: Sec. 101-114, 79 Stat. 1219 (20 U.S.C. 1001-1011), as amended by sec. 101, Pub. L. 94-482, 90 Stat. 2150, unless otherwise noted.

Subpart A—General

§ 173.1 Definitions.

As used in this part:

(a) "Act" means Title I-A of the Higher Education Act of 1965, as amended.

(b) "Combination of institutions" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or

a public or non-profit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

(20 U.S.C. 1141(j).)

(c) "Community service program" means an educational program, activity, or service, including a research program and a university extension or continuing education offering, which is designed to assist in the solution of community problems in rural, urban, or suburban areas, with particular emphasis on urban and suburban problems, where the institution offering such program, activity, or service determines—

(1) That the proposed program, activity, or service is not otherwise available; and

(2) That the conduct of the program or performance of the activity or service is consistent with the institution's overall educational program and is of such a nature as is appropriate to the effective utilization of the institution's special resources and the competencies of its faculty. Where course offerings are involved, such courses must be university extension or continuing education courses and must be—

(i) Fully acceptable toward an academic degree; or

(ii) Of college level as determined by the institution offering such courses.

(20 U.S.C. 1002(a).)

(d) "Continuing education program" means postsecondary instruction designed to meet the educational needs and interests of adults, including the expansion of available learning opportunities for adults who are not adequately served by current educational offerings in their communities. The instruction may be provided through college level classes, lectures, demonstrations, workshops, seminars, counseling, correspondence, radio and television, newspapers, and other innovative techniques of instruction and study.

(20 U.S.C. 1002(b).)

(e) "Institution of higher education" means an educational institution which meets the requirements of section 1201 (a) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a).)

(f) "Resource materials sharing programs" means planning for the improved use of existing community learning resources by finding ways that combinations of agencies, institutions, and organizations can make better use of existing educational materials, communications technology, local facilities, and human resources to expand learning opportunities for adults in the area being served.

(20 U.S.C. 1002(c); H. (Conf.) Rept. No. 94-1701 at 178 (1976).)

(g) "School or department of divinity" means an institution, or a department

or branch of an institution, whose program of instruction is designed to prepare students to become ministers of religion, or to enter into some other religious vocation (or to provide continuing education for any of those vocations) or to teach theological subjects.

(20 U.S.C. 1141(1).)

(h) "State agency" means the agency or institution designated or created under section 105(a) of the Act.

(20 U.S.C. 1005(a); H. (Conf.) Rept. No. 94-1701 at 178 (1976).)

§ 173.2 General provisions regulations.

Assistance under subpart B is subject to the regulations set forth in this part, and to the general provisions regulations relating to fiscal, administrative, property management, and other matters set forth in 45 CFR Part 100, Part 100b, and Part 100c. Assistance under subpart C is subject to the regulations set forth in this part and to the general provisions regulations in 45 CFR Parts 100 and 100a.

(20 U.S.C. 1001 et seq.)

Subpart B—State Grant Program

§ 173.10 Scope.

The regulations in this subpart apply to the State Grant Program for Community Service and Continuing Education, under Title I-A of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1005.)

§ 173.11 Purpose.

The Commissioner makes allotments to States having an approved State plan to:

(a) Assist in the solution of community problems by strengthening community service programs of colleges and universities;

(b) Support the expansion of continuing education in colleges and universities; and

(c) Plan for resource materials sharing.

(20 U.S.C. 1005.)

§ 173.12 State agency.

(a) To receive its allotment under this subpart, a State must designate or create a State agency to develop, submit, and administer or supervise the administration of, a State plan.

(b) The State agency must:

(1) Have special qualifications for solving community problems;

(2) Be broadly representative of public and private institutions of higher education in the State which are competent to offer community service and continuing education programs, including resource materials sharing programs.

(c) The State may designate an existing State agency which does not meet the requirements of paragraph (b) of this section if:

(1) The State agency takes whatever action is necessary to acquire such qualifications and assure the participation of such institutions; or

(2) The State designates or creates a State advisory council which meets the requirements not met by the State agency to consult with the State agency in the preparation of the State plan.

(20 U.S.C. 1005(a).)

§ 173.13 State plan requirements.

(a) To receive an allotment under this subpart, a State must submit a general State plan and annual program amendments to the State plan to the Commissioner for approval.

(b) The approved general State plan and annual program amendments constitute the basis for participation by the State under this subpart.

(20 U.S.C. 1005(a); 1232c.)

(c) The general State plan must:

(1) Contain the name and address of the State agency and provide that the agency so designated or created shall be the sole agency for the administration of the plan or for the supervision of the administration of the plan;

(2) Provide that the State agency shall consult with any State advisory council designed under § 173.12(c) (2) in the preparation of the State plan and concerning policy matters arising in the administration of the State plan;

(3) Provide assurances that all institutions of higher education in the State have been given the opportunity to participate in the development of the State plan;

(4) Set forth policies and procedures designed to assure that Federal funds made available under this part will not supplant State or local funds or funds of institutions of higher education but will supplement and, to the extent practicable, increase the amounts of those funds that would in the absence of Federal funds, be made available for community service and continuing education programs including resource materials sharing;

(5) Set forth fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of an accounting for Federal funds paid to the State under this part, including funds paid by the State to institutions of higher education and combinations of institutions;

(6) Set forth policies and procedures to be used by the State agency in the development of a comprehensive, coordinated, and statewide system of community service and continuing education, including resource materials sharing; specifically for:

(i) Selecting community problems;

(ii) Determining the need for the expansion of continuing education opportunities; and

(iii) Assessing the potential for resource materials sharing.

(7) Set forth one or more proposals for community service and continuing education programs, including resource materials sharing programs, in lieu of a comprehensive coordinated statewide system of programs if the State agency determines that such a system cannot

be effectively carried out due to insufficient funds; and

(8) Set forth policies and procedures to be followed in allocating Federal funds to institutions of higher education and combinations of institutions to insure that due consideration will be given to:

(i) The relative capacity and willingness of particular institutions of higher education or combinations of institutions (whether public or private) to provide effective community service and continuing education programs, including resource materials sharing programs;

(ii) The availability of and need for community service and continuing education programs, including resource materials sharing programs, within the State; and

(iii) The results of periodic evaluations of the programs carried out under this part.

(20 U.S.C. 1005(a).)

(d) The annual program amendment to the State plan must:

(1) Be prepared and administered in a manner consistent with the general State plan requirements;

(2) Set forth a statement describing the purposes for which Federal funds will be expended during the fiscal year, which includes a description of:

(i) Community problems to be addressed;

(ii) Planned support for the expansion of continuing education; and

(iii) Projected activities in resource materials sharing.

(3) Comply in all other respects with the requirements under this part.

(20 U.S.C. 1232c.)

(e) The general State plan must be amended whenever there is any change:

(1) In the designation of the State agency or in the content or administration of the State plan; or

(2) In a pertinent State law.

(20 U.S.C. 1005; 1232c(b) (1).)

§ 173.14 Approval or disapproval of State plans.

(a) The Commissioner approves any general State plan and annual program amendment which meet the requirements set forth in § 173.13.

(b) Before finally disapproving any State plan or annual program amendment, the Commissioner gives reasonable notice and opportunity for a hearing to the State agency submitting the plan or amendment.

(20 U.S.C. 1005(b); 1007(a).)

§ 173.15 Non-compliance.

The Commissioner notifies the State agency that the State will not be regarded as eligible to participate in the program whenever, after giving reasonable notice and opportunity for a hearing to the State agency administering the State plan, the Commissioner finds that:

(a) The State plan has been so changed that it no longer complies with the provisions of section 105(a) of the Act; or

(b) In the administration of the plan there is failure to comply substantially with any of the provisions of the Act or of this subpart.

(20 U.S.C. 1007(b).)

§ 173.16 Judicial review.

If the Commissioner does not approve a State plan or an annual program amendment, or if the Commissioner suspends a State's eligibility to participate in the program under § 173.15, the State may initiate judicial review under section 109 of the Act.

(20 U.S.C. 1008.)

§ 173.17 Ineligible programs.

No payment may be made from a State's allotment under section 103 of the Act for any educational program, activity, or service related to sectarian instruction or religious worship, or which is provided by a school or department of divinity.

(20 U.S.C. 1011.)

§ 173.18 Reports.

The State must prepare and submit to the Commissioner, within 90 days after the end of a fiscal year, a final financial status report and a final performance report. The submission of these (two) reports satisfies the requirements set forth in 45 CFR Part 100b (Subpart P and Subpart Q respectively).

(20 U.S.C. 1005(a)(5).)

§ 173.19 Allotment and reallocation of funds.

(a) From the sums appropriated under the Act for a fiscal year, which are not reserved for section 106 and section 111, the Commissioner makes allotments to States with approved plans in accordance with section 103(a) of the Act.

(b) Reallocation to the States may be made in accordance with section 103(b) of the Act.

(20 U.S.C. 1003.)

§ 173.20 Federal financial participation.

(a) The Commissioner provides to each State an amount from its allotment that is equal to 66 2/3 percent of the costs of developing and carrying out its State plan as amended for that fiscal year.

(b) In determining the costs of developing and carrying out its State plan, the State shall exclude any costs with respect to which the State received payments under any other Federal program.

(c) The State receives no payment for developing and administering the State plan in any fiscal year which exceeds 5 percent of the costs for that year or \$40,000, whichever is the greater.

(20 U.S.C. 1006(a).)

§ 173.21 Maintenance of effort.

(a) In order to receive payments under this part, a State agency must certify to the Commissioner that:

(1) All institutions participating under the State plan for that year will together have available for expenditure from non-Federal sources for college and university

extension and continuing education programs:

(i) Not less than the total amount actually expended by those institutions from non-Federal sources for these programs during fiscal year 1965;

(ii) Plus an amount not less than the non-Federal share of the costs of the programs, services, or activities for which Federal financial assistance is requested under § 173.20(a); and

(2) The State agency has obtained and will retain and provide the Commissioner upon request all information, including expenditure records, necessary to support the accuracy of the certification.

(b) The State agency submits this certification each year after it has determined which institutions of higher education are to participate under the State plan.

(20 U.S.C. 1006(b).)

Subpart C—Special Programs and Projects

§ 173.40 Purpose.

The regulations in this subpart apply to awards made by the Commissioner for special programs and projects of community service and continuing education, including resource materials sharing, designed to seek solutions to national or regional problems relating to technological and social changes, and environmental pollution.

(20 U.S.C. 1005a(b)(1).)

§ 173.41 Eligible projects.

The Commissioner provides financial support for special projects for programs of community service and continuing education, including resource materials sharing which are:

(a) Demonstrations of, or experiments with, educational strategies which would be of assistance in the solution of national or regional problems, and evaluations of methods, systems, and materials for community service and continuing education programs, including resource materials sharing.

(b) Responsive to one of the priority areas set forth in § 173.42.

(20 U.S.C. 1005a(b)(1).)

§ 173.42 Priority areas for new awards.

(a) Priority areas for new awards under this subpart are:

(1) Experimentation with inter-State programs of continuing education directed to the problems of regional or national energy conservation, transportation, and/or environmental pollution;

(2) Demonstration of State or local government cooperation with institutions of higher education in developing, operating, and evaluating innovative educational solutions to the national problem of citizen alienation from governmental processes;

(3) Demonstration of effective regional programs of continuing education which link higher education, labor, and management in solving problems of job security, productivity, and the quality of working life; and

(4) National and regional evaluations of multi-institutional programs of continuing education for adults that are directed to the problems of employment, career mobility, and/or job reentry.

(b) In addressing any of these priorities, the application may give attention to the special needs of particular groups such as women or older adults.

(20 U.S.C. 1005a.)

§ 173.43 Eligible applicants.

Eligible applicants are institutions of higher education and combinations of institutions of higher education.

(20 U.S.C. 1005a(b)(1).)

§ 173.44 Application requirements.

Application must set forth:

(a) The amount of the total project cost;

(b) The applicant's share of the total project cost, which may not be less than 10 percent; and

(c) An assurance that the designated State agency that administers the State Grant Program under Title I-A has had an opportunity to comment on the proposed application.

(20 U.S.C. 1005a(b); S. Rept. No. 92-346 at 10 (1971).)

§ 173.45 Evaluation criteria.

The Commissioner reviews applications in accordance with the following criteria, weighted according to the indicated points (maximum score of 180 points). These criteria replace the general criteria for direct project grant and contract projects contained in 45 CFR 100a.26(b):

(a) Whether the proposed activity complements and does not duplicate current demonstrations or programs of experimentation in the field of community service and continuing education, including resource materials sharing, (10 points);

(b) The extent to which the proposed activity is responsive to one of the priorities in § 173.42 (20 points);

(c) The adequacy of the qualification and experience of the personnel designated to carry out the proposed project (10 points);

(d) The adequacy of the facilities and other resources for carrying out the proposed project (10 points);

(e) The potential replicability or adaptability of the project by other institutions of higher education (20 points);

(f) The reasonableness of estimated cost in relation to anticipated results (10 points);

(g) The sufficiency of size, scope, and duration of the project so as to secure productive results (10 points);

(h) The soundness of the proposed plan of operation, including the extent to which:

(1) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and the results once attained, are capable of being measured (15 points);

(2) Provision is made for adequate evaluation of the effectiveness of the project (20 points);

(3) Where appropriate, provision is made for satisfactory in-service training connected with project services (5 points); and

(4) Provision is made for disseminating the results of the project and for making materials, techniques, and other products available to the general public and specifically to those concerned with the area of education with which the project is itself concerned (20 points);

(i) The degree to which the project proposes to employ, or will result in the development of, new approaches, methods, and materials of value in increasing the effectiveness of community service and continuing education programs, including resource materials sharing programs (20 points); and

(j) The extent to which the project is coordinated with related Federal, State, or institutional programs in order to promote a comprehensive approach to the solution of national and regional problems of technological and social change, and environmental pollution (10 points).

(20 U.S.C. 1005a; H (Conf.) Rept. No. 94-1701 at 178 (1976); S. Rept. No. 92-346 at 10 (1971).)

§ 173.46 Reporting requirements.

(a) Institutions of higher education (including combinations of institutions) receiving grants and contracts under this Subpart shall submit semi-annual reports containing the information required by 45 CFR 100a.432.

(b) Not more than 90 days after the end of the grant or contract period, the recipient of an award under this Subpart shall submit thirty (30) copies of a final report and an accompanying abstract which satisfies the requirements of 45 CFR Part 100a, Subpart Q. The final report must include:

(1) A narrative case history of the project, including a detailed comparison of the actual accomplishments of the project relative to the objectives set forth in the application;

(2) One copy of all instructional, informational, and evaluation materials produced under the award;

(3) Recommendations for use of methods, materials, and educational strategies developed through the award to assist in the further improvement of community service and continuing education programs, including resource materials sharing; and

(4) The independent evaluation conducted under the terms of the award document.

(c) At the same time, the recipient shall submit a final financial report in accordance with 45 CFR Part 100a, Subpart P.

(20 U.S.C. 1005a.)

[FR Doc. 77-34099 Filed 11-25-77; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20901; RM-2625]

FM BROADCAST STATION IN BREWER, MAINE

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order and Further Notice of Proposed Rule Making.

SUMMARY: This action denies reconsideration of a previous refusal to assign a Class B channel to Brewer, Maine. The arguments urging an exception to our policy to assign Class B channels only to larger communities were inadequate. Instead, a Class A channel is proposed for assignment as a first FM station at Brewer.

DATES: Comments are to be filed on or before January 3, 1978, and reply comments on or before January 23, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

MEMORANDUM OPINION AND ORDER AND FURTHER NOTICE OF PROPOSED RULE MAKING—PROCEEDING REOPENED

Adopted: November 17, 1977.

Released: November 22, 1977.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Brewer, Maine), Docket No. 20901, RM-2625.

1. The Commission has before it a Petition for Reconsideration,¹ submitted by Bangor Broadcasting Company ("BBC"), of the *Report and Order*, adopted May 20, 1977, 42 FR 27971, denying BBC's proposal to assign Channel 284 to Brewer, Maine. Oppositions to the petition for reconsideration were filed by Community Broadcasting Service ("Community"), licensee of AM Station WABI and FM Station WBGW, Bangor, and by Penobscot Broadcasting Corporation ("Penobscot"), permittee of Station WPBC-FM, Bangor, Maine. Petitioner, BBC, licensee of AM Station WGUY, Bangor, filed a reply.

2. The *Report and Order* refused to assign a Class B channel to Brewer, a community of 9,300 persons,² located approximately 8 kilometers (5 miles)

¹ Public Notice of the filing of this pleading was given July 5, 1977.

² All population data are taken from the 1970 U.S. Census.

southeast of Bangor (pop. 33,168), since it was in conflict with our policy to assign a Class A channel to a community of this size.³ Also, Brewer's proximity to Bangor⁴ weighed against granting an exception.⁵ The *Report and Order* also indicated that information submitted regarding alleged first and second FM service could not be relied upon because it did not take into account the service which would be provided as a result of a proposal to change the transmitter site of Station WDEA-FM, Ellsworth, Maine. Nonetheless, it was noted that consideration could be given to the assignment of a Class A channel to Brewer should a new petition to that effect be forthcoming, since a Class A assignment did not appear to present the same concerns.

3. Petitioner has argued in response to the *Report and Order*, that the requested information regarding a proposed change in transmitter site for Station WDEA-FM should not be considered in evaluating the first or second FM service showings in this region since it believes Commission policy would bar such a move. Also, petitioner argued that Brewer's distinctiveness and separateness as a community from Bangor, as well as its compelling need for a local station justified the Class B assignment. Alternatively, if the Commission does not find reconsideration appropriate, it requests that Channel 265A be assigned to Brewer to satisfy its broadcast needs. An appropriate technical showing was submitted to demonstrate the feasibility of this alternative assignment.

4. Both opponents argue no new facts have been submitted to persuade the Commission to reverse its earlier decision. Community does not oppose the Class A assignment proposal, but Penobscot argues that such an assignment is not warranted since serious *Berwick* questions remain and the impact of the Ellsworth station's move on first and second FM service is not discussed. Also, Penobscot urges that we require BBC to file a new petition for a

³ Class B channels are intended for assignment to larger communities—see *Revision of FM Broadcast Rules*, 40 F.C.C. 747, 758 (1963).

⁴ It also gave rise to a concern that under the circumstances the proposal might be designed to serve Bangor rather than Brewer. Citing *Berwick Broadcasting Corp.*, 12 F.C.C. 2d 8 (1968), and *P.A.L. Broadcasting Company*, 40 F.C.C. 2d 546 (1973). Earlier Bangor was denied a third FM channel assignment. *Bangor, Maine*, 55 F.C.C. 2d 282 (1975). See also *Bangor, Maine*, 29 F.C.C. 2d 476 (1971).

⁵ As indicated in the *Report and Order*, exceptions have been made when the requested assignment would result in a large first or second FM service (citing *Lyons, Kansas*, 42 F.C.C. 2d 215, 216 (1973), and *Lexington, Mo.*, 53 F.C.C. 2d 893 (1975)) or when a large rural area would be served (citing *Clinton, Okla.*, 7 F.C.C. 2d 836, 839 (1967); *Saratoga, Wyo.*, 37 R.R. 2d 813 (1976)).

Class A assignment as it says was contemplated by the Commission's *Report and Order* in this proceeding.

5. First, we cannot find a basis for an exception to our policy to assign Class B channels only to larger communities. While BBC alleges the existence of some first and second FM service,⁶ it has failed to consider the impact on this service by the move of the Ellsworth FM station. This point had been raised in the *Notice* and petitioner was asked to indicate the effect of the move in transmitter site by Station WDEA-FM. This petitioner did not do it. Instead it argued that the application would not be granted. That application now has been granted and thus without the data taking this fact into account, we do not have the basis for an exception to our policy to assign Class A channels to small communities. Furthermore, the concern previously stated in the *Report and Order*, that this proposal is designed to provide primary service to Bangor rather than Brewer, has not been adequately refuted by petitioner. Therefore, we shall deny reconsideration.

6. The request to assign a Class A channel at Brewer may nevertheless be pursued. Petitioner's pleading can be treated as a new petition since all necessary technical information is included. To insist on the filing of a new petition as Penobscot urges us to do, is neither necessary nor appropriate. The petition indicates that some 87,950 persons in an area of approximately 541 square kilometers (210 square miles) would receive service. Although significant preclusion would occur on the co-channel affecting 8 communities with populations greater than 2,500, petitioner shows that other channels are available for assignment at these communities.

7. We believe that the proposal to assign a Class A channel to Brewer should be pursued. We do not believe that a Class A channel at Brewer would give rise to a *Berwick* issue simply because it would mean that some 1 mV/m signal would be provided to Bangor. In fact, a Class A assignment appears particularly appropriate when the small town is near the larger city. Relevant demographic data were set forth in the previous *Notice* and need not be repeated here. Although no first or second FM service would be offered, a first local FM station would help to satisfy Brewer's broadcast needs, and its assignment will be proposed. It should be noted that this proposal is contingent upon the Commission's obtaining approval of the Canadian Government.

8. Accordingly, it is proposed to amend the FM Table of Assignments (§ 73.202 (b) of the Commission's rules) for the community listed below, as follows:

⁶ Petitioner alleges that a first FM service would be provided to 195 persons in an area of 980 square kilometers (378 square miles) and a second FM service to 2,630 persons in an area of 945 square kilometers (365 square miles). This showing presumes the use of a transmitter site within Brewer, according to a previous engineering statement.

City	Channel No.	
	Present	Proposed
Brewer, Me.		265A

9. Interested parties may file comments on or before January 3, 1978 and reply comments on or before January 23, 1978.

10. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures and filing requirements are contained below and are incorporated by reference herein.

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

11. It is ordered, That the petition for reconsideration submitted by Bangor Broadcasting Company is denied.

12. It is further ordered, That this proceeding is reopened to the extent specified.

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

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. 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) *Cut-off 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 rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the

Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rulemaking. 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.77-34133 Filed 11-25-77;8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

MEXICAN DUCK

Status Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Review of status of the Mexican duck.

SUMMARY: Notice is hereby given that the Service has evidence on hand to warrant a review of the status of the Mexican duck (*Anas diazi*) to determine whether the bird should be proposed for reclassification from Endangered to Threatened, or removed from the list entirely, and, if retained on the list, what population (U.S. and/or Mexican) of this duck should be included in any listing under Section 4 of the Endangered Species Act of 1973.

DATES: Information regarding the status of the Mexican duck should be submitted on or before February 1, 1978.

ADDRESSES: Comments on this notice of review should be submitted to the Director (FWS/OES), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Department is seeking the comments from the Governors of Arizona, New Mexico, and Texas, and of the Government of Mexico. All other interested parties are hereby invited to submit any factual information which is pertinent to this review.

The Mexican duck was originally listed under the 1966 Endangered Species Preservation Act because of alleged losses of its preferred riparian marsh habitat in Southwestern United States and the apparent hybridization with the mallard (*Anas platyrhynchos*). Estimates at that time indicated that perhaps 20-40 percent of the Mexican-like ducks in the United States were possible hybrids.

An October 1977 publication of the New Mexico Department of Game and Fish reports the results of a two-year study into the hybridization of the Mexican duck and mallard. Through a well reorganized procedure for scoring phenotypes in a zone of hybridization, the author, Dr. John P. Hubbard, now concludes that 89.6 percent of all "Mexican-

like" ducks preserved as museum specimens from the U.S. are phenotypically hybrids between the mallard and the Mexican duck. The hybrid cline extends from the Colorado-New Mexico line (nearly pure mallards) to southern Durango, Mexico (nearly pure Mexican ducks). The hybridization of these two ducks is so extensive that it is now the opinion of Dr. Hubbard and several other noted ornithologists that the mallard and Mexican duck are not reproductively isolated and the latter should now be classified as a subspecies of the former (hence *Anas platyrhynchos diazi*). The first U.S. specimen (1893, El Paso) identified as a "Mexican duck" now has been determined by Hubbard to be a hybrid. As in any hybrid swarm, a few (10.4 percent apparently "pure" Mexican ducks are present in the U.S. sample of specimens. However, phenotypically pure Mexican ducks could still mate with other phenotypically pure Mexican ducks and produce obvious hybrid offspring.

This and other studies and surveys available to the U.S. Fish and Wildlife Service indicate that there is a minimum breeding population of approximately 15-20,000 genotypically pure Mexican ducks present in the main range of this duck (central highlands of Mexico). The Service is unaware of the presence of any significant threats to this latter population of ducks, other than its use as a minor food source by local residents.

The Service has available a limited number of copies of the publication of the New Mexico Department of Game and Fish. Interested parties who intend to comment on this notice of review may request a copy through the Service's Office of Endangered Species, Washington, D.C. 20240, 202-343-7814.

The primary author of this notice of review is Jay M. Sheppard, Office of Endangered Species.

Dated: November 22, 1977.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.
[FR Doc.77-34123 Filed 11-25-77; 8:45 am]

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Done at Washington, D.C., this 18th day of November 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 77-34048 Filed 11-25-77; 8:45 am]

[3410-07]

[Notice of Designation Number A522]

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Comanche County, Okla., as a result of excessive rainfall (8 to 14 inches) August 27 and 28, 1977, with resultant flooding.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor David L. Boren that such designation be made.

Applications for emergency loans must be received by this Department no later than May 3, 1978, for physical losses and November 7, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule-making and invite public participation.

Done at Washington, D.C., this 17th day of November 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 77-34049 Filed 11-25-77; 8:45 am]

[3410-16]

Soil Conservation Service

CANTER'S CAVE 4-H CAMP RC&D MEASURE, OHIO

Intent to Not Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Canter's Cave 4-H Camp RC&D Measure, Jackson County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

This measure concerns a plan for land drainage and flood prevention. The planned works of improvement will include installing approximately 2400 feet of subsurface drainage, 300 feet of diversion, 1 structure for water control and 2 acres of critical area planting. Critical area planting will be applied to all areas disturbed during construction.

The notice of intent to not prepare an environmental impact statement has been forwarded to Council on Environmental Quality.

The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Federal Building, Room 522, 200 North High Street, Columbus, Ohio 43215. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until December 28, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590 a-f, g).)

Dated: November 18, 1977.

JOHN H. MINER,
Chief, Resource Conservation
and Development Branch, Soil
Conservation Service.

[FR Doc. 77-34050 Filed 11-25-77; 8:45 am]

[3410-16]

MAHNOMEN COUNTY ROADSIDE CRITICAL AREA TREATMENT RC&D MEASURE

Intent to Not Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mahnomens County Roadside Critical Area Treatment RC&D Measure, Mahnomens County, Minn.

The environmental assessment of this federally assisted action indicates that the measure will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Harry M. Major, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for reducing erosion adjacent to county roads and County ditch 55. The planned works of improvement include: Grade stabilization structures, side inlet pipes, streambank protection and critical area plantings.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Council on Environmental Quality. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Darco Building, East Monroe Avenue, Mahanomen, Minn. 56557. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until December 28, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590 a-f, g).)

Dated: November 18, 1977.

JOHN H. MINER,
Chief, Resource Conservation
and Development Branch, Soil
Conservation Service.

[FR Doc. 77-34052 Filed 11-25-77; 8:45 am]

[3410-16]

MASON TOWNSHIP RC&D MEASURE, OHIO

Intent to Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mason Township School RC&D Measure, Lawrence County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, has

determined that the preparation and review of an environmental impact statement is not needed for this project.

This measure concerns a plan for critical area treatment. The planned works of improvement will include topsoiling an area approximately 8 acres to a depth of 12", installing approximately 550 feet of waterway and one structure for water control to safely convey surface water from the site. Critical area planting will be applied to the topsoiled area and any other area disturbed during construction.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Council on Environmental Quality. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Federal Building, Room 522, 200 North High Street, Columbus, Ohio 43215. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests. No administrative action on implementation of the proposal will be taken until December 28, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703 (16 U.S.C. 590 a-f, g).)

Dated: November 18, 1977.

JOHN H. MINER,
Chief, Resource Conservation
and Development Branch, Soil
Conservation Service.

[FR Doc. 77-34053 Filed 11-25-77; 8:45 am]

[3410-16]

MIAMI-ERIE CANAL RC&D MEASURE, OHIO

Intent To Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality guidelines (40 CFR Part 1500); and the Soil Conservation Service guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Miami-Erie Canal RC&D Measure, Defiance and Henry Counties, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, has determined that the preparation and

review of an environmental impact statement is not needed for this project.

This measure concerns a plan for public water based recreation. The planned works of improvement will include increasing the size of the inlet from the Maumee River into the canal and removing silt bars and woody debris from approximately 6.4 miles of the canal.

This notice of intent to not prepare an environmental impact statement has been forwarded to Council on Environmental Quality. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Federal Building, Room 522, 200 North High Street, Columbus, Ohio 43215. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until December 28, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703 (16 U.S.C. 590a-f, g).)

Dated: November 18, 1977.

JOHN H. MINER,
Chief, Resource Conservation
and Development Branch, Soil
Conservation Service.

[FR Doc. 77-34054 Filed 11-25-77; 8:45 am]

[3410-16]

ROBE ANN PARK LAND DRAINAGE RC&D MEASURE

Intent To Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality guidelines (40 CFR Part 1500); and the Soil Conservation Service guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Robe Ann Park Land Drainage RC&D Measure, Putnam County, Ind.

The environmental assessment of the Federally assisted action indicates that the project will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The measure concerns a plan for land drainage. The planned works of

improvement include 1,500 feet of sub-surface drains and 1 acre of critical area planting.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Council on Environmental Quality. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Moore Building, U.S. 231 North, Greencastle, Ind. 46135. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until December 28, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703 (16 U.S.C. 590 a-f, g).)

Dated: November 18, 1977.

JOHN H. MINER,
Chief, Resource Conservation
and Development Branch, Soil
Conservation Service.

[FR Doc. 77-34055 Filed 11-25-77; 8:45 am]

[3410-16]

ROUTE 33 LOGAN COUNTY RC&D MEASURE, OHIO

Intent To Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality guidelines (40 CFR Part 1500); and the Soil Conservation Service guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Logan County Route 33 RC&D Measure, Logan County, Ohio.

The environmental impact assessment of this federally assisted action indicates that the project will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

This measure concerns a plan for critical area treatment. The planned works of improvement involve seeding approximately 45 acres of critically eroding roadbanks to grasses and legumes. No earthmoving will be done and very limited seedbed preparation will be used. There will be no change in land use.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Council on Environmental Quality. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Federal Building, Room 522, 200 North High Street, Columbus, Ohio 43215. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until December 28, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703 (16 U.S.C. 590 a-f, g).)

Dated: November 18, 1977.

JOHN H. MINER,
Chief, Resource Conservation
and Development Branch, Soil
Conservation Service.

[FR Doc. 77-34051 Filed 11-25-77; 8:45 am]

[3410-16]

SCIOTO COUNTY FAIRGROUNDS RC&D MEASURE, OHIO

Intent To Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality guidelines (40 CFR Part 1500); and the Soil Conservation Service guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Scioto County Fairgrounds RC&D Measure, Scioto County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

This measure concerns a plan for land drainage. The planned works of improvement will be the installation of approximately 9,100 feet of subsurface drainage and approximately 4 acres of critical area planting.

The notice of intent to not prepare an environmental impact statement has been forwarded to Council on Environmental Quality. The basic data developed during the environmental assessment is on file and may be re-

viewed by interested parties at the Soil Conservation Service, Federal Building, room 522, 200 North High Street, Columbus, Ohio 43215. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until December 23, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703 (16 U.S.C. 590 a-f, g).)

Dated: November 18, 1977.

JOHN H. MINER,
Chief, Resource Conservation
and Development Branch, Soil
Conservation Service.

[FR Doc. 77-34056 Filed 11-25-77; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

NEW SCHEDULE B, STATISTICAL CLASSIFICATION OF DOMESTIC AND FOREIGN COMMODITIES EXPORTED FROM THE UNITED STATES

This notice is to advise the public of the complete revision of Schedule B, "Statistical Classification of Domestic and Foreign Commodities Exported from the United States," effective January 1, 1978; and that, effective with all shipments leaving the United States on or after January 1, 1978, exporters will be required to accurately describe and report their commodities for export in terms of the 7-digit numbers and classes shown in the new Schedule B (1978 Edition).

The revision of Schedule B was undertaken pursuant to 15 CFR Part 30, as a step towards achieving comparability in the United States import, export, and production data as mandated by section 608 of the Trade Act of 1974. The 1978 Edition of Schedule B is structured on the Tariff Schedules of the United States Annotated (TSUSA); however, the TSUSA and the new Schedule B are separate and distinct classification schedules and may not be used interchangeably. Schedule B is for use in reporting export shipments only.

The new Schedule B, which will supersede the present Schedule B as of January 1, 1978, is divided into eight schedules as follows:

- (1) Animal and Vegetable Products.
- (2) Wood and Paper; Printed Matter.
- (3) Textile Fibers and Textile Products.
- (4) Chemicals and Related Products.
- (5) Nonmetallic Minerals and Products.
- (6) Mineral and Metal Products; Machinery and Transportation Equipment.

(7) Specified Products; Miscellaneous and Nonenumerated Products.

(8) Special Classification Provisions.

Various commodity groupings were prepared, each as a so-called "Commodity Reference" (CR), and sent to government agencies, exporters, freight forwarders, trade associations, and other members of private industry for comment. Notices of the availability of these Commodity References were announced in the following FEDERAL REGISTERS:

- 41 FR 48422 dated November 3, 1976.
- 41 FR 51476 dated November 22, 1976.
- 41 FR 53145 dated December 3, 1976.
- 42 FR 2727 dated January 13, 1977.
- 42 FR 5431 dated January 28, 1977.
- 42 FR 8724 dated February 11, 1977.
- 42 FR 11287 dated February 28, 1977.
- 42 FR 12932 dated March 7, 1977.
- 42 FR 15977 dated March 24, 1977.
- 42 FR 19932 dated April 15, 1977.
- 42 FR 37074 dated July 19, 1977.

The comments received on the various CR's played a large part in the final adoption of the new classifications. In addition, public meetings were held in various cities throughout the United States and Puerto Rico, where representatives of the Bureau of the Census publicized and explained the 1978 edition of Schedule B and the reasons for its adoption.

Copies of the new Schedule B are now available and may be purchased from the Government Printing Office for \$13 per copy. This price includes the basic subscription in addition to future supplements for an indefinite period of time.

Dated: November 22, 1977.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 77-34069 Filed 11-25-77; 8:45 am]

[3510-25]

Foreign-Trade Zones Board

[Docket No. 13-77]

EASTERN DISTRIBUTION CENTER, INC.

Application To Establish Temporary Foreign-Trade Zone Site Within the Wilkes-Barre/Scranton Customs Port of Entry

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Eastern Distribution Center, Inc. (Eastern), a non-profit Pennsylvania economic development corporation and grantee of Foreign-Trade Zone No. 24, requesting authority for a temporary foreign-trade zone site in Luzerne County within the Wilkes-Barre/Scranton Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regu-

lations of the Board (15 CFR Part 400). It was formally filed on November 22, 1977. Eastern is authorized to apply for foreign-trade zone sites under Pennsylvania law (Act No. 126, approved June 10, 1935, Pub. L. 291).

Foreign-Trade Zone No. 24, authorized in October 1976, is located within a 265 acre industrial park, the International Trade Center of Pennsylvania, operated by Eastern as part of the northeastern Pennsylvania region's economic development efforts. Recently, RCA Corp. signed an agreement with Eastern to locate its Worldwide Distribution Center for the Solid State Division within the zone. A building is being constructed to accommodate this operation, completion being expected in mid-1978. So that RCA can start operating under zone procedures as soon as possible, Eastern has requested authority to establish a temporary foreign-trade zone for a period of one year in an existing warehouse facility approximately 9 miles from the permanent zone. The warehouse in which the temporary site would be located is on a 45 acre tract on South Main Street, Wilkes-Barre, Pa., within two miles of Interstate Highway I-81. It is owned and operated by Preferred Development Corp., d.b.a. Biscontin Warehouse.

In accordance with the Board's regulations, an Examiners Committee has been appointed to review the application and report thereon to the Board. The committee consists of Mr. Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; John Noon, Director, Inspection and Control Division, U.S. Customs Service, Region III, 40 South Gay Street, Baltimore, Md. 21202; and Colonel George K. Withers, Jr., District Engineer, U.S. Army Engineer District Baltimore, P.O. Box 1715, Baltimore, Md. 21203.

Copies of the Eastern Distribution Center's application are available for inspection at:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets NW., Room 6886-B, Washington, D.C. 20230.

Comments concerning the proposed temporary site are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the above address and can be postmarked on or before December 16, 1977.

Dated: November 22, 1977.

JOHN J. DA PONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc. 77-34120 Filed 11-25-77; 8:45 am]

[3510-12]

National Oceanic and Atmospheric
Administration

CALIFORNIA COASTAL MANAGEMENT PROGRAM

Approval

Notice is hereby given that, pursuant to the authority contained in section 306(a) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.), the Acting Associate Administrator for Coastal Zone Management (on behalf of the Secretary of Commerce) has approved the California Coastal Management Program (Program) and awarded a grant to the California Coastal Commission to assist the State in the administration of its Program. Approval was granted on November 7, 1977.

A copy of the written findings made by the Associate Administrator in determining that the Program met the requirements of the Coastal Zone Management Act may be obtained from the Office of Coastal Zone Management, 3300 Whitehaven St. NW., Washington, D.C. 20235.

The applicability of the Federal consistency provisions of the Coastal Zone Management Act to the California Program has been temporarily stayed pending the final decision of the Federal District Court for the Central District of California in a lawsuit related to the Program. A second notice will be placed in the Federal Register at the time the Court's injunction is lifted.

Effective date: November 7, 1977.

R. L. CARNAHAN,
Deputy Assistant Administrator
for Administration.

[FR Doc. 77-34057 Filed 11-25-77; 8:45 am]

OREGON COASTAL MANAGEMENT PROGRAM

Approval

Notice is hereby given that, pursuant to the authority contained in section 306(a) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.), the Acting Associate Administrator for Coastal Zone Management (on behalf of the Secretary of Commerce) has approved the Oregon Coastal Management Program (Program) and awarded a grant to the Oregon Land Conservation and Development Commission to assist the State in the administration of its program.

Approval was granted on May 6, 1977 and activates the Federal agency responsibility for being consistent with the Oregon program pursuant to the Federal consistency provisions of the Coastal Zone Management Act. Further information on the responsibility of affected Federal agencies in this regard may be obtained from the Office of Coastal Zone Management,

3300 Whitehaven Street NW., Washington, D.C. 20235. Also available, upon request, is a copy of the written findings made by the Associate Administrator in determining that the Oregon program met the requirements of the Coastal Zone Management Act.

Effective date: May 6, 1977.

R. L. CARNAHAN,
Deputy Assistant
Administrator
for Administration.

[FR Doc. 77-34058 Filed 11-25-77; 8:45 am]

[3510-12]

National Oceanic and Atmospheric
Administration

NEW ENGLAND FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Change in Date of Public Meeting

The meeting of the New England Fishery Management Council's Scientific and Statistical Committee scheduled for November 29, 1977, at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Mass., as published in the FEDERAL REGISTER, Vol. 42, No. 215, Tuesday, November 8, 1977, has been changed to December 7, 1977, at the same location.

Dated: November 23, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 77-34142 Filed 11-25-77; 8:45 am]

[3510-12]

National Oceanic and Atmospheric
Administration

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificates of Exemption

On October 14, 1977, notice was published in the FEDERAL REGISTER (42 FR 55252-55253) that applications had been filed with the National Marine Fisheries Service by Mr. and Mrs. Tucker Lindquist, Keith A. Henry, James F. O'Connell, and Beverly J. O'Connell, Lucille Irene Barringer, Collector's World, Inc., Christos P. Alex, William C. Mahoney III, and William F. Feeney, for Certificates of Exemption to engage in certain commercial activities with respect to their declared inventories of pre-Act endangered species products.

Notice is hereby given that on November 28, 1977, as authorized by (Pub. L. 94-359), and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued Certificates of Exemption to the following:

(1) Mr. and Mrs. Tucker Lindquist, 7 Granite Street, Peabody, Mass. 01960. Parts

or products exempted: Finished scrimshaw products to be made from 30 sperm whale teeth.

(2) Keith A. Henry, 310 Bayview Traller Park, Middletown, R.I. 02840. Parts or products exempted: Finished scrimshaw products consisting of 65 jewelry items and three etched whale teeth. Finished scrimshaw products to be made from three whale teeth.

(3) James F. O'Connell and Beverly J. O'Connell, d.b.a. The Scrimshaw Shop, Main Street, Box 613, Dennisport, Mass. 02639. Parts or products exempted: Finished scrimshaw products consisting of 162 finished jewelry items, 61 pieces of carved whale tooth and bone. Finished scrimshaw products to be made from 206 blanks and bits, 44 whale teeth and one whale jawbone containing 40 teeth.

(4) Lucille Irene Barringer, 217 2d Isle North, Port Richey, Fla. 33568. Parts or products exempted: Finished scrimshaw products to be made from approximately 3,987 whale teeth.

(5) Collector's World, Inc., Box 823, route 6, Eastham, Mass. 02642. Parts or products exempted: Finished scrimshaw products consisting of approximately 174 jewelry items and pieces of art, and 35 etched whale teeth. Finished scrimshaw products to be made from approximately 43 whale teeth.

(6) Christos P. Alex, 44 Sugar Hill Drive, East Harwich, Mass. 02645. Parts or products exempted: Finished scrimshaw products of approximately 29 etched whale teeth, and 2 items carved from whale jawbone.

(7) William C. Mahoney III, P.O. Box 1617, St. Augustine, Fla. 32084. Parts or products exempted: Finished scrimshaw products to be made from 24 sperm whale teeth.

(8) William F. Feeney, Tara Road, Mattapoisett, Mass. 02739. Parts or products exempted: Finished scrimshaw products to be made from 50 pounds of whale teeth and 10 pounds of crosscuts and scrap pieces of whale teeth.

The Certificates of Exemption are available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20007.

Dated: November 22, 1977.

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

[FR Doc. 77-34115 Filed 11-25-77; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON APPAREL IMPORTED FROM POLAND

Lifting of Prohibition

NOVEMBER 23, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Permitting entry in excess of the level of restraint established for certain cotton coats and trousers in Categories 49 and 50, produced or manufactured in Poland and exported

to the United States during the twelve-month period which began on January 1, 1977. (A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898)).

SUMMARY: On November 21, 1977, the Governments of the United States and the Polish People's Republic exchanged notes further amending the Bilateral Cotton Textile Agreement of November 6, 1975, as amended, for the third agreement year which began on January 1, 1977. According to the terms of the amendment, the designated annual consultation level for Category 49 has been increased to 66,385 dozen. The consultation level for Category 50 is also being increased to 55,000 dozen.

EFFECTIVE DATE: November 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Edmond C. Callahan, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On January 3, 1977, there was published in the FEDERAL REGISTER (42 FR 64) a letter dated December 29, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements, which established levels of restraint applicable to certain specified categories of cotton textile products, produced or manufactured in Poland and exported to the United States during the twelve-month period which began on January 1, 1977. Certain of those levels, including that for Category 49 were amended by letter of July 29, 1977 (42 FR 39131).

A further letter, dated November 8, 1977 to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements and published in the FEDERAL REGISTER on November 14, 1977 (42 FR 58969), prohibited entry, effective on November 15, 1977, of cotton textile products in Category 50 for the remainder of the agreement year which began on January 1, 1977. Pursuant to the terms of the amendment to the agreement, the letter published below directs the Commissioner of Customs to permit entry of cotton textile products in Categories 49 and 50 at respective levels of restraint not to exceed 66,385 dozen and 55,000 dozen for the twelve-month period which began on January 1, 1977. The level of restraint for Category 50 will be adjusted to reflect imports of 41,760 dozen for the period which began on January 1, 1977 and extended through

September 30, 1977. When the data are available, further reductions will be made to account for imports from October 1, 1977 through the effective date of this action.

ROBERT E. SHEPHERD,
Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy Assistant
Secretary for Resources
and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

NOVEMBER 23, 1977.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive issued to you on December 29, 1976, by the Chairman of the Committee for the Implementation of Textile Agreements, as amended by directive of July 29, 1977, concerning imports into the United States of certain specified categories of cotton textile products, produced or manufactured in Poland. It cancels and supersedes the directive of November 8, 1977 which prohibited entry of cotton textile products in Category 50 during the 12-month period which began on January 1, 1977.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of November 6, 1975, as amended, between the Governments of the United States and the Polish People's Republic, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on November 28, 1977, and for the 12-month period beginning on January 1, 1977, and extending through December 31, 1977, to permit entry into the United States for consumption or withdrawal from warehouse for consumption of cotton textile products in Categories 49 and 50 up to the following levels of restraint:

Category	Amended 12-Month Level of Restraint ¹
49	66,385 dozen.
50	55,000 dozen.

¹The amended levels of restraint have not been adjusted to reflect any imports after December 31, 1976.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy Assistant
Secretary for Resources
and Trade Assistance.

[FR Doc. 77-34141 Filed 11-25-77; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1978 a commodity to be produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: December 28, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1978, November 14, 1977 (42 FR 59015):

CLASS 8340

Pole Section, Tent, 8340-00-223-7849.

C. W. FLETCHER,
Executive Director.

[FR Doc. 77-34104 Filed 11-25-77; 8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Proposed Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1978 a service provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: December 28, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely

Handicapped, 2009 14th Street North, suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

It is proposed to delete the following service from Procurement List 1978, November 14, 1977 (42 FR 59015):

SIC 7542

Vehicle Detailing, Duluth, Minn., plus a 10-mile radius.

C. W. FLETCHER,
Executive Director.

[FR Doc. 77-34105 Filed 11-25-77; 8:45 am]

[3125-01]

COUNCIL ON ENVIRONMENTAL QUALITY

TRANSFER OF ENVIRONMENTAL IMPACT STATEMENT RECEIPT AND FILING FROM CEQ TO EPA

OCTOBER 28, 1977.

The receipt and filing of environmental impact statements (EIS's) will be transferred from the Council on Environmental Quality (CEQ) to the Environmental Protection Agency (EPA) next month, under the President's reorganization plan for the Executive Office of the President (Reorganization Plan No. 1 of 1977, July 15, 1977). Effective Monday, December 5, 1977, Federal agencies should no longer send EIS's to CEQ. Instead agencies should deliver five (5) copies of all draft, final or supplemental EIS's filed pursuant to section 102(2)(C) of the National Environmental Policy Act directly to:

Environmental Protection Agency, Room 537, West Tower, 401 M Street SW., Washington, D.C. 20460.

Mailed copies should be sent to Mail Code A-104 at the same address.

Beginning on December 16, 1977, EPA will publish the regular weekly FEDERAL REGISTER notices indicating receipt of EIS's and the relevant comment periods. EPA will also publish the 102 Monitor beginning in January.

CEQ will continue its NEPA oversight and policy guidance to agencies. However, general information and specific questions from agencies and the public about technical compliance with environmental impact statement requirements and CEQ guidelines should be directed to EPA after December 2.

Please inform all regional and branch offices of these changes. Any questions should be directed to Sally Mallison at CEQ, 202-633-7077, or

Thomas Sheckells at EPA, 202-755-0790.

CHARLES WARREN,
Chairman.

[FR Doc. 77-34136 Filed 11-25-77; 8:45 am]

[3125-01]

ENVIRONMENTAL IMPACT STATEMENTS

Availability

The following is a list of environmental impact statements received by the Council on Environmental Quality from November 14 through November 18, 1977. The date of receipt for each statement is noted in the statement summary. Under Council guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (January 9, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council 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.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Ocala National Forest timber management plan, Florida, November 18: The proposed action is the implementation of a revised 10-year timber management plan for the Ocala National Forest. The plan proposes even-aged forest management for that part of the forest which is suitable for sustained yield timber production and not reserved for some other use. Estimated annual yield from approximately 5,140 acres of regeneration cuts and 2,000 acres of intermediate cuts will be million board feet of sawtimber and 64.2 thousand cords of small roundwood. An estimated 6,480 acres will be site prepared and reforested annually. (ELR Order No. 71419.)

Final

Monongahela National Forest land use plan (2), several counties, West Virginia, November 18: Proposed is a management plan for the natural and human resources of the Monongahela National Forest, which is located in the following nine counties in the State of West Virginia: Preston, Tucker, Grant, Pendleton, Randolph, Webster, Pocahontas, Nicholas, and Greenbrier. The plan sets forth tentative allocation of land to various resource uses and activities. Adverse effects will result from temporary stream sedimentation, minimal landscape alternations, and wildlife habitat disturbance from resource activities. Comments made by: DOI, EPA, HEW, State and local agencies, concerned groups and individuals. (ELR Order No. 71416.)

Rocky Mountain front unit, Lewis and Clark National Forest, Montana, November 13; Proposed is the implementation of a land management plan for the Rocky Mountain front planning unit, sun River and Teton Ranger Districts, on the Lewis and Clark National Forest. The unit lies within portions of Glacier, Lewis and Clark, Pondera, and Teton Counties, and encompasses 451,755 acres of national forest lands and 4,300 acres of private ownership. The recommended plan allocates resources and specifies land use prescriptions for national forest lands only; it emphasizes grizzly, elk, and roadless opportunities. (ELR Order No. 71399.)

SOIL CONSERVATION SERVICE

Draft

Grasshopper-Coal Creek watershed, Atchison, Brown, and Jefferson Counties, Kans., November 16: Proposed is a project for watershed protection and flood prevention (including grade stabilization) in Atchison, Brown, and Jefferson Counties, Kans. The planned works of improvement include conservation land treatment and 39 earthen grade stabilization structures with storage for sediment and floodwater detention. Adverse effects include the elimination of agricultural use and terrestrial wildlife use on 393 acres; agricultural and terrestrial wildlife uses will be interrupted and reduced on 773 acres by periodic flooding of reservoir retarding areas. (ELR Order No. 71409.)

Stewart Creek watershed, Hopkins County, Ky., November 14: Proposed is a project for watershed protection and flood prevention in Hopkins County, Ky. The planned works of improvement include conservation land treatment, supplemented by channel work and two water control structures. The channel work will involve approximately 1.7 miles of channel enlargement with a riprap lining along the existing alignment; structural measures will provide an 100-year level of protection to the first floor of 93 of 102 existing commercial and residential properties in the city of Earlington, Ky. Adverse effects include altering 26 acres of wooded wildlife habitat and permanently eliminating upland vegetation within the sediment pool areas. (ELR Order No. 71397.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Rhode Island coastal management program, November 17: Proposed is the approval by the Secretary of Commerce of the coastal zone management program of the State of Rhode Island. Approval would permit implementation of the proposed program, allowing program administration grants to be awarded to the State, and require that all Federal actions be consistent with the program. The impacts of the program will be generally beneficial, although there may be some adverse, short-term economic impacts on some coastal users. (ELR Order No. 71413.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Col. Luis F. Dominguez, Department of the Air Force, Room 5D 431, Pentagon, Washington, D.C. 20330, 202-697-7799.

Final

F-16 beddown at Hill Air Force Base, Utah, November 16: The proposed action is to beddown a F-16 Tactical Fighter Wing at Hill Air Force Base (AFB), Utah, during the period from January 1979 to September 1980. During this 21-month period the 388th Tactical Fighter Wing (TFW) will phase out 54 F-4D Phantom aircraft. The action will result in a decrease in the area impacted by the noise associated with F-16 operations. Carbon monoxide, total hydrocarbons, and total particulates due to aircraft operations will decrease during the beddown. Comments made by: COE, EPA, HEW, DOI, DOT, State and local agencies, concerned groups and individuals. (ELR Order No. 71410.)

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn.: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Final

Sault Ste. Marie, operations, maintenance, and power generation, Michigan, November 15: The proposed action is the operation and maintenance of the navigation locks, power facilities, administration buildings, and canal park lands at Sault Ste. Marie, Mich. The Federal lock facilities provide for recreational and commercial vessel passage through the natural barrier of the St. Marys River and for power generation for lock operation and the surrounding community. Maintenance activities will cause impacts to water quality and limit the flow of water to the St. Marys Rapids, thereby affecting the aquatic organisms living in the rapids. Comments made by: AHP, FPC, USDA, DOI, DOT, EPA, State agencies, concerned groups. (ELR Order No. 71400.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Peter Cook, Acting Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0777.

Draft

Southern Maine 208 waste treatment plan, November 14: Proposed is an areawide waste treatment management plan prepared by the Southern Maine Regional Planning Commission (SMRPC.) The SMRPC plan has developed technical and management recommendations to provide effective controls for, among others, the following sources of waste in the 208 area: sewage disposal-collection and treatment systems; sewage disposal-subsurface systems; septic disposal; sludge disposal; solid waste disposal; industrial waste disposal; runoff from development, agriculture, and silviculture; salt storage and application; petroleum storage and transfer; and dredge and disposal operations. (Region 1.) (ELR Order No. 71398.)

Sinclair Inlet wastewater facilities, Kitsap County, Wash., November 15: Proposed is a sewerage facilities plan designed to provide a wastewater treatment and disposal system for the Sinclair Inlet water resource inven-

tory area No. 15 within Kitsap County, Wash. This statement identifies alternatives for providing wastewater facilities designed to meet residential and industrial needs as well as the maintenance of environmental quality. The study area covers approximately 100 square miles and has a population of 69,300, the majority of which is concentrated in the city of Bremerton. (Region X.) (ELR Order No. 71408.)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Contact: Mr. Charles Custard, Director, Office of Environmental Affairs, Department of Health, Education, and Welfare, room 524 F2, HEW, South, 200 Independence Avenue SW., Washington, D.C. 20201, 202-245-7243.

Final

Recombinant DNA molecules research, guidelines, November 17: This statement embodies guidelines released on June 23, 1976, by the Director of the National Institutes of Health governing the conduct of NIH-supported research on recombinant DNA molecules. The guidelines prohibit certain kinds of recombinant DNA experiments and, for those experiments that are permitted, they specify safety precautions and conditions designed to protect the health of laboratory workers, the general public, and the environment should the putative hazards prove real. Comments made by: HUD, DOT, TREA, DOI, EPA, FPC, STAT, ERDA, USDA, VA, NSF2, State and local agencies, concerned groups and individuals. (ELR Order No. 71412.)

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.

Draft

Hunterwood Forest Subdivision, Harris County, Tex., November 14: Proposed is the acceptance of the Hunterwood Forest project in Harris County, Tex. for HUD/FHA home mortgage insurance purposes. The project will consist of the development of 166,171 acres into a community composed of single-family homes designed to accommodate approximately 2,062 persons. Adverse effects include the loss of wooded land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 71395.)

Timberhills Subdivision, Harris County, Tex., November 14: The proposed action is for the Department of HUD to accept the proposed Timberhills Subdivision, located in the northeast section of Harris County, Tex., for HUD/FHA mortgage insurance purposes. When completed in approximately 9 years, the subdivision will contain approximately 2,148 single-family homes on 537 acres plus recreational facilities to serve the subdivision. Adverse effects include the removal of potential forestland and livestock grazing land from production, and an increased demand for fossil fuel through heavy dependence on the automobile for transportation. (ELR Order No. 71396.)

Heritage Park Subdivision, Harris County, Tex., November 15: The proposed action is for the Department of HUD to accept for HUD/FHA mortgage insurance purposes the 671-acre Heritage Park Subdivision lo-

cated in Harris County, Tex. When completed in approximately 6 years, the subdivision will contain approximately 2,447 single-family homes plus some attached single-family and multi-family housing and shopping and recreational facilities. Adverse effects include the removal of open areas and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 71404.)

Kennewick Park Community, Benton County, Wash., November 15: The Leavitt/NuPacific Co. and Burlington Northern Land Development Corp. propose to develop Kennewick Park, a planned residential community of 560 acres, consisting of single-family homes, multi-family homes, school/park, public services, and various commercial developments over a 15-20 year period. The proposed HUD/FHA action is limited to subdivision approval for mortgage insurance on single-family homes. The total proposed for single-family is 1,093 lots on 285 acres. Adverse effects include increased load on utilities, transportation facilities, and governmental services for the area. (ELR Order No. 71401.)

Final

Highlands North Subdivision, Lincoln County, Nebr., November 15: Proposed is the approval of the Highlands North Subdivision in Lincoln, Nebr. for FHA/HUD home mortgage insurance. Plans call for the development of 1,085 acres into single-family lots, apartments, industrial parks, commercial facilities, office, park, and public service areas. Major adverse effects include loss of agricultural land, alteration of the biotic community, increased demands on city facilities and services, and increased levels of air and noise pollution. Comments made by: USDA, COE, HUD, EPA, DOI, DOT, VA, State and local agencies. (ELR Order No. 71402.)

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 chief executive. (Copies are not available from HUD.)

Final

Lowndes County, Ala.—Rural water system improvements, Lowndes County, Ala., November 15: Proposed is the extension of water lines to serve new customers and/or to upgrade existing services in the Collirene, Barlow, Letohatchee, Braggs, and Mt. Willing communities. The proposed improvements will provide access to a reliable source of potable water for approximately 911 rural County residents. Adverse effects include short-term sedimentation of streams and an existing potential for limited erosion. Construction activities may cause an increase in suspended particulates in the air and noise levels. Comments made by: EPA, one State agency. (ELR Order No. 71403.)

Macon County, Tenn.—Waterline construction, Macon County, Tenn., November 17: Proposed is the construction of 13,950 linear feet of 6-inch or 4-inch plastic waterline on private easements along Goose Horn Road, beginning approximately 3,500 linear feet east of the community of Willette where the existing waterline ends. The project will be located in Census Enumeration District 4. This project will have a positive

impact by supplying the present residents along Goose Horn Road with a safe, potable water supply. No significant adverse effects are anticipated. Comments made by: EPA, USDA, one State agency. (ELR Order No. 71411.)

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Final

Proposed National Resource Lands Management Act, November 18: The statement refers to a legislative proposal which is intended to provide basic policies and authorities for the management of national resource lands by the Secretary of the Interior through the BLM. These lands total 450 million acres (275 million acres in Alaska and 175 million acres in the eleven western states). The Act would provide for management of all resources, land disposal and acquisition, administrative authorities, and enforcement authority. Outdated and conflicting laws would be repealed or modified. The statement indicates that no new adverse environmental impact would be created by the action. (169 pages.) Comments made by: USDA, AEC, EPA, CEQ, DOI, TVA, State agencies. (ELR Order No. 71420.)

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 AVIATION ADMINISTRATION

Final

Shelbyville Municipal Airport improvement, Shelby County, Ind., November 17: The proposed action is the improvement of the Shelbyville Municipal Airport in Shelbyville, Ind. The project entails the acquisition of 254 acres of land and 50 acres of clear zone easement for the construction of 2 new runways and installation of related facilities. The proposed improvements to the airport will result in increased noise and air pollution, loss of agricultural land, relocation of two homesteads, and loss of wildlife. Comments made by: DOT, USDA, DOD, DOI, EPA, State and local agencies, concerned individuals. (ELR Order No. 71414.)

Bismark Municipal Airport, Burleigh County, N. Dak., November 15: The statement concerns the Master Plan for the Bismark Municipal Airport. The Plan provides for acquisition of an additional 700 acres of land, extension of existing runways, and construction of a noise-abatement runway. The project will displace approximately 51 persons. Comments made by: USDA, DOC, COE, DOI, HEW, HUD, ERDA, DOT, State and local agencies. (ELR Order No. 71406.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Kentucky Turnpike (I-65), Elizabethtown-Louisville, Jefferson, Bullitt, and Hardin Counties, November 18: The proposed improvement encompasses the reconstruction and widening of the Kentucky Turnpike (I-65) from south of the Western Kentucky Parkway at Elizabethtown, Ky. to south of the Watterson Expressway at Louisville, Ky. The project extends approximately 40 miles in length and includes the addition of two lanes each way in Jefferson County and one lane each way in Bullitt and Hardin

Counties. Adverse effects include the displacement of 35 households and 21 non-residential properties. (Region 4.) (ELR Order No. 71421.)

Maryland Route 404 (Denton By-Pass), Caroline County, November 14: Proposed is the relocation and/or reconstruction of Maryland 404 to provide a multilane highway facility around Denton, Maryland, from 1.2 miles east of Maryland 328 to Maryland 18, south of Denton. When on new locations, a four-lane freeway with a wide median section is envisioned. The freeway will have full control of access. Where the alternate follows the existing road, the construction will be a four-lane expressway with a lesser median width. Adverse effects include the acquisition of land, houses, and businesses. (Region 3.) (ELR Order No. 71393.)

U.S. 219 (The Southern Expressway, Sections 3&4), Erie County, N.Y., November 15: 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 to N.Y. 17 in Salamanca, 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 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.) (ELR Order No. 71405.)

Final

I-76, I-25—Wadsworth Blvd./I-70 Junction, Adams, Denver, and Jefferson Counties, Colo., November 14: Proposed is the construction of a segment of I-76 to connect with I-70 at Wadsworth Boulevard in Denver, Colo. The 5.6-mile project consists of a 6-lane bypass freeway, extending from I-25 westward to the junction of Wadsworth Boulevard and I-70. Completion of the highway requires acquisition of approximately 342 acres of land and will result in the displacement of 117 residents or businesses. (Region 8.) Comments made by: DOI, DOT, HEW, USDA, EPA, FEA, COE, State and local agencies, concerned groups and individuals. (ELR Order No. 71394.)

Jefferson Freeway, Ky 841, Jefferson County, Ky, November 18: Proposed is the construction of one of 12 highway design sections, totalling roughly three and two-tenths miles of an overall thirty-four mile Jefferson Freeway Project. The subject section begins at the end of an existing section of the Jefferson Freeway (Shelbyville Road—US 60) and extends north to 3500' south of LaGrange Road (KY 146). The project calls for a four-lane facility with provisions for ultimate upgrading to six lanes. Adverse impacts include the acquisition of approximately 235 acres; the displacement of 19 residents, 1 apartment building, and 2 businesses; and increased air and noise pollution. Comments made by: EPA, DOC, DOI, USDA, one State agency. (ELR Order No. 71417.)

Brownsville-Matamoros Railroad Relocation, Tex., November 18: Proposed is a railroad relocation demonstration project in Brownsville, Texas and Matamoros, Mexico. The project seeks to eliminate existing railroad/community conflicts and to improve the transportation network of the area through rail system improvements. The number of people and businesses displaced

would depend upon the alternative chosen. The project would also result in increased noise and pollution in the area of construction and considerable financial expenditure. Comments made by: HEW, EPA, DOI, DOT, COE, USDA, AHP, State and local agencies, concerned groups and individuals. (ELR Order No. 71415.)

County Trunk Highway "Q", Kenosha County, Wis., November 15: The statement concerns the construction of a 2-lane, 1.94 mile extension of C.T.H. "Q" from its present terminus at C.T.H. "H" to I-94. The project would require 22 acres of floodplain, marsh, and agricultural land for right-of-way. Comments made by: EPA, DOI, State agencies. (ELR Order No. 71407.)

Supplement

I-35E at Timber Creek, Denton County (S-1), Tex., November 18: This statement supplements a final EIS filed with CEQ in June of 1972. Proposed is the construction of structures of sufficient size and number to pass the anticipated design flood at I-35E and Timber Creek in Denton County, Tex. The final EIS contained provisions for widening the main lane structures and constructing two frontage road structures at Timber Creek. This supplement covers further refinements for the plans at Timber Creek. Adverse impacts are those related to construction. (Region 6). (ELR order No. 71418.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc. 77-34137 Filed 11-25-77; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

WINTER NAVIGATION BOARD ON GREAT LAKES-ST. LAWRENCE SEAWAY

Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Winter Navigation Board to be held on December 14, 1977 at Carson's Seven Continents Restaurant meeting room located at Chicago's O'Hare International Airport in Chicago, Ill. This meeting will be in session from 9 a.m., CST until 4 p.m.

The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-federal public and private interests. It was established to direct the Great Lakes-St. Lawrence Seaway navigation season extension investigations being conducted pursuant to Pub. L. 91-611, 93-251, and 94-587.

This Winter Navigation Board meeting is one of a continuing series of such open forums, as an integral element of the planning process in preparation of a Feasibility Report on year-round navigation on the Great Lakes-St. Lawrence Seaway Navigation Season Extension studies. Primary subject to be discussed is the Feasibility Report Plan of Study and the integration of the engineering, economic,

environmental, social and political aspects of winter navigation into the plan. Other topics to be discussed include the FY-78 winter navigation program, the public information program, winter operation plans for the St. Marys River, and the U.S.-Canadian coordination efforts.

The meeting will be open to the public, subject to the following limitations:

a. As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

b. Written statements, to be made part of the minutes, may be submitted prior to, or up to 10 days following the meeting, but oral participation by the public is limited because of the time schedule.

Inquiries may be addressed to Mr. David Westheuser, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Mich. 48231, telephone 313-226-6770.

Dated: November 21, 1977.

By authority of the Secretary of the Army.

ROME D. SMYTH,
Colonel, United States Army, Director, Administrative Management, TAGCEN.

[FR Doc. 77-34059 Filed 11-25-77; 8:45 am]

[3810-70]

Office of the Secretary

PRESIDENT'S COMMISSION ON MILITARY COMPENSATION

Public Hearing

Pursuant to Pub. L. 92-463 notice is hereby given that a public hearing of the President's Commission on Military Compensation will be held Monday, December 12, 1977, at the Fine Arts Auditorium of Columbus College on Cody Road in Columbus, Ga., from 1 p.m. to 5 p.m.

The following rules govern participation in this hearing:

(1) The hearing will be open to the public, but questions and comments from the audience will not be permitted.

(2) Anyone wishing to speak at the hearing should write or telephone the Commission's area representative:

Mr. Norman L. Williamson, Personnel Services Division, DPCA, Infantry Hall, Room 623, Fort Benning, Ga. 31905. Telephone 404-544-4811 or 545-5931.

This initial communication should include the following information about the applicant:

(a) Name, address and telephone number.

- (b) Group represented, if any.
- (c) Topic of planned remarks.
- (d) Point of view to be presented.

The selection of speakers will be determined by the Commission, based on its desire to hear from a cross-section of views and backgrounds. Unfortunately the time allocated for public hearings is limited, and the Commission may not be able to accommodate every citizen who wishes to speak. Applicants will be informed of their selection for a hearing.

Speakers should submit written statements of their intended remarks at least 1 day in advance of the hearing. Speakers are limited to 10 minutes of proposed remarks and should expect questioning by the Commissioners.

Prepared statements which time does not permit hearing will be made available to the Commission as submitted.

Questions on these matters may be addressed to Mr. Williams or to the Commission Office, 666 11th Street, Suite 520 NW., Washington, D.C. 20001.

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

NOVEMBER 22, 1977.

[FR Doc. 77-34117 Filed 11-25-77; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for September 1977

In accordance with the provisions of 10 CFR § 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA) of the DOE, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for September 1977 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d)(4); October 1977 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for September 1977 is calculated to be .250079.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of September 1977, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .307881 of a barrel of deemed old oil.

The issuance of entitlements for the month September 1977 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of September 1977 is hereby fixed at \$8.75, which is the exact differential as reported for the month of September between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of September 1977 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of September 1977 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of September 1977 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through August 1977 pursuant to 10 CFR § 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by ERA's Office of Administrative Review (prior to October 1, 1977, the Office of Exceptions and Appeals of the Federal Energy Administration). Also set forth in this column are adjustments for

relief granted by the Office of Administrative Review for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Co., et al*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix includes an adjustment in the entitlement purchase requirements of those firms which were unable to purchase entitlements for August 1977 as a result of an error made by the ERA with respect to the entitlement sales requirement of Energy Fuels Company. In the August 1977 entitlement notice, the ERA erroneously listed an entitlement sales requirement of 33,175 entitlements for Energy Fuels rather than a zero requirement. No purchase and sale transactions involving Energy Fuels' entitlement sale requirements for August have been consummated. To correct its error, the ERA is rescinding the entitlement sale requirement of Energy Fuels for August 1977 and is rescinding the corresponding entitlement purchase requirements of those firms which otherwise would have purchased entitlements from Energy Fuels. Such purchase obligations are reflected in these

same firms' entitlement purchase or sale requirements for September 1977 as follows: Arizona Fuels Corp., 26,627 entitlements; Pioneer Refining Limited, 894 entitlements; Evangeline Refining Co., 4,064 entitlements; and Union Oil Co., 1,590 entitlements.

For purposes of § 211.67(d) (6) and (7), which provide entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 1,596,040 barrels.

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 9,829,269 barrels for September 1977. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 35,236,810 barrels.

The total number of entitlements required to be purchased and sold under this notice is 21,806,295.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for September 1977, the pricing composition and weighted average costs thereof are as follows:

		Weighted average cost	Percent of total volumes ¹
Lower Tier.....	105,868,638	\$5.61	22.7
Upper Tier.....	88,189,962	11.66	18.9
Exempt Domestic:			
Stripper.....	33,658,163	14.47	7.2
Naval Petroleum Reserve.....	5,479,921	12.75	1.2
Total Domestic.....	233,196,684	9.34	49.9
Imported ²	233,748,430	14.62	50.0
Total Reported Crude Oil Receipts.....	466,945,114	11.98	100.0

¹ Numbers may not add due to rounding.

² Under current reporting procedures includes Alaska North Slope crude oil.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for September 1977 must be made by November 30, 1977.

On or prior to December 10, 1977, each firm which is required to purchase or sell entitlements for the month of September 1977, shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of September. The monthly transaction report forms for the month of September have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by November 30, 1977, are requested to contact the ERA at 202-254-6296 to expedite consummation of these transactions. For

firms that have failed to consummate required entitlement transactions on or prior to November 30, 1977, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to subpart G of 10 CFR Part 205. Any person aggrieved hereby may file an appeal with ERA's Office of Administrative Review in accordance with subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before December 28, 1977.

Issued in Washington, D.C., on November 20, 1977.

DAVID J. BARDIN,
Administrator, Economic
Regulatory Administration.

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APPENDIX
ENTITLEMENTS FOR DOMESTIC CRUDE OIL
SEPTEMBER 1977

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** ENTITLEMENTS PRODUCT CLEAN-UP	***** E N T I T L E M E N T 10 MONTH REQUIRED TO BUY	***** P O S I T I O N REQUIRED TO SELL
A-JOHNSON	0	195,450	0	0	0	195,450
ALLIED	42,855	77,857	0	0	0	35,002
AMER-PETROFINA	1,219,036	1,189,671	0	0	0	29,365
AMERADA-HESS	3,040,675	3,828,442	0	120,531	0	787,767
AMOCO	10,899,710	7,624,962	0	0	0	3,274,748
APCO	283,121	394,852	0	0	0	111,731
ARCO	5,585,028	5,282,643	0	0	0	302,385
ARIZONA	95,321	51,860	6,771	0	0	43,461*
ASAMERA	177,687	200,102	0	0	0	22,415
ASHLAND	1,718,708	2,824,348	0	200,272	0	1,105,640
ASIATIC	0	200,272	0	0	0	200,272
BASTIN	-29,032	60,341	0	0	0	89,373
BAYOU	51,420	62,382	0	0	0	10,962
BEACON	258,205	176,602	17,459	0	0	0
BELCHER	0	119,883	0	119,883	0	119,883
BI-PETRO	8,594	89,688	0	0	0	81,094
BP-TRADING	0	64,058**	0	0	0	64,058
CRH	0	527	0	0	0	527
CALCASIEU	0	78,139	0	0	0	78,139
CALUMET	20,398	31,636	0	0	0	11,238
CANAL	72,014	74,661	0	0	0	2,647
CARITHOU	66,399	77,163	0	0	0	10,764
CASTLE	0	13,130	0	13,130	0	13,130
CENTRAL	0	16,505	0	16,505	0	16,505
CHAMPLIN	1,978,772	1,375,088	0	0	0	0
CHARTER	539,877	539,877	128,044	32,079	0	2,536,277
CHEVRON	6,626,032	9,162,309	0	70,639	0	70,639
CIRILLO	0	70,639	0	0	0	0
CITGO	2,335,451	2,134,515	0	0	0	200,936
CLAIBORNE	61,928	53,497	0	0	0	8,431
CLARK	288,542	818,864	0	0	0	530,322
COASTAL	328,438	1,445,032**	0	0	0	1,116,594
COLONIAL	0	28,730	0	28,730	0	28,730
CONOCO	2,610,666	2,570,688	0	27,622	0	39,978

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REPORTING FIRM SHORT NAME	DEFERRED UDL UTIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** F N T I T L E M E N T PRODUCT 10 MONTH CLEAN-UP	***** P O S I T I O N REQUIRED TO BUY	***** REQUIRED TO SELL
CORCO	0	1,442,308	215,475	367,577	0	1,442,308
CRA-FARMLAND	431,183	502,105	0	0	0	160,922
CROSS	31,062	77,883	0	0	0	46,821
CROWN	302,637	735,178	0	0	0	432,541
CRYSTAL-OIL	173,374	180,024	0	0	0	6,650
CRYSTAL-REF	347	42,901	0	0	0	42,554
DELTA	296,393	260,967	-78,846***	0	35,426	0
DEMENDO	1,143	33,928	0	0	0	32,785
DERRY	0	285,310**	0	0	0	285,310
DIAMOND	678,124	450,922	0	0	227,202	0
DILLMAN	0	2,323	0	0	0	2,323
DORCHESTER	9,089	13,865	0	0	0	4,776
DOW	44,883	127,675	0	0	0	82,792
E-SEABOARD	0	70,429	0	70,429	0	70,429
ECO	14,555	55,591	0	0	0	41,036
EDDY	358,098	40,721	0	0	317,377	0
ENERGY-COOP	19,883	861,767	0	0	0	841,884
EVANGELINE	50,994	38,995	0	0	11,999*	0
EXXON	12,739,824	11,126,298	0	531,123	1,613,526	0
EZ-SERVE	4,943	19,467	0	0	0	14,524
FARMERS-UN	248,165	361,054	0	0	0	112,889
FLETCHER	0	156,808	0	0	0	156,808
FLINT	7,868	9,229	0	0	0	1,361
GARY	33,224	55,885	0	0	0	22,661
GETTY	885,937	1,479,837	0	0	0	593,900
GIANT	24,145	57,078	0	0	0	32,933
GLACIER-PARK	106,667	56,602	0	0	50,065	0
GLADIEUX	87,883	147,601	0	0	0	59,718
GLENROCK	507	3,280	0	0	0	2,773
GOLDEN-EAGLE	0	171,008	0	0	0	171,008
GOLDEN-EAGLE-NY	0	3,441	0	3,441	0	3,441
GOLDKING	54,090	61,859	0	0	0	7,769
GOOD-HOPE	64,826	322,617	0	0	0	257,791
GUAM	0	313,689	0	0	0	313,689

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** ENTITLEMENTS PRODUCT CLEAN-UP	***** 10 MONTH CLEAN-UP	***** P O S I T I O N REQUIRED TO BUY	***** REQUIRED TO SELL
GULF	9,556,759	6,819,368	0	40,379	0	2,737,391	0
GULF-STIS	79,258	120,240	0	0	0	0	40,982
HIRT	0	531,886	0	0	0	0	531,886
HOWARD	0	43,167	0	43,167	0	0	43,167
HOWELL	506,360	324,971	0	0	0	181,389	0
HUDSON-OIL	27,989	146,295	0	0	0	0	118,306
HUNT	345,581	250,369	0	0	0	95,212	0
HUSKY	623,943	623,943	253,924	0	0	0	0
INDEPENDENT-REF	112,746	146,809	0	0	0	0	34,063
INDIANA-FARM	68,285	202,049	0	0	0	0	133,764
INGER-OIL	4,952	3,482	0	0	0	1,470	0
IRVING	0	9,731	0	9,731	0	0	9,731
JRW	95,641	59,868	0	0	0	35,773	0
KENCU	28,122	44,056	0	0	0	0	15,934
KENTUCKY	19,689	8,979	0	0	0	10,710	0
KERN	912,920	912,940	533,805	0	0	0	0
KERR-MCGFF	1,486,636	1,323,362	0	0	0	163,274	0
KOCH	160,106	932,938	0	0	0	0	742,832
AGLORIA	422,562	408,729	0	0	0	13,833	0
AKESIDE	11,556	42,386	0	0	0	0	30,830
AKETON	148,004	148,004	17,783	0	0	0	0
ATLIE-AMER	1,293,536	1,347,166	839,211	0	0	0	53,630
LOUISIANA-LAND	329,242	353,646	0	0	0	0	24,404
MACMILLAN	47,514	158,342	0	0	0	0	110,828
MARATHON	3,954,292	3,840,050	0	0	0	0	0
MARTIN	35,987	78,226	0	0	0	114,242	0
METROPOLITAN	0	82,612	0	82,612	0	0	42,239
MO-AMER	91,327	115,636	0	0	0	0	82,612
MO-TEX	21,939	21,959	0	0	0	0	24,309
MO-LAND	0	82,896	82,896	0	0	0	20
MOBIL	7,040,722	5,877,711	0	39,231	0	1,163,011	82,896
MOBILE-RAY	0	135,495	0	0	0	0	0
MOHAWK	524,816	371,832	81,461	0	0	152,984	135,495
MONOCO	0	10,959	0	10,959	0	0	0

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REPORTING FIRM SHORT NAME	DEFERRED OIL OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** ENTITLEMENTS PRODUCT CLEAN-UP	***** 10 MONTH CLEAN-UP	***** POSITION REQUIRED TO BUY	***** REQUIRED TO SELL
MONSANTO	369,630	322,808	0	0	0	46,822	0
MORRISON	20,767	14,816	0	0	0	5,951	0
MOUNTAINEER	9,301	9,486	0	0	0	0	185
M-T-AIRY	52,311	144,041	0	0	0	0	91,730
MURPHY	997,510	788,372	0	0	0	209,138	0
N-AMER-PETRO	41,360	138,174	0	0	0	0	96,814
NAIL-COOP	209,963	203,754	0	0	0	6,209	0
N-AVAJO	334,738	334,738	0	0	0	0	0
NEVADA	5,587	11,114	0	0	0	0	5,527
NEW-EDGINGTON	862,313	510,016	0	0	0	352,297	0
NEW-ENGLE-PETRO	0	407,427	0	407,427	0	0	407,427
NEW-HALL	275,438	275,438	0	0	0	0	0
NORTHEAST-PETRO	0	33,407	0	33,407	0	0	33,407
NORTHLAND	34,361	93,394	0	0	0	0	55,033
NORTHVILLE	0	2,566	0	2,566	0	0	2,566
OKC	255,116	261,118	0	0	0	0	6,002
LYNARD	14,055	19,700	0	0	0	0	5,645
PASCO	0	-26,162	0	-26,162	0	26,162	0
PENNZOIL	718,579	452,793	0	0	0	265,786	0
PESTER	119,660	242,438	0	0	0	0	122,778
PETRO-HEAT-PA	0	29,009	0	29,009	0	0	29,009
PHILLIPS	2,942,586	2,306,726	0	0	0	635,860	0
PHILLIPS-PR	0	200,178	0	200,178	0	0	200,178
PLONEER	65,278	73,168	0	0	0	0	7,890*
PLACIO	206,121	280,635	0	0	0	0	74,514
LATEAU	139,429	163,631	0	0	0	0	24,202
OWERINE	37,056	293,814	0	0	0	0	256,758
RIDE	147,994	294,617	0	0	0	0	151,623
RINCETON	4,384	79,887	0	0	0	0	75,503
WAKER-ST	47,711	233,036	0	0	0	0	185,325
ANCHOR-REF	12,888	67,703	0	0	0	0	54,815
ICHARDS	533	75,279	0	0	0	0	74,746
ICO	0	39,759	0	39,759	0	0	39,759
OAD-OIL	0	5,657	0	0	0	0	5,657

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REPORTING FIRM SHORT NAME	DEFERRED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	***** EXCEPTIONS AND APPRAISALS	E N T I T L E M E N T PRODUCT 10 MONTH CLEAN-UP	P O S I T I O N REQUIRED TO BUY	***** REQUIRED TO SELL
ROCK-ISLAND	270,513	366,591	-16,537	0	0	96,078
SABER-TEX	29,365	410,467	0	0	0	381,102
SARRE-CAL	104,970	255,203	199,525	0	0	150,233
SAGF-CREEK	2,658	3,639	0	0	0	981
SAN-JOQUIN	1,189,595	1,189,595	842,282	0	0	0
SEARS	0	33,928	0	33,928	0	33,928
SFMINOLE	7,364	68,502	0	0	0	61,138
SHELL	9,799,385	7,514,817	0	25,595	2,284,568	0
SIGMOR	5,608	139,639	0	0	0	134,031
SO-HAMPTON	47,998	209,503	0	0	0	161,505
SONIO	1,454,355	3,117,596	0	0	0	1,663,241
SOMERSET	24,023	59,999	0	0	0	35,976
SOUND	19,733	85,290	0	0	0	65,557
SOUTHERN-UNION	226,778	290,883	0	0	0	64,105
SOUTHLAND	467,460	329,224	89,106	0	138,236	0
SOUTHWESTERN	7,020	4,296	0	0	2,724	0
SPRAGUE	0	67,210	0	67,210	0	67,210
STEINART	0	80,495	0	80,495	0	80,495
SUNLAND	12,476	125,458	0	0	0	112,982
SUNOCO	5,373,745	3,626,549	0	0	1,747,196	0
SWANA	0	57,448	0	57,448	0	57,448
TARRICONE	0	4,685	0	4,685	0	4,685
TENNECO	1,006,883	892,829	0	0	114,054	0
TESORO	987,957	601,334	0	0	386,623	0
TEXACO	10,709,677	8,847,210	0	302,879	1,862,467	0
TEXAS-AMERICAN	11,059	129,900	0	0	0	118,841
TEXAS-ASPH	-315	103,641	0	0	0	103,956****
TEXAS-CITY	533,912	647,212	0	0	0	113,300
HAGARD	754,124	754,124	0	0	0	0
HRIFTWAY	35,983	41,488	485,115	0	0	5,505
HUNDERAIRD	116,515	115,713	0	0	802	0
IPPERARY	28,624	52,631	0	0	0	24,007
ONKAWA	46,163	79,953	0	0	0	33,790
OSCO	2,272,892	1,421,266	0	0	851,626	0

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REPORTING FIRM SHORT NAME	DEFERRED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	F N T I T L E M E N T PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	P O S I T I O N REQUIRED TO BUY	***** REQUIRED TO SELL
TOTAL-PETROLEUM	282,044	394,142	0	0	0	0	112,098
UCC-CARIBRE	0	146,849	0	0	0	0	146,849
UNION-OIL	4,775,825	3,423,368	0	0	0	1,352,457*	0
UNION-PETRO	0	57,660	0	0	0	0	57,660
UNION-IND	8,792	7,959	0	0	0	833	0
UNION-REF	125,593	390,863	0	0	0	0	265,270
US-OIL	18,491	171,619	0	0	0	0	153,128
USA-PETROCHEM	31,226	166,662	0	0	0	0	135,436
VICKERS	280,767	519,024	0	0	0	0	238,257
VULCAN	41,290	90,162	0	0	0	0	48,872
WALLER	0	7,502	0	0	0	0	7,502
WARRIOR	51,442	44,433	11,203	0	0	7,009	0
WEST-COAST	81,350	133,860	0	0	0	0	52,510
WESTERN	86,545	93,024	0	0	0	0	6,479
WINSTON	74,104	172,859	0	0	0	0	98,755
WIREPACK	517	804	0	0	0	0	287
WITCO	70,739	190,125	0	0	0	0	119,386
WYATT	0	33,562	0	0	0	0	33,562
WYFFER	0	615	0	0	0	0	615
YOUNG	127,084	127,084	76,303	0	0	0	0
TOTAL	132,461,191	132,461,191	4,158,924	3,358,199	0	21,806,295	21,806,295

* Includes entitlement purchase requirement rescinded for August 1977 (see discussion in Notice).

** Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

*** Reflects adjustments for 1975 exceptions relief as provisionally modified by ERA pending agency review consistent with court order. For discussion, see December entitlement notice, 42 FR 12133 (March 2, 1977).

**** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. EPA City
[FR Doc. 77-34004 Filed 11-22-77; 7:47 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. CP78-67]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 17, 1977.

Take notice that on November 8, 1977, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314, filed in Docket No. CP78-67 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that the proposed construction program consists of 30 individual projects designed to maintain service to Applicant's existing wholesale customers at levels presently authorized by the Commission, and that the abandonment projects proposed herein are necessary in order to retire or abandon facilities no longer used or useful in Applicant's transmission operations.

Applicant states that the segments of pipeline that it proposes to replace generally consist of bare steel and wrought iron pipe which were originally installed with no protection against corrosion. With few exceptions, these facilities were installed in the early 1900's and are becoming increasingly difficult to maintain and operate, it is said. Applicant states that if it is to continue to provide safe and reliable service to its existing wholesale customers, these pipeline segments must be replaced with coated and cathodically protected.

Applicant proposes:

1. To construct and operate approximately 0.3 mile of 6-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Clark County, Ky.
2. To construct and operate approximately 1.9 miles of 8-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Fayette County, Ohio.
3. To construct and operate approximately 0.6 mile of 10-inch transmission pipeline replacing a like amount of 16-inch pipeline located in Hocking County, Ohio.
4. To construct and operate approximately 0.6 mile of 4-inch transmission pipeline replacing, in two sections, a like amount of 6-inch pipeline located in Athens County, Ohio.

5. To construct and operate approximately 1.6 miles of 24-inch transmission pipeline replacing a like amount of 16-inch pipeline located in Fairfield County, Ohio.

6. To construct and operate approximately 1.2 miles of 6-inch pipeline replacing, in three sections, a like amount of 8-inch pipeline located in Guernsey County, Ohio.

7. To construct and operate approximately 0.3 mile of 4-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Tuscarawas and Stark Counties, Ohio.

8. To construct and operate approximately 3.4 miles of 8-inch transmission pipeline replacing in two sections a like amount of 10-inch and 12-inch pipeline located in Holmes and Ashland Counties, Ohio.

9. To construct and operate approximately 3.9 miles of 6-inch transmission pipeline replacing a like amount of 10-inch pipeline located in Wyandot County, Ohio.

10. To construct and operate approximately 0.2 mile of 2-inch and 1.6 miles of 3-inch transmission pipeline replacing, in two separate sections, a like amount of 4-inch and 8-inch pipeline located in Wayne County, Ohio.

11. To construct and operate approximately 0.2 mile of 6-inch pipeline replacing a like amount of 12-inch pipeline located in Ashland County, Ohio.

12. To construct and operate approximately 0.3 mile of 4-inch transmission pipeline replacing a like amount of 5-inch and 8-inch pipeline located in Medina County, Ohio.

13. To construct and operate approximately 0.4 mile of 12-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Ashland County, Ohio.

14. To construct and operate approximately 0.3 mile of 4-inch pipeline replacing a like amount of 5-inch, 6-inch, and 8-inch pipeline located in Lorain County, Ohio.

15. To construct and operate approximately 0.2 mile of 3-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Columbiana County, Ohio.

16. To construct and operate approximately 0.3 mile of 6-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Butler County, Pa.

17. To construct and operate approximately 0.6 mile of 6-inch transmission pipeline and appurtenant measuring facilities, replacing 0.7 mile of 12-inch pipeline and existing measuring facilities, all located in Lawrence County, Pa.

18. To construct and operate approximately 0.5 mile of 10-inch transmission pipeline replacing a like amount of 8-inch pipeline and the construction and operation of approxi-

mately 1.5 miles of 8-inch transmission pipeline replacing, in two sections, a like amount of 10-inch pipeline, all located in Carroll and Harrison Counties, Ohio.

19. To construct and operate approximately 0.8 mile of 4-inch transmission pipeline replacing a like amount of 5-inch and 8-inch pipeline located in Jefferson County, Ohio.

20. To construct and operate approximately 0.7 mile of 2-inch pipeline replacing a like amount of 4-inch pipeline located in Columbiana County, Ohio.

21. To construct and operate approximately 0.2 mile of 2-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Jefferson County, Ohio.

22. To construct and operate approximately 0.3 mile of 6-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Belmont County, Ohio.

23. To construct and operate approximately 0.3 mile of 6-inch transmission pipeline replacing a like amount of 4-inch pipeline located in Monroe County, Ohio, and Wetzel County, W. Va.

24. To construct and operate approximately 11.1 miles of 36-inch transmission pipeline replacing two parallel 26-inch pipelines (each 11.1 miles in length) located in Braxton, Lewis and Upshur Counties, W. Va.

25. To construct and operate approximately 0.6 mile of 8-inch transmission pipeline replacing 0.4 mile of 10-inch pipeline and two multiple 10- and 12-inch river crossing lines, each less than 0.2 mile in length, located in Barbour County, W. Va.

26. To construct and operate approximately 0.2 mile of 2-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Tucker County, W. Va.

27. To construct and operate approximately 0.3 mile of 4-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Franklin County, Pa.

28. To construct and operate approximately 0.2 mile of 4-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Adams County, Pa.

29. To construct and operate a natural gas interconnecting measuring and regulating facility in Lorain County, Ohio.

30. To construct and operate approximately 4.0 miles of 2-inch transmission pipeline and appurtenant measuring and regulating facilities, and the abandonment of approximately 3.0 miles of 6-inch pipeline located in Preston County, W. Va.

ABANDONMENT PROJECTS

31. To abandon approximately 5.4 miles of 16-, 12-, and 10-inch pipeline

and two 10-inch Ohio River crossings, each approximately 0.3 mile in length, and abandon 1.3 miles of 14-, 12-, 10-, and 8-inch transmission pipelines and two 8-inch and one 10-inch Big Sandy River crossings, each less than 0.2 mile in length, and abandon two associated delivery points to Columbia Gas of Kentucky, and appurtenant measuring facilities, all located in Wayne County, W. Va., and Boyd County, Ky.

32. To abandon approximately 6.5 miles of 10-inch and 6-inch transmission pipeline located in Marion and Delaware Counties, Ohio.

33. To abandon approximately 2.5 miles of 8-inch transmission pipeline located in Hancock County, W. Va.

34. To abandon approximately 5.2 miles of 8-inch transmission pipelines, in five separate sections, and 2.4 miles of 10-inch transmission pipeline, in two separate sections, all located in Washington County, Pa., and Brooke County, W. Va.

35. To abandon approximately 7.5 miles of 8- and 10-inch transmission pipeline located in Washington County, Pa., and Marshall and Ohio Counties, W. Va.

A summary of the estimated investment cost for Applicant's proposed construction projects is listed below. Applicant states that the total cost of the project would be financed from funds generated from internal sources.

SUMMARY OF ESTIMATED INVESTMENT COSTS FOR CONSTRUCTION OF PROJECTS PROPOSED HEREIN IS STATED TO BE AS FOLLOWS:

Project No.	Proposed Facilities		Investment costs
	Miles	Inches	
Replacements			
1	0.3	8	\$12,500
2	1.9	8	145,700
3	0.6	10	64,900
4	0.6	4	19,900
5	1.6	24	550,900
6	1.2	6	78,800
7	0.3	4	12,000
8	3.4	8	212,600
9	3.9	6	199,500
10	1.8	2 and 3	44,600
11	0.2	6	14,300
12	0.3	4	11,300
13	0.4	2	8,700
14	0.3	4	13,700
15	0.2	3	8,500
16	0.3	6	24,900
17	Measurement		14,600
18	0.6	6	61,300
19	2.0	8 and 10	149,700
20	0.8	4	46,200
21	0.7	2	17,400
22	0.2	2	11,500
23	0.3	6	21,900
24	0.3	6	185,600
25	11.1	36	5,724,700
26	0.6	8	98,800
27	0.2	2	9,500
28	0.3	4	20,000
29	0.2	4	18,000
Additions			
29	Measurement and regulation		9,700
30	Measurement and regulation		58,900
30	4.0 Mi.-2-inch and regulation		145,700
	Subtotal		8,016,300
	FERC filing fees		15,700
	Grand total		8,032,000

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by 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 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 77-33949 Filed 11-25-77; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission
[Docket No. ID-1723]

FRANK N. BIEN

Notice of Application; Correction

NOVEMBER 15, 1977.

First paragraph should read:

Take notice that on September 1, 1977, Frank N. Bien, filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director and Vice President, Beech Bottom Power Co., Inc., Electric Utility.

Director and Vice President, Ohio Electric Co., Electric Utility.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-34084 Filed 11-25-77; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission
[Docket No. ER77-532]

GULF POWER CO.

Order Denying Motion for Reconsideration and Establishing Expedited Phased Proceeding

NOVEMBER 18, 1977.

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 Fed. Reg. 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a) (1) and (2) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On October 19, 1977, certain wholesale customers of Gulf Power (Cooperatives)¹ filed an application for rehearing of the September 30, 1977 order issued in this docket by the Federal Power Commission.² Cooperatives preliminarily argue that the Commission's September 30, 1977 order is final for the purpose of seeking rehearing

¹Previously identified in the September 30, 1977 order in this docket.

²The "Commission" when used in the context of an action taken prior to October 1, 1977 refers to the FPC; when used otherwise, the reference is to the FERC.

under Section 313(a) of the Federal Power Act. In support, they allege that denial of their application would lead to irreparable harm, since alleged anticompetitive contract provisions would become effective upon termination of the suspension period. However, in the affidavit attached to its rehearing application, the Cooperatives state that notice of termination of service at five delivery points was given prior to October 1, 1977. Furthermore, we believe that the expedited hearing procedure ordered below would avoid any serious detriment to the Cooperatives, while at the same time, providing for prompt analysis and disposition of the alleged anticompetitive issues on the merits. We believe that the Cooperatives have not demonstrated any immediate and irreparable harm that would require deviation from the holding in *FPC v. Metropolitan Edison Co.* 304 U.S. 375 (1938), which stands for the general proposition that Commission orders setting matters for hearing are interlocutory in nature and are not reviewable.³ Since our order of September 30 is interlocutory, no application for rehearing is permitted. However, we will treat the application as a motion for reconsideration.

In their application, Cooperatives again seek summary dismissal of Gulf Power's tariff provisions paragraph 9 and paragraph 9A. They also renew their request for a full five month suspension of the entire tariff. In the alternative, Cooperatives urge that a stay of the effective date of these provisions be granted pending the conclusion of this case, or failing that, a stay of such proposed tariff provisions be granted pending Cooperatives' filing within fifteen days thereafter a petition for review with the Court of Appeals. If such petition for review is then filed, Cooperatives propose that such stay by its terms shall remain in effect pending the outcome of such judicial review. Cooperatives argue that a stay is warranted based on the precedent of *Virginia Petroleum Jobbers Ass'n v. FPC*, 259 F. 2d 921, 925 (1958).

Essentially, Cooperatives reargue the point that Gulf Power's proposed termination charge, notice of contract demand changes and notice of termination provisions are so clearly unreasonable as to warrant summary dismissal. They contend that such provisions constitute unilaterally filed exclusive dealing arrangements violative of antitrust policy and unlawful on their face.

On November 3, 1977, Gulf Power filed an answer to the Cooperative's motion to stay. Gulf Power asserts that a stay is unjustified since, based on the *Virginia Petroleum Jobbers* case, the Cooperatives cannot show ir-

reparable harm to themselves, likelihood of prevailing on the merits, lack of substantial harm to other parties, or that the stay would be in the public interest.⁴

We reaffirm our earlier conclusion that the reasonableness of the proposed termination provisions is appropriately the subject of a hearing. Furthermore, Cooperatives have presented no new arguments which would support their request for summary dismissal, a stay of proposed tariff provisions paragraphs 9 and 9A, or an extension of the suspension period. Therefore, our previous decision is hereby reaffirmed.

We are persuaded however, that some modification of our previous order is warranted. Cooperatives have expressed their concern that unless implementation of the challenged provisions is delayed, bulk power supply options may be adversely and permanently affected to their competitive detriment. The Cooperatives request a stay of the effective date of proposed tariff provisions paragraphs 9 and 9A. Four tests must be met before a stay will be issued, among them a showing of irreparable harm to the moving party in the absence of a stay.⁵ The competitive inquiry alleged by Cooperatives is too speculative at this stage to meet the *Virginia Petroleum Jobbers* test. A stay has not been justified. Still, our commitment to competition demands a speedy resolution of these issues.

In *New England Power Co. (NEPCO)*, Docket No. ER77-566, order issued September 30, 1977, the Commission dealt with a similar challenge to the notice provisions of NEPCO's filed tariff. There, expedited hearing procedures were implemented to consider NEPCO's challenged tariff provisions. Such expedited hearing procedures are appropriate for this proceeding and will be hereinafter established.

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 an expedited hearing concerning the lawfulness of Gulf Power Company's proposed tariff provisions paragraphs 9 and 9A, filed by Gulf Power on July 29, 1977 and establishing procedures for that hearing, all as hereinafter ordered.

(2) The motion for reconsideration filed by Cooperatives on October 19, 1977, contains no new facts or principles of law that were not considered by the Commission when it issued its order of September 30, 1977, or, upon such consideration, do not warrant

any change or modification to that order except as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 405(a) of the Department of Energy Act and by the Federal Power Act, particularly Sections 205, 206, 301, 307, 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), an expedited public hearing shall be held concerning the justness and reasonableness of revised tariff provisions paragraph 9 and paragraph 9A proposed by Gulf Power in this proceeding. This hearing will be designated as FERC Docket No. ER77-532 (Phase I).

(B) Procedures and dates established in the September 30, 1977 Order in this docket shall remain unaffected insofar as they relate to issues not delegated to Phase I. The hearing on these remaining issues shall be designated as FERC Docket No. ER77-532 (Phase II). A separate initial decision in Phase I shall be issued by the Presiding Administrative Law Judge to precede an initial decision in Phase II.

(C) Cooperatives and staff shall submit their discovery requests to Gulf Power on or before December 2, 1977. (Phase I).

(D) The Presiding Administrative Law Judge shall convene a prehearing conference in this proceeding on December 8, 1977, to hear and to rule upon objections, if any, to discovery requests. The Company shall complete production of requested discovery on or before December 22, 1977. (Phase I).

(E) Staff and intervenors shall file a prepared direct case, if any, by January 30, 1978. Prepared rebuttal testimony, if any, shall be filed on or before February 21, 1978. (Phase I).

(F) The Presiding Administrative Law Judge shall convene a hearing in this proceeding (Phase I) on March 7, 1978, at 10:00 a.m. (ET) in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlements pursuant to section 1.18 of the Commission's Rules of Practice and Procedure.

(H) The motion for reconsideration filed by the Cooperatives on October 19, 1977, is hereby denied.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

³ *Virginia Petroleum Jobbers Ass'n v. FPC*, 259 F. 2d 921, 925 (1958).

⁴ *Id.*

⁵ See, 18 CFR, § 1.34(a)(1977).

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 77-34079 Filed 11-25-77; 8:45 am]

[6740-02]

[Docket No. ER78-25]

KANSAS CITY POWER & LIGHT CO.

Order Accepting Certain Rate Schedules Waiving Notice Requirements and Accepting for Filing and Suspending Proposed Transmission Rate Schedule

NOVEMBER 17, 1977.

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 and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On October 18, 1977, Kansas City Power & Light Co. (KCP&L) tendered for filing¹ a supplement to the Company's municipal participation agreement with the City of Kansas City (City). The supplement provides for

an additional interconnection point and an increase in charges for firm power, reserve capacity, and standby service, bringing those rates up to levels of rates previously filed for droelectric power from Southwestern Power Administration.

In addition, KCP&L is to provide 161 kV transmission service to the City to wheel 25 MW of hy-

The proposed rates for reserve capacity, standby service and firm power were filed previously. They were made effective by the proceedings in Dockets Nos. ER76-896 and ER76-184 respectively.

The transmission rate was also filed previously, in Dockets Nos. ER76-131 and ER76-552. In those proceedings, a Section 206 investigation was instituted. On or about December 14, 1976, the Presiding Administrative Law Judge granted the parties' Motion to Cancel Prehearing Conference and Hold Further Procedural Dates in Abeyance. The proceedings are in abeyance pending the Commission's final order in another KCP&L proceeding, Docket No. ER76-184, which litigates what is virtually the same issue as that in Docket Nos. ER76-131 and ER76-552, and, therefore, in the instant case.

KCP&L has requested waiver of the Commission's notice requirements to allow the rates to go into effect July 1, 1977, the date transmission service to the City began. No other service has been rendered since that date.

Notice of the filing was issued on October 27, 1977, with responses due on or before November 7, 1977. No responses have been received.

Commission review of KCP&L's filings indicates that it is in the public interest to grant waiver of the Commission's section 35.11 notice require-

ments, and accept for filing all rate schedules tendered. However, the filing relating to transmission service has not been shown to be in the public interest and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, the Commission will suspend that rate schedule's effectiveness for 1 day to become effective subject to refund on July 2, 1977, with the final rate to be subject to the outcome of the proceedings in Docket Nos. ER76-131 and ER76-552.

The Commission finds: (1) Good cause exists to waive the Commission's section 35.11 notice requirements.

(2) Good cause exists to accept KCP&L's proposed rate schedules, except the proposed rate schedule pertaining to transmission service.

(3) Good cause exists to accept for filing and suspend the effectiveness of KCP&L's rate schedule relating to transmission service as hereinafter ordered.

The Commission orders: (A) The section 35.11 notice requirements are hereby waived.

(B) KCP&L's submittals (except its rate schedule pertaining to transmission service) are hereby accepted for filing effective July 1, 1977.

(C) KCP&L's proposed rate schedule for transmission service is hereby accepted for filing and suspended for 1 day, to be effective July 2, 1977, subject to refund, pending the outcome of proceedings in Docket Nos. ER76-131 and ER76-552.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

ATTACHMENT A.—Kansas City Power & Light Co.
[Docket No. ER78-25]

Dated: (2) to (6) undated; (1) September 29, 1977.

Filed: October 18, 1977.

Designation	Effective date	Description
1. Supplement No. 6 to Rate Schedule FPC No. 54.....	July 1, 1977	Amendatory Agreement No. 2 to MPA.
2. Supplement No. 7 to Rate Schedule FPC No. 54.....	Do	Schedule A-MPA-1 Reserve Capacity.
3. Supplement No. 8 to Rate Schedule FPC No. 54.....	Do	Schedule B-MPA-1 Standby Service.
4. Supplement No. 9 to Rate Schedule FPC No. 54 (Supersedes Supp. No. 5 to R. S. FPC No. 54).	Do	Schedule C-MPA-2 Requisitioned Power & Accompanying Energy.
5. Supplement No. 10 to Rate Schedule FPC No. 54.....	Do	Schedule D-MPA-2 Economy Energy.
6. Supplement No. 11 to Rate Schedule FPC No. 54.....	July 2, 1977 ¹	Schedule E-MPA 161 kV Transmission Service.

¹Subject to refund.

[FR Doc. 77-34077 Filed 11-25-77; 8:45 am]

¹See Attachment A for designations and descriptions.

[6740-02]

[Docket No. CP78-70]

McCULLOCH INTERSTATE GAS CORP.**Application**

NOVEMBER 18, 1977.

Take notice that on November 10, 1977, McCulloch Interstate Gas Corporation (Applicant), 10880 Wilshire Boulevard, Los Angeles, Calif. 90024, filed in Docket No. CP78-70 an application pursuant to Section 7(c) of the Natural Gas Act and Sections 157.7(b) and 157.7(g) of the Regulations thereunder (18 CFR 157.7(b) and 157.7(g)), for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing January 1, 1978, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, and authorizing the construction and for permission and approval to abandon for the same period and operation of new or additional field compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the FERC 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 the construction of gas-purchase facilities to enable Applicant to connect its system with the facilities of an independent producer or other similar seller, authorized by the Commission to make a sale of gas to Applicant for resale in the interstate commerce, or the system of another natural gas company authorized to transport gas for the account of, or for the exchange of gas with Applicant, and to augment Applicant's ability to act with reasonable dispatch in the construction, relocation, operation and abandonment of facilities which would not result in changing Applicant's system saleable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed gas-purchase facilities would not exceed \$1,000,000 with no single project to exceed \$250,000, and that the total cost of its proposed construction, relocation, removal or abandonment of field compression facilities would not exceed \$500,000 with no single project to exceed \$125,000.

These facilities would be financed from working funds, supplemented, as necessary, by short-term loans, it is said.

Applicant states that it recognizes that the proposed budget-type authorization for the construction of gas-purchase facilities has an estimated total cost in excess of the amounts specified in subparagraph (1) of section 157.7(b) of the Commission's Regulations. Consequently, pursuant to subparagraph (2) of section 157.7(b) of the Commission's Regulations, Applicant requests waiver of the provisions of subparagraph (1) so as to allow for the total cost in excess of the amounts specified in subparagraph (1). Applicant asserts that primarily, the basis of such request for such waiver is predicated upon the fact that it is virtually unfeasible to consummate any viable single project involving gas-purchase facilities to connect additional gas supplies for the very small amount authorized by subparagraph (1) of section 157.7(b) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by 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 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. 77-34080 Filed 11-25-77; 8:45 am]

[6740-02]

[Docket No. CP76-72]

PANHANDLE EASTERN PIPE LINE CO.**Order Granting Rehearing and Providing for Hearing**

NOVEMBER 18, 1977.

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 and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "saving provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be contin-

ued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On April 7, 1977, the Commission¹ issued an order granting rehearing for the purpose of further consideration of its order in the above-styled proceeding issued on February 7, 1977.

On September 2, 1975, Panhandle Eastern Pipe Line Co. (Panhandle) filed in Docket No. CP76-72 an application, as supplemented November 28, 1975, and May 5, 1976, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchase from its wholly-owned subsidiary, Panhandle Western Gas Co. (Panhandle Western), and operation of a pipeline gathering system located within the Wattenberg field area of the Denver-Julesburg Basin, Weld County, Colo.

Panhandle Western installed the system and operated it for four years reselling the gas purchased from Amoco Production Co., et al. (Amoco), in intrastate commerce to Western Slope Gas Co. (Western Slope) for consumption in the Denver market area. Panhandle negotiated a gas purchase contract with Amoco and NorDen Limited Partnership (NorDen) dated November 4, 1970, as amended, covering certain acreage in the Denver-Julesburg Basin of which the Wattenberg field is a part. On July 22, 1971, Panhandle entered into an agreement with Amoco and NorDen under which certain of the completed wells were to be placed in production in order to evaluate their deliverability, with the testing and evaluation being considered a short-term intrastate sale. Panhandle assigned to Panhandle Western the right of the buyer to purchase gas under the contract for a four-year period limited to gas volumes of not more than 20,000 Mcf per day with an average of not less than 5,000 Mcf per day on an annual basis. Prior to July 22, 1971, Panhandle Western and Western Slope on June 9, 1971, had entered into a short-term gas sales contract whereby Panhandle Western agreed to sell on an intrastate basis for a four year term, gas it controlled in the Wattenberg Field for the purpose of testing the wells and reservoirs completed. The initial intrastate delivery by Panhandle Western to Western Slope occurred on August 14, 1971, and the agreement terminated on September 1, 1975. On August 15, 1975, Panhandle Western released and reassigned to Panhandle its gas purchase rights under the original November 4,

1970, gas sales agreement between Panhandle and NorDen and Amoco. Panhandle now proposes to acquire the subject facilities and to connect them to its existing interstate Colorado system so that the substantial gas reserves remaining can be produced and transported to Watkins Junction where the gas will be delivered for exchange purposes to Colorado Interstate Gas Co. (Colorado Interstate). Under an existing authorized arrangement, Colorado Interstate will redeliver 75 percent of the gas to Panhandle's interstate system at a point of interconnection between the two companies near Colorado Interstate's Lakin Compressor Station in Kearny County, Kans., with 25 percent of the volumes delivered by Panhandle at Watkins Junction being purchased by Colorado Interstate for its own use.

Pursuant to an agreement, dated August 15, 1975, Panhandle Western has agreed to sell to Panhandle the gathering system and associated right-of-way easements in the Wattenberg Field at a cost of \$1,247,101, the depreciated book value of the system and appurtenances of August 15, 1975. The subject facilities consist of 44.015 miles of pipeline (10.302 miles of 3-inch, 13.460 miles of 4-inch, 11.021 miles of 6-inch, and 9.232 miles of 8-inch pipeline), 26 measuring and regulating stations, other structures and liquid collection equipment. The cost of the proposed acquisition will be financed by Panhandle out of cash on hand and from funds generated through operations.

The ultimate recoverable reserves underlying the 22 test wells connected to Panhandle Western's subject gathering system are dedicated to Panhandle and none of said reserves are dedicated to Western Slope under the 4-year well test agreement. Panhandle has made \$10,000,000 in advance payments for a gas exploration and development program to Amoco through Panhandle Western and in return Panhandle obtained the dedication of the gas reserves underlying Amoco's interest in leases covering over 600,000 acres.

By settlement order issued August 30, 1974, in Docket No. RI73-108 the Commission approved the inclusion of the advances to Amoco and other producers in the Denver-Julesburg Basin as part of Panhandle's rate base. As a result of the development program, Panhandle obtained a commitment of 30,271,000 Mcf of gas reserves. During the 4-year testing program, approximately 6,962,000 Mcf of gas were sold to the intrastate market which benefited the customers of Western Slope although the money for the development program came from Panhandle's customers.

By order issued March 30, 1973, in Docket No. CP72-181 (49 FPC 823),

Panhandle was authorized to construct and operate facilities necessary to attach the Denver-Julesburg Basin supply, including the Wattenberg Field supply, to the system of Colorado Interstate at Watkins Junction and by separate order issued concurrently in Docket No. CP73-44 (49 FPC 806), Colorado Interstate was authorized to return 75 percent of the volumes delivered by Panhandle at Watkins Junction to Panhandle at a point on Colorado Interstate's line at the Lakin Compressor Station in Kansas, with 25 percent of the volumes delivered by Panhandle being sold to Colorado Interstate. With respect to the 25 percent sold to Colorado Interstate and the advance payments made by Panhandle to have the reserves developed, it was stated in the order in Docket No. CP72-181: "It is not in the overall public interest for the customers of one pipeline to have advance payments included in the cost of service of underlying rates charges to them, and then divert a portion of the gas developed pursuant to these advance payment contracts to the benefit of another pipeline's customers without reimbursement to offset the cost of advance payments. Accordingly, we shall require both Panhandle and CIG to present to us within 30 days a plan whereby Panhandle's customers will receive reimbursement for a fair share of the cost of the advance payments heretofore included in Panhandle's rates, to the extent that such advance payments were used to develop any gas included in the instant proceeding." (49 FPC 826).²

Consistent with Commission action in Docket Nos. CP72-181 and CP73-44 discussed above, the Federal Power Commission in the February 7, 1977, order in this docket directed Panhandle (1) to remove from its rate base that portion of the advance payments attributable to gas reserves developed and sold to Western Slope, and (2) to file within 30 days from the date the February 7, 1977, order an acceptable plan providing for refund to its jurisdictional ratepayers of amounts received resulting from the amount in the rate base of the advance payments attributable to the volumes of gas sold to Western Slope, together with appropriate interest on such amounts.

In its application for rehearing Panhandle takes issue with the Commission's February 7, 1977, order in this proceeding making the acquisition and operation of certain gathering facilities of Western Slope predicated upon the aforementioned conditions. Panhandle contends that the lack of basis

¹The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

²See also Columbia Gas Transmission Corp. Opinion No. 722 — FPC — issued March 7, 1975, in Docket Nos. RP71-18, et al. (mimeo, p. 9 and p. 11, ordering Paragraph (B)).

for the latter conditions render them a nullity. Panhandle urges that the Commission failed to make any findings on the reasonableness of the Panhandle advances to Amoco. It therefore contends that the Commission cannot eliminate a part of the Amoco advance from Panhandle's rate base without first determining whether the advance is reasonable and appropriate "after affording Panhandle an opportunity to be heard on that issue".

It further alleges that the contention in the Commission's February 7, 1977, order that only 30.2 Bcf of gas reserves resulted from the advances is erroneous. It asserts that the 30.2 Bcf relates only to the gas reserves attributable to 22 wells from which gas was sold to Western Slope and that Panhandle obtained over 420 Bcf of proved and probably reserves in the Wattenberg Field Area as a result of its advance to Amoco. It stresses that the 6,962,000 Mcf of gas sold to Western Slope from the 30.2 Bcf attributable to the aforementioned 22 wells were solely for the purpose of testing and evaluating the new gas production in the Wattenberg Field.

Based upon the allegations contained in Panhandle's application, the Commission finds it appropriate to amend the Federal Power Commission's February 7, 1977, order to establish hearing procedures to provide Panhandle the opportunity to show that the subject advance payments are reasonable and appropriate and should be included in Panhandle's rate base without any offsets. More specifically, Panhandle should show that the diversion of gas, which was developed in part by Panhandle's advance payments, to Western Slope does not affect Panhandle's request for rate base treatment for the entire advance payment.

The Commission will further provide for a prehearing conference in order to discuss the evidentiary, procedural and other issues that may require attention prior to the formal hearing.

The Commission finds: (1) Good cause exists for granting rehearing of our order issued on February 7, 1977, in the above-styled proceeding for the purposes set forth in the context of this order.

(2) It is necessary to convene a formal hearing in order to develop facts and reasons to enable the Commission to determine whether all or a part of the advance payment made by Panhandle for the aforementioned Denver-Julesburg reserves should be incorporated into its rate-base.

(3) In view of the formal hearing that we have convened in this proceeding for the aforementioned purpose, good cause exists to extend the date for the filing of protest and petitions to intervene.

The Commission orders: (A) Rehearing for the purposes set forth in the

context of this order is hereby granted.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7 and 15 hereof the Commission's Rules of Practice and Procedure (18 CFR Chapter I, Subchapter E), a prehearing conference shall be held on January 10, 1978, commencing at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 to clarify procedural, evidentiary and other issues that may be pertinent to the above-styled proceeding.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3, 5(d)), shall preside at the prehearing conference in this proceeding with authority to establish and change all procedural dates and to rule on such matters necessary for the expeditious determination of this proceeding as further provided for in the Commission's Rules of Practice and Procedure.

(D) Any person desiring to be heard or to participate in the formal hearing provided for in this order should on or before January 31, 1978, file with the Federal Power 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 protestant parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-34081 filed 11-25-77; 8:45 am]

[6740-02]

[Docket No. RP78-15]

TENNESSEE GAS PIPELINE CO.

Petition for Advance Approval of Flow-Through of Emergency Gas Supply and Transportation Costs

NOVEMBER 16, 1977.

Take notice that on November 9, 1977, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee) tendered for filing a petition for advance approval to flow-through under its PGA provision the purchased gas cost and transportation cost associated with an emergency purchase to be made pursuant to section 2.68 of the Commission's Statement of General Policy and Interpretations.

Tennessee states that it has contracted with Intrastate Gathering Corp. (Intrastate) for an emergency purchase which will provide the Tennessee system with gas volumes of approximately 15,000 to 20,000 Mcf per day for a 60-day period at a price of \$2.244 per MMBtu.

Tennessee requests that the Commission grant its petition by November 23, 1977, since its agreement will terminate on such date if authorization has not been granted and Intrastate will enter into a gas sales agreement with another pipeline.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 30, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 77-34076 Filed 11-25-77; 8:45 am]

[6740-02]

[Docket No. CP78-62]

TRANSWESTERN PIPELINE CO.

Application

NOVEMBER 18, 1977.

Take notice that on November 7, 1977, Transwestern Pipeline Co. (applicant), P.O. Box 2521, Houston, Tex. 77001, filed in Docket No. CP78-62 an application pursuant to section 7(c) of the Natural Gas Act and section 157.7(b) of the Commission's regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the calendar year 1977, and operation of facilities, to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in connection to its pipeline system supplies of natural gas which

may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

The application states that the total cost of the proposed facilities would not exceed \$8,500,000, and that the total cost of a single project would not exceed \$1,500,000, which cost would be initially financed utilizing existing corporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-34082 Filed 11-25-77; 8:45 am]

[6740-02]

[Docket No. CP78-72]

TRUNKLINE GAS CO.

Application

NOVEMBER 18, 1977.

Take notice that on November 10, 1977, Trunkline Gas Co. (applicant),

P.O. Box 1642, Houston, Tex. 77001, filed in Docket No. CP78-72 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the development and operation of a new underground gas storage reservoir located in East Carroll Parish and West Carroll Parish, La., in the vicinity of applicant's existing Epps compressor station and the construction and operation of certain facilities related to such development, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the Epps field and South Epps field are currently depleted gas fields which have the reservoir characteristics required for a gas storage field. Applicant further states that a total of 56 injection-withdrawal wells and 13 observation wells is projected. Working storage capacity would be 25,000,000 Mcf, with the capability of withdrawing 250,000 Mcf per day at 400 psig wellhead working pressure, and with capability of injecting 125,000 Mcf per day at 1400 psig wellhead working pressure, it is indicated. Applicant states that all of the injected cushion gas of 27,640,000 Mcf would be recoverable, and that the injection would commence in the third year of development, and certain volumes of gas would be available for service at the end of the injection season of the third year of development.

It is stated that each of the two fields would have its own injection withdrawal and water disposal system, and that the gas from each field would flow to a central location where it would be dehydrated, measured and combined into one flow through approximately 8.5 miles of 24-inch pipeline to be constructed to Trunkline's mainline station at Epps, La., at which point it would enter Trunkline's mainline system. It is further stated that each well would have production equipment and flow measurement for operational data, and that there would be one transfer meter for the intercon-

necting pipelines and two dehydrators of 125,000 Mcf per day capacity each. The storage field would have all-weather roads to each well, a warehouse, office, pipe storage, microwave, and all necessary utilities, it is said.

The application states that presently there are six engine-driven reciprocating-type compressors installed for pipeline service at Epps compressor station, and that these six compressors consist of two 3,000-horsepower and four 2,000-horsepower units yielding a total of 14,000 horsepower. The application further states that the proposed project would require the modification of the compressor cylinders and piping for the two 3,000-horsepower compressors to provide a 1440 psi discharge pressure for injection service, and that a maximum rate and minimum pressure, the withdrawal service requires a total of 14,000 horsepower; therefore, the piping on the four remaining 2,000-horsepower compressors, along with the station yard piping, must be modified for two-stage operation and inter-stage cooling. It is indicated that after modification all six existing reciprocating compressors would continue to be available for pipeline service when not being utilized on the storage system. There are also three presently installed turbine-driven centrifugal-type compressors installed for pipeline service at Epps Compressor Station which would not be modified or utilized for this storage project, it is said.

Applicant indicates that the estimated cost of converting the Epps field and South Epps field to storage reservoirs (including allowance for funds used during construction) would be \$33,556,000, and that cushion gas, valued at applicant's current purchased gas costs, approximates \$22,112,000. Applicant proposes to finance this project from funds on hand and by short-term bank loans if and when required, it is said.

The following is applicant's Epps and South Epps storage fields proposed injection-withdrawal schedule by cycles:

[In million cubic feet]

Cycle	Injection		Withdrawal		Maximum reservoir gas content
	Daily	Annual	Daily	Annual	
1980-1981	50	10,000	50	4,700	20,780
1981-1982	75	15,000	100	9,500	31,080
1982-1983	100	20,000	150	14,400	41,580
1983-1984	125	25,000	200	19,500	52,180
1984-1985	125	25,000	200	19,500	57,680
1985-1986	125	25,240	250	25,000	63,420
1986-1987	125	25,000	250	25,000	63,420

Applicant states that the cost of service for the proposed storage field is 49.0 cents per Mcf, and that when completed, it would have a maximum

daily withdrawal rate of 250,000 Mcf per day.

Applicant asserts that the Epps storage project is necessary to help relieve

the projected shortage of natural gas supplies for high priority requirements during the winter month. In addition, Applicant's gas supply sources are changing, and the change in supply mix would occur in the near future, possibly as early as 1980, when Applicant would start importing substantial volumes of LNG pursuant to authorization granted in Docket No. CP74-138, et al., it is indicated. Applicant states that the Epps storage project would help assure the availability of LNG to serve high priority loads and would assist Applicant in meeting its requirements in the event of a temporary interruption of LNG service.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 9, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-34083 Filed 11-25-77; 8:45 am]

[6740-02]

[Docket No. ER77-588]

WASHINGTON WATER POWER CO.

Order Accepting for Filing and Suspending Rate Increase, Providing for Hearing, and Establishing Procedures

NOVEMBER 17, 1977.

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 and the Federal Energy Regulatory Commission (FERC), which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On September 19, 1977, Washington Water Power Co. (applicant), submitted for filing a proposed rate increase for the twelve month period succeeding the proposed effective date of November 18, 1977. The proposed increase would be applicable to the Citizens Utilities Co., the City of Chewelah, Modern Electric Water Co., Pacific Power & Light Co. and the Village of Plummer; wholesale customers under the applicant's Federal Power Commission electric tariff. Both the present and the proposed rate schedules contain a flat demand charge and a two-step energy charge. The rates are subject to a power factor adjustment clause, a minimum bill, a reactive demand charge, and a high voltage discount. Neither the present nor the proposed rate schedules contain a fuel adjustment clause.

Notice of the original filing was issued on September 26, 1977, with

comments due on or before October 3, 1977. On October 3, 1977, the Citizens Utilities Co. (Citizens), filed a petition to intervene in this proceeding. On October 7, 1977, the Commission granted Citizens' petition to intervene.

Also, on October 3, 1977, the Idaho Public Utilities Commission filed a notice of intervention in this proceeding. On October 17, 1977, the Town of Plummer, Idaho (Town), filed a letter of protest. The Town states that it did not receive notice of the proposed increase, and that the proposed rate increase is designed so that the Town's customers would be unable to conserve sufficiently to avoid substantial increases in their electric bills.

Our review of the Applicant's filing indicates that the proposed rate increase, filed September 19, 1977, to be effective November 18, 1977, has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we will accept the proposed rate increase for filing and suspend its operation for one month to become effective on December 18, 1977, subject to refund.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rate increase filed September 19, 1977, by Washington Water Power Co., establish procedures for that hearing, and that the proposed rate increase be accepted for filing, suspended, and the use thereof deferred, all as hereinafter ordered.

The Commission orders: (A) The protest filed by the Town of Plummer, Idaho, on October 17, 1977, has been considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestant a party to the proceeding.

(B) 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 rate increase proposed by Washington Water Power Co., in this proceeding.

(C) Pending such hearing and decision thereon, the proposed increased rates and charges originally filed by Washington Water Power Co., on September 19, 1977, we hereby accepted for filing, suspended, and the use thereof deferred until December 18, 1977, when they shall become effective subject to refund.

(D) The Federal Energy Regulatory Commission staff shall serve topsheets in this proceeding on or before February 17, 1978.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at a prehearing conference in this proceeding to be held on March 17, 1978, at 10 a.m. 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 77-34078 Filed 11-25-77; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 820-5; OPP-50342]

AMCHEM PRODUCTS, INC.

Issuance of Experimental Use Permit

The Environmental Protection Agency (EPA) has issued an experimental use permit to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 264-EUP-54. Amchem Products, Inc., Ambler, Pa. 19002. This experimental use permit allows the use of 3,711 pounds of the herbicide 2,3,6-trichlorophenylacetic acid, sodium salt in lakes and ponds to evaluate control of hydrilla and egeria. A total of 154 acres is involved; the program is authorized only in the States of Florida, Georgia, Louisiana, South Carolina, and Texas. This experimental use permit is effective from October 11, 1977 to October 11, 1978. This experimental use permit is being issued with the limitations that water to be treated will be a minimum of 10 miles from any area where it will be used for irrigation or potable water purposes; and treated areas will be posted as such and be restricted from fishing and the taking of shell fish, where applicable, until residues of the active ingredient have dropped below 0.01 part per million.

Interested parties wishing to review the experimental use permit are referred to room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the ap-

propriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.)).

Dated: November 18, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 77-34016 Filed 11-25-77; 8:45 am]

[6560-01]

[FRL 820-4; OPP-50344]

AMERICAN CYANAMID CO.

Issuance of Experimental Use Permit

The Environmental Protection Agency (EPA) has issued an experimental use permit to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 241-EUP-84. American Cyanamid Co., Princeton, N.J. 08540. This experimental use permit allows the use of 128 pounds of the herbicide N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine on sunflowers as a preplant incorporated application to evaluate control of annual grasses and certain broadleaf weeds. A total of 48 acres is involved; the program is authorized only in the States of California, Iowa, Minnesota, Missouri, North Carolina, North Dakota, South Dakota, and Texas. The experimental use permit is effective from February 1, 1978, to February 1, 1979. A temporary tolerance for residues of the active ingredient in or on sunflowers has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.)).

Dated: November 18, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 77-34015 Filed 11-25-77; 8:45 am]

[6560-01]

[FRL 820-3; OPP-50345]

ELANCO PRODUCTS CO.

Issuance of Experimental Use Permit

The Environmental Protection Agency (EPA) has issued an experimental use permit to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 1471-EUP-53. Elanco Products Co., Indianapolis, Ind. 46206. This experimental use permit allows the use of 4,240 pounds of the herbicide oryzalin on soybeans to evaluate control of various annual grasses and broadleaf weeds. A total of 7,420 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Virginia. The experimental use permit is effective from November 1, 1977 to July 19, 1978. A permanent tolerance for residues of the active ingredient in or on soybeans has been established (40 CFR 180.304).

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.)).

Dated: November 18, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 77-34013 Filed 11-25-77; 8:45 am]

[6560-01]

[FRL 820-2; OPP-50343]

PENNWALT CORP.

Issuance of Experimental Use Permit

The Environmental Protection Agency (EPA) has issued an experimental use permit to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 4581-EUP-28. Pennwalt Corp., King of Prussia, Pa. 19406. This experimental use

permit allows the use of the remaining supply of approximately 5,114 pounds of the insecticide mixture of 0,0-diethyl-0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate and aromatic petroleum solvent to evaluate control of a variety of insects in residential, industrial food processing, and business sites and on ornamental trees, shrubs, and turf; this use was authorized in a previous experimental use permit. The program is authorized in the 48 contiguous States, Hawaii, and the District of Columbia. The experimental use permit is effective from October 14, 1977 to October 14, 1978.

Interested parties wishing to review the experimental use permit are referred to room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated November 18, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 77-34014 Filed 11-25-77; 8:45 am]

[6560-01]

[FRL 820-71]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Open Meeting

Under section 10(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Pub. L. 93-523, the "Safe Drinking Water Act," will be held at 9 a.m. on December 14, 1977, and at 8:30 a.m., December 15, 1977, in the Ramada-O'Hare Inn, 6600 Mannheim Road, Des Plaines, Ill. 60018.

The purpose of this meeting will be to discuss the regulation of organic constituents found in drinking water; develop a rationale for standard setting; review EPA's proposed underground injection control regulations; and exchange information with State program officials responsible for implementing the safe drinking water programs in their States.

Both days of the meeting will be open to the public. The Council encourages the hearing of outside statements and allocates a portion of time for public participation. Any outside parties interested in presenting an oral

statement should petition the Council in writing. The petition should include the general topic of the proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at Council meetings.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact Patrick Tobin, Executive Secretary for the National Drinking Water Advisory Council, Office of Water Supply (WH-550), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. The telephone number is area code 202-426-8877.

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

NOVEMBER 21, 1977.

[FR Doc. 77-34012 Filed 11-25-77; 8:45 am]

[6560-01]

[FRL 820-11]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE MEETING

Open Meeting

As required by Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held beginning at 9 a.m., December 12 and 13, 1977, in room 1101 West Tower, U.S. Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C.

This meeting is a regularly scheduled meeting of the Committee. The Committee will be briefed on selected Agency activities and will discuss plans to respond to the several requirements of the Environmental Research Development and Demonstration Authorization Act of 1978 (Pub. L. 95-155), long-range and anticipatory environmental research needs, SAB plans to select and review existing environmental regulations, and items of interest to members.

The meeting is open to the public. Any member of the public wishing to attend or obtain additional information should contact Dr. Richard M. Dowd, Executive Secretary, Executive Committee, Science Advisory Board, 202-755-0263 by close of business December 9, 1977.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

NOVEMBER 18, 1977.

[FR Doc. 77-34009 Filed 11-25-77; 8:45 am]

[6560-01]

[FRL 819-71]

SCIENCE ADVISORY BOARD, ENVIRONMENTAL HEALTH ADVISORY COMMITTEE

Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Environmental Health Advisory Committee of the Science Advisory Board will be held at 9 a.m. on December 12, 1977, in Conference Room A (room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

The principal purpose of the meeting will be to provide advice and consultation on draft documentation relating to health effects of benzene which the U.S. Environmental Protection Agency has referred to the Committee for review, and specifically (1) a draft report entitled, "Benzene Health Effects Assessment," external review draft, October 1977; (2) a preliminary draft entitled, "Human Exposure to Atmospheric Benzene," Stanford Research Institute, October 1977; and (3) an external review draft entitled, "Carcinogen Assessment Group's Preliminary Report on Population Risk to Ambient Benzene Exposures," undated. The draft documents are intended for utilization, by the Agency, in connection with the listing of benzene as a hazardous air pollutant under section 112 of the Clean Air Act, as amended (42 FR 29332). The agenda will also include brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by close of business December 6, 1977. Please ask for Mrs. Ilene Stein or Ms. Barbara Robinson. The telephone number is 703-557-7720.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

NOVEMBER 18, 1977.

[FR Doc. 77-34010 Filed 11-25-77; 8:45 am]

[6560-01]

[FRL 819-81]

SCIENCE ADVISORY BOARD, ENVIRONMENTAL MEASUREMENTS ADVISORY COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Environmental Measurements Advisory Committee will be held beginning at 9 a.m. on December 15, 1977, in the

Main Conference Room, Building 209 of the EPA facility in the GSA Raritan Depot, located on Woodbridge Avenue, Edison, N.J. 08817.

This is the ninth meeting of the Committee. The agenda includes current activities of the Science Advisory Board; presentations by laboratory staff on current environmental monitoring technology involving analytical measurements of toxic compounds, detection and quantification of viruses and pathogens, and bioassay techniques; and member items of interest. Visits to air, water, and bioassay mobile monitoring laboratories will be made.

The meeting is open to the public. Any member of the public wishing to attend or obtain additional information should contact Dr. Joel Fisher, Acting Executive Secretary, Environmental Measurements Advisory Committee, 703-557-7710 by close of business December 9, 1977.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

NOVEMBER 17, 1977.

[FR Doc. 77-34011 Filed 11-25-77; 8:45 am]

[6560-01]

[FRL 820-6 and OPP-42021C]

STATE OF NEW HAMPSHIRE

State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides; Approval Status

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On August 24, 1976, the New Hampshire State plan was approved contingent upon promulgation of additional regulations implementing the legislation. Notice of contingent approval was published in the FEDERAL REGISTER on September 21, 1976 (41 FR 41154). The contingent approval was later extended until October 21, 1977, to allow New Hampshire time necessary to hold public hearing on changes in regulation. Notice of an extension of the contingent approval was published in the FEDERAL REGISTER on September 13, 1977 (42 FR 45944). On October 4, 1977, regulations necessary to implement the legislation were promulgated. Having reviewed these regulations and finding that all requisite legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA, Region I, hereby gives notice that the New Hampshire

State plan is now a fully approved State plan.

Dated: November 17, 1977.

WILLIAM R. ADAMS, Jr.,
Regional Administrator,
Region I.

[FR Doc. 77-34017 Filed 11-25-77; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 885]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

NOVEMBER 21, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30-day notice period (see § 309(c) of the Communications Act), applications filed under part 68, applications filed under part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for part 68 applications.

In order for an application filed under part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under part 21, the cut-off date for filing a mutually exclusive application is the close of business 1 business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's rules.)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Acting Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 20202-CD-P-(2)-78 Pass Word, Inc. (KMM697) C.P. for additional repeater facilities to operate on 2121.4 MHz at Loc. No. 1: 9.3 miles east of Spokane, Mica Peak; 2171.4 MHz Control to be located at Loc. No. 3: 1303 West First Avenue, Spokane, Wash.
- 20203-CD-P-(2)-78 Rodney J. Bacon d.b.a. Coeur D'Alene Answering Service (KUO646) C.P. for additional repeater facilities to operate on 2113.6 MHz at a new site described as Loc. No. 2 to be located 9.3 miles east of Spokane, Mica Peak; 2163.6 MHz Control at a new site described as Loc. No. 3: 213 North Fourth Street, Coeur D'Alene, Idaho.
- 20249-CD-TC-(2)-78 Telecom Corp., consent to transfer of control from Arthur S. Walder, Transferor, to Gary T. Cromack, and Clayton D. Cromack, Transferees. Station: KWU244, KUC920, Shelburne, Mass.
- 20259-CD-P-78 Contact of Farmington, Inc. (new) C.P. for a new 1-way station to operate on 158.70 MHz; 2.5 miles SSW of Farmington, N. Mex.
- 20251-CD-AL-(2)-78 Paul D. Jones and Jon N. Farrington d.b.a. Council Bluffs Mobilephone, consent to assignment of license from Paul D. Jones and Jon N. Farrington d.b.a. Council Bluffs Mobilephone, Assignor to ATS Mobile Telephone, Inc., Assignee. Stations: KTS229, KTS234, Bluffs, Iowa.
- 20253-CD-P-78 Neil E. Stone d.b.a. Stone's Mobile Radio and Dial-A-Page (new) C.P. for a new 1-way station to operate on 152.24 MHz; 511 North Atlantic Avenue, Thief River Falls, Minn.
- 20254-CD-P-78 Neil E. Stone d.b.a. Stone's Mobile Radio and Dial-A-Page (new) C.P. for a new 2-way station to operate on 152.15 MHz; 511 Atlantic Avenue, North, Thief River Falls, Minn.
- 20255-CD-P-(9)-78 R.C.S., Inc. (KMD689) C.P. for additional facilities to operate on 454.050, 454.300 MHz at Loc. No. 1: Tasa-jera Peak, 7 miles NNW of San Luis Obispo; 454.050, 454.300 MHz at Loc. No. 4: Tepusquet Peak, Approx. 13 1/4 miles ESE of Santa Maria, Calif.
- 20256-CD-P-78 Empire Paging Corp. (KEA256) C.P. to change antenna system and relocate facilities operating on 152.03 MHz to be located 930 Old Bridge Turnpike, East Brunswick, N.J.
- 20257-CD-P-(2)-78 Tel-Page Corp. (KEC941) C.P. to relocate facilities operating on 454.075, 152.09 MHz to be located at a new site described as Loc. No. 3: One Lincoln First Square, Rochester, N.Y.
- 20258-CD-P-78 Tel-Page Corp. (KEJ894) C.P. to relocate facilities operating on 152.21 MHz at a new site described as Loc. No. 2: One Lincoln First Square, Rochester, N.Y.
- 20259-CD-P-78 Tel-Page Corp. (KGI787) C.P. to relocate facilities operating on 152.24 MHz at Loc. No. 1 to be located at One Lincoln First Square, Rochester, N.Y.
- 20260-CD-P-78 Tel-Page Corp. (KEC518) C.P. to relocate facilities operating on 43.58 MHz to be located One Lincoln First Square, Rochester, N.Y.
- 20261-CD-P-78 Chandler S. Lynch d.b.a. Midtown Business Center (new) C.P. for a

new 1-way station to operate on 158.70 MHz; 2022 Avenue A, Kearney, Nebr.

20262-CD-TC-(7)-78 Patterson Anserphone Communications Enterprises, Inc., consent to transfer of control from Ferebee Land Patterson, Transferor to Hilda S. Patterson, executrix of Estate Ferebee Land Patterson, deceased, Transferee. Stations: KIG841, Butner; KIY409, KRH661, Raleigh, N.C.; KFL931, KRH658, High Point, N.C.; KIY758, KRH657, Durham, N.C.

20271-CD-P-78 Telestar Communications, Inc. (new) C.P. for a new 1-way station to operate on 152.24 MHz; 8 miles south of Cheyenne, Wyo.

CORRECTIONS

21304-CD-P-77 Western Electronic & Communications, Wilson J. Trahan and Ralph E. Antles d.b.a. (KWH307) correct entry to read (new). All other particulars to remain as reported on PN No. 858 dated May 16, 1977.

20226-CD-P-(2)-78 Communication Equipment & Service Inc. (KQZ768) correct entry to read additional facilities to operate on 454.175 MHz at Loc. No. 1 to be located at 1010 College Road, Fairbanks; 152.24 MHz (base) at a new site described as Loc. No. 2: 0.5 mile east of State Highway No. 2, North Pole, Alaska.

21215-CD-TC-(8)-78 Telephone Communications, Inc., correct entry to change the State from Green Bay, Wyo. to Green Bay, Wis. All other particulars remain as reported on PN No. 884 dated November 14, 1977.

POINT TO POINT MICROWAVE RADIO SERVICE

IL-324-CF-R-78 American Telephone & Telegraph Co. (WBB275) Chicago, Ill., renewal of developmental radio station license expiring November 10, 1977, Term: November 10, 1977 to November 10, 1978.

IL-325-CF-R-78 Same (WBB276) Matteson, Ill., renewal of developmental radio station license expiring November 10, 1977, Term: November 10, 1977 to November 10, 1978.

IL-326-CF-R-78 Same (WBB277) Grant Park, Ill., renewal of developmental radio station license expiring November 10, 1977, Term: November 10, 1977 to November 10, 1978.

AR-351-CF-P-78 Southwestern Bell Telephone Co. (KYJ47) 715 Louisiana Street, Little Rock (Pulaski), Ark., Lat. 34°44'30" N., Long. 92°16'20" W. C.P. to add frequency 6404.8H MHz toward High Point, Ark.

TX-338-CF-P-78 Same (KKB37) 1116 Houston St., Ft. Worth (Tarrant), Tex., Lat. 32°44'57" N., Long. 97°19'43" W. C.P. to change frequencies on 5937.8V, 5997.1V and 6056.4V MHz to 6034.2H, 6093.5H and 6152.8H MHz toward Joshua Rs, Tex., replace transmitters and antennas.

TX-339-CF-P-78 Same (KKB41) Joshua Rs 2 miles NW. of Joshua (Johnson), Tex., Lat. 32°28'59" N., Long. 97°24'25" W. C.P. to change frequencies 6189.8V, 6249.1V and 6308.4V MHz to 6286.2V, 6345.5V and 6404.8V MHz toward Ft. Worth, Tex., and 6204.7V, 6264V and 6323.6V MHz to 6286.2H, 6345.5H and 6404.8H MHz toward Covington, Tex., replace transmitters and antennas.

TX-340-CF-P-78 Same (KKB45) 1.2 miles NE. of Covington (Hill), Tex., Lat. 32°11'20" N., Long. 97°14'15" W. C.P. to change frequencies 5952.6V, 6011.9V, 6071.2V MHz to 6034.2V, 6093.5V, 6152.8V MHz toward Joshua Rs, Tex., and

5937.8H, 5997.1H, 6056.4H MHz to 6034.2H, 6093.5H, 6152.8 MHz toward Hillsboro, Tex., move and replace antennas, replace transmitters.

TX-341-CF-P-78 Same (KKB46) 215 East Franklin, Hillsboro (Hill), Tex., Lat. 32°00'43" N., Long. 97°07'36" W. C.P. to change frequencies 6189.8H, 6249.1H, 6308.4H MHz to 6286.2V, 6345.5V, 6404.8V MHz toward Covington, Tex. and 6204.7H, 6264H, 6323.3 MHz toward West, Tex., replace transmitters, move and replace antennas and increase structure height.

TX-342-CF-P-78 Same (KKB47) 3 miles SW. of West (McLennan), Tex., Lat. 31°46'27" N., Long. 97°08'12" W. C.P. to increase structure height and change frequencies 5952.6H, 6011.9H, 6071.2H MHz to 6034.2V, 6093.5V, 6152.8V MHz toward Hillsboro, Tex., change 5937.8V, 5997.1V, 6056.4V MHz to 6034.2H, 6093.5H, 6152.8H MHz toward Waco, Tex., replace transmitters, move and replace antennas.

TX-343-CF-P-78 Southwestern Bell Telephone Co. (KKB49) 10th and Washington, Waco (McLennan), Tex., Lat. 31°33'14" N., Long. 97°08'13" W. C.P. to change frequencies 6189.8V, 6249.1V, 6308.4V MHz to 6345.5V, 6286.2V, 6404.8V MHz toward West, Tex., change 6204.7H, 6264H MHz to 6212H, 6330.7H MHz toward Bruceville, Tex., replace transmitters, move and replace antennas.

TX-344-CF-P-78 Same (KVD98) 1.3 mile SE. of Bruceville (Falls), Tex., Lat. 31°18'09" N., Long. 97°13'36" W. C.P. to change frequencies 5952.6H, 6011.9H MHz to 5960V, 6078.6V MHz toward Waco, Tex., change 5937V, 5997.1V to 5960H, 6078.6H MHz toward Temple, Tex., replace transmitters and antennas.

TX-345-CF-P-78 Same (KVD97) 117 North First Street, Temple (Bell), Tex., Lat. 31°05'54" N., Long. 97°20'28" W. C.P. to change frequencies 6189.8V, 6249.1V MHz to 6212H, 6330.7H MHz toward Bruceville, Tex., replace antennas and transmitters.

LA-346-CF-P-78 South Central Bell Telephone Co. (KTF66) 1.5 mile SE. of Maxie (Acadia), La., Lat. 30°18'27" N., Long. 92°22'52" W. C.P. to add frequency 3910H MHz toward Lafayette, La., and change polarization from horizontal to vertical on frequencies 3750, 3830, 3910, 3990, 4070, 4150 MHz toward Fenton, La.

LA-347-CF-P-78 Same (KTF67) 3.4 miles SE. of Fenton (Jefferson Davis), La., Lat. 30°20'10" N., Long. 92°52'39" W. C.P. to add frequency 3870V MHz and, change polarization from horizontal to vertical on 3710, 3790, 3950 MHz toward Maxie, La.

LA-347-CF-P-78 Same (KVU60) 315 Division St., Lake Charles (Calcasieu), La., Lat. 30°13'51" N., Long. 93°12'57" W. C.P. to add frequency 3910H MHz toward Fenton, La.

AR-352-CF-P-78 Southwestern Bell Telephone Co. (WBB32) High Point, 2.4 miles NW. of Roland, High Point Mountain (Pulaski), Ark., Lat. 34°55'54" N., Long. 92°31'13" W. C.P. to add a new point of communication on 6034.2H MHz on azimuth 303.1°, and 6152.8V MHz toward Little Rock, Ark.

AR-353-CF-P-78 Same (KRR61) 11 miles W. of Morrilton, Petit Jean (Conway), Ark., Lat. 35°09'07" N., Long. 92°56'01" W. C.P. to add a new point of communication on 6286.2V MHz toward High Point, Ark. and 6286.2H MHz toward Dardanelle, on azimuth 122.9° and 302.3° respectively.

AR-354-CF-P-78 Same (New) Dardanelle, Skyline Dr. and Marina Way, Norristown

(Pope), Ark., Lat. 35°16'30" N., Long. 93°10'17" W. C.P. for a new station on frequencies 6034.2V MHz toward Petit Jean, Ark. and 6034.2H MHz toward Harmony, Ark., on azimuth 122.2° and 308.8° respectively.

AR-355-CF-P-78 Southwestern Bell Telephone Co. (new) 1 mile S of Harmony, (Johnson) Ark. Lat. 35°31'47" N., Long. 93°33'38" W. C.P. for a new station on frequencies 6386.2V MHz on azimuth 128.5 degrees toward Dardanelle, Ark. 6286.2H MHz on azimuth 257.2° toward Mulberry Ark.

AR-356-CF-P-78 Same (new) Mulberry 7 miles W of Cecil, (Franklin) Ark. Lat. 35°26'30" N., Long. 94°01'44" W. C.P. for a new station on frequencies 6034.2V MHz on azimuth 076.9° toward Harmony Ark., 6034.2H MHz on azimuth 259.9° toward Fort Smith, Ark.

AR-357-CF-P-78 Same (WBB314) 101 No. 13th Fort Smith, (Sebastian) Ark. Lat. 35°23'03" N., Long. 94°25'04" W. C.P. to add a new point of communication on frequency 6286.2V MHz on azimuth 079.7° toward Mulberry, Ark. and increase structure Hgt.

NM-358-CF-P-78 Mountain States Telephone & Telegraph Co. (KLU55) 4 miles NW of Hwy. 285 & 111 Tres Piedras, (Taos) N. Mex. Lat. 36°39'00" N., Long. 105°58'18" W. C.P. to add a new point of communication on frequencies 2170H 2171.7H MHz on azimuth 116.3° toward Taos, North, N. Mex.

NM-359-CF-P-78 Same (new) Taos North .25 mi. N of Jct. 150 & 230 Arroyo Seco, (Taos) N. Mex. Lat. 36°29'57" N., Long. 105°35'41" W. C.P. for a new station on frequencies 2120H 2121.7H MHz toward Tres Piedra, N. Mex. on azimuth 296.5°.

AK-373-CF-MP-78 Copper Valley Telephone Cooperative, Inc. (WCG225) Glenn Highway mile 188.3 Glennallen, Alaska Lat. 62°06'32" N., Long. 145°29'13" W. MP of 1786-CF-P-77 to replace transmitters on 2178.2H MHz toward Copper Ctr., Alaska.

AK-374-CF-MP-78 Same (WCG226) 2.8 miles S on Richardson Hwy. Copper Center, Alaska. Lat. 61°54'58" N., Long. 145°17'30" W. MP of 1787-CF-P-77 to replace transmitters on 2128.2H MHz toward Glennallen, 2121.6V MHz toward Edgerton, Alaska and increase power output toward Edgerton, Alaska.

AK-375-CF-MP-78 Same (WCG227) Edgerton 4.45 miles north-northeast of Tonsina, Alaska Lat. 61°42'48" N., Long. 145°07'55" W. MP of 1788-CF-P-77 to change frequency 2171.6V MHz toward Copper Center, Alaska, replace transmitters and increase power output.

AK-377-CF-P-78 RCA Alaska Communications, Inc. (new) Junction of Front St. and Steadman Ave. Nome, Alaska Lat. 64°29'50" N., Long. 165°24'05" W. C.P. for a new station on frequency 2167.2V MHz toward Anvil Mtn., Alaska on azimuth 339.6°.

AK-378-CF-MP-78 Same (WAU241) Anvil Mtn. 3.5 miles NNW of Nome, Alaska Lat. 64°33'52" N., Long. 165°22'11" W. MP of 2367-CF-P-75 on frequency 2117.2V MHz toward Nome, Alaska on azimuth 191.4°.

AR-379-CF-P-78 Southwestern Bell Telephone Co. (KKB55) 725 S Church St. Jonesboro, (Craighead) Ark. Lat. 35°50'11" N., Long. 90°42'17" W. C.P. to add a new point of communication on frequencies 6256.5V 6375.2V MHz on azimuth 103.0° toward Caraway, Ark., correct coordinates and increase structure height.

AR-380-CF-P-78 Same (new) Missouri & Chicago St. Caraway, (Craighead) Ark., Lat. 35°45'44" N., Long. 90°18'55" W. C.P. to for a new station on frequencies 6004.5H 6123.1H MHz on azimuth 283.2 degrees toward Jonesboro, Ark., 6004.5V MHz on azimuth 064.0° toward Blytheville, Ark., 6004.5 MHz on azimuth 168.9° toward Gilmore, Ark.

AR-381-CF-P-78 Same (new) 322 So 2 St. Blytheville, (Mississippi) Ark. Lat. 35°55'29" N., Long. 89°54'14" W. C.P. for a new station on frequencies 6256.5H MHz on azimuth 244.2° toward Caraway, Ark., 2112H MHz on azimuth 238.3° toward Dell, Ark.

AR-382-CF-P-78 Same (new) 2d & Main St. Dell, (Mississippi) Ark. Lat. 35°51'19" N., Long. 90°02'31" W. C.P. for a new station on frequency 2162H MHz on azimuth 058.2° toward Blytheville, Ark.

AR-383-CF-P-78 Same (new) 2.5 miles E. of Gilmore, (Crittenden) Ark. Lat. 35°25'26" N., Long. 90°14'03" W. C.P. for a new station on frequencies 6256.5H MHz on azimuth 348.9° toward Caraway, Ark., 2112H MHz on azimuth 039.0° toward Joiner, Ark., 2115.2V MHz on azimuth 047.2° toward Wilson, Ark.

AR-384-CF-P-78 Same (new) Hwy 61 .5 miles NE of Joiner, (Mississippi) Ark. Lat. 35°30'45" N., Long. 90°08'47" W. C.P. for a new station on frequency 2162H MHz on azimuth 219.1° toward Gilmore, Ark.

AR-385-CF-P-78 Same (new) Madison Ave. & Hwy. 61 Wilson, (Mississippi) Ark. Lat. 35°34'01" N., Long. 90°02'42" W. C.P. for a new station on frequency 2165.2V MHz on azimuth 227.3° toward Gilmore, Ark.

GA-386-CF-P-78 Southern Bell Telephone & Telegraph Co. (KIP48) 304 Pine Ave. Albany, (Lougherty) Ga. Lat. 31°34'40" N., Long. 84°09'17" W. C.P. to change frequency 6345.5H to 6197.2V MHz toward Piney Grove, Ga. and replace transmitters.

GA-387-CF-P-78 Same (KJH67) Piney Grove 7.6 miles SSW of Leslie, (Lee) Ga. Lat. 31°50'47" N., Long. 84°08'13" W. C.P. to change frequencies 6063.8H to 5974.8V MHz toward Albany, Ga., 5974.8V to 5945.2H MHz toward Andersonville, Ga. and replace transmitters.

NH-312-CF-MP-78 Yankee Microwave (KYZ 85) Mount Washington, (Sargents Purchase) N.H. (Lat. 44°16'13" N., Long. 71°11'13" W.). Construction permit to add 6019.3H MHz toward Littleton, N. H., on azimuth 278.8°.

SD-322-CF-P-78 Mountain Microwave (WAY 26) 2 miles NW of Redfield, S. Dak. (Lat. 44°54'40" N., Long. 98°31'55" W.). Construction permit to move receive antenna station location 11305V, 11465V, and 11625V MHz toward Aberdeen, S. Dak., on azimuth 4°.

WV-304-CF-P-78 Western Maryland Communications, Inc. (KQX 32) Cacapon Mtn., 2.0 miles West of Ridge, W. Va. (Lat. 39°37'03" N., Long. 78°20'48" W.). Construction permit to replace transmitter(s)—6345.5H MHz toward Iron's Mtn., W. Va.

CORRECTIONS

AR-229-CF-P-78 Southwestern Bell Telephone Co. (WQP87) S end of Kenilworth Avenue, Fayetteville, (Washington) Ark. Lat. 36°04'17" N., Long. 94°08'25" W. Correct entry to read: C.P. for new station on frequency 6286.2V MHz on azimuth 002.9° toward Rogers, Ark.

AR-230-CF-P-78 Same (new) 700 W. Walnut, Rogers, (Benton) Ark. Lat. 36°19'58" N., Long. 94°07'27" W. Correct entry to read: CP for new station on frequency 6034.2H MHz on azimuth 182.9° toward Fayetteville, Ark.

(FR Doc. 77-34118 Filed 11-25-77; 8:45 am)

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION

[27360]

PRIVACY ACT OF 1974

Changes to Systems of Records

Under the Privacy Act of 1974, the Federal Deposit Insurance Corporation (the "FDIC") is required to publish notice of all systems of records it maintains. 5 U.S.C. 552(e)(4), 88 Stat. 1896, 1899-1900. Pursuant to this requirement, on August 31, 1977, the FDIC published notice in the FEDERAL REGISTER (42 FR 43948) of the adoption of two new systems of records and the revision of its existing systems of records. A review of this published notice has indicated a need to clarify the language of some of the systems. Also, as a result of recent regional office moves, it is necessary to correct addresses contained in the appendix to the systems of records. Finally, it is necessary to make corrections in certain of the systems to reflect recent internal FDIC reorganizations and, as a consequence, to accurately reflect the appropriate system managers.

Because these changes reflect merely corrections or internal FDIC restructuring and the changes have no substantive effect on the public, public participation would serve no useful purpose. Accordingly, the Board of Directors adopted the changes with an immediate effective date.

In consideration of the foregoing, the published notices of the FDIC's systems of records are amended as follows:

1. In the Municipal Securities Principals and Representative System (30-64-0016), on the second column of page 43954, the paragraph entitled *Record source categories*, which read as follows:

Individuals on whom the records are maintained as well as municipal securities dealers described in Categories of individuals covered by the system and Federal, State, local, and foreign governmental authorities and self-regulatory agencies which regulate the securities industry.

is revised to read as follows:

Individuals on whom the records are maintained, as well as municipal securities dealers (as such dealers are described in "Categories of individuals covered by the system" above), and

Federal, State, local, and foreign governmental authorities and self-regulatory agencies which regulate the securities industry.

2. In the Medical Records and Emergency Contract Information System (30-64-0017), on the first column of page 43955, under the paragraph entitled *System manager(s) and address*, "Office of Employee Relations" is changed to "Office of Personnel Management".

3. In Appendix A to the system of records, at page 43955, the address for the FDIC's Boston Regional Office is changed to read:

Boston Regional Office, FDIC, 60 State Street, 17th Floor, Boston, Mass. 02109.

4. In Appendix A to the systems of records, at page 43955, the address for the FDIC's Memphis Regional Office is changed to read as follows:

Memphis Regional Office, FDIC, 1 Commerce Square, suite 1800, Memphis, Tenn. 38103.

By order of the Board of Directors, September 30, 1977.

For the Federal Deposit Insurance Corporation.

ALAN R. MILLER,
Executive Secretary.

(FR Doc. 77-34111 Filed 11-25-77; 8:45 am)

[6730-01]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to certificates of financial responsibility (oil pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner-Operator and vessels
01007	B. Holter-Sorensen & Co.: <i>Holthorn</i> .
01010	Dampskibsselskabet <i>Produce</i> (The Steamship Co. <i>Produce</i> , Ltd.): <i>Providence</i> .
01017	Westfal-Larsen & Co. A/S: <i>Berganger, Saga Stream</i> .
01035	Ove Skou: <i>Benny Skou, Lotte Skou</i> .
01039	Den Norske Amerikalinje A/S: <i>Kongsford</i> .
01077	H. M. Wrangell & Co. A/S: <i>Hoi Kung</i> .
01087	Dampskibsselskabet <i>Torm</i> A/S: <i>Torm Gunhild</i> .
01150	Chevron Transport Corp.: <i>T. L. Lenzen</i> .
01185	Aksjeselskapet <i>Kosmos</i> : <i>Jawaga</i> .
01192	Odd Berge Tankrederi A/S: <i>Kollskegg</i> .
01267	Agdeslens Rederi A/S, Morland Rederi A/S, Morland Shipping Co. A/S, Morland Tankrederi A/S: <i>Flordaaas</i> .
01320	Friedrich A. Detjen: <i>Saar</i> .
01343	Hamburg-Sudamerikanische Dampfschiffahrts-Gesellschaft <i>Egert & Am-sinn</i> : <i>Polar Paraguay, Polar Brasil</i> .
01530	Herm. Dauelsberg, Bremen: <i>Octavia</i> .
01617	Breeze Shipping Co., Ltd.: <i>Southern Breeze</i> .

- 01758 Chotin Transportation Inc.: *ETT-112*.
 01805 Suisse Atlantique: *Yguazu*.
 01857 OHG I FA Bernhard Schulte: *Moritz Schulte*.
 01893 Silver Line Ltd.: *Silver Erik*.
 01905 Ben Line Steamers Ltd.: *Benattow, Ben-lomond*.
 01931 Brigantine Transport Corp.: *Johannes Maersk*.
 01947 Transportes Armadora S.A.: *Historic Colocotronis*.
 01982 AB Svenska Ostasiatiska Kompaniet: *Hokkaido*.
 01999 Rederiaktiebolaget Motortank: *Markland*.
 02000 Rederiaktiebolaget Svenska Lloyd: *Valencia*.
 02008 Rederiet For M/S Victoria: *Victoria*.
 02153 Vale Do Rio Doce Navegacao S.A.: *Doce Golfo*.
 02182 Flanigan, Loveland Shipping Co., S.A. & Intercontinent Tankers, Inc.: *Challenge*.
 02183 Tanker Ventures S.A.: *Venture*.
 02184 Titan Tankers, Inc.: *Intercontinent*.
 02198 Peninsular & Oriental Steam Navigation Co.: *Strathlauder*.
 02246 Blue Star Line, Ltd.: *New Zealand Star*.
 02419 Far Eastern Shipping Ltd.: *Federal St. Clair*.
 02481 Afros Shipping Co. Ltd.: *Apollonian*.
 02497 Transworld Drilling Co.: *Drilling Tender No. III, Drilling Tender No. II, Drilling Tender No. I*.
 02505 Bamburg Shipping Co. Ltd.: *Cheviot*.
 02551 Ellerman Lines Ltd.: *City of Colombo, City of Sparth, City of Canberra*.
 02715 Allied Towing Corp.: *ATC-202, ATC-2001*.
 02727 Societe Maritime Des Petroles BP: *Amboise*.
 02734 Italia Societa Per Azioni Di Navigazione: *Amboise*.
 02850 Maritime Lloyd Inc.: *Seaboard*.
 02975 Venture Shipping (Mangers) Ltd.: *Anticent Giant*.
 03067 Vickers Towing Co., Inc.: *Nita Vickers, Ellen, Leslie, Dwight, Boy, Barbara*.
 03216 Salenrederierna AB: *Foglaro*.
 03269 Det Forenede Dampskibsselskab A/S: *Nopal Spray*.
 03321 Marunouchi Kisen K. K.: *Alaska Maru*.
 03322 Daiichi Chuo Kisen Kabushiki Kaisha: *Darwin Maru*.
 03354 Eastern Princess Shipping Corp., Inc.: *Eastern Princess*.
 03418 Daiichi Senpaku K. K.: *Nishin Maru*.
 03441 Japan Line K. K.: *Japan Hyacinth*.
 03459 Meiji Kaikan K. K.: *Meisen Maru*.
 03463 Sankyo Kaiun Kabushiki Kaisha: *Kyokai Maru*.
 03484 Sanko Kisen K. K.: *Tenka Maru*.
 03526 Uwajima Shosen K. K.: *Shinkai Maru*.
 03514 A/S Kristian Jepsens Rederi: *Altines*.
 03592 Marmac Corp.: *B-12*.
 03708 Puget Sound Tug & Barge Co.: *98, 95, 51, 50*.
 03823 Eldorado Compania Naviera S.A.: *Anna*.
 03855 Prometheus Shipping Corp.: *Prometheus*.
 03997 Baltika Schiffahrtsgesellschaft Reith & Co.: *Willi Reith*.
 04012 Lib-Ore Steamship Co. Inc.: *Dispatcher, Pathfinder, Discoverer*.
 04037 C. F. Bean Corp.: *Barge 605*.
 04080 Port Arthur Towing Co.: *Patco 58, Patco 410, MS-15, Patco 420*.
 04172 Eklof Marine Corp.: *Esso Barge No. 18*.
 04255 Intercity Barge Co. Inc.: *Intercity No. 15*.
 04226 National Marine Service Inc.: *NMS No. 88, LTC No. 50, LTC No. 49*.
 04230 James Fisher and Sons Ltd.: *Brathay Fisher*.
 04275 Intercounty Construction Corp.: *Steel Deck Barge (550)*.
 04289 Dixie Carriers Inc.: *ETT-115, ETT-116*.
 04503 Okutsu Suisan Kabushiki Kaisha: *Zenko Maru No. 51*.
 04546 Mr. Toshikazu Miki: *Kyowamaru No. 11*.
 04652 Astrocielo Compania Naviera S.A.: *Points*.
 04768 Traverse Shipping, Inc.: *Perilfiski*.
 04817 Ocean Oil Voyages, Inc.: *Golar Betty*.
 04873 Compania Espanola De Petroleos S.A.: *Vitoria*.
 04884 Hall Corp. Shipping Ltd.: *Frobisher Transport*.
 04924 Naptha Barge Co.: *Panama, Suez*.
 04939 Panocean Shipping Terminal Inc.: *Post Enterprise, Post Endeavour, Post Chaser, Post Charger, Post Champion, Post Challenge, Post Runner*.
 04950 Partenreederer M.V. Nordseesand: *Nordseesand*.
 05047 PPG Industries, Inc.: *B-724*.
 05098 Esso Tankers Inc.: *Esso Nicaragua, Esso Parentia*.
 05122 Sanyu Kisen K. K.: *Nichiyu Maru*.
 05155 Bultema Dock & Dredge Co.: *BD 1*.
 05183 Leth & Co.: *Scharhorn*.
 05331 Northland Shipping ('62) Co. Ltd.: *Northland Prince*.
 05520 Union Carbide Corp.: *LCT 104, CC-105*.
 05591 Caribbean Charterers Operators Ltd.: *Caribbean Arichuna*.
 05624 Pertamina: *Pertamina Samudra IX*.
 05736 Flota Cubana De Pesca: *Cubanacan*.
 05759 CIA Nationale De Navigation: *Pluviose*.
 06012 Tensel Kisen K. K.: *Toset Maru*.
 06025 Sanpan Towing Co., Inc.: *Molly M, Debbie Lee*.
 06075 Matuna Fisheries Ltd.: *Mattuna Mariner*.
 06340 Daikyo Tanker K. K.: *Daikyo Maru*.
 06374 Dale Maritime Co., Ltd.: *Ta Peng No. 1, Chieh Hsing*.
 06848 Dietrich Sander Bereederung G.m.b.H.: *Hede*.
 06818 Grobus-Reederei G.m.b.H., Hamburg: *S.A. Kuneneland*.
 07019 Allied Shipping International Corp.: *Angelique, Kyma, Akritas*.
 07051 Rextar Shipping Ltd.: *Rextar*.
 07230 Hassel Trading Corp.: *Silver Clipper, Federal Bulker, Silver Zephyr, Silver Pagoda, Seastar, Silver Shelton, Seaborne, Seaservice, Seatransport, Hercules Bulker, Silver Longevity, Mexican Gulf*.
 07261 Chancery Shipping Corp., Inc.: *Alba*.
 07348 K/S A/S Sea-Team & Co.: *Suecia Team, Sevonia Team, Scandia Team, Norvegia Team, London Team, Anglia Team*.
 07401 Naviera De Exportacion Agricola, S.A.: *Bentmar*.
 07550 Erato Shipping, Inc.: *Suzeric*.
 07649 Perama Navigation Co., Ltd.: *Perama*.
 07874 Sanmarco Vrontados S. A.: *Bangla Polyxeni*.
 07934 Ship Operators of Florida, Inc.: *Martha*.
 08039 Diamond River Co., Ltd.: *Diamond River*.
 08057 Carmel Transport Corp.: *Stolt Castle*.
 08183 Si. Ta. Siciliana Tanker Spa: *Erminia Prima*.
 08234 Burmah Oil Tankers, Ltd.: *Burmah Spar, Burmah Onyx*.
 08474 Knossos Shipping, Inc.: *Argo Castor*.
 08475 Thessaly Shipping, Inc.: *Argo Pollux*.
 08709 Bibby Freighters, Ltd.: *Atlantic Bridge*.
 08882 Caminos Transmares Navegacion S.A.: *PN: Audacious*.
 08894 Maritime Coastal Containers, Ltd.: *Berg-falck*.
 08884 Artic Shipping Singapore (PTE) Ltd.: *Theben, Toyo, Tatra*.
 08994 Tranquillity Shipping & Trading Corp.: *S.A.: Petroia XXXI*.
 08996 Iphigenia Shipping & Trading Corp.: *Petroia XXXVI*.
 09031 Union Mechlint Corp.: *359, 363*.
 09054 A/S Geir: *Enigheden*.
 09078 Norland Shipping Co., Inc.: *Stolt Nor-ness*.
 09089 Surrey Shipping Co., Ltd.: *Shackleford*.
 09082 Trans Maritime Shipping S.A.: *Oriental Garnet*.
 09137 Arne Teigens Rederi A/S: *Torafford, Hai Hing*.
 09150 J.S.K. Shipping Corp., Inc.: *Scherazade*.
 09159 Sequoia Corp.: *Clear Lake*.
 09198 Caribbean Sea Carriers, Ltd.: *Eugenia G*.
 09229 Globetrotter Maritime Co., Ltd.: *Skym-nos*.
 09337 Reefer Express Co. N.V.: *Frio Express*.
 09353 K/S A/S Vapore & Co.: *Nopal Shore*.
 09502 Great Circle Shipping Corp.: *Caribbean Arrow*.
 09574 Meridian Line, S.A.: *Tara Sea*.
 09693 Luna Steamship S.A.: *Ocean Prospect*.
 09765 Compania De Navegacion Palmetta S.A.: *Palmetta*.
 09798 Partrederiet TT Hemland: *Hemland*.
 09828 Manson-Osberg-Chemin: *BC-46*.
 09894 Jaime Emilio Nunez: *Jaime*.
 09908 Freight Chartering Co., Ltd.: *Thelma*.
 09917 Petroleum Products of Delaware, Inc.: *CBC-651*.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 77-34023 Filed 11-25-77; 8:45 am]

[6749-02]

[Docket Nos. AR64-1, etc.]

* HUGOTON-ANADARKO AREA, ET AL

Order Directing Disbursement of Refunds;
Correction

SEPTEMBER 30, 1977.

Hugoton-Anadarko Area, Docket Nos. AR64-1, et al. Southern Louisiana Area, Docket Nos. AR61-2, et al. Other Southwest Area, Docket Nos. AR67-1, et al. Texas Gulf Area, Docket Nos. AR64-2, et al. Issued July 14, 1977. Page 4 of Appendix, delete line 25, referring to Trans-Ocean Oil, Inc.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-34085 Filed 11-25-77; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of October 17-18, 1977

In accordance with §271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on October 17-18, 1977.¹

The information reviewed at this meeting suggests that growth in real output of goods and services slowed in the third quarter, mainly because of a reduction in the rate of inventory accumulation. In September industrial production expanded, returning to about the level reached in July, and employment increased substantially. The unemployment rate edged down to 6.9 percent, but remained near the level prevailing since April. The dollar value of total retail sales declined after having risen appreciably in July and August. The wholesale price index for all commodities, which had declined on balance since May, advanced in September; average prices of farm products and foods changed little following three months of sharp decreases, and average prices of industrial commodities rose more than in the immediately preceding months. So far this year the index of average hourly earnings has advanced at about the same pace as it had on the average during 1976.

Pressure on the dollar in foreign exchange markets emerged at the end of September, and the dollar has declined against most major foreign currencies and particularly against the Japanese yen. In August the U.S. foreign trade deficit widened; the July-August average was somewhat above the second-quarter rate.

M-1 and M-2 expanded somewhat more in September than in August, and increased substantially further in early October. Inflows to banks of time and savings deposits increased little in September from the reduced rate in August, while inflows to non-bank thrift institutions remained strong. Short-term interest rates have risen further in recent weeks, and yields on longer-term market securities have increased.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will encourage continued economic expansion and help resist inflationary pressures, while contributing to a sustainable pattern of international transactions.

Growth of M-1, M-2, and M-3 within ranges of 4 to 6½ percent, 6½ to 9 percent, and 8 to 10½ percent, respectively, from the third quarter of 1977 to the third quarter of 1978 appears to be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

At this time, the Committee seeks to maintain about the prevailing money market conditions during the period immediately

ahead, provided that monetary aggregates appear to be growing at approximately the rates currently expected, which are believed to be on a path reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, the Committee seeks to maintain the weekly-average Federal funds rate at about 6½ percent, so long as M-1 and M-2 appear to be growing over the October-November period at annual rates within ranges of 3 to 8 percent and 5½ to 9½ percent, respectively. If, giving approximately equal weight to M-1 and M-2, it appears that growth rates over the two-month period are approaching or moving beyond the limits of the indicated ranges, the operational objective for the weekly-average Federal funds rate shall be modified in an orderly fashion within a range of 6¼ to 6¾ percent.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, November 18, 1977.

ARTHUR L. BROIDA,
Secretary.

[FR Doc. 77-34075 Filed 11-25-77; 8:45 am]

[6210-01]

ROCK CREEK BANCSHARES, INC.

Formation of Bank Holding Company

Rock Creek Bancshares, Inc., Burlington, Kans., 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 of The Peoples National Bank and Trust Co., Burlington, Kans. 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 December 15, 1977.

Board of Governors of the Federal Reserve System, November 18, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-34071 Filed 11-25-77; 8:45 am]

[6210-01]

SUBURBAN BANCORPORATION

Acquisition of Bank

Suburban Bancorporation, Hyattsville, Md., has applied for the Board's approval under 3(a)(3) of the Bank

Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to The Peoples National Bank of Hancock, Hancock, Md. 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 Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 21, 1977.

Board of Governors of the Federal Reserve System, November 21, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-34072 Filed 11-25-77; 8:45 am]

[6210-01]

TRAVERSE COUNTY INVESTMENT CORP.

Formation of Bank Holding Company

Traverse County Investment Corp., Wheaton, Minn., 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 85 percent or more of the voting shares of State Bank of Wheaton, Wheaton, Minn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 19, 1977.

Board of Governors of the Federal Reserve System, November 21, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-34073 Filed 11-25-77; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on November 21, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

¹The record of policy actions of the Committee for the meeting of October 17-18, 1977, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System Washington, D.C. 20551.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before December 16, 1977, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

INTERSTATE COMMERCE COMMISSION

The ICC requests an extension without change clearance of Designation of Agents—Motor Carriers and Brokers, Form BOC-3. This form is filed by ICC regulated carriers to designate an agent to accept service of legal process on behalf of a carrier from any court in any action brought against the carrier in the state named. An agent must be named for each state in or through which a carrier operates. The information is on file for use by the public. Designations are submitted on occasion as changes occur in operating authority or agent redesignation. Designations are mandatory under the Interstate Commerce Act. The ICC estimates that 17,000 carriers hold this authority and that approximately 4,360 responses are received annually and reporting time averages 15 minutes per response.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc. 77-34103 Filed 11-25-77; 8:45 am]

[6802-22]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting on Architectural and Engineering Services, Region 9, December 12, from 9 a.m. through 4:15 p.m., Room No. 2575, on the 25th floor, Tishman Building, 525 Market Street, San Francisco, Calif. The meeting will be devoted to the initial steps of the procedures for screening and evaluating the qualifications

of architect-engineers under consideration for selection to furnish professional services for proposed Federal Correctional Institute, Camarillo, Calif. The meeting will be open to the public.

T. E. HANNON,
Regional Administrator.

[FR Doc. 77-34139 Filed 11-25-77; 8:45 pm]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Cancellation of Public Meeting

Notice is hereby given that the meeting of the Advisory Council on Financial Aid to Students scheduled for December 1, and 2, 1977, at the Channel Inn, Washington, D.C., has been cancelled.

The next meeting of this Advisory Council will be announced in the FEDERAL REGISTER as soon as details can be arranged.

Signed in Washington, D.C., on November 22, 1977.

WARREN T. TROUTMAN,
OE Delegate.

[FR Doc. 77-34110 Filed 11-25-77; 8:45 am]

[4110-02]

COOPERATIVE EDUCATION PROGRAM

Amendment to Notice of Closing Date for Receipt of Applications for Fiscal Year 1978

The Office of Education is amending the Closing Date Notice for the Cooperative Education Program published in the FEDERAL REGISTER on October 12, 1977 (42 FR 55004). Applications for fiscal year 1978 will be subject to the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a), and the existing regulations governing the Cooperative Education Program (45 CFR Part 182), except where these regulations are inconsistent with the program legislation (20 U.S.C. 1133-33b), as revised by the Education Amendments of 1976, e.g., the increase in the maximum period of Federal funding, from 3 to 5 years, coupled with a descending schedule of Federal participation in each additional year of funding; increase in the maximum permissible Federal grants to institutions; and dropping of the requirement that federally supported programs must enroll only full-time students. The October 12 Closing Date Notice stated that applications would be based on the proposed rules published on September 9, 1977.

The Office of Education is taking this step as a result of a substantial

number of comments received regarding the proposed rules. It is unlikely that a final regulation could be published in sufficient time to meet the January 16, 1978 closing date for receipt of applications.

(20 U.S.C. 1133-33b.)

Dated: November 21, 1977.

(Catalog of Federal Domestic Assistance Number 13.510; Cooperative Education Program.)

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 77-34112 Filed 11-25-77; 8:45 am]

[4110-02]

STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM; ADVANCED INSTITUTIONAL DE- VELOPMENT PROGRAM

Closing Date for Receipt of Applications for Fiscal Year 1978

Notice is hereby given that pursuant to the authority contained in section 304 of Title III of the Higher Education Act of 1965, as amended (20 U.S.C. 1054), applications are being accepted from institutions of higher education for grants under the Advanced Institutional Development Program (20 U.S.C. 1051 et seq.). This program is authorized to make grants to 2-year and 4-year, public and private, developing institutions of higher education. These grants provide Federal financial assistance for strengthening the academic quality and administrative capability of developing institutions of higher education which have both the desire and potential to make a substantial contribution to the higher education resources of the Nation but which are struggling for survival and are isolated from the main currents of academic life.

Closing date: January 26, 1978.

A. *Application forms and information.*—Further information and application forms may be obtained from the Advanced Institutional Development Branch, Division of Institutional Development, Bureau of Higher and Continuing Education, Office of Education, 400 Maryland Avenue SW. (Regional Office Building 3, room 3058), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

B. *Applications sent by mail.*—An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: Advanced 13.454A, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances,

the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than January 23, 1978 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

C. Hand-delivered applications.—An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. (Washington, D.C. time), except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

D. Program information.—In formulating proposals, potential applicants should be aware of the amount of funds available for the Advanced Institutional Development Program for fiscal year 1978. A total of \$68,000,000 is requested and will be distributed as follows:

The program will award approximately 20 to 26 new grants to 4-year developing colleges and universities and approximately 9 to 12 new grants to 2-year developing colleges. The grants will range in size from \$1,000,000 to \$3,500,000 and will cover a period of 3 to 5 years. Applications for new grants will be accepted from (1) institutions not currently in the program and (2) grantees whose grants expire on or before December 31, 1978. All grants will be new awards; no funds are reserved for continuation awards.

The above statement with regard to the expected distribution of funds is basically for informational purposes and does not bind the Office of Education except as may be required by the applicable statute and regulation.

E. For further information contact.—Dr. Anita F. Allen, Chief, Advanced Institutional Development Branch, Division of Institutional Development, Bureau of Higher and Continuing Education, 7th and D Streets SW.,

Washington, D.C. 20202. Telephone 202-245-9754.

F. Applicable regulations.—The regulations applicable to this program are the Strengthening Developing Institutions Program Regulations (45 CFR Part 169) and the Office of Education General Provisions Regulations (45 CFR Part 100a).

(20 U.S.C. 1054.)

Dated: November 22, 1977.

(Catalog of Federal Domestic Assistance Number 13.454A: Strengthening Developing Institutions.)

ERNEST L. BOYER,

U.S. Commissioner of Education.

[FR Doc. 77-34113 Filed 11-25-77; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-77-496]

ACTING REGIONAL ADMINISTRATOR

Delegation of Authority

The officers appointed to the following listed positions in Region IX (San Francisco) are hereby designated to serve as Acting Regional Administrator, Region IX (San Francisco), during the absence of the Regional Administrator with all the powers, function, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence or there is vacancy in the said listed position.

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Administration.
4. Assistant Regional Administrator for Indian Programs.
5. Assistant Regional Administrator for Community Planning and Development.

(Delegation effective May 4, 1962, 27 FR 4319; Interim Order II, 31 FR 815, January 21, 1966.)

This designation supersedes the designation effective January 10, 1977.

Effective date: November 10, 1977.

EMMA D. McFARLIN,
Regional Administrator,
Region IX (San Francisco).

[FR Doc. 77-34094 Filed 11-25-77; 8:45 am]

[4210-01]

Federal Disaster Assistance Administration
[Docket No. NFD-582; FDAA-540-DR]

ARIZONA

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Arizona (FDAA-540-DR), dated November 4, 1977, and related determinations.

DATED: November 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on November 4, 1977, the President declared a major disaster as follows:

I have determined that the situation in certain areas of the State of Arizona resulting from severe storms and flooding beginning about October 6, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Arizona.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert C. Stevens, FDAA Region IX, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas to have been adversely affected by this declared major disaster.

The Counties of:

Pima, Pinal, Santa Cruz.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc. 77-34092 Filed 11-25-77; 8:45 am]

[4210-01]

(Docket No. NFD-583; FDAA-541-DR)

GEORGIA

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Georgia (FDAA-451-DR), dated November 7, 1977, and related determinations.

DATED: November 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on November 7, 1977, the President declared a major disaster as follows:

I have determined that the situation in certain areas of the State of Georgia resulting from the collapse of the Kelley Barnes Lake Dam and resultant flooding beginning about November 6, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Georgia.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle, FDAA Region IV, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area to have been adversely affected by this declared major disaster.

The county of Stephens.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal
Disaster
Assistance Administration.

[FR Doc. 77-34093 Filed 11-25-77; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 32089 and 32095]

NEW MEXICO

Applications

NOVEMBER 16, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co., has applied for one 4½-inch and one 12½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 29 N., R. 7 W.,
Sec. 18, lot 8 and SE¼SW¼,
Sec. 19, lot 5.
T. 29 N., R. 8 W.,
Sec. 13, S½S½,
Sec. 14, S½S½ and N½SE¼,
Sec. 15, SE¼SW¼ and S½SE¼,
Sec. 22, NE¼NE¼,
Sec. 23, NW¼NW¼,
Sec. 24, N½NE¼ and NE¼NW¼.
T. 31 N., R. 10 W.,
Sec. 20, lots 11 and 14,
Sec. 29, lot 3.

These pipelines will convey natural gas across 3.539 miles of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 77-34062 Filed 11-25-77; 8:45 am]

[4318-84]

[NM 32043, 32044 and 32047]

NEW MEXICO

Applications

NOVEMBER 16, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Co., has applied for five 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 31 N., R. 11 W.,
Sec. 6, lots 1, 2 and SW¼NE¼.
T. 32 N., R. 11 W.,
Sec. 31, SE¼SE¼;
Sec. 33, SW¼NW¼ and N½SW¼.
T. 31 N., R. 12 W.,
Sec. 12, lots 2, 10, 11 and 12;
Sec. 14, lot 10;
Sec. 23, lot 2.

These pipelines will convey natural gas across 2.094 miles of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 77-34063 Filed 11-25-77; 8:45 am]

[4310-84]

[Wyoming 56791 amendment]

WYOMING

Application

NOVEMBER 17, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an amendment to its pending application for a right-of-way to construct a 16-inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

- T. 17 N., R. 117 W.,
Secs. 18, 28 and 34;
T. 17 N., R. 118 W.,
Sec. 14.

The pipeline will transport natural gas from a well in section 19, T. 17 N., R. 118 W., Uinta County into their existing main line in Section 10, T. 15 N., R. 109 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management,

P.O. Box 1869, Rock Springs, Wyo.
82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 77-34064 Filed 11-25-77; 8:45 am]

[4310-84]

Bureau of Land Management

AREA MANAGERS, ELKO DISTRICT, NEV.

Delegation of Authority in General

Under authority of Bureau Order 701, dated July 23, 1964, and as amended, and subject to the limitations in Part III of that order, the Area Managers administering the Elko and Wells Resource Areas of the Elko District, Nev., are authorized to act on the following matters within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Elko District Manager:

DELEGATIONS OF AUTHORITY IN SPECIFIC MATTERS

SEC. 3.3 *Fiscal affairs.* * * *

(d) *Trespass.* Determine liability and issue notice of trespass; recommended as to acceptance of settlement.

SEC. 3.6 *Minerals.* * * *

(m) Oil and Gas exploration operations.
(n) Geothermal Resource exploration operations.

SEC. 3.7 *Range management.* * * *

(a) *Grazing District Administration.*
(1) Process applications for the issuance of licenses and permits to graze or trail livestock.
(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.
(3) Expenditure of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase, or maintenance of range improvements.

(d) Soil and moisture conservation including control of Halogeton glomeratus.

(e) Controlled brush burning in accordance with plans and specifications approved by the State Director.

(f) Protection of wild free-roaming horses and burros.

SEC. 3.8 *Forest management.* * * *

(a) Disposition of forest products including sales of timber not exceeding \$1,000 in value.

SEC. 3.9 *Land use.* * * *

(g) Disposition of materials other than forest products, not exceeding \$2,000 in value.

(z) *Recreation.* All actions relating to recreation management and protection pursuant to 43 CFR 6000 through 6290.

SEC. 3.10 *Designation of Action Officials.* * * *

(a) Area Managers may, by written order, designate qualified employees of the Resource Area to perform the functions of the Area Manager in his absence.

(b) Each employee who serves in an acting capacity shall document that service on Form 1203-1.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective December 15, 1977, and revokes previous delegation published July 17, 1974 (39 FR 27335).

Dated: November 16, 1977.

E. A. MOORE,
District Manager.

[FR Doc. 77-34021 Filed 11-25-77; 8:45 am]

[1505-01]

Bureau of Land Management

[A-061179 and AA-6661-A]

ALASKA NATIVE CLAIMS SELECTION

Application

Correction

In FR Doc 77-30931 appearing at page 564546 in the issue of Wednesday, October 26, 1977, the following changes should be made:

1. In the first column under the center heading, "Seward Meridian (Surveyed)" the fourth line should read,

"sec. 5, lots 3, 14 to 17, inclusive,"

2. The last three lines under the center heading, "Seward Meridian (Surveyed)" should read,

"NW¼NW¼NE¼NW¼SW¼,
NW¼SE¼NW¼SW¼,
NE¼SW¼SW¼.
Containing 2,654.35 acres"

3. In the second column, paragraph three, the word, "surface" should be corrected to read, "subsurface".

[4310-10]

Office of the Secretary

RENEWAL OF ADVISORY COMMITTEE

This notice is published in accordance with the provisions of section 7(a) of the Office of Management and Budget Circular A-63 (Revised). Pursuant to the authority contained in section 14(a) of the Federal Advisory Committee Act (Pub. L. 92-463), I have determined that renewal of the Outer Continental Shelf Advisory Board is necessary and in the public interest.

The Office of Management and Budget has concurred in the renewal of this Committee.

Further information regarding this renewal may be obtained from Alan D. Powers, Director, Office of OCS Program Coordination, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-9311.

Dated: November 18, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc. 77-34065 Filed 11-25-77; 8:45 am]

[6820-35]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS COMMITTEE ON APPROPRIATIONS AND AUDIT

Meeting

A meeting of the Board of Directors Committee on Appropriations and Audit will be held on Thursday, December 8, 1977, at the offices of the Corporation, 733 15th Street NW., Washington, D.C.

The meeting will begin at 10:30 a.m. The agenda will include consideration of the Corporation's fiscal year 1979 budget request, annual audit report, status and proposed use of investment income, status of fiscal year 1977 budget, and allocation of fiscal year 1978 budget.

The meeting is open to the public.

THOMAS EHRLICH,
President.

[FR Doc. 77-34106 Filed 11-25-77; 8:45 am]

[6820-35]

BOARD OF DIRECTORS COMMITTEE ON PROVISION OF LEGAL SERVICES

Meeting

A meeting of the Committee on Provision of Legal Services of the Legal Services Corporation Board of Directors will be held on Thursday, December 8, 1977, at the Ramada Inn of Rosslyn, 1900 North Fort Myer Drive, Arlington, Va.

The meeting will begin at 8 p.m. and will be for the purpose of considering

proposed uses of the Corporation's investment income and such other business as may arise.

The meeting is open to the public.

THOMAS EHRLICH,
President.

[FR Doc. 77-34107 Filed 11-25-77; 8:45 am]

[6820-35]

BOARD OF DIRECTORS

Meeting

A meeting of the Board of Directors of the Legal Services Corporation will be held on Friday and Saturday, December 9-10, 1977, at the Ramada Inn of Rosslyn, 1900 North Fort Myer Drive, Arlington, Va.

The meeting will begin at 9 a.m. on both days. The agenda will include matters relating to the Corporation's budget, an annual audit report, proposed use of investment income, regulations, revisions of the bylaws that were published on August 26, 1977 (42 FR 43100), the Delivery Systems Study, discussion of conflicts between community poverty groups, bilingual assistance, the progress of the Corporation's authorization legislation, and other issues concerning the Corporation and its activities.

The meeting is open to the public.

THOMAS EHRLICH,
President.

[FR Doc. 77-34108 Filed 11-25-77; 8:45 am]

[4110-89]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

NOTICE OF MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held in Tucson, Ariz., from December 7 through December 10, 1977. Site visits are scheduled from December 7-9, and a full Council meeting will be held on December 10 from 9 a.m. to 2 p.m. (Specific locations to be announced at a later date.)

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411), to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the site is for the Council's Committee on Indian Education to visit the Papago tribe (December 7-8), to gather material to finalize its report and for the full Council to

visit Title I and bilingual education programs in Tucson (December 9).

The full Council meeting (December 10), is being held to discuss and review the progress of individual committee reports.

The entire meeting will be open to the public. Because of limited space, all persons wishing to attend should call for reservations by December 1, 1977, area code 202-724-0114.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on November 23, 1977.

PAUL F. KELLER,
Acting Executive Director.

[FR Doc. 77-34176 Filed 11-25-77; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1360; Amdt. No. 2]

ALABAMA

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 42421), and amendment No. 1 (see 42 FR 52588), are amended by extending the filing date for physical damage until the close of business on December 30, 1977, and for economic injury until the close of business on July 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 77-34067 Filed 11-25-77; 8:45 am]

[8025-01]

[License No. 05/05-0117]

CONTROL DATA CAPITAL CORP.

Issuance of a Small Business Investment
Company License

On March 24, 1977, a notice was published in the FEDERAL REGISTER (42 FR 16010) stating that an application had been filed by Control Data Capital Corp., 8100 34th Avenue South, Bloomington, Minn. 55420, with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1976)) for a license as a small business investment company. Subsequent to the publication of the initial notice, Control Data Corp., which was reported as the sole shareholder of Control Data Capital

Corp., decided to have a wholly owned subsidiary, Commercial Credit Co., be the sole shareholder of Control Data Capital Corp. There has been no change in the officers, directors, and plan of operations of Control Data Capital Corp., as a result of the change in its sole shareholder.

Interested parties were given until close of business April 8, 1977, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0117 on October 19, 1977, to Control Data Capital Corp., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 21, 1977.

PETER F. MCNEISH,
Deputy Associate
Administrator for Investment.

[FR Doc. 77-34066 Filed 11-25-77; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1401]

NORTH CAROLINA

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Ashe, Avery, Buncombe, Burke, Caldwell, Madison, McDowell, Mitchell, Polk, Watauga, Wilkes, and Yancey Counties and adjacent counties within the State of North Carolina, constitute a disaster area because of damage resulting from severe storms and flooding beginning about November 4, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 9, 1978, and for economic injury until the close of business on August 9, 1978, at:

Small Business Administration, District Office, 230 South Tryon Street, suite 700, Charlotte, N.C. 28202.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: November 17, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 77-34068 Filed 11-25-77; 8:45 am]

[1505-01]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Revision 15; Amdt. 14]

FIELD OFFICES**Designation To Conduct Program Activities****Correction**

In FR Doc. 77-32951 appearing at page 59153 in the issue for Tuesday, November 15, 1977, in the text of the amendment to the delegation of authority, the title reads "Part IV—Procurement Assistance Program (PA)". It should have read "Part VI—Procurement Assistance Program (PA)".

[8025-01]

[Declaration of Disaster Loan Area No. 1402]

VIRGINIA**Declaration of Disaster Loan Area**

As a result of the President's declaration, I find that Grayson, Lee, Pulaski, Smyth, and Washington Counties and adjacent counties within the State of Virginia constitute a disaster area because of damage resulting from severe storms and flooding beginning about October 31, 1977. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on January 12, 1978, and for economic injury until the close of business on August 14, 1978, at:

Small Business Administration, District Office, Federal Building, room 3015, 400 North Eighth Street, Richmond, Va. 23240.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: November 17, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 77-34114 Filed 11-25-77; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION**Coast Guard**

[CGD 77-216]

MARINE SANITATION DEVICES**Waiver of the Type I MSD Installation Date**

On November 11, 1977, the Commandant of the U.S. Coast Guard with the concurrence of the Administrator of the Environmental Protection Agency (EPA) waived the applicability of §§ 159.5(c)(2) and 159.7(c)(2) of the Marine Sanitation Device (MSD) regulations. This waiver was granted under the authority of section 312(c)(2) of the Federal Water Pollution Control Act, which empowers the Secretary of Transportation, who has delegated this authority to the Commandant, to waive the applicability of any standards and regulations after consultation with the Administrator of the EPA. The applicable provisions of this waiver are as follows:

If a firm commitment for the purchase and placement of a Type I MSD in an existing vessel is made prior to January 30, 1978, but difficulties are encountered in achieving placement of the device in the existing vessel; and placement of the device, in operable condition, is accomplished by January 30, 1979, the existing vessel will be deemed

to have the MSD "installed" by January 30, 1978, and therefore be equipped with the device so as to be in compliance with 33 CFR Part 159 and 40 CFR Part 140.

This waiver allows an owner or operator of an existing vessel who orders a Type I MSD by January 30, 1978, and installs it in an operable condition by January 30, 1979, to have that device considered installed by January 30, 1978, for the purpose of the incentive provisions in §§ 159.5(c)(2) and 159.7(c)(2). Any owner of an existing vessel who complies with this waiver provision will be allowed to operate his vessel after January 30, 1980, with an installed, operable Type I MSD instead of the Type II or III MSD's that would otherwise be required.

The owner or operator must have a purchase order, purchase agreement, or other evidence of a firm commitment from an MSD manufacturer or distributor, which is dated on or before January 30, 1978. Evidence of this commitment must be kept on the vessel or otherwise be readily available upon request from any Coast Guard boarding officer as long as the Type I device remains installed.

The Coast Guard considers this waiver necessary because sufficient numbers of Type I MSD's appropriate for smaller vessels have only recently become available. There is also a backlog of production and delivery of Type I MSD's and yard availability is limited, making timely installation difficult.

A list of Coast Guard certified Type I MSD's follows.

NOTICES

MANUFACTURER	DEVICE	MODEL NUMBER	CERTIFICATION NUMBER	SYSTEM DESCRIPTION	CAPACITY
Electrod Corporation P. O. Box 199 Clarks, Ohio 44024	Lectra/San Lectra/San Lectra/San Lectra/San Lectra/San	12 VDC 32 VDC 12 VDC 24 VDC 32 VDC	159.15/1001/1/I 159.15/1001/2/I 159.15/1001/3/I 159.15/1001/4/I 159.15/1001/5/I	Small vessel physical/ chemical	4 persons/day 4 persons/day 4 persons/day 4 persons/day 4 persons/day
Galley Marine Products P. O. Box 10417 Biviera Beach, FL 33404	Delta Marine Head	12 VDC 24 VDC 32 VDC	159.15/1040/1/I 159.15/1040/2/I 159.15/1040/3/I	Small vessel physical/ chemical	2 persons/day
International Water Saving Systems, Inc. P. O. Box 366 587 Green St. Braintree, MA 02184	Nautromatic IWSS System 1000 IWSS System 1000A	350 1000 1000A	Certifications Suspended.	Small vessel physical/ chemical	4 uses/hr. 4 persons 4 persons
Minsfield Sanitary, Inc. 150 First Street Perryville, Ohio 44864	Monotron 764	TDX 764	159.15/1014/7/I 159.15/1002/1/I	Small vessel Flo-thru small vessel - for use with monomatic toilets only	
Monogram Industries, Inc. 4030 Freedom Boulevard Redondo Beach, CA 90278					

MANUFACTURER	DEVICE	MODEL NUMBER	CERTIFICATION NUMBER	SYSTEM DESCRIPTION	CAPACITY
Baylor Company P. O. Box 36326 Houston, Texas 77036	Lykas SHSD 14,900	Lykas SHSD 14,900	159.15/1037/1/1	Cominutor/chlorinator	15,000 gpd
Clear Water, Inc. Division of LeMere Industries 227 N. Main Street Milwaukee, Wisconsin 53184		Sani-System 600	159.15/1015/6/2	Large vessel physical/chemical with filtration	750 gal/day (25 persons)
General American Research Division of CATX 7449 Natchez Avenue Niles, Illinois 60648		MSS-1	159.15/1012/2/1	Large vessel macerator-sterilizer	System sized according to need
Koehler-Dayton P. O. Box 509 New Britain, Conn. 06050	Enviro-Mac Enviro-Mac II	13-702145	159.15/1013/2/1 159.15/1013/3/1	Large vessel physical/chemical systems	72 gal/hr. (15 persons)
Marland Environmental Systems, Inc. P. O. Box 9 Milwaukee, Wisconsin 53184	Marine Sanitation Devices	MSS-PT HTT-3 HTT-4	159.15/1008/1/1 159.15/1008/2/1 159.15/1008/3/1	Large vessel physical/chemical. Large vessel unitized physical/chemical. Large vessel physical/chemical system for use with existing holding tanks.	2000, 3000, & 4000 gal/day sizes 1000 gal/day 1000 gal/day
Sigma Treatment Systems 603 Dean St. Brooklyn, NY 33619	STS-1	STS-1	159.15/1046/1/1	Large vessel physical/chemical system	1600 gal/day

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[Notice No. 77-314; Reference: ATF O 1100.78A]

DELEGATION TO THE ASSISTANT DIRECTOR
(REGULATORY ENFORCEMENT)

Delegation Order

1. *Purpose.* This order delegates certain authorities, now vested in the Director by regulations in 27 CFR Part 240, to the Assistant Director (Regulatory Enforcement), and provides for redelegation to Regulatory Enforcement personnel, Headquarters and field.

2. *Cancellation.* ATF O 1100.78, Delegation Order—Delegation to the Assistant Director (Regulatory Enforcement) of Authorities of the Director in 27 CFR Part 240, Wine, dated March 10, 1977, (42 FR 15395) is canceled.

3. *Background.* Under current regulations, the Director has authority to take final action on matters relating to the approval of activities at regulated bonded wine cellars. It has been administratively determined that certain authorities now vested in the Director by regulations in 27 CFR Part 240, Wine, belong at and should be delegated to a lower organizational level.

4. *Delegations.* Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco, and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701-9, there is hereby delegated to the Assistant Director (Regulatory Enforcement) the authority to take final action on the following matters relating to 27 CFR Part 240, Wine:

(a) To prescribe all forms required by regulations including bonds, applications, notices, reports, returns, and records, under 27 CFR 240.2 and 27 CFR 240.905.

(b) To approve applications to establish premises for the operation of bonded wine cellars with limited capacity, under 27 CFR 240.120.

(c) To approve other operations, not specifically provided in regulations, to be conducted on bonded wine cellar premises by proprietors provided the operations are conducted in a manner that will not jeopardize the revenue or conflict with wine operations or be contrary to law, under 27 CFR 240.134.

(d) To approve the manner of construction of fences or walls which surround the wine spirits storage tanks premises located outside of buildings, under 27 CFR 240.166.

(e) To receive obsolete formulas that are no longer of any use and are surrendered by proprietors, under 27 CFR 240.213.

(f) To approve other materials or methods for plats, under 27 CFR 240.271.

(g) To approve letter applications by successors to adopt the approved ATF F 698 Supplemental, Formula and Process for Wine, of predecessors, under 27 CFR 240.290a.

(h) To approve the use of other acids to correct natural deficiencies, under 27 CFR 240.364, 27 CFR 240.404, and 27 CFR 240.1052.

(i) To approve statements of processes described on ATF F 698 Supplemental for production of Flor sherry wine, or riders to the formulas, under 27 CFR 240.385.

(j) To approve formulas and processes described on ATF F 698 Supplemental for production of special natural wine, or riders to the formulas, under 27 CFR 240.441.

(k) To approve, pursuant to CFR 240.441, formulas described on ATF F 698 Supplemental filed pursuant to 27 CFR 240.446 for production of essences on bonded wine cellar premises for use in the production of special natural wine.

(l) To approve essences, not made on bonded wine cellar premises, for use in the production of special natural wine, under 27 CFR 240.447.

(m) To approve formulas and processes described on ATF F 698 Supplemental for production of agricultural wine, or riders to the formulas, under 27 CFR 240.465.

(n) To approve formulas and processes described on ATF F 698 Supplemental for production of wine other than standard wine, or riders to the formulas, under 27 CFR 240.482.

(o) To approve, pursuant to 27 CFR 240.482, formulas or riders to formulas described on ATF F 698 Supplemental for the production of all wine products specified under 27 CFR 240.485a.

(p) To approve statements of process described on ATF F 698 Supplemental for production of effervescent wine, or riders to the formulas, under 27 CFR 240.513.

(q) To approve the use of filter aids which contain active chemical ingredients or which have been so treated that they may alter the character of the wine, under 27 CFR 240.528 and 27 CFR 240.1052.

(r) To approve test procedures for the determination of carbon dioxide in still wine, under 27 CFR 240.534.

(s) To approve, pursuant to 27 CFR 240.940, letterhead applications submitted under 27 CFR 240.942 for exceptions to construction and equipment requirements.

(t) To approve, pursuant to 27 CFR 240.941, letterhead applications submitted under 27 CFR 240.942 for exceptions, to methods of operation requirements.

(u) To cancel for use in the production, cellar treatment, or finishing of wine (including distilling material), any approved material which is removed from the Food and Drug Administration list of products generally recognized as safe, under 27 CFR 240.1051.

(v) To approve the use of other materials or methods not specifically authorized in regulations for treatment of wine, under 27 CFR 240.1052.

5. *Redelegation.* (a) The authority in paragraph 4a above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of branch chief.

(b) The authorities in subparagraphs 4b through 4v above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of ATF specialist.

(c) The authorities in paragraphs 4b, 4d, and 4f above may be redelegated to regional regulatory administrators, who may redelegate these authorities to regional Regulatory Enforcement personnel not lower than the position of Chief, Technical Services, or area supervisor.

Effective date: This order becomes effective on November 21, 1977.

Dated: November 21, 1977.

REX D. DAVIS,
Director.

[FR Doc. 77-33906 Filed 11-25-77; 8:45 am]

[4810-22]

[T.D. 77-280]

Customs Service

CANCELLATION WITH PREJUDICE OF
CUSTOMHOUSE BROKER LICENSE 2980

NOVEMBER 22, 1977.

Notice is hereby given that the Commissioner of Customs on November 22, 1977, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and § 111.51(b) Customs Regulations, as amended, upon the specific request of William F. Joffroy, Nogales, Ariz., canceled with prejudice individual customs broker's license No. 2980 issued to him on October 22, 1956, for Customs District No. 25 (San Diego). The Commissioner's decision is effective as of November 22, 1977.

ROBERT E. CHASEN,
Commissioner of Customs.

[FR Doc. 77-34109 Filed 11-25-77; 8:45 am]

[4810-22]

Customs Service

QUOTAS

Proposed Change of Position Relating To Conversion of Local Time to Eastern Standard Time in Determining Quota Priority and Status After Opening of a Quota Period

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

ACTION: Notice of proposed change of position.

SUMMARY: This document proposes to change the Customs position with respect to the procedure for converting local time to Eastern Standard Time as the basis for determining when entries of merchandise subject to quota are presented or officially accepted in establishing quota priority and status after the opening of a quota period. This change is being considered because the present procedure may give an advantage to East Coast importers. Under the proposal, the local time at the port of entry of the merchandise would be used to determine the priority and standing of entries.

DATES: Comments must be received on or before January 27, 1978.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

William D. Slyne, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-2957.

SUPPLEMENTARY INFORMATION:

BACKGROUND

An import quota is a control on the quantity of merchandise which may be imported into the United States during a specified period of time. Import quotas ordinarily are established by legislation or by Presidential proclamations pursuant to specific legislation and thereafter are included in the Tariff Schedules of the United States. The Customs Service administers two types of import quotas: absolute and tariff-rate.

Absolute quotas limit the quantity of merchandise that may enter the United States during a specified period of time. When an absolute quota is filled, further entries are prohibited during the remainder of the quota period.

Tariff-rate quotas permit a specified quantity of imported merchandise to

be entered at a reduced rate of duty during the quota period. There is no limit on the amount of the quota product that may be imported at any time, but quantities entered during the quota period in excess of the quota for that period are subject to higher duty rates.

To insure that all importers have an equal opportunity to enter merchandise that is subject to quota, part 132 of the Customs Regulations (19 CFR Part 132) sets forth applicable rules and procedures. Section 132.3 of the Customs Regulations provides that entries and withdrawals of merchandise subject to quota shall be accepted only during official office hours, except as otherwise provided. In accordance with §132.11 of the Customs Regulations, the quota priority (the precedence of one entry over another) and the quota status (the standing which entitles merchandise to be entered under a quota) of merchandise subject to an absolute quota are determined as of the time of presentation of the entry to Customs in proper form. The quota priority and quota status of merchandise subject to tariff-rate quotas are determined as of the time of official acceptance of an entry.

To secure to each importer the rightful quota priority and status, the period of time during which a quota is in effect is the same for all parts of the United States. Quotas are opened and closed simultaneously at all ports of entry. Therefore, after a quota opens, the time that entries of merchandise subject to an absolute quota are presented to Customs at a port of entry and the time entries of merchandise subject to a tariff-rate quota are accepted by Customs at a port of entry determine their priority. These entries are reported to Customs Service Headquarters so that it can be determined when a particular quota is filled. Under a long standing administrative procedure, the Customs Service has been converting local time at the ports of entry to Eastern Standard Time to determine quota priority and status. Accordingly, the time of entry of quota merchandise at a West Coast port is converted to Eastern Standard Time. This allows Customs to administer quotas on a "first-come, first-served" basis.

It has come to the attention of the Customs Service that this procedure may favor East Coast importers over West Coast importers. Because East Coast Customs offices open 3 hours before those on the West Coast, East Coast importers may file entries 3 hours before West Coast importers for merchandise subject to quotas not filled at the opening of the quota period. Therefore, the Customs Service has determined that converting local time to Eastern Standard Time may not be equitable.

PROPOSED CHANGE

The Customs Service proposes to change its position by determining quota priority and status, after the opening of a quota period, on the basis of the local time at the ports of entry at which entries and warehouse withdrawals for consumption of quota-class merchandise are presented or accepted.

AUTHORITY

This change is proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), and 77A Stat. 14 (General Headnote 11, Tariff Schedules of the United States, 19 U.S.C. 1202). Notice of this proposed change in position is being published for public comment pursuant to §177.10(c)(2) of the Customs Regulations (19 CFR 177.10(c)(2)).

COMMENTS

Before adopting this proposal, consideration will be given to any written comments submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with §103.8(b) of the Customs Regulations (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

DRAFTING INFORMATION

The principal author of this document was Norman W. King, Regulations and Legal Publications Division, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development, both on matters of substance and style.

LEONARD LEHMAN,
Acting Commissioner of
Customs.

[FR Doc. 77-34119 Filed 11-25-77; 8:45 am]

[4810-40]

Office of the Secretary

[Dept. Circular Public Debt Series—No. 29-77]

NOVEMBER 22, 1977.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$2,750,000,000 of U.S. securities, designated Treasury Notes of December 31, 1981, Series L-1981 (CUSIP No. 912827 HG 0). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the

price equivalent of the bid yield of each accepted tender, the interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated December 7, 1977, and will bear interest from that date, payable on a semiannual basis on June 30, 1978, and each subsequent 6 months on December 31 and June 30 until the principal becomes payable. They will mature December 31, 1981, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing U.S. securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., e.s.t., Wednesday, November 30, 1977. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, November 29, 1977.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the

yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the weighted average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary.

After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Wednesday, December 7, 1977, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, note or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, December 5, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the

Fifth Federal Reserve District in case of the Bureau of the Public Debt), or (b) Friday, December 2, 1977, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must

be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

DAVID MOSSO,

Fiscal Assistant Secretary.

[FR Doc. 77-34070 Filed 11-25-77; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 535]

ASSIGNMENT OF HEARINGS

NOVEMBER 22, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 113855 (Sub-No. 376), International Transport, Inc., now being assigned February 22, 1978 (1 day), at Omaha, Nebr., in a hearing room to be later designated.

MC 25869 (Sub-No. 135), Nolte Bros., Truck Line, Inc., now being assigned February 23, 1978 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 113382 (Sub-No. 18), Nelsen Bros., Inc., now being assigned January 27, 1978 (1 day), at Omaha, Nebr., in a hearing room to be later designated.

MC-F-13284, Mid-America Express, Inc.—Purchase (Portion)—Sooner Express, Inc., now being assigned February 28, 1978 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 126118 (Sub-No. 38), Crete Carrier Corp., now being assigned March 2, 1978

(2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 63973 (Sub-No. 17), Kaler Freight Lines, Inc., now assigned December 12, 1977, at Des Moines, Iowa, is canceled and application dismissed.

FD 27620 Maine Central Railroad Co. v. Amoskeag Co., Frederick C. Dumaine & Dumaines and FD 27621 Amoskeag Co.—Control—Maine Central Railroad Co., now being assigned December 7, 1977, for hearing at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-C 9754 Carolina Coach Co., Inc. v. Hopkins Motor Coach, Inc., and MC 48315 (Sub-No. 7), now assigned December 12, 1977, at Salisbury, Md., will be held in the Old Federal Savings & Loan Bank, 306 Carroll Street.

MC 134906 Cape Air Freight, Inc., and MC 134906 (Sub-Nos. 1, 2, 3, 4, 5, 6, and 7), Cape Air Freight, Inc., now assigned December 6, 1977, at Louisville, Ky., will be held in the Stouffers Inn, Hunt Room, 2d Floor, 2d and Broadway.

MC 2860 (Sub-No. 163), National Freight, Inc., now assigned December 12, 1977, at Atlanta, Ga., will be held in room 305, 1252 West Peachtree Street NW.

MC 141804 (Sub-No. 66), Western Express, now being assigned February 6, 1978, for hearing at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 139112 (Sub-No. 13), Caltex Express, Inc., now being assigned February 1, 1978, for hearing at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 124211 (Sub-No. 294), Hilt Truck Line, Inc., now being assigned February 8, 1978, for prehearing conference at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 106398 (Sub-No. 777), National Trailer Convoy, Inc., now being assigned January 31, 1978, for prehearing conference at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 124947 (Sub-No. 61), Machinery Transports, Inc., now being assigned February 2, 1978, for hearing at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 9859 (Sub-No. 4), Kane Transfer Co., now being assigned December 5, 1977, for continued hearing at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 124511 (Sub-No. 31), John F. Oliver, now assigned December 5, 1977, at Indianapolis, Ind., will be held in the Conference Room, 402 Old Federal Building, 46 East Ohio Street.

MC 118130 (Sub-No. 77), South Eastern Xpress, Inc., now being assigned February 22, 1978 (1 day), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 136168 (Sub-No. 15), Wilcon Certified Express, Inc., now being assigned February 23, 1978 (1 day), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 116915 (Sub-No. 32), Eck Miller Transportation Corp., now being assigned February 24, 1978 (1 day), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 135797 (Sub-No. 78), J. B. Hunt Transport, Inc., now being assigned February 27, 1978 (2 days), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 129068 (Sub-No. 38), Griffin Transportation, Inc., now being assigned March 1, 1978 (3 days), for continued hearing in Dallas, Tex., in a hearing room to be later designated.

MC 125433 (Sub-No. 106), F-B Truck Line Co., now being assigned November 29, 1977 (1 day), at Portland, Oreg., and will be held in Room 103, Pioneer Court House, 555 Southwest Yamhill Street.

MC 143041, Byron G. Davenport, d.b.a. Drilling & Mining International, now assigned November 29, 1977, at Denver, Colo., is cancelled and application dismissed.

MC-FC-77100, Gilbert Transport, Inc., Houston, Tex., transferee and Hunt Transportation, Inc., Omaha, Nebr., transferor, now assigned December 14, 1977, at Dallas, Tex., is canceled and application dismissed.

MC 61445 (Sub-No. 6), Contractors Transport Corp., application dismissed.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 77-34129 Filed 11-25-77; 8:45 am]

[7035-01]

[Notice No. 2]

SPECIAL PROPERTY BROKERS

NOVEMBER 22, 1977.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to:

Broker Entry Staff, room 2379, Interstate Commerce Commission, Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-77-31, filed November 22, 1977. Applicant: FLEETWAY MOTOR FREIGHT, INC., 23 East 39th Street, New York, N.Y. 10016. Applicant's representative: Stanley L. Goodman, 277 Park Avenue, New York, N.Y. 10017.

By the Commission.

NANCY WILSON,
Acting Secretary.

[FR Doc. 77-34128 Filed 11-25-77; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

1

CIVIL AERONAUTICS BOARD.

NOTICE OF ADDITION OF ITEM TO THE NOVEMBER 22, 1977 MEETING AGENDA.

TIME AND DATE: 9:30 a.m., November 22, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 4a. Board review of staff denial of Relvas Travel's request for waiver of advance purchase requirement for 4 New York-Lisbon ABC flights. (BOR)

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION:

Item 4a concerns a filing by Relvas Travel Center. On November 14, 1977, Relvas Travel requested a waiver of the advance purchase requirements of Part 371 in order to sell four ABC's between New York and Lisbon until 15 days prior to departure. On November 15, 1977, the staff denied Relvas' request, and by letter dated November 16, Relvas requested Board review. Because the passenger lists for these flights must be filed between November 16 and November 26, 1977, and because Relvas must know whether a waiver has been granted, the Board must meet as soon as possible. Accordingly the following Members have voted that agency business requires that the Board meet on this item on less than seven days' notice and that no earlier announcement of the meeting was possible:

Chairman Alfred E. Kahn

Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S-1909-77 Filed 11-23-77; 8:45 am]

[6320-01]

2

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the November 22, 1977, meeting agenda.

TIME AND DATE: 9:30 a.m., November 22, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 26. Dockets 27844 and 27924, Caribbean International Airways Ltd., d.b.a. Caribbean Airways, and Laker Airways, limited foreign air carrier permits. (Memo No. 5921-B, OGC, BIA.)

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION:

The staff had indicated that it would have prepared for the Board's consideration on November 22, 1977, material regarding item 26. The necessary material will not be available before the November 22, 1977 meeting. Consequently, it is necessary to delete item 26 from the November 22, 1977 meeting, and to reschedule this item in the future when the material is ready for Board consideration. Accordingly, the following Members have voted that agency business requires the deletion of item 26 from the November 22, 1977 agenda and that no earlier announcement of the deletion was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S-1910-77 Filed 11-23-77; 8:45 am]

[6320-01]

3

CIVIL AERONAUTICS BOARD.

Notice of Deletion and addition of items in the November 22, 1977 agenda.

TIME AND DATE: 9:30 a.m., November 22, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (Deletion.) 8. Docket 31568, Revisions to refund rules proposed by United (BFR). (Addition.) 8a. Dockets 31612, 31638, 31640, and 31655, refilled "Super-Jackpot" fares to Las Vegas proposed by TWA. (Memo No. 7477-B, BFR.)

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION:

The staff had originally indicated that it would have prepared for the Board's consideration on November 22, 1977, material on Docket 31568, revisions to refund rules proposed by United. The staff now reports that the necessary material will not be ready before the November 22, 1977 meeting. Consequently, it is necessary to delete item 8 from the November 22, 1977 meeting and to reschedule this item in the future when the material is ready for Board consideration. Accordingly, the following Members have voted that agency business requires the deletion of item 8 from the November 22, 1977 agenda and that no earlier announcement of the deletion was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

The tariff in question was filed on October 25, 1977 for effectiveness November 24, 1977. Complaints, answers, and amendments to the complaints were filed by November 17, 1977. The Board's staff analyzed the tariff filing, the complaints, answer and all other relevant matters, and submitted its recommendation to the Board on November 21, 1977. If the Board desires to suspend the tariff pending investigation, it must act by November 23, 1977, or lose the authority to do so under section 1002(g) of the Federal Aviation Act of 1958. Action by November 22, 1977, is necessary to allow time to prepare an appropriate order. Accordingly, the following Members have voted that agency business requires the addition of item 8a. to the November 22, 1977 agenda and that no earlier announcement of the the addition was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia

Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S-1911-77 Filed 11-23-77; 8:45 am]

[6714-01]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 1 p.m., November 30, 1977.

PLACE: Telephone conference call originating from Room 6108, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Partially open/partially closed.

MATTERS TO BE CONSIDERED:

Appeal, pursuant to the Freedom of Information Act, from the Corporation's earlier denial of a request for the list of "problem" banks.

By vote of the Board of Directors pursuant to subsections (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (d)(1) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (d)(1)), and on the basis of the Board's determination that the public interest does not require consideration of the items in a meeting open to public observation, the following items will be considered in closed session:

Application for consent to merge and establish branches:

Landmark Bank of Tampa, Tampa, Fla., an insured State nonmember bank, for consent to merge under its charter and title with Landmark Bank of North Tampa, Hillsborough County (P.O. Tampa), Fla., also an insured State nonmember bank, and for consent to establish the sole office of the latter as a branch of the resultant bank.

Application for consent to merge, establish branches, and redesignate the main office location:

Barnett Bank of West Delray Beach, Palm Beach County (P.O. Delray Beach), Fla., an insured State nonmember bank, for consent to merge under its charter, and with the title "Barnett Bank of Delray Beach," with Barnett Bank of Delray Beach, National Association, Delray Beach, Fla.; for consent to establish the two offices of the latter as branches of the resultant bank; and for consent to redesignate the present main office site of Barnett Bank of Delray Beach, National Association, as the main office of the resultant bank.

Barnett Bank of Anastasia Island, St. Augustine, Fla., an insured State nonmember bank, for consent to

merge under its charter, and with the title "Barnett Bank of St. Johns County," with Barnett Bank of St. Augustine, National Association, St. Augustine, Fla.; for consent to establish the two offices of the latter as branches of the resultant bank; and for consent to redesignate the main office location to the present site of Barnett Bank of St. Augustine, National Association.

Application for consent to a purchase and assumption transaction and for consent to establish branches:

Provident Savings Bank, Jersey City, N.J., an insured mutual savings bank, for consent to purchase the assets of and assume the liability to pay deposits made in The First National Bank of Dunellen, Dunellen, N.J., and for consent to establish the two offices of the latter as branches of the resultant bank.

Recommendation regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,292-L—Franklin National Bank, New York, N.Y.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary,
202-389-4446.

[S-1914-77 Filed 11-23-77; 2:04 pm]

[6714-01]

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 11 a.m. on November 22, 1977, the Corporation's Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Helmann (Comptroller of the Currency), that Corporation business required its addition of the following matters to the agenda for that meeting, on less than seven days' notice to the public: (1) resolution adopting a revised salary rate schedule for lithographic and printing positions and (2) resolutions ratifying in authentic acts certain documents relating to the liquidation of International City Bank and Trust Co., New Orleans, La., and to the receivership of Republic National Bank of Louisiana, New Orleans, La. The Board also voted to withdraw from consideration a recommendation regarding the approval of a personal services contract in connection with the

bank stock loan survey. The Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: November 22, 1977.

For the Federal Deposit Insurance Corporation.

ALAN R. MILLER,
Executive Secretary.

[S-1921-77 Filed 11-23-77; 3:07 pm]

[6740-02]

6

NOVEMBER 23, 1977.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: November 30, 1977, 10 a.m.

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, room 1000.

GAS AGENDA, 11TH MEETING, NOVEMBER 30, 1977, REGULAR MEETING, 10 A.M.

RP-1.—Docket No. RP-77-94, Western Gas Interstate Co.

RP-2.—Docket No. RP-77-114, Western Transmission Corp.

RP-3.—Docket No. RP-77-104, Ft. Branch Natural Gas Co. v. Texas Eastern Transmission Corp.

RP-4.—Docket No. RP-76-148, Gas Gathering Corp.

RP-5.—Reserved.

RP-6.—Reserved.

RP-7.—Reserved.

RP-8.—Reserved.

RP-9.—Docket Nos. RP-76-10 (PGA No. 77-5) and RP74-61 (PGA No. 77-5), Arkansas Louisiana Gas Co.

RP-10.—Docket No. RP-73-77 (PGA 78-1) et al., Alabama-Tennessee Natural Gas Co., et al.

RP-11.—Docket Nos. RP-78-14 and RP78-15, Tennessee Gas Pipeline Co.

RP-12.—Reserved.

RP-13.—Reserved.

RP-14.—Reserved.

RP-15.—Docket Nos. RP-71-107 and RP72-127, Northern Natural Gas Co.

CI-1.—Docket No. CI-77-701, the City of Perryton, Tex., Docket No. CI77-799, Falcon Petroleum Co.; Amoco Production Co.

CI-2.—Docket No. CI-77-123, Gulf Oil Corp.

CI-3.—Reserved.
 CI-4.—Reserved.
 CI-5.—Reserved.
 CI-6.—Docket Nos. CP-75-104, CP75-81, CP75-16, High Island Offshore System (successor in interest to Texas Offshore Pipeline System, Inc.; Amtex Offshore Pipeline Co.; and Natural Gas Pipeline Co. of America).

CP-1.—Docket No. CP-76-462, et al., Southern Union Gas Co., et al.; Docket No. CP77-565, Western Gas Interstate Co. Docket No. G-18545, Cities Service Gas Co.

CP-2.—Docket No. CP-77-584, Texas Eastern Transmission Corp.

CP-3.—Docket No. CP-77-653, Panhandle Eastern Pipe Line Co., Trunkline Gas Co., and United Gas Pipe Line Co., Docket No. CP78-46, Natural Gas Pipeline Co. of America.

CP-4.—Docket No. CP-78-56, National Fuel Gas Supply Corp.

CP-5.—Reserved.

CP-6.—Reserved.

CP-7.—Reserved.

CP-8.—Docket No. CP-77-607, City of Marietta, Tex., Applicant, Natural Gas Pipeline Co. of America. Respondent.

CP-9.—Docket No. CP-77-632, City of Holly Springs Gas System, Holly Springs, Miss., Applicant, Southern Transmission Corp. Respondent; Docket No. CP77-633, City of Pontotoc Gas System, Pontotoc, Miss., Applicant, Southern Transmission Corp., Respondent; Docket No. CP77-643, City of New Albany Gas System, New Albany, Miss., Applicant, Southern Transmission Corp., Respondent.

CP-10.—Docket No. CP77-424, Midwest Natural Gas Corp., Applicant, Texas Gas Transmission Corp., Respondent.

CP-11.—Reserved.

CP-12.—Reserved.

CP-13.—Reserved.

CP-14.—Docket No. CP77-623, Columbia Gas Transmission Corp., Columbia Gulf Transmission Co.; Docket No. CP78-31, Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.

CP-15.—Docket No. CP77-240, Transcontinental Gas Pipe Line Corp.

CP-16.—Docket No. CP77-628, Texas Gas Transmission Corp.

CP-17.—Docket No. CP78-4, Transcontinental Gas Pipe Line Corp.

CP-18.—Docket No. CP77-617, Texas Gas Transmission Corp.

CP-19.—Reserved.

CP-20.—Reserved.

CP-21.—Reserved.

CP-22.—Docket No. CP77-448, NGP-LNG, Inc.; Docket No. CP77-449, Natural Gas Pipeline Co. of America.

CP-23.—Reserved.

CP-24.—Reserved.

CP-25.—Reserved.

CP-26.—Docket No. CP77-193, Northern Natural Gas Co.

CP-27.—Docket No. CP76-285, et al., Mountain Fuel Resources, Inc.

CP-28.—Docket No. CP77-253, Panhandle Eastern Pipe Line Co.; Docket No. CP77-274, Michigan Consolidated Gas Co.; Docket No. CP78-8, Michigan Wisconsin Pipe Line Co.

CP-29.—Reserved.
 CP-30.—Reserved.
 CP-31.—Reserved.
 CP-32.—Docket No. RP77-102, Public Service Co., of North Carolina, Inc.; Piedmont Natural Gas Co., Inc., North Carolina, Natural Gas Corp., v. Transcontinental Gas Pipe Line Corp.

GAS AGENDA, 11TH MEETING, NOVEMBER 30, 1977, REGULAR MEETING

CAG-1.—Midwestern Gas Transmission Co.

CAG-2.—Docket No. RP72-32 (PGA77-2a), Kansas Nebraska Natural Gas Co.

CAG-3.—Docket No. RP72-149 (PGA78-1), Mississippi River Transmission Corp.

CAG-4.—Docket No. RP78-6, Natural Gas Pipeline Co. of America.

CAG-5.—Docket No. RP77-98, Natural Gas Pipeline Co. of America.

CAG-6.—Docket Nos. CI77-586 and CI77-41, Mobil Oil Corp.

CAG-7.—Docket No. CI73-402, et al., Midwestern Gas Transmission Co.

CAG-8.—Docket No. CP77-546, Southwest Gas Corp.

CAG-9.—Docket No. CP77-608, Natural Gas Pipeline Co. of America.

CAG-10.—Docket No. CP77-263, Northwest Pipeline Corp.; Docket No. CP77-625, RMNG Gathering Co.

CAG-11.—Docket No. CP77-121, Natural Gas Pipeline Co. of America and United Gas Pipe Line Co.

CAG-12.—Docket No. CP77-564, Natural Gas Pipeline Co. of America.

CAG-13.—Docket No. CP73-224, Kansas-Nebraska Natural Gas Co., Inc.

CAG-14.—Docket No. CP78-460, Natural Gas Pipeline Co. of America.

CAG-15.—Docket No. RP77-58, Mid Louisiana Gas Co.

MISCELLANEOUS AGENDA, 11TH MEETING, NOVEMBER 30, 1977, REGULAR MEETING

M-1.—Docket No. RM77-20, Pipeline Transportation Rate Schedules.

M-2.—Docket No. RM74-16, Natural Gas Companies' Annual Report of Proved Domestic Gas Reserves: FPC Form No. 40.

MISCELLANEOUS AGENDA, 11TH MEETING, NOVEMBER 30, 1977, REGULAR MEETING

CAM-1.—Massachusetts Electric Co.

CAM-2.—Savannah Electric and Power Co.

CAM-3.—Lake Superior District Power Co.

POWER AGENDA, 11TH MEETING, NOVEMBER 30, 1977, REGULAR MEETING

ER-1.—Docket No. ER78-1, The Kansas Power and Light Co.

ER-2.—Docket No. ER78-44, New England Power Co.

ER-3.—Docket Nos. ER77-422, ER78-20 and ER78-49, Public Service Company of Oklahoma, Oklahoma Gas and Electric Co.

ER-4.—Docket Nos. ER77-593, ER77-596, ER77-626, ER77-633, ER77-634, and ER78-38, Northern States Power Company of Minnesota.

ER-5.—Docket Nos. E-7738 and E-7784, Boston Edison Co.

ER-6.—Docket No. E-8176, Southern California Edison Co.

ER-7.—Docket Nos. E-9068, E-9118 and E-9497, Ohio Edison Co.

ER-8.—Docket No. ER77-483, Virginia Electric and Power Co.

ER-9.—Docket No. ER77-278, Arkansas Power and Light Co.

P-1.—Project No. 2640, Flambeau Paper Company and Capital Cities Media, Inc.
 P-2.—Project No. 2613, Bates Manufacturing Co. and Augusta Development Corp.

P-3.—Project No. 2389, Economic Development Corp. of Augusta and Augusta Development Corp.

POWER AGENDA, 11TH MEETING, NOVEMBER 30, 1977, REGULAR MEETING

CAP-1.—Docket No. ER78-32, Indianapolis Power and Light Co.

CAP-2.—Project No. 2079—California, Placer County Water Agency.

CAP-3.—Project No. 2387, Holyoke Gas and Electric Department.

CAP-4.—Project No. 2780, Solano Irrigation District.

CAP-5.—Docket No. ER77-522, Kansas City Power and Light Co.

KENNETH F. PLUMB,
 Secretary.

[S-1922-77 Filed 11-23-77; 3:40 pm]

[6720-01]

7

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m., on November 30, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall [202-376-3012].

MATTERS TO BE CONSIDERED: Application for Permission to Convert from Federal Mutual to State-Chartered Stock Form No. 103, November 22, 1977.

[S-1906-77 Filed 11-23-77; 8:45 am]

[6720-01]

8

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., November 30, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

MATTERS TO BE CONSIDERED:

Application to increase accounts of an insurable type (merger); cancellation of membership and insurance—United Savings & Loan Association of Palestine, Palestine, Ill., into Illinois Guarantee Savings & Loan Association, Effingham, Ill.

Consideration of holding company request for authority to incur debt—The Leavell Company, El Paso, Tex.

Branch office application—Humboldt Federal Savings & Loan Association, Eureka, Calif.

RSU application—First Federal Savings & Loan Association of Boise, Boise, Idaho.

Limited facility application—California Federal Savings & Loan Association, Los Angeles, Calif.

Application for service corporation activity—SLH, Inc., Hawaii joint RSU project, Honolulu, Hawaii.

Application for loan agency office—Santa Fe Federal Savings & Loan Association, San Bernardino, Calif.

Application for conversion from a Federal savings & loan association to a State-chartered mutual savings bank—First Federal Savings & Loan Association of Salem, Salem, Oreg.

Branch office application—Community Federal Savings & Loan Association, Ramsey, N.J.

Change of office location application—City Federal Savings & Loan Association, Elizabeth, N.J.

Branch office application—Fidelity Federal Savings & Loan Association, Glendale, Calif.

Service corporation application—Leader Federal Savings & Loan Association, Memphis, Tenn.

Increase in accounts of an insurable type (merger); cancellation of membership and insurance and transfer of stock applications—Home Savings & Loan Association, Henderson, N.C., into Home Savings & Loan Association, Rocky Mount, N.C.

Branch office application—First Federal Savings & Loan Association of Flint, Flint, Mich.

[S-1907-77 Filed 11-23-77; 8:45 am]

[6210-01]

9

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, November 30, 1977. The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Part of the meeting will be open; part will be closed.

MATTERS TO BE CONSIDERED:

OPEN PORTION

1. Proposed amendments to regulations D (reserves of member banks) and Q (interest on deposits) to accommodate the Treasury Department's program for investing Treasury tax and loan deposits in open-end notes issued by depository institutions.

2. Routine extension and modification of existing consumer credit report forms that expire at the end of 1977.

3. Annual survey of the trust assets of insured commercial banks.

4. Proposed clarifying amendment to regulation 2 (truth in lending) regarding application of the right of rescission to open-end credit plans.

5. Any agenda items carried forward from a previously announced meeting.

CLOSED PORTION

1. Proposed negotiation of a competitive purchase of furnishings for the Martin Building podium project and/or of a competitive sale of certain existing furnishings.

2. 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: November 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-1908-77 Filed 11-23-77; 8:45 am]

[4410-01]

10

PAROLE COMMISSION. National Commissioners. (the four Commissioners presently maintaining offices at Washington, D.C., headquarters).

TIME AND DATE: Tuesday, December 6, 1977; 9:30 a.m.

PLACE: Room 338, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to 5 U.S.C. 552(b)(10) and 28 CFR 16.205(b)(1).

MATTERS TO BE CONSIDERED: Referrals from regional directors of approximately 25 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, 202-724-3094.

[S-1915-77 Filed 11-23-77; 2:04 pm]

[7905-01]

11

RAILROAD RETIREMENT BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Nov. 23, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., November 29, 1977.

CHANGES IN THE MEETING: Additional item to be considered at the portion of the meeting closed to the public:

(6) Appeal from referee's denial of disability annuity application, Denis M. Stewart.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board, telephone 312-387-4920.

[S-1913-77 Filed 11-23-77; 2:04 pm]

[7910-01]

12

RENEGOTIATION BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 59473, November 17, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, November 29, 1977, 10 a.m.

CHANGES IN MEETING: Addition of Matters 9 through 12 to the previously announced agenda.

MATTERS TO BE CONSIDERED:

9. Segmentation.

10. Withdrawal of Grant of Commercial Exemption Shell Oil Co., Fiscal year ended December 31, 1973.

11. Court of Claims case: Commander Industries, Inc. v. United States, Court of Claims Nos. 288-75, 289-75 and 290-75.

12. Request for Terms, Bromfield Corp., Fiscal year ended July 21, 1968.

STATUS: Matter 9 is open to public observation, Matters 10 through 12 are closed to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: November 22, 1977.

GOODWIN CHASE,
Chairman.

[S-1912-77 Filed 11-23-77; 10:01 am]

[7910-01]

13

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, December 1, 1977; 1:30 p.m.

PLACE: Conference Room, 4th Floor, 2000 M St. NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Division Meeting concerning:

Mason & Hanger-Silas Mason Co., Inc., Fiscal years ended December 31, 1968, 1969 and 1970.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: November 23, 1977.

HARRY R. VAN CLEVE,
Division Chairman.

[S-1918-77 Filed 11-23-77; 2:42 pm]

[7910-01]

14

RENEGOTIATION BOARD.

DATE AND TIME: Monday, December 5, 1977; 2:30 p.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Special Board Meeting concerning: Review of Organizational and Operational Developments at the Regional Boards.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: November 24, 1977.

GOODWIN CHASE,
Chairman.

[S-1919-77 Filed 11-23-77; 2:42 pm]

[7910-01]

15

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, December 6, 1977; 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 3 are open to public observation. Status is not applicable to matters 4 and 5.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of meeting held November 29, 1977, and other Board meetings, if any.

2. Report of the Chairman concerning: (a) Budget; (b) case processing; (c) personnel actions; (d) organization progress of the staff; (e) rulemaking and regulations.

3. Recommended clearance: The Lionel Corp. consolidated with Dale Electronics, Inc.; Sterling Power Systems, Inc.; Western Hydraulics, Inc.; fiscal year ended December 31, 1972.

4. Approval of agenda for meeting to be held December 20, 1977.

5. Approval of agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: November 24, 1977.

GOODWIN CHASE,
Chairman.

[S-1920-77 Filed 11-23-77; 2:42 pm]

[8010-01]

16

SECURITIES AND EXCHANGE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 59587, November 18, 1977.

CHANGES IN THE MEETING: Additional items to be considered.

The following additional item will be considered by the Commission at the open meeting, scheduled for Wednesday, November 23, 1977, at 10 a.m.:

Application filed by Money Market Management, Inc., et al.; Temporary Investment Fund, et al.; Scudder Cash Investment Trust; Daily Income Fund, Inc.; White Weld Money Market Fund, Inc., et al.; Institutional Liquid Assets, Inc.; and Fund for Government Investors for an exemptive order under the Investment Company Act of 1940, which would permit them to continue to value their portfolios on an amortized cost basis.

The following additional items will be considered by the Commission at a closed meeting, immediately following the open meeting scheduled for Wednesday, November 23, 1977: Consideration of request for stay; proposed legislation.

NOVEMBER 22, 1977.

[S-1916-77 Filed 11-23-77; 2:04 pm]

[8010-01]

17

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 November 28, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, November 29, 1977, at 10 a.m. An open meeting will be held on Thursday, December 1, 1977, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will

attend the closed meeting. 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 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 to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, November 29, 1977, at 10 a.m., will be:

Formal orders of investigation.

Referral of investigative files to Federal, State of Self Regulatory authorities.

Institution of injunctive actions.

Settlement of injunctive actions.

Institution of administrative proceedings.

Settlement of administrative proceedings.

Freedom of Information Act appeals.

Regulatory matters bearing enforcement implications.

Other litigation matters.

The subject matter of the open meeting scheduled for Thursday, December 1, 1977, at 10 a.m., will be:

1. Re-entry application of Irving Levine, which would allow him to be associated with a registered broker-dealer, in a non-supervisory, non-proprietary capacity, with adequate supervision.

2. Application filed by Calplans Agricultural Fund for an order which would exempt the registrant from certain reporting requirements under the Securities Exchange Act of 1934.

3. Application filed by Eason Oil Co., for an order which would exempt the registrant from certain reporting requirements under the Securities Exchange Act of 1934.

4. Application filed by The United Corp., Canadian International Power Co. Ltd., and two affiliated individuals requesting an exemption from certain provisions of the Investment Company Act of 1940 to the extent necessary to permit payments to be made to the two individuals in connection with the sale of certain property of Canadian International Power Co. Ltd.

5. Consideration of submissions by the Securities Investor Protection Corp., ("SIPC"), proposing to amend its bylaws with respect to (a) assessments of SIPC members, (b) instructions to SIPC general assessment forms, and (c) compensation of SIPC Chairman.

6. Consideration of the adoption of proposed revisions of Schedule B of

SUNSHINE ACT MEETINGS

Form TA-1, application for registration as a transfer agent, and related instructions and temporary exemptive rule.

7. Consideration of the adoption of Rule 17Ad-5(e), which requires that transfer agents promptly acknowledge and respond to certain written inquiries or requests.

**FOR FURTHER INFORMATION
PLEASE CONTACT:**

Ted Bloch at 202-376-7158.

NOVEMBER 22, 1977.

[S-1917-77 Filed 11-23-77; 2:04 pm]

MONDAY, NOVEMBER 28, 1977

PART II



DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT

Federal Insurance
Administration



NATIONAL FLOOD
INSURANCE PROGRAM

Proposed Flood Elevation Determinations
for Various Communities

Registered
Federal
Property

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3651]

ITASCA COUNTY, MINN.

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 Itasca County, Minn.

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 Itasca County Courthouse, Grand Rapids, Minn.

Send comments to: Mr. Alf Madsen, Chairman, Itasca County Board of Commissioners, Itasca County Courthouse, Grand Rapids, Minn. 55744.

FOR FURTHER INFORMATION CONTACT:

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

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

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

by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River...	County State Aid	1,269
	Highway 63 Bridge.	
	Burlington Northern	1,278
	R.R. Bridge.	
Pokegama Reservoir.	County State Aid	1,278
	Highway 62 Bridge.	
	Shoreline areas.....	1,278

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

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33614 Filed 11-25-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3652]

STEARNS COUNTY, MINN.

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 Stearns County, Minn.

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 Stearns County Courthouse, St. Cloud, Minn.

Send comments to: Mr. Robert Gambino, Chairman, County Board of Commissioners, Stearns County Courthouse, Box 604, St. Cloud, Minn. 56301.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River...	Downstream County Boundary.	948
	Highway 152 Bridge ¹ .	995
	County State Aid	1,028
	Highway 2 Bridge.	
Watab River.....	Township Rd. (approximately 1 mile upstream from Sartell corporate limit).	1,034
	Township Rd. (approximately 4 miles from Sartell corporate limit).	1,044
	County State Aid	1,046
	Highway 4 Bridge.	
Sauk River.....	County State Aid	997
	Highway 1 Bridge.	
	County State Aid	1,041
	Highway 4 Bridge.	
	Burlington Northern R.R.	1,044
	County Rd. 134 Bridge ¹ .	1,049
	U.S. Highway 52 Bridge.	1,051
	County Rd. 121 Bridge.	1,059
	Interstate Highway 94 Bridge ¹ .	1,062
	County Rd. 139 Bridge ¹ .	1,072
	County Rd. 111 Bridge.	1,095

¹ 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: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33615 Filed 11-25-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3653]

GRENADA COUNTY, MISS.

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 Grenada County, Miss.

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 Grenada County Courthouse, Grenada, Miss.

Send comments to: Mr. Robert C. Burke, Jr., President, Board of Supervisors, Route No. 1, Big Creek, Miss. 38914.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain manage-

ment 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
Yalobusha River...	State Highway 8 ¹	158
	I-55 Southbound Lane.....	177
	I-55 Northbound Lane.....	178
	State Highway 51.....	180
	Main St.....	181
Batuman Bogue....	Illinois Central Gulf R.R.....	182
	State Highway 8.....	186
	Tie Plant Rd.....	198
	County Road (approximately 2 miles downstream from county line).....	218
Perry Creek.....	Vance Rd ¹	193
	U.S. Highway 51 ¹	210
Perry Creek tributary.	I-55 ¹	222
	I-55 Northbound Lane.....	232
	I-55 Southbound Lane.....	239
	Carrollton Rd.....	239
	Shelby Chapel Rd.....	250

¹ 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: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33616 Filed 11-25-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3654]

CITY OF LELAND, WASHINGTON COUNTY, MISS.

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 Leland, Miss.

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, Leland, Miss.

Send comments to: Mayor Perrin H. Grissom, P.O. Box 271, Leland, Miss. 38756.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Leland, Miss., 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
Deer Creek.....	Witte St:.....	121
	(Upstream).....	119
	(Downstream).....	119
	Breisch St.....	119
	Deer Creek Dr.....	118
	U.S. Highway 61.....	118
	U.S. Highway 82.....	115

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

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33617 Filed 11-25-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3655]

LOWNDES COUNTY, MISS.

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 Lowndes County, Miss.

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 Lowndes County Courthouse, Columbus, Miss.

Send comments to: Mr. S. A. Smith, Jr., President, Board of Supervisors, Lowndes County Courthouse, Columbus, Miss. 39701.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Lowndes County, Miss., 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 in-

surance 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
Catalpa Creek	New Highway 82	192
	Old Highway 82	193
	do.	195
	Illinois Central Gulf R.R.	195
Ellis Creek	Nashville Ferry Rd.	166
	St. Louis-San Francisco R.R.	178
	State Highway No. 69	200
Ellis Creek tributary 1	Hildreth Rd.	211
Green Creek	Nashville Ferry Rd.	168
	St. Louis-San Francisco R.R.	185
	Hughes Rd.	196
	State Highway No. 69	216
	New Hope Rd.	251
	do.	255
Luxapallla Creek	Yorkville Rd.	170
	State Rd. 82	171
	Water Works Rd.	175
	Steens Rd.	200
Luxapallla Creek tributary 1	Southern Ry.	180
	State Rd. 12	188
	St. Louis-San Francisco R.R.	193
Luxapallla Creek tributary 2	State Highway No. 50	220
	do.	225
Magby Creek	State Highway No. 69	172
	Lehmberg Rd.	189
	County Rd.	203
	do.	205
	Lee Stokes Rd.	231
	do.	233
McCary Creek	Sewage Treatment Plant access Rd.	171
	State Highway No. 69	172
	Lehmberg Rd.	190
	Armstrong Rd.	206
	Illinois Central Gulf R.R.	220
	New Hope	222
	Illinois Central Gulf R.R.	229
	County Rd.	251
Moore Creek	Columbus and Greenville R.R.	181
	Bluecat Rd.	188
Oak Slush Creek	West Point Rd.	176
	West Point Rd.	194
	Younger Rd.	207
Oak Slush Creek tributary 1	West Point Rd.	184
Tombigee River	Illinois Central Gulf R.R.	173
	State Highway No. 12	174
	State Highway No. 82	176
	Columbus and Greenville R.R.	181
Tombigee River tributary 1	State Highway No. 50	182
	Nashville Ferry Rd.	168
	do.	173
	Frisco Rd.	178
	St. Louis-San Francisco R.R.	179
Tombigee River tributary 2	Nash Rd.	178
	Columbus and Greenville R.R.	180
	Holly Hills Rd.	188
	New Bell Rd.	194
	Private Rd.	194
Vernon Branch	Illinois Central Gulf R.R.	177
	State Highway No. 82	185
	Old Airline Rd.	203
	do.	205
	New Hope Rd.	219
	State Highway No. 82	244
	Mr. Vernon Church Rd.	258
Yellow Creek	Lee Stokes Rd.	294
	Southern Ry.	194
	Caledonia-Steens Rd.	196

1 Downstream side.

2 Upstream side.

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

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
 Secretary.

[FR Doc.77-33618 Filed 11-25-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3656]

CITY OF SENATOBIA, TATE COUNTY, MISS.

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 Senatobia, Tate County, Miss.

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, 135 North Front Street, Senatobia, Miss.

Send comments to: Mayor W. E. Callcott, City Hall, 135 North Front Street, Senatobia, Miss. 38668.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Senatobia Creek	State Highway 4	252
Hickahala Creek tributary 1	Gravel Rd.	265
	Strayhorn St.	282
	Tate St.	291
Hickahala Creek tributary 2	Illinois Central Gulf RR.	252
	Panola St. (U.S. Highway 51)	273
	Tate St.	301
Hickahala Creek tributary 2A	Strayhorn St.	282
	Tate St.	291
Hickahala Creek tributary 3	Norfleet Rd.	246
Hickahala Creek tributary 3A	Robinson St.	268
Bonner Creek	Main St./State Highway 4	263
	Interstate 55	252
	Ward St.	256
	U.S. Highway 51	270

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

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33619 Filed 11-25-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3657]

CITY OF CREVE COEUR, ST. LOUIS COUNTY, MO.

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 Creve Coeur, St. Louis County, Mo.

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).

tion 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 City Inspector, Creve Coeur Government Center, 11631 Olive Boulevard, Creve Coeur, Mo. 63141.

Send comments to: The Honorable Harold Dielmann, Mayor, City of Creve Coeur, Creve Coeur Government Center, 11631 Olive Boulevard, Creve Coeur, Mo. 63141.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monsanto-Sunswept Creek	At corporate limits with Frontenac	531
	Just downstream of Ladue Rd.	548
	Just upstream of Ladue Rd.	556
	Just downstream of Chilton Lane	567

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Westwood Creek	At corporate limits with Westwood	547
	75 ft upstream of Townsend St.	557
	Just downstream of a culvert for a private entrance, 650 ft downstream of Ladue St.	566
	Just upstream of a culvert for a private entrance, 600 ft downstream of Ladue St.	573
	Just downstream of of Ladue St.	574
Smith Creek	At western corporate limits 315 ft downstream of Conway Rd.	497
	Just upstream of Conway Rd.	500
	1,585 ft upstream of Conway Rd.	509
	At southern corporate limit.	517

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

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33620 Filed 11-28-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3658]

CITY OF GERING, SCOTTS BLUFF COUNTY, NEBR.

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 Gering, Scotts Bluff County, Nebr.

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 Office of the City Administrator, 1450 10th Street, Gering, Nebr. 69341.

Send comments to: Mayor John A. McLellan, Jr., 1450 10th Street, Gering, Nebr. 69341.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Platte River.	Intersection of State Highway 71 and northern corporate limits.	3,875

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

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-33621 Filed 11-25-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3659]

BOROUGH OF LAWNSIDE, CAMDEN COUNTY, N.J.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Lawnside, Camden County, N.J.

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 Lawnside Borough Hall, Warwick Road, Lawnside, N.J.

Send comments to: Mayor James W. Bryant, Lawnside Borough Hall, Warwick Road, Lawnside, N.J. 08045.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Lawnside, N.J., 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
Cooper River.....	Evesham Rd.....	41
	Melrose Ave.....	39
Tributary No. 1.....	Evesham Rd.....	55

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

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-33622 Filed 11-25-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3660]

CITY OF TUCUMCARI, QUAY COUNTY, N. MEX.

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 Tucumcari, Quay County, N. Mex.

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, Office of City Engineer, Tucumcari, N. Mex.

Send comments to: Mayor Otis C. Waterfield, P.O. Box 1188, Tucumcari, N. Mex. 88401.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arroyo 3.....	Just downstream of Rock Island Street Bridge.	4,073
Arroyo 4 (Tucumcari Draw).....	Approximately 90 ft downstream of Mountain Road Bridge.	4,026
	Tucumcari Blvd. (U.S. Highway 66) Bridge.	4,021
Arroyo 5.....	Just upstream of U.S. Highway 66 Bridge.	4,082
Arroyo 6.....	Downstream of U.S. Highway 66 Bridge.	4,092
Arroyo 6A.....	Just upstream of east-bound lane of U.S. Highway 66 Bridge to Interstate Highway 40.	4,101
Arroyo 7 (Blue-water Creek).....	Interstate Highway 40 Bridge.	4,082
Arroyo 7B.....	Just downstream of southern corporate limits.	4,112
Arroyo 7C.....	Approximately 100 ft downstream of Interstate Highway 40 Bridge.	4,118
	Just upstream of U.S. Highway 66 Bridge.	4,139

(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 Ad-

ministrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-33623 Filed 11-25-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3661]

JACKSON COUNTY, TEX.

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 Jackson County, Tex.

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 County Courthouse, 115 West Main, Edna, Tex. 77957.

Send comments to:

Honorable Same D. Seal, County Judge of Jackson County, County Courthouse, 115 West Main, Edna, Tex. 77957.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lavaca River.....	At FM 616.....	16
	At confluence of Dry Creek.....	17
	County Rd. (downstream).....	25
	County Rd. (upstream).....	31
	U.S. Highway 59.....	41
	Lost Bridge Rd.....	53
	Robinson Branch Rd.....	73
	At county boundary.....	97
Navidad River.....	Confluence with Lavaca River.....	17
	County Road (downstream).....	18
	State Highway 111.....	29
	At confluence with Mustang Creek.....	36
	U.S. Highway 59.....	45
	At confluence with Sandy Creek.....	46
	At FM 530.....	58
	Upper Cordele Rd.....	72
	County Road (upstream).....	97
	At county boundary.....	102
Dry Creek.....	Confluence with Lavaca River.....	17
	At FM 1822.....	27
	Confluence with Post Oak Branch.....	52
	Asbeck Lane.....	58
	(Downstream) Edna City limits.....	60
	U.S. Highway 59.....	62
	(Upstream) Edna City limits.....	64
	At FM 822.....	68
	State Highway 111.....	73
Mustang Creek.....	Confluence with Navidad River.....	36
	County Rd.....	39
	Confluence with Devers Creek.....	49
	State Highway 172.....	49
	Confluence with Mustang Creek tributary No. 9.....	50
	Olsovski Rd.....	51
	At FM 1157.....	53
	U.S. Highway 59.....	60
	At county boundary.....	66
Sandy Creek.....	Confluence with Navidad River.....	46
	Confluence with Brushy Creek.....	56
	Cordele Rd.....	60
	Jackson-Wharton county line.....	81
Brushy Creek.....	Confluence with Sandy Creek.....	56
	Downstream, Cordele Rd.....	81
	Bagby Rd.....	92
	Upstream, Cordele Rd.....	100
	At FM-530 (downstream of county line).....	104
	FM-53 (upstream of county line).....	135
	At county boundary.....	141
Post Oak Branch.....	Confluence with Dry Creek.....	52
	State Highway 111.....	53
	County Road (downstream).....	56
	State Highway 59.....	66
	County Road (upstream).....	70

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Devers Creek.....	Confluence with Mustang Creek.	49
	South Pacific RR.	51
	U.S. Highway 59.	59
	Cordele Rd.	62
	Matus Rd.	72
Mustang Creek tributary No. 9.	Confluence with Mustang Creek.	50
	At FM 1157.	62
	U.S. Highway 59.	63
Venado Creek.....	At Venado Lake.	16
	Confluence with Venado tributary No. 11.	28
	County Rd. (downstream).	41
	County Rd. (upstream).	53
Venado Creek tributary No. 11.	Confluence with Venado Creek.	28
	County Rd.	34
Lavaca River tributary No. 12.	Confluence with the Lavaca River.	17
	Confluence with the Lavaca River tributary No. 13.	31
Lavaca River tributary No. 13.	Confluence with Lavaca River tributary No. 12.	31
	FM 616.	36
Lavaca River tributary No. 14.	Confluence with Dutch III-B.	31
Cox's Creek.	At county boundary.	19
	County Rd. (downstream).	37
	FM 616.	41
	County Rd. (upstream).	44
	FM 3131.	47
Lavaca River tributary No. 16.	Confluence with Lavaca River.	17
	At Point Comfort and Northern RR.	38
	Walnut St.	38
	Stegal St.	39
	Robertson St.	39
Keller's Creek.....	At county boundary.	17
	FM 616.	41
West Caranchua Creek tributary No. 18.	Confluence with West Caranchua Creek.	17
	Private road.	35
West Caranchua Creek tributary No. 19.	Confluence with West Caranchua Creek.	17
West Caranchua Creek.	State Highway 172.	41
	Confluence with East Caranchua Creek.	17
	FM 616.	17
	FM 3131.	31
	FM 1823.	39
	State Highway 111.	49
	Confluence with West Caranchua Creek tributary No. 25.	50
	FM 1683.	57
	FM 157.	59
East Caranchua Creek.	At county boundary.	67
	Confluence with West Caranchua Creek.	17
	Confluence with East Caranchua Creek tributary No. 22.	19
	At county boundary (downstream).	21
	FM 616.	26
	At (upstream) county boundary.	52
East Caranchua Creek tributary No. 22.	Confluence with East Caranchua Creek.	19
	FM 616.	34
	Missouri Pacific RR.	34
	County Rd.	36
Navidad River tributary No. 23.	Confluence with Navidad River.	27
	FM 1593.	40
	Confluence with Navidad River tributary No. 24.	43
	Private Rd.	52
	State Highway 111.	54
Navidad River tributary No. 24.	Confluence with Navidad River tributary No. 23.	43
	State Highway 111.	54
	County Rd.	55
West Caranchua Creek tributary No. 25.	Confluence with West Caranchua Creek.	50
	County Road (downstream).	53
	State Highway 172.	59
	County Rd. (upstream).	59

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

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33624 Filed 11-25-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3662]

CITY OF BURLINGTON, CHITTENDEN COUNTY, VT.

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 Burlington, Chittenden County, Vt.

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

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, Office of City Planning, Burlington, Vt.

Send comments to: Mayor Gordon H. Paquette, City Hall, Church Street, Burlington, Vt. 05401.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Champlain....	Entire shoreline.....	102
Winooski River.....	Just upstream of Vermont Route 127.	109
	Approximately 120 ft. upstream of Central Vermont RR.	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: October 3, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33625 Filed 11-25-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3663]

TOWN OF HARTFORD, WINDSOR COUNTY, VT.

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 Town of Hartford, Windsor County, Vt.

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

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 Hartford Municipal Building, White River Junction, Vt.

Send comments to: Chairman of the Board of Selectmen of Hartford, Chandler Road, White River Junction, Vt. 05001.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River	Just upstream of Interstate 89 Bridge.	351
	Just downstream of U.S. Route 4 Bridge.	354
White River	Just upstream of Hartford Bridge.	360
	Just upstream of Interstate 89 Bridge.	398
	Approximately 150 ft. upstream of West Hartford Bridge.	403
Ottawaquechee River	Approximately 700 ft. upstream of Taftsville Station Dam.	654

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42

U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33626 Filed 11-25-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3664]

TOWN OF PEMBROKE, GILES COUNTY, VA.

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 Town of Pembroke, Giles County, Va.

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

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 Town Office, Snidow Street, Pembroke, Va.

Send comments to:

Honorable William D. Martin, Mayor of Pembroke, P.O. Box 382, Pembroke, Va.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change

any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Doe Creek	Norfolk & Western R.R.	1,624
	Castile Ave.	1,680
	U.S. Route 460	1,706
	Route 1410	1,719
	U.S. Route 460	1,728
	Route 701	1,743
	Corporate limit (upstream).	1,756
Little Stony Creek	Norfolk & Western R.R.	1,630
	Main St.	1,640
	U.S. Route 460	1,653
	"Unnamed road"	1,718
	Johnson Ave.	1,764
	Corporate limit (upstream).	1,797
Mays Hollow	U.S. Route 460	1,695
	Corporate limits (upstream).	1,762
New River	Corporate limit (downstream).	1,629
	State Route 623	1,630
	Corporate limit (upstream).	1,630

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

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33627 Filed 11-25-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3665]

CITY OF LADYSMITH, RUSK COUNTY, WIS.

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 Ladysmith, Rusk County, Wis.

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

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, 300 West Miner Avenue, Ladysmith, Wis.

Send comments to: Mayor Ronald L. Evert, City Hall, 300 West Miner Avenue, Ladysmith, Wis. 54848.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Flambeau River...	State Highway 27....	1,101
	County Trunk Highway "G" (upstream side).	1,105
	U.S. Highway 8.....	1,115

(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 Adminis-

trator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33628 Filed 11-25-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3666]

CITY OF MEDFORD, TAYLOR COUNTY, WIS.

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 Medford, Taylor County, Wis.

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

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, 133 West State Street, Medford, Wis.

Send comments to: Mayor Arthur Salzwedel, City Hall, 133 West State Street, Medford, Wis. 54451.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management re-

quirements. 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
Black River.....	County Trunk Highway O.	1,395
	Perkins St. (upstream side)	1,403
	State Highway 64 Bridge	1,407
	Allman Street Bridge.	1,414

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

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33629 Filed 11-25-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3667]

VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WIS.

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 Village of Menomonee Falls, Waukesha County, Wis.

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

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 Village Office, Menomonee, Wis.

Send comments to: Mr. Frederick Gottlieb, Village Manager, Village of Menomonee Falls, P.O. Box 100, Menomonee Falls, Wis. 53051.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Menomonee River..	W. Silver Spring Dr.	723
	C & N.W. Ry.	725
	W. Mill Rd.:	
	(Downstream side)...	731
	(Upstream side)....	732
	Lilly Rd.	750
	Pilgrim Rd.:	
	(Downstream side)...	762
	(Upstream side)....	763
	Arthur Ave.	772
	Main St.	816
	Roosevelt Dr.	835
	C.M. Street P. & P.	
	Ry.:	
	(Downstream side)...	839
	(Upstream side)....	840
	County Line Rd.	841

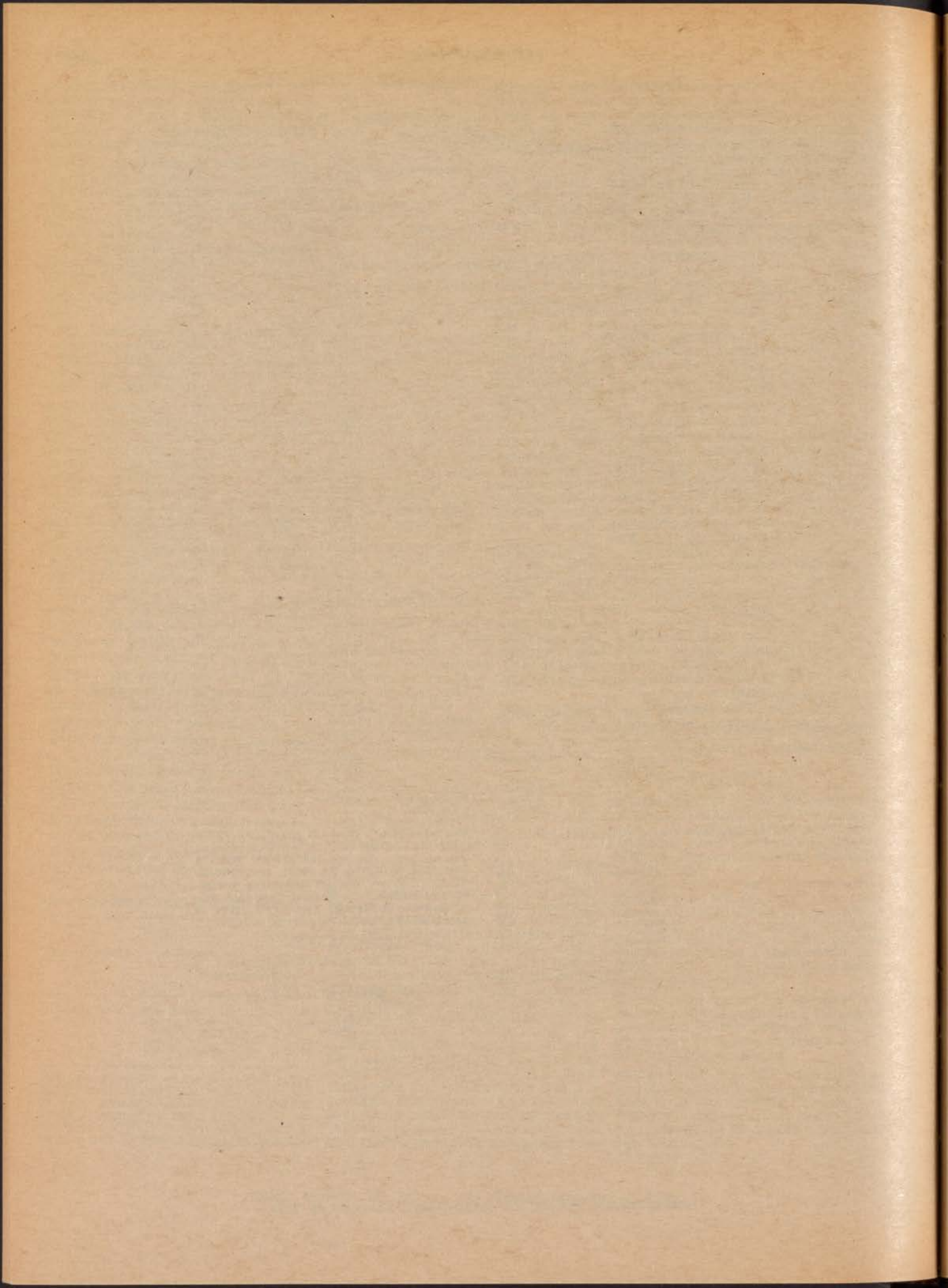
Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lilly Creek	Appelton Ave.	757
	Good Hope Rd.:	
	(Downstream side)...	760
	(Upstream side)....	767
	Brentwood Dr.:	
	(Downstream side)...	767
	(Upstream side)....	768
	Lilly Rd.:	
	(Downstream side)...	773
	(Upstream side)....	774
	Mill Rd.:	
	(Downstream side)...	774
	(Upstream side)....	776
	Kaul Ave.	776
Nor-X-Way	Bobolin Ave.	776
	C. & N.W. Ry.	778
	Silver Spring Rd.:	
	(Downstream side)...	778
	(Upstream side)....	780
	Fond DuLac Ave.:	
	(Downstream side)...	753
	(Upstream side)....	754
	Stanley Dr.:	
	(Downstream side)...	755
	(Upstream side)....	756
	Main St.	756
	Fountain Blvd.:	
	(Downstream side)...	756
	(Upstream side)....	756
Butler Ditch.....	Warren St.:	
	(Downstream side)...	758
	(Upstream side)....	760
	C. M. Street P.P. Ry.	762
	State Highway 145.	767
	County Line Rd.	768
	Private Bridge (1,425 ft upstream side of confluence of Menomonee River).	731
	Private Bridge (845 ft downstream side of Hampton Rd.).	748
	Champton Rd (downstream).	749
Fox River.....	River Rd.:	
	(Downstream side)...	831
	(Upstream side)....	832
	Lannon Rd.	835
	Mill Rd.	838
	Good Hope Rd.:	
	(Downstream side)...	844
	(Upstream side)....	846
	Menomonee Ave.:	
	(Downstream side)...	860
	(Upstream side)....	861
	C.M. Street P.P. Ry.	861
	Main St.	861
Tributary 1 to Fox River.	Lannon Rd.	835
	Maclynn Dr.:	
	(Downstream side)...	851
	(Upstream side)....	852
	Silver Meadows Dr.	852
	C & N.W. Ry.	855
	Mill Road Bridge.	855
	Town Line Road.	865
	Mill Road.	838
Tributary 2 to Fox River.		

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

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-33630 Filed 11-25-77; 8:45 am]



Register
Federal

MONDAY, NOVEMBER 28, 1977

PART III



DEPARTMENT OF
COMMERCE

National Oceanic and
Atmospheric Administration



FISHERY CONSERVATION
AND MANAGEMENT

Foreign Fishing

[3510-12]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION
AND MANAGEMENT, NATIONAL OCE-
ANIC AND ATMOSPHERIC ADMINISTRA-
TION, DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING

AGENCY: National Oceanic and Atmos-
pheric Administration.

ACTION: Final regulations.

SUMMARY: These regulations are com-
prehensive amendments to the Foreign
Fishing Regulations under the Fishery
Conservation and Management Act of
1976, 16 U.S.C. 1801 et. seq. as amended
(the Act), and govern the fishing activi-
ties of foreign fishing vessels fishing
within the U.S. fishery conservation zone
(FCZ) during 1978.

DATES: These regulations will become
effective on January 1, 1978.

FOR FURTHER INFORMATION CON-
TACT:

Mr. Richard H. Schaefer, Chief,
Fishery Management Operations Divi-
sion, National Marine Fisheries Serv-
ice, Washington, D.C. 20235, telephone
No.: 202-634-7545.

SUPPLEMENTARY INFORMATION: Ex-
perience gained during the first year
of administering the Act has demon-
strated areas where the regulations for
foreign fishing could be improved. Ac-
commodating the expansion of U.S. fish-
eries in some areas already occupied by
foreign fishermen, and more precise
monitoring of the impact of foreign fish-
ing activities on fishery resources within
the FCZ, are two major objectives of the
Act and these amendments.

Many of the changes in this Part are
based on amendments which have been
made in the Preliminary Management
Plans. Such Plan amendments reflect
changes in the status of certain fish
stocks revealed as additional informa-
tion and analysis became available in
1977. Changes have also been made to
simplify the regulations and to clarify
requirements which may have seemed
ambiguous. Finally, all amendments
which were made to the foreign regula-
tions during 1977 have been incorporated
so as to codify the regulations in a single
Federal Register publication to the ex-
tent possible, for the convenience of the
users.

The public comment period was opened
on the date of publication, September 9,
1977 (42 FR 45552), and remained open
for 30 days, or until October 8, 1977. Nu-
merous comments were received from
foreign governments, foreign fishing as-
sociations, Regional Fishery Manage-
ment Councils, domestic fishermen, and
various government agencies.

Those comments have been carefully
considered and, where appropriate, have
been incorporated. While none of the
changes reflected in the final regulations
are substantive enough to require an ad-

ditional public comment period, the most
noteworthy are set forth here.

In response to several public com-
ments, the regulations were redrafted
throughout to make it clear that they
apply to foreign vessels only.

Several definitions were revised in
§ 611.2 for the sake of clarity (e.g., the
list of anadromous species, § 611.2(c),
was revised). A new definition of "desig-
nated representative" was added (§ 611.2
(g)). The definition of "fishing" (§ 611.2
(p)) was restructured to distinguish
scouting from other support activities.

Certain species were deleted from the
list of "highly migratory species" (§ 611.2
(v)), and one species was added. It
should be noted that the deletions do not
imply judgments concerning the migra-
tory nature of these species.

The permit section (611.3) was re-
written to clarify its requirements. The
lead time required for submitting foreign
fishing applications was shortened to 90
days prior to the time the foreign vessel
intends to begin fishing. A new para-
graph sets forth permit modification
procedures which were not included in
the 1977 regulations. A "permit form"
concept was included, which will expe-
dite delivery of pertinent permit contents
to vessels.

In response to numerous requests, sev-
eral changes were made to § 611.4 in
order to facilitate vessel reporting. For
example, foreign fishermen will now be
allowed to make reports by radioteleg-
raphy and fleet commander reports will
be permitted when appropriate.

The section governing fishery support
operations (§ 611.10) was revised from
the 1977 regulations to make it clear that
foreign vessels with suitable permits may
provide support for the vessels of any
foreign country, but that support opera-
tions may not be conducted for a vessel
of the United States except where spec-
ifically authorized.

The section covering directed fisheries
(§ 611.12) was altered by adding criteria
for determining when a directed fishery
is being conducted. Most of this section,
as it appeared in the 1977 regulations,
now appears in a new § 611.15 (Fishery
Closure Procedures). The section now
contains the criteria to be employed
when a fishery closure decision is made.

As for the optimum yield (OY) and
Total Allowable Level of Foreign Fishing
(TALFF) for species within the FCZ
which are of interest to foreign fishermen
(see § 611.20), a great deal of new infor-
mation was collected during 1977 and
evaluated. Additional resource surveys
and analysis of the past year's domestic
and foreign fishing patterns and efforts
have lead to extensive reassessments of
the condition of various fishery resources
and stocks. The updating of those esti-
mates and the revision of optimum yield
in some cases has been substantial. New
estimates of domestic harvesting capac-
ity have resulted in a downward revision
of the available surpluses of several im-
portant fisheries. The fisheries most sig-
nificantly affected are: Atlantic herring,

mackerel and silver hake; Pacific hake;
and Alaska herring and groundfish. Con-
sequently, although numerous comments,
primarily from foreign fishing sources,
were received, certain of the proposed
OYs and TALFFs have been revised
downward for the reasons mentioned
above. There was one exception where
the foreign scientific comment pertaining
to a Bering Sea resource caused an up-
ward shift in the TALFF. The most
notable adjustments to TALFFs are in
the Atlantic fisheries for herring and
mackerel and the directed fisheries in the
Gulf of Alaska and the Bering Sea.

A new paragraph (b) was added to
§ 611.20 which provides for mid-season
re-assessment of OY and domestic har-
vesting ability, and corresponding
TALFF adjustment if appropriate.

Some geographical changes in fishing
areas were made in the individual fishery
regulations, most notably in the Atlantic
and the Bering Sea. Generally, these
changes reflect the operational needs of
the foreign fishermen and are intended
to simplify compliance with the regula-
tions. The "vessel day" limitation in the
Washington, Oregon, California trawl
fishery has been deleted. Gear restric-
tions in the Atlantic fisheries have been
made more specific.

In most cases, these changes (except
for the changed TALFF numbers) are
intended to aid foreign fishermen in
understanding the regulations which
apply to those fisheries.

NOTE.—The appropriate amended Environ-
mental Impact Statements have been filed
with the President's Council on Environ-
mental Quality. The Department of Com-
merce has determined that this document
does not contain a major proposal requiring
preparation of an Economic Impact State-
ment under Executive Orders 11821 and
11949, and OMB Circular A-107.

Signed at Washington, D.C. this 22nd
Day of November, 1977.

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

50 CFR Chapter VI is amended by
striking part 611 in its entirety and
substituting the following redraft.

Part 611:

Subpart A—General

Sec.	
611.1	Purpose.
611.2	Definitions.
611.3	Permits for fishing vessels.
611.4	Vessel reporting.
611.5	Vessel and gear identification.
611.6	Facilitation of enforcement.
611.7	Prohibitions.
611.8	Observers.
611.9	Reports and recordkeeping.
611.10	Fishery support operations.
611.11	Gear conflicts.
611.12	Directed fisheries.
611.13	Incidental catch—prohibited species.
611.14	Incidental catch—other species.
611.15	Fishery closure procedures.
611.16	Disposal of fishing gear and other articles.

Subpart B—Surpluses

- Sec.
611.20 Total allowable level of foreign fishing.
611.21 Allocations. [Reserved]

Subpart C—Atlantic Ocean

- 611.50 Northwest Atlantic Ocean fishery.

Subpart D—South Atlantic, Caribbean, and Gulf of Mexico

- 611.60 [Reserved]

Subpart E—Northeast Pacific Ocean

- 611.70 Washington, Oregon, California trawl fishery.

Subpart F—Western Pacific Ocean

- 611.80 Seamount groundfish fishery.

Subpart G—North Pacific Ocean and Bering Sea

- 611.90 General provisions.
611.91 Crab fishery. [Reserved]
611.92 Gulf of Alaska trawl fishery.
611.93 Bering Sea and Aleutian Islands trawl and herring gillnet fishery.
611.94 Sablefish (blackcod) fishery.
611.95 Snail fishery.

Subpart A—General

§ 611.1 Purpose.

This part governs only foreign fishing over which the United States exercises exclusive fishery management authority under the Fishery Conservation and Management Act of 1976, as amended.

§ 611.2 Definitions.

In addition to the definitions contained in the Act, and unless the context requires otherwise, in this Part 611 the terms used shall have the following meaning (some definitions in the Act have been repeated here to aid fishermen in understanding the regulations):

(a) "Act" means the Fishery Conservation and Management Act of 1976, Pub. L. 94-265 (16 U.S.C. 1801 et seq.), as amended.

(b) "Agent" means the person appointed and maintained within the United States who is authorized to receive and respond to any legal process issued in the United States with respect to an owner or operator in accordance with section 201(c)(2)(F) of the Act.

(c) "Anadromous species" means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters, including but not limited to:

King salmon (*Oncorhynchus tshawytscha*).
Pink Salmon (*Oncorhynchus gorbuscha*).
Chum salmon (*Oncorhynchus keta*).
Sockeye salmon (*Oncorhynchus nerka*).
Silver salmon (*Oncorhynchus kisutch*).
Steelhead trout (*Salmo gairdnerii*).
Atlantic salmon (*Salmo salar*).
Striped bass (*Morone saxatilis*).

(d) "Authorized officer" means:

- (1) Any commissioned, warrant or petty officer of the Coast Guard;
- (2) Any certified enforcement or special agent of the National Marine Fisheries Service;
- (3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce or Transportation to enforce the Act; and
- (4) Any Coast Guard personnel accompanying and acting under the direction

of any person described in subparagraph (1) of this paragraph.

(e) "Continental Shelf" means the seabed and subsoil of the submarine areas which appertain to the United States beyond the territorial sea, at any place where the depth of the superjacent waters allows exploitation of the natural resources of such areas.

(f) "Continental Shelf fishery resources" means the following:

COLEENTERATA

Bamboo coral (*Acanella* spp.).
Black coral (*Antipathes* spp.).
Gold coral (*Callagorgia* spp.).
Precious red coral (*Corallium* spp.).
Bamboo coral (*Keratoisis* spp.).
Gold coral (*Parazoanthus* spp.).

CRUSTACEA

Tanner crab (*Chionoecetes tanneri*).
Tanner crab (*Chionoecetes opilio*).
Tanner crab (*Chionoecetes angulatus*).
Tanner crab (*Chionoecetes bairdi*).
King crab (*Paralithodes camtschatica*).
King crab (*Paralithodes platypus*).
King crab (*Paralithodes brevipus*).
Lobster (*Homarus americanus*).
Dungeness crab (*Cancer magister*).
California king crab (*Paralithodes rathbuni*).
California king crab (*Paralithodes arthuri*).
Golden king crab (*Lithodes aequispinus*).
Northern stone crab (*Lithodes maja*).
Stone crab (*Menippe mercenaria*).
Deep-sea red crab (*Geryon quinqueidens*).

MOLLUSKS

Red abalone (*Haliotis rufescens*).
Pink abalone (*Haliotis corrugata*).
Japanese abalone (*Haliotis kamtschatkana*).
Queen conch (*Strombus gigas*).
Surf clam (*Spisula solidissima*).
Ocean quahog (*Arctica islandica*).

SPONGES

Glove sponge (*Hippospongia canaliculata*).
Sheepswool sponge (*Hippospongia lachne*).
Grass sponge (*Spongia graminea*).
Yellow sponge (*Spongia barbera*).

(g) "Designated representative" means the person appointed by a nation and maintained within the United States who is responsible for receiving and submitting reports and other information concerning fishing by vessels from that nation.

(h) "Directed fishery" with respect to any species, means a fishery conducted for the purpose of catching that species.

(i) "Director" means the Director of the National Marine Fisheries Service or a designee.

(j) "Existing International Fishery Agreement" means any treaty, convention or agreement, to which the United States is a party, which relates to fishing and which was in effect on April 13, 1976, namely:

(1) The International Convention for the High Seas Fisheries of the North Pacific Ocean, with Annex and Protocol of May 9, 1952, as amended; and

(2) The Convention for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea of March 2, 1953.

(k) "Fish" means finfish, mollusks, crustaceans, and all other forms of marine animal or plant life other than marine mammals, birds and highly migratory species.

(l) "Fish over which the United States exercises exclusive fishery management authority" means:

(1) All fish within the fishery conservation zone;

(2) All anadromous species beyond the fishery conservation zone, except when they are with any foreign nation's territorial sea or fishery conservation zone (or equivalent), to the extent that such sea or zone is recognized by the United States; and

(3) All Continental Shelf fishery resources beyond the fishery conservation zone.

(m) "Fishery" means:

(1) One or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; or

(2) Any fishing for such stocks.

(For related definitions, see: Directed fishery, paragraph (h) of this section; Incidental catch, paragraph (w) of this section; and Prohibited species, paragraph (z) of this section.)

(n) "Fishery conservation zone" (FCZ) means the area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal states to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

(o) "Fishery resource" means any fishery, any stock of fish, any species of fish, and any habitat of fish.

(p) "Fishing" means any activity, other than scientific research, which:

(1) Does, is intended to, or can reasonably be expected to result in the removal from the sea of fish over which the United States exercises exclusive fishery management authority;

(2) Consists of scouting or exploring for the presence of such fish by visual, acoustic, or other means which do not involve removal of fish from the sea; or

(3) Consists of any operation at sea in support of or in preparation for, any activity described in subparagraphs (1) and (2) of this paragraph, including, but not limited to:

(i) Processing or freezing fish or fish products;

(ii) Transferring or transporting fish or fish products; or

(iii) Supplying a fishing vessel with water, fuel, provisions, fishing equipment, fish processing equipment, or other supplies.

(q) "Fishing vessel" means any boat, ship, or other craft which is used for, equipped to be used for, or of a type normally used for, fishing.

(r) "Foreign fishing" means fishing by a vessel other than a vessel of the United States.

(s) "Foreign fishing vessel" means any fishing vessel other than a vessel of the United States.

(t) "Gear conflict" means any incident at sea involving one or more fishing vessels;

(1) In which one fishing vessel or its gear comes into contact with another vessel or the gear of another vessel, and

(2) Which results in the loss of, or damage to, a fishing vessel, fishing gear, or catch.

(u) "Governing International Fishery Agreement" means an agreement between the United States and a foreign nation under Section 201(c) of the Act.

(v) "Highly migratory species" means the species of tuna which in the course of their life cycle spawn and migrate over great distances of the ocean, including, but not limited to:

Albacore (*Thunnus alalunga*)
Bigeye tuna (*Thunnus obesus*)
Bluefin tuna (*Thunnus thynnus*)
Skipjack tuna (*Euthynnus pelamis*)
South bluefin tuna (*Thunnus maccoyii*)
Yellowfin tuna (*Thunnus albacares*).

(w) "Incidental catch" means fish of any species, other than the directed fishery species, which are caught during a directed fishery.

(x) "Operator," with respect to any vessel, means the master or other person in charge of that vessel.

(y) "Owner," with respect to any vessel, means any person who owns that vessel or any charterer, whether bareboat, time, or voyage; or any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function or operation of the vessel.

(z) "Prohibited species", with respect to any vessel, means any species of fish which that vessel is not specifically authorized to retain.

(aa) "Secretary" means the Secretary of Commerce or a designee.

(bb) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States. Beginning at 0100 G.m.t., January 9, 1978, it includes the Northern Mariana Islands; it does not include the remaining districts of the Trust Territory of the Pacific Islands.

(cc) "Vessel day" means a unit of fishing effort measured by the presence, for any part of a day, of a vessel rigged for fishing (as defined in paragraph (p) (1) of this section) in a designated fishing area.

(dd) "Vessel of the United States" means:

(1) A vessel documented or numbered by the Coast Guard under United States law; or

(2) A vessel, under five net tons, which is registered under the laws of any State.

§ 611.3 Permits for foreign fishing vessels.

(a) No foreign fishing vessel may engage in fishing unless a permit has been issued to it under this section.

(b) Registration permits for foreign vessels to engage in fishing pursuant to an Existing International Fishery Agreement may be issued annually by the Sec-

retary of State upon application from the foreign nation.

(c) Annual permits for foreign fishing vessels to engage in fishing pursuant to a Governing International Fishery Agreement may be issued by the Director after:

(1) His approval of an application from the foreign nation;

(2) The foreign nation's acceptance of the applicable terms and conditions; and

(3) The payment of the fees established by the Secretary.

(d) Applications for foreign vessel permits shall be submitted on forms available from: Office of Fisheries Affairs, Department of State (OES/OFA), Washington, D.C. 20520. To allow time for review, comment and processing, applications should be submitted to the Secretary of State at least 90 days prior to the date on which the foreign vessel desires to commence fishing under the proposed permit.

(e) The procedures for issuance of permits under paragraph (c) of this section and the commencement of activities thereunder are as follows:

(1) Permit Forms will be distributed to foreign nations in advance of permit issuance in order that they may be readily available for completion when permits are issued. The Permit Form provides spaces for insertion of all pertinent information contained in the permit and instructions for its use.

(2) Permits are issued by the Director, through the Secretary of State, in Washington, D.C., U.S.A. Permits are valid when issued, but not earlier than January 1 of the year for which the permit is issued. Permits are valid only for the specific vessel(s) for which they are issued. A permit specifies the permit number for each permitted vessel, the fisheries and activities authorized for each permitted vessel, any other activities authorized, any additional conditions and restrictions applicable to a permitted vessel, and the date of issuance of the permit.

(3) A vessel may engage in fishing activities authorized in its permit only after:

(i) The permitted vessel has received notification of the permit number, the fisheries and activities authorized, any additional activities authorized, any applicable additional conditions and restrictions, and the date of issuance of the permit, and

(ii) The vessel has substantiated receipt of such notification by prominently displaying a properly completed Permit Form in the wheelhouse of such permitted vessel.

(4) If a permit is modified by the Director, the fisheries, activities, conditions and restrictions, as modified, must be recorded on the Permit Form and prominently displayed in the wheelhouse.

(5) The burden of accurately transmitting the notification of the contents of the permit (or modification) to the foreign fishing vessel, and the burden of accurately recording the pertinent

contents of the permit (or modification) on the Permit Form, shall be upon the foreign nation and the owner or operator of the foreign fishing vessel.

(f) For determination of appropriate permit fees for permits issued under paragraph (c) of this section and for determination of activities authorized by such permit, the following definitions apply:

(1) "Catching" is those activities described in § 611.2(p) (1) or (2).

(2) "Processing" is those activities described in § 611.2 (p) (3) (i).

(3) "Other Support" is those activities described in § 611.2(p) (3) (ii) or (iii).

(g) If a foreign fishing vessel has been used in the commission of any act prohibited by § 611.7, or if an agent is not maintained within the United States, the Director may take appropriate action with respect to a permit issued under paragraph (c) of this section, under the administrative civil procedures specified in 50 CFR Part 621.

(h) Permits issued under this section do not authorize vessels or persons to engage in the kill, capture, or harassment of marine mammals. (A separate permit is required for such activity.)

(i) Permits issued under paragraph (c) of this section may be modified by the Director as follows:

(1) Because compliance with this Part 611 of the regulations is a condition of all foreign fishing permits, such permits may be modified by amendment of these regulations. Any such modification which would adversely affect activities under a permit will be effective no sooner than ten days after publication of the final amended regulation in the FEDERAL REGISTER. Other changes in the regulations may be made effective immediately. Notice of potentially adverse modifications will be sent by the Director to:

(i) Each nation whose fishing vessels are affected (via the Secretary of State); and

(ii) The owner of each affected fishing vessel (via the agent).

(2) The Director may modify any permit for purposes of "conservation and management" (as defined in section 3(2) of the Act) of fishery resources covered by the permit. Except as provided in subparagraph (vii) below, such modifications will be effected as follows:

(i) The Director shall notify the owner of the affected fishing vessel (via the agent) of the proposed modification and shall provide a summary of the reasons underlying the proposal.

(ii) The owner of the affected vessel may:

(A) Submit written comments on the proposed modification within 30 days after receipt of the notice; and

(B) Receive an informal hearing on the proposed modification if his written request for such a hearing is received by the Director within 15 days after receipt of the notice.

(iii) The Director will publish a notice of the proposed modification in the FEDERAL REGISTER providing for a 30-day

public comment period. The Director will also notify the appropriate Regional Fishery Management Councils, the Secretary of State, and the Commandant of the Coast Guard asking for their written comments within 30 days of receipt of such notice.

(iv) Not less than 15 days prior to the date of a hearing, the Director shall:

(A) Publish a notice of the hearing in the FEDERAL REGISTER;

(B) Notify the requesting owner of the time and place of the hearing (via the agent).

(v) The Director may allow public participation at the hearing. The requesting owner and other participants may submit all relevant material, data, views, comments, arguments, and exhibits at the hearings. A summary record shall be kept of any such hearing.

(vi) The Director shall make a final decision regarding the proposed modification as soon as practicable after the 30-day comment period and the hearing, if any. Notice of the modification will be published in the FEDERAL REGISTER and will be sent to the nation involved (via the Secretary of State), the owner of the permitted fishing vessel (via the agent), each appropriate Regional Fishery Management Council, the Secretary of State, the Commandant of the Coast Guard, the Committee on Merchant Marine and Fisheries of the House of Representatives, and the Committees on Commerce, Science, and Transportation, and on Foreign Relations of the Senate.

(vii) If necessary to prevent substantial harm to a fishery resource of the United States, the Director may make the proposed modification effective immediately or otherwise earlier than 30 days after the date of notice of proposed modification. In such cases, the Director shall summarize his findings of necessity and the reasons therefor in the notices of the proposed modification required by this section. The Director shall expedite the hearing process whenever a modification has been implemented on an interim basis.

(3) A nation may submit a written request for a modification of any permit applicable to a vessel of that nation. The Director may make technical modifications or corrections requested by the nation such as change in ownership of a vessel, processing equipment, tonnage, or radio call sign, which will be effective immediately.

(4) If, in the opinion of the Director, a permit change requested by a nation could significantly affect the status of any fishery resource, such request will be treated as an application for a new permit and procedures for issuance of the permit will be in accordance with section 204 of the Act.

(5) After modification of a permit under subparagraph (2) or (3) of this paragraph, the Director shall promptly issue a revised permit to the nation involved.

§ 611.4 Vessel reporting.

(a) The operator of each foreign fishing vessel shall notify the Coast Guard,

in the manner set forth in paragraph (b) of this section, of:

(1) The time and position at which the vessel will begin fishing;

(2) Any change in its directed fishery;

(3) Any change in its fishing area; and

(4) The time and position it will cease fishing, intending to leave the fishery conservation zone.

(b) The notices required by paragraph

(a) of this section shall be in English. They should be delivered via private or

commercial communications facilities to the appropriate Coast Guard commander who will relay them to the appropriate National Marine Fisheries Service Region (See Table I). If adequate private or commercial communications facilities are not available, the required notice may be delivered via the closest Coast Guard communications station as indicated in the accompanying Table II. Radiotelegraphy must be used if available. Voice reports will be accepted in English only.

TABLE I

Area	National Marine Fisheries Service	Coast Guard
Pacific Ocean off Hawaii and other insular possessions.	Southwest region, Terminal Island, Calif.	14th District, Honolulu (Telex: 392401).
Pacific Ocean off California, Oregon and Washington.	Northwest region, Seattle, Wash.	Pacific Area, San Francisco (Telex: 330427).
Pacific Ocean and Bering Sea off Alaska.	Alaska region, Juneau, Alaska.	17th District, Juneau, Alaska.
Atlantic Ocean north of Cape Hatteras.	Northeast region, Gloucester, Mass.	Atlantic Area, New York, New York (Telex: 126831).
Atlantic Ocean south of Cape Hatteras, the Gulf of Mexico and the Caribbean Sea.	Southeast region, St. Petersburg, Fla.	Do.

TABLE II

Station	Radiotelegraphy		Voice: Duplex high-frequency single-sideband channels guarded GMT ¹
	Call sign	Bands guarded	
Boston.....	NMF	500 kHz; 8, 12 MHz	B (0000-2400).
Portsmouth.....	NMN	500 kHz; 8, 12, 16 MHz	A (0200-1200); B (0000-2400); C (0000-2400); D (1200-0200); E (on request).
Miami.....	NMA	500 kHz	None.
San Juan.....	NMR	500 kHz; 8, 12, 16 MHz	Do.
New Orleans.....	NMG	500 kHz	A (0200-1200); B (0000-2400); C (0000-2400); D (1200-0200); E (on request).
San Francisco.....	NMC	500 kHz; 8, 12, 16 MHz	A (0000-2400); B (0000-2400); C (0000-2400); D & E (on request).
Honolulu.....	NMO	500 kHz; 8, 12, 16 MHz	A (0000-2400); B (0000-2400); C (0000-2400); D & E (on request).
Guam.....	NRV	500 kHz	B (0100-2100); D (2100-0000).
Kodiak.....	NOJ	500 kHz	B (0000-2400); A, C, D & E (on request).
Adak.....	NOX	500 kHz; 8 MHz	None.

¹ Frequencies (kHz) as follows:

Letter	Shore transmit	Ship transmit
A.....	4303.4	4094.8
B.....	6521.8	6207.2
C.....	8760.8	8226.8
D.....	13144.0	12365.0
E.....	17290.0	16495.0

² 2 hr after sunrise until 2 hr before sunset only.

³ Also guards 2,182 kHz voice.

(c) The notices required by paragraphs (a) (1) and (a) (4) of this section must be delivered to the appropriate Coast Guard commander at least 24 hours prior to beginning or ceasing fishing. The other notices required by paragraph (a) of this section must be transmitted prior to the event requiring notice and delivered within 72 hours of the event.

(d) The notices required by this section shall be given in the following format:

From: (Vessel's name, international radio call sign, and permit number.)

To: The appropriate Coast Guard commander as set forth in Table I.

(To be passed to the appropriate National Marine Fisheries Service regional director as set forth in Table 1.)

This vessel will (begin) (cease) conducting the activities authorized by its permit in the _____ fishery at

_____ G.m.t. on _____ in position (Date)

_____ N. _____ W. (Latitude) (Longitude)

(or E.).

or:

This vessel will shift to the _____ (fishery) (fishing area) at _____ G.m.t. on _____ in position _____ (Date) (Latitude)

N. _____ W. (or E.). (Longitude)

(e) The notices required by this section may be provided for individual vessels or groups of vessels (on a vessel by vessel basis), by fleet commanders or other authorized persons. In these cases, the above format should be modified as appropriate.

§ 611.5 Vessel and gear identifications.

(a) (1) Each fishing vessel assigned an international radio call sign (IRCS)

shall display that call sign amidships on both the port and starboard sides of the deck house or hull, and on an appropriate weather deck.

(2) Each fishing vessel not assigned an IRCS, such as a small trawler associated with a mothership or one of a pair of trawlers, shall display the IRCS of the associated vessel followed by a numerical suffix. (For example, JCZM-1, JCZM-2, etc. would be displayed on small trawlers not assigned an IRCS operating with a mothership whose IRCS is JCZM; JANP-1 would be displayed by a pair trawler not assigned an IRCS operating with a trawler whose IRCS is JANP).

(b) The identifying markings shall be permanently affixed to the vessel in contrasting block Roman alphabet letters and arabic numerals at least one meter in height for vessels over 20 meters in length and at least one-half meter in height for all other vessels.

(c) The operator of each vessel shall:

- (1) Keep the identifying markings clearly legible and in good repair, and
- (2) Ensure that no part of the vessel, its rigging or its fishing gear obstructs the view of the markings from an enforcement vessel or aircraft.

(d) Each vessel engaged in fishing shall display the lights and shapes prescribed by the International Regulations for Preventing Collisions at Sea, 1972, for the activity in which the vessel is engaged.

(e) Any fishing gear which, when in use, is not physically and continuously attached to a fishing vessel shall be permanently marked with the identification marking of the vessel to which it belongs.

§ 611.6 Facilitation of enforcement.

(a) The operator of each fishing vessel shall immediately comply with instructions issued by authorized officers to facilitate boarding and inspection of the vessel for purposes of enforcing the Act and these regulations.

(b) Upon being approached by a Coast Guard cutter or aircraft or other vessel or aircraft authorized to enforce the Act, a vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly;"

(2) "SQ3" meaning "You should stop or heave to; I am going to board you;" and

(3) "AA AA AA etc." which is the call for an unknown station, to which the signalled vessel should respond by identifying itself or by illuminating (or clearing obstructions from) the vessel identification required by § 611.5.

(c) A vessel signalled for boarding shall:

(1) Guard channel 16, VHF-FM, if available;

(2) Stop immediately and lay to or maneuver in such a manner as to facilitate boarding by the authorized officer and his party.

(3) Provide a safe ladder for the authorized officer and his party;

(4) When necessary to facilitate the boarding, provide a manrope, safety line and illumination for the ladder; and

(5) Take such other actions as necessary to ensure the safety of the authorized officer and his party and to facilitate the boarding and inspection.

(d) A Coast Guard cutter whose personnel wish to board a fishing vessel for purposes other than law enforcement will display the international code signal "SQ3 RQ" which means "Will you stop or heave to? May I board you?"

(e) Each fishing vessel shall guard 500 kHz or 2182 kHz if available, each day from 2000 to 2030 G.m.t.

(f) Fishing vessels, through a fleet commander or otherwise, shall provide vessel positions when requested by the National Marine Fisheries Service or the Coast Guard within the time specified in the request.

§ 611.7 Prohibitions.

(a) It is unlawful for any person to:

(1) Violate any provision of the Act or any regulation or permit issued under the Act;

(2) Use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, of an applicable permit issued under the Act;

(3) Violate any provision of, or regulation under, an applicable Governing International Fishery Agreement entered into under section 201(c) of the Act;

(4) Refuse to permit an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Act or any regulation, permit, or agreement referred to in paragraph (a)(1) or (a)(3) of this section;

(5) Forcefully assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (a)(4) of this section;

(6) Resist a lawful arrest for any act prohibited by this section;

(7) Ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of any fish taken or retained in violation of this Act or any regulation, permit, or agreement referred to in paragraph (a)(1) or (a)(3) of this section; or

(8) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section.

(b) It is unlawful for any vessel other than a vessel of the United States, and for the owner or operator of any vessel other than a vessel of the United States, to engage in fishing:

(1) Within the boundaries of any State; or

(2) Within the fishery conservation zone, or for any anadromous species or Continental Shelf fishery resources beyond such zone, unless such fishing is

authorized by, and conducted in accordance with, a valid and applicable permit issued pursuant to § 611.3.

(c) A person is guilty of a criminal offense if he commits any act prohibited by paragraph (a)(4), (a)(5), (a)(6), (a)(8) or (b) of this section.

§ 611.8 Observers.

(a) For the purposes of collecting scientific data and carrying out such other management and enforcement activities as he may authorize, the Director may assign an observer to any foreign fishing vessel. The owner and operator of any vessel to which such an observer is assigned shall:

(1) Provide, at no cost to the observer or the United States, accommodations for the observer aboard the vessel which are equivalent to those provided to the officers of that vessel;

(2) Cause the vessel to proceed to such places and at such times as may be designated by the Director for the purpose of embarking and debarking the observer;

(3) Allow the observer to use the vessel's communications equipment and personnel as necessary for the transmission and receipt of messages; and

(4) Provide all other reasonable assistance to enable the observer to carry out his duties.

(b) The owner and operator of each fishing vessel to which an observer is assigned shall reimburse the United States for the total costs of placing the observer aboard, including salary, per diem, transportation of observers, and overhead costs. Payment of these costs shall be made upon billing at the end of the calendar year.

(c) It is unlawful for any person to forcibly assault, resist, oppose, impede, intimidate, or interfere with an observer placed aboard a vessel under this section.

§ 611.9 Reports and record keeping.

(a) The operator of each foreign fishing vessel shall maintain an accurate log of catch and effort information in accordance with the regulations for the fishery in which the vessel is engaged.

(b) Upon each transfer of any fish or fishery product, the operators of both the transferring and receiving vessels shall record in their respective logs:

(1) The date, time, and location (in geographic coordinates) of the transfer;

(2) The weight or number, by species, of all fish transferred; and

(3) The name, nationality, and permit number of the other vessel involved in the transfer.

(c) The operator of each foreign fishing vessel shall record, in a communications log, the Greenwich Mean Time and content of each notification made under § 611.4.

(d) *Daily Cumulative catch log.* (1) All foreign fishing vessels shall maintain a daily cumulative catch log in English. This log shall have recorded on a daily and a cumulative basis all catches of all species during the permit period. The log

shall be maintained aboard the vessel during the duration of the permit period.

(2) The log must contain the following information:

- (i) Name and call sign of the vessel.
- (ii) Permit number.
- (iii) Date.
- (iv) Species by common name and species code number (see Appendix I).
- (v) Fishing area and area code number where caught (see Appendix II).
- (vi) Daily catch by species to the nearest tenth of a metric ton.
- (vii) Disposition of the catch: human consumption, fishmeal, or discard; and
- (viii) Cumulative total catch for each species in each fishing area.

(3) This daily cumulative catch log must be in the format illustrated in Appendix III (which contains the instructions for completing the log) and must use the species name and species code number as specified in Appendix I and the area name and area code number as specified in Appendix II. No adjustment shall be made in this log to deduct any catch off-loaded. The log must record this information for each of the species for which the vessel's flag nation has an allocation (see § 611.20(d)). For example, record the catch of seamount groundfish broken down by pelagic armorhead (080), alfonsin (081), and other species (099).

(4) For the Northeast Pacific Ocean, record in addition to allocated species, the prohibited species salmon (030) and halibut (037) which are caught and returned to the sea, in terms of the number of fish.

(e) **Weekly catch report.** (1) Each foreign nation shall submit, through the designated representative, a weekly report stating, on a vessel-by-vessel basis, the catch of the species allocated to that nation in 611.20(d) for the weekly period—Sunday through Saturday, Greenwich Mean Time.

(2) This report shall contain the following information:

- (i) Name of vessel.
- (ii) Permit number.
- (iii) Month and day.
- (iv) Number of days actually fished during the seven day period.
- (v) Fishing areas and area code numbers.
- (vi) Species caught during the week by name and species code number (regardless of whether retained or discarded); and
- (vii) Weight of catch by fishing area and species in metric tons rounded off to the nearest metric ton.

(3) This weekly report must be in the format illustrated in Appendix IV (which contains instructions for completing the report form, a sample of the form, and a sample of a Telex report).

(4) This report must arrive at the address and time specified in Appendix IV. The report may be sent by Telex but mail or hand-carry is permitted if it will arrive by the prescribed time. If the report is sent by Telex, a completed copy of the report form must be submitted as a confirmation of the Telex report.

(f) In addition, the owner or operator of each fishing vessel shall provide to the Director, in such form and at such times as the Director may prescribe, such other information as the Director may request to carry out his duties under the Act.

(g) The records and logbooks required to be kept by this section shall be:

- (1) Accurately and timely maintained in a form satisfactory to the Director; and
- (2) Made available for inspection by any authorized officer at any time.

APPENDIX I.—Species codes—Atlantic Ocean

Code	Common English name	Scientific name
Principal Groundfish (except Flatfishes)		
101	Atlantic cod	<i>Gadus morhua</i>
102	Haddock	<i>Melanogrammus aeglefinus</i>
103	Atlantic redfish	<i>Sebastes marinus</i>
104	Silver hake	<i>Merluccius bilinearis</i>
105	Red hake	<i>Urophycis chuss</i>
106	Pollock (=Saithe)	<i>Pollachius virens</i>
Flatfishes		
112	American plaice	<i>Hippoglossoides platessoides</i>
114	Witch flounder	<i>Glyptocephalus cynoglossus</i>
116	Yellowtail flounder	<i>Limanda ferruginea</i>
118	Greenland halibut	<i>Reinhardtius hippoglossoides</i>
120	Atlantic halibut	<i>Hippoglossus hippoglossus</i>
122	Winter flounder	<i>Pseudopleuronectes americanus</i>
124	Summer flounder	<i>Paralichthys dentatus</i>
129	Flatfishes (NS)	<i>Pleuronectiformes</i>
Other Groundfish		
132	American angler	<i>Lophius americanus</i>
136	Atlantic searobins	<i>Prionotus</i> sp.
138	Atlantic tomcod	<i>Micropogonias tomcod</i>
142	Cunner	<i>Tautoglabrus adspersus</i>
144	Cusk (=Tusk)	<i>Brosme brosme</i>
148	Greenland cod	<i>Gadus ogac</i>
152	Ling	<i>Molva molva</i>
154	Lumpfish (=Lump-sucker)	<i>Cyclopterus lumpus</i>
158	Northern kingfish	<i>Menticolus saxatilis</i>
160	Northern puffer	<i>Spheroideus maculatus</i>
164	Ocean pout	<i>Macrourus americanus</i>
168	Roundnose grenadier	<i>Macrourus rupestris</i>
172	Sandeels (=Sand-lances)	<i>Ammodytes</i> sp.
174	Scup	<i>Myoxocephalus</i> sp.
176	Scup	<i>Stenotomus chrysops</i>
180	Tautog	<i>Tautoga onitis</i>
182	Tilefish	<i>Lopholatilus chamaeleonticeps</i>
186	White hake	<i>Urophycis tenuis</i>
188	Wolfish (=Catfishes)	<i>Anarhichas</i> sp.
199	Groundfish (NS)	
Principal Pelagic fish		
202	Atlantic herring	<i>Clupea harengus</i>
204	Atlantic mackerel	<i>Scomber scombrus</i>
Other Pelagic fish		
212	Atlantic butterfish	<i>Peprilus triacanthus</i>
216	Atlantic menhaden	<i>Brevoortia tyrannus</i>
220	Atlantic saury	<i>Scorpaenopsis saurus</i>
224	Bay anchovy	<i>Anchoa mitchilli</i>
228	Bluefish	<i>Pomatomus saltatrix</i>
232	Crevalle jack	<i>Caranx hippos</i>
236	Frigate mackerels	<i>Axiis</i> sp.
240	King mackerel	<i>Scomberomorus cavalla</i>
244	Spotted spanish mackerel	<i>Scomberomorus maculatus</i>
252	Atlantic sailfish	<i>Istiophorus albicans</i>

Code	Common English name	Scientific name
256	Atlantic white marlin	<i>Tetrapturus albidus</i>
260	Blue marlin	<i>Makaira nigricans</i>
264	Swordfish	<i>Xiphus gladius</i>
272	Albacore	<i>Thunnus alalunga</i>
274	Atlantic bonito	<i>Sarda sarda</i>
276	Atlantic little tunny	<i>Euthynnus alletteratus</i>
278	Bigeye tuna	<i>Thunnus obesus</i>
280	Bluefin tuna	<i>Thunnus thynnus</i>
282	Skipjack tuna	<i>Katsuwonus pelamis</i>
284	Yellowfin tuna	<i>Thunnus albacares</i>
289	Tunas (NS)	<i>Scombridae</i>
290	Pelagic fish (NS)	
Other fish		
302	Alewife	<i>Alosa pseudoharengus</i>
304	Amberjacks	<i>Seriola</i> sp.
306	American cougar	<i>Conger oceanicus</i>
308	American eel	<i>Anguilla rostrata</i>
309	River herring (NS)	<i>Alosa</i> sp. code no. 302, 334, 360.
310	American shad	<i>Alosa sapidissima</i>
312	Atlantic argentine	<i>Argentina silus</i>
314	Atlantic croaker	<i>Micropogon undulatus</i>
316	Atlantic needlefish	<i>Strongylura marina</i>
318	Atlantic salmon	<i>Salmo salar</i>
320	Atlantic silverside	<i>Menidia menidia</i>
322	Atlantic thread herring	<i>Opisthonema oglinum</i>
330	Black drum	<i>Pogonias cromis</i>
332	Black seabass	<i>Centropristis striata</i>
334	Blueback herring	<i>Alosa aestivalis</i>
340	Capelin	<i>Mallotus villosus</i>
342	Charr (NS)	<i>Salvelinus</i> sp.
344	Cobia	<i>Rachycentron canadum</i>
346	Common pompano	<i>Trachinotus carolinus</i>
354	Gizzard shad	<i>Dorosoma cepedianum</i>
356	Grunts (NS)	<i>Pomadasysidae</i>
360	Hickory shad	<i>Alosa mediocris</i>
370	Mullet	<i>Mugilidae</i>
380	North Atlantic har-vestfish	<i>Peprilus alepidotus</i>
390	Pigfish	<i>Orthopristis chrysoptera</i>
400	Rainbow smelt	<i>Osmerus mordax</i>
402	Red drum	<i>Sciaenops ocellata</i>
404	Red porgy	<i>Pagrus auratus</i>
406	Rough scad	<i>Trachurus lathami</i>
410	Sand perch	<i>Diplectrum formosum</i>
412	Sheepshead	<i>Archosargus probatocephalus</i>
414	Spot	<i>Leiostomus xanthurus</i>
416	Spotted weakfish	<i>Cynoscion nebulosus</i>
418	Squeteague	<i>Cynoscion regalis</i>
420	Striped bass	<i>Morone saxatilis</i>
422	Sturgeons	<i>Acipenseridae</i>
430	Tarpon	<i>Megalops atlantica</i>
432	Trouts (NS)	<i>Salmo</i> sp.
440	White perch	<i>Morone americana</i>
452	Spikey (=Pickled) dogfish	<i>Squalus acanthias</i>
459	Dogfishes (NS)	<i>Squalidae</i>
462	Porbeagle	<i>Lamna nasus</i>
468	Sharks (NS)	<i>Squaliformes</i>
479	Skates (NS)	<i>Raja</i> sp.
499	Finfishes (NS)	
Invertebrates		
502	Long-finned squid	<i>Loligo pealei</i>
504	Short-finned squid	<i>Illex illecebrosus</i>
509	Squids (NS)	<i>Loliginidae, ommastrephidae</i>
512	Atlantic razor clam	<i>Ensis directus</i>
514	Hard clam	<i>Mercaenaria mercenaria</i>
516	Ocean quahog	<i>Arctica islandica</i>
518	Soft clam	<i>Mya arenaria</i>
520	Surf clam	<i>Spisula solidissima</i>
529	Clams (NS)	
532	Bay scallop	<i>Argopecten irradians</i>
534	Calico scallop	<i>Argopecten gibbus</i>
536	Sea scallop	<i>Placopecten magellanicus</i>
539	Scallops (NS)	<i>Pectinidae</i>
542	American cupped oyster	<i>Crassostrea virginica</i>
552	Blue mussel	<i>Mytilus edulis</i>
559	Mussels (NS)	
562	Conchs	<i>Strombus and Buaycon</i> sp.
564	Periwinkles	<i>Littorina</i> sp.
589	Marine molluscs (NS)	
602	Atlantic rock crab	<i>Cancer irroratus</i>
604	Blue crab	<i>Callinectes sapidus</i>
606	Green crab	<i>Carcinus maenas</i>
608	Jonah crab	<i>Cancer borealis</i>
610	Queen crab	<i>Chionoecetes opilio</i>
612	Red crab	<i>Geryon quinquevatus</i>
619	Marine crabs (NS)	
622	Northern lobster	<i>Homarus americanus</i>
632	Northern deepwater prawn	<i>Pandalus borealis</i>
639	Pink shrimps (=prawns)	<i>Pandalus</i> sp.
649	Marine crustaceans (NS)	

Code	Common English name	Scientific name
652	American sea-urchin	<i>Strongylocentrotus</i> sp.
669	Marine worms (NS)	<i>Polychaeta</i>
672	Horseshoe crab	<i>Limulus polyphemus</i>
699	Marine invertebrates (NS)	

Species codes—Pacific Ocean

Code	Common name	Scientific name
001	Squid	<i>Loligo opalescens</i>
002	Yellowfin sole	<i>Limanda aspera</i>
003	Flounders, other than yellowfin sole	<i>Pleuronectiformes</i>
005	Pollack	<i>Theragra chalcogramma</i>
006	Pacific cod	<i>Gadus macrocephalus</i>
007	Sablefish (black cod)	<i>Anoplopoma fimbria</i>
008	Atka mackerel	<i>Pleuragrammus monopterygius</i>
009	Pacific hake	<i>Merluccius productus</i>
010	Jack mackerel	<i>Trachurus symmetricus</i>
011	Pacific ocean perch	<i>Sebastes alutus</i>
012	Rockfishes, other than Pacific ocean perch	<i>Sebastes</i> spp.
014	Herring, Pacific	<i>Clupea harengus pallasi</i>
016	Snails	<i>Busycon</i> spp. and others
017	Tanner crab	<i>Chionoecetes opilio</i>
018	Tanner crab	<i>Chionoecetes bairdi</i>
080	Pelagic armorhead	<i>Pentaceros richardsoni</i>
081	Alfonsin	<i>Beryx splendens</i>
030	Salmon, Pacific	<i>Oncorhynchus</i> spp.
036	Steelhead Trout	<i>Salmo gairdneri</i>
037	Hallbut, Pacific	<i>Hippoglossus stenolepis</i>
099	Other species	

APPENDIX II.—Area codes—Atlantic

Code No.	Name	Figure No.
01	Atlantic area 1	1
02	Atlantic area 2	1
03	Atlantic area 3	1
04	Atlantic area 4	1
05	Atlantic area 5	1
Pacific		
51	Bering Sea area I	2
52	Bering Sea area II	2
53	Bering Sea area III	2
54	Bering Sea area IV	2
61	Shumagin	3
62	Chirikof	3
63	Kodiak	3
64	Yakutat	3
65	Southeastern	3
66	Charlotte	3
67	Vancouver	3
71	Columbia	3
72	Eureka	3
73	Monterey	3
74	Conception	3
81	Hawaii Island Chain FCZ ¹	
82	Guam FCZ ¹	
83	America Samoa FCZ ¹	
87	Northern Mariana Islands FCZ ¹	

¹FCZ means the United States 200 mile Fishery Conservation Zone.

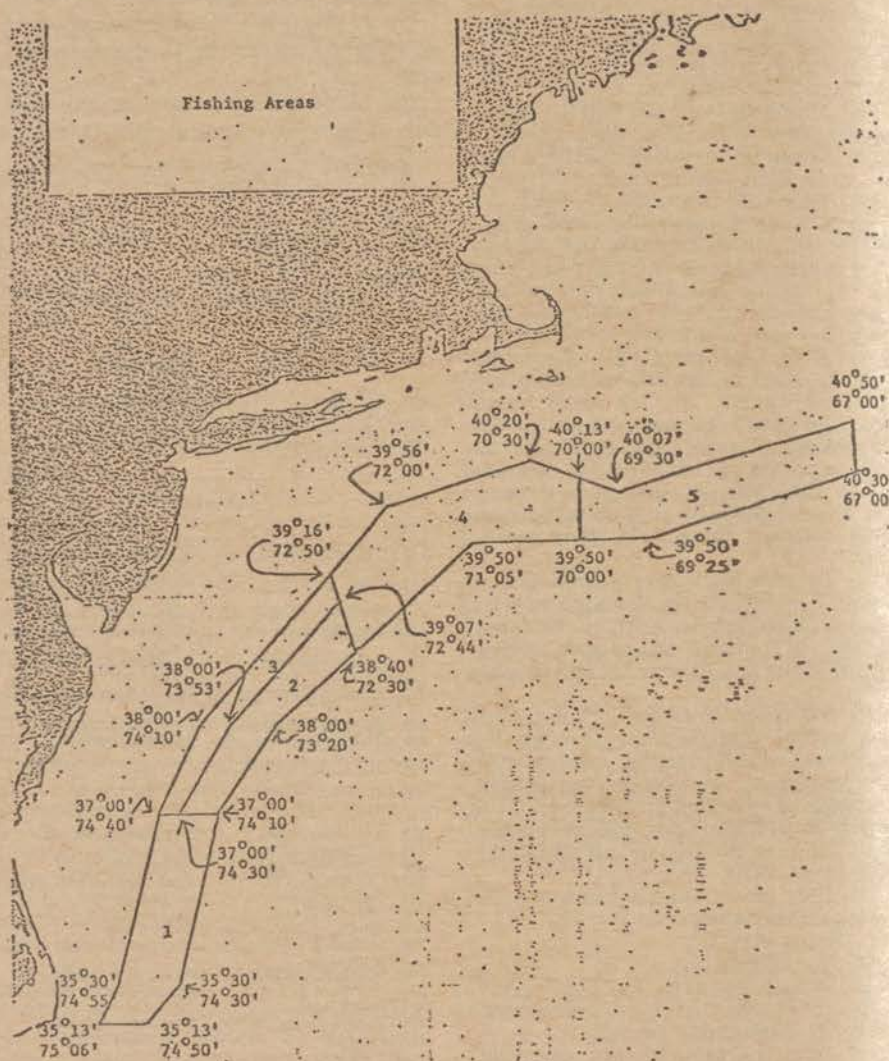


Figure 1
Fishing Area Divisions of the Northwest Atlantic

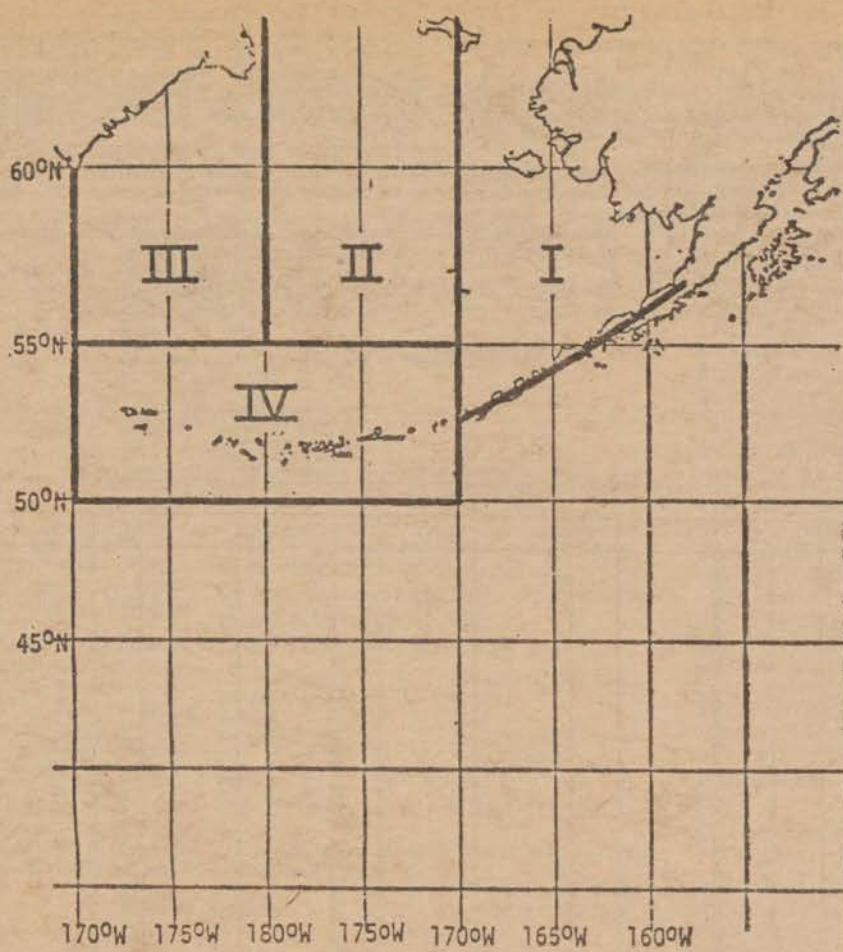


Figure 2. Fishing Area Divisions of the Bering Sea.

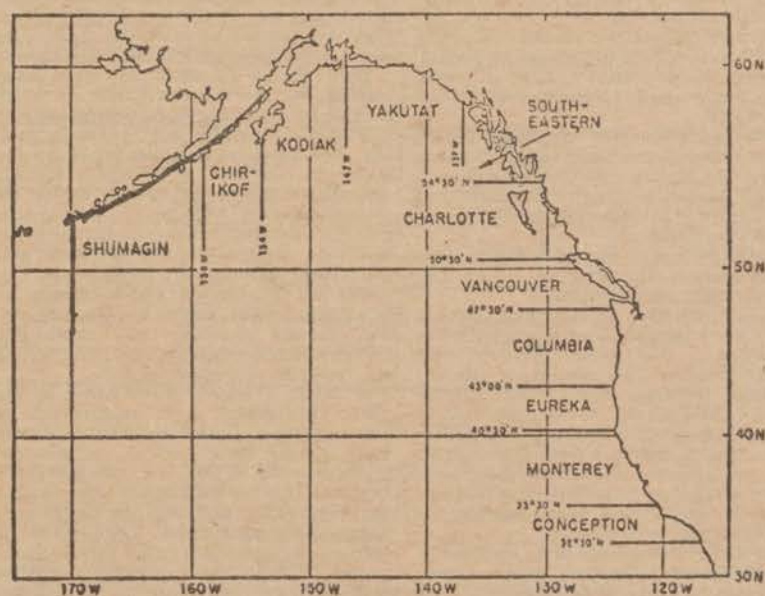


Figure 3. Fishing Area Divisions of the Northeast Pacific Region.

RULES AND REGULATIONS

APPENDIX III

INSTRUCTIONS FOR THE DAILY CUMULATIVE
CATCH LOG

A. Form Entries: Vessel name and call sign: Vessel name used on the permit and the international radio call sign assigned to the vessel.

Permit no: The assigned permit number.

Fishing area and code number; The fishing area name and area code number from Appendix II in which the fish were caught. The catch from each area shall be maintained on separate log book forms.

Date: The day based on Greenwich Mean Time on which the catch was taken.

Species: The common name and species code for which an allocation has been given in accord with § 611.20 of the regulations. For example, the Seamount Groundfish should be recorded in terms of pelagic armorhead (080), alfonsin (081), other species (099).

Disposition: Identify the disposition of the daily catch by species by entering "C"—human consumption, "M"—fishmeal, "D"—discard.

Cumulative: A cumulative total of each species taken, by fishing area.

B. Maintenance Schedule: The cumulative catch log is to be updated within 24-hours following the end of the day of record.

DAILY CUMULATIVE CATCH LOG

VESSEL NAME AND CALL SIGN:

PERMIT NO.

FISHING AREA AND CODE NUMBER:

[illegible]

APPENDIX IV

INSTRUCTIONS FOR COMPLETING THE WEEKLY
REPORT

1. Instructions for completion of the report: **A. Report Numbering Section:** Sequentially number each page of this set of weekly catch reports and the total number of pages in the set. For example: Page 1 of 3; Page 2 of 3; Page 3 of 3.

B. *Vessel Identification Section:* Vessel name: The name of the vessel up to 20 characters flush left. Spelling of the name should be the same as that used on the Permit.

Permit number: The assigned permit number without hyphens.

C. Reporting Circumstances Section: Mo./Date: The month and day on which the weekly reporting period ended.

Days fished: Number of days that fishing gear was placed in the water during the reporting period.

D. Catch section: This section of the report contains the total catch of fish during the period of this report. All weights should be round weights to the nearest metric ton. All fish caught during the period should be included, regardless of whether they were retained or discarded. It is of utmost importance that the catch data cover exactly the one week reporting period.

Species: Enter the species code number in the column headings for each species taken.

Area: Enter the area code number in the row heading for each area fished.

Catch: Enter the round weight in metric tons to the nearest ton of each species caught in each area.

E. Report Submission Section: Designated representative: Enter the name of the designated representative of the foreign nation who is responsible for submitting this report.

Date: Enter the date the report was submitted to the National Marine Fisheries Service by the designated representative.

The species codes are in Appendix I and the area codes are in Appendix II. The report must provide full information for all the species for which the foreign nation has an allocation under § 611.20 (d). For example, report the catch of seamount groundfish broken down by pelagic armorhead (080), alfonsoin (081), and other species (099).

For the Northwest Pacific Ocean, report in addition to allocated species, the prohibited species salmon (030) and halibut (037), which are caught and returned to the sea, in terms of number of fish.

2. *Instructions for submission of the report:* This report must be received by the National Marine Fisheries Service at the location, by the time, and in the format prescribed below. Weekly reporting periods will begin on Sunday 0000 hours Greenwich Mean Time (G.m.t.) and end on Saturday 2400 hours Greenwich Mean Time (G.m.t.). Information required by this report should be forwarded from vessels/fleet masters to the designated representative for that flag State in the United States. Information received

(2) Any applicable vessel-day limitation for the fishery or area has been reached;

(3) The total allowable level of foreign fishing for any species or species group (such as "other finfish") caught as an incidental catch in the directed fishery has been reached;

(4) The applicable national allocation for the directed fishery species involved has been reached; or

(5) The applicable national allocation for any species or species group (such as "other finfish") caught as an incidental catch during the directed fishery has been reached.

(b) Vessel check-in/check-out information, United States surveillance observations, observer reports, and foreign catch and effort reports will be used to make the determinations listed in § 611.15(a). If the National Marine Fisheries Service (NMFS) estimates of catch or other values made during the season differ from those reported by the foreign fleets, immediate efforts will be initiated by the NMFS through the appropriate foreign authorities to resolve such differences. If, however, differences still persist after such efforts have been made, NMFS estimates shall be the basis for decisions and shall prevail.

(c) When closing a fishery, the Director will notify: (1) the foreign nation involved; and

(2) the designated representative for any affected fishing vessel. If possible, at least 48 hours prior notice of the closing will be given. Failure of the Director to so notify will not relieve the foreign nation of its responsibilities to terminate fishing by its vessels when applicable allocations are reached.

§ 611.16 Disposal of fishing gear and other articles.

(a) Except in cases of emergency involving the safety of the ship or crew, no fishing vessel may intentionally place into the fishery conservation zone, any article, including abandoned fishing gear, which may:

(1) interfere with fishing or obstruct fishing gear or vessels; or

(2) cause damage to any fishery resource or marine mammal.

(b) In event of the intentional or accidental placing of such articles into the fishery conservation zone, or in the event of encountering such articles, the operator of the vessel shall immediately report the incident to the appropriate Coast Guard Commander (as provided in § 611.4) giving:

(1) the name of the reporting person and his vessel;

(2) the nature of the article;

(3) the location of the article; and

(4) the time and date of the incident.

(c) All fishing gear which is set or otherwise deployed in a manner in which it may entrap or otherwise catch fish shall be tended as frequently as necessary to ensure that its catch remains suitable for the use intended.

Subpart B—Total Allowable Level of Foreign Fishing and Allocations

§ 611.20 Total allowable level of foreign fishing.

(a) The total allowable level of foreign fishing (TALFF), if any, with respect to any fishery subject to the exclusive fishery management authority of the United States shall be that portion of the optimum yield of such fishery which will not be harvested by vessels of the United States.

(b) Each assessment of Optimum Yield (OY) will be reviewed not later

than May of 1978. Each assessment of U.S. harvesting capacity will be reviewed during the 1978 season as soon as possible after the specified review date in Table I. Adjustments in OY, U.S. estimated harvest, and initial TALFF's will be considered based on updated information relating to status of stocks, estimated and actual performance of domestic and foreign fleets in current and prior years, and other relevant factors.

(c) The following table lists the initial TALFF's by species and ocean areas for 1978:

TABLE I

Species code	Species	Ocean area	Initial TALFF (metric tons)	U.S. capacity review date
212	Butterfish	Northwest Atlantic	4,000	June 15
105	Hake, red	do	27,400	Do.
104	Hake, silver	do	45,400	Do.
309	Herring, river	do	500	Do.
204	Mackerel, Atlantic	do	1,200	Do.
400	Other Finfish, Atlantic	do	46,800	Do.
502	Squid, long-finned	do	19,000	Do.
504	Squid, short-finned	do	23,500	Do.
002 and 003	Flounders, including yellowfin sole	Northeast Pacific (California, Oregon, and Washington)	190	July 31
009	Hake, Pacific	do	89,000	Do.
010	Mackerel, Jack	do	4,000	Do.
011 and 012	Rockfishes including Pacific ocean perch	do	1710	Do.
007	Sablefish	do	190	Do.
009	Other species	do	1445	Do.
006	Cod, Pacific	Gulf of Alaska	16,980	Mar. 31 June 30 Aug. 31 Oct. 31
002 and 003	Flounders, including yellowfin sole	do	17,600	Do.
008	Mackerel, Atka	do	24,800	Do.
011	Perch, Pacific ocean	do	18,000	Do.
005	Pollock	do	117,340	Do.
012	Rockfishes, other than Pacific ocean perch	do	4,080	Do.
007	Sablefish	do	18,000	Do.
001	Squid	do	1,600	Do.
009	Other species	do	12,960	Do.
006	Cod, Pacific	Alutians and Bering Sea	56,500	Do.
009	Flounders, other than yellowfin sole	do	139,000	Do.
014	Herring, Pacific	do	8,674	Do.
008	Mackerel, Atka	do	24,800	Do.
011	Perch, Pacific ocean	do	21,500	Do.
005	Pollock	do	930,000	Do.
007	Sablefish	Alutians	1,500	Do.
007	Sablefish	Bering Sea	2,400	Do.
006	Snails (meats)	do	3,000	Do.
002	Sole, yellowfin	Alutians and Bering Sea	106,000	Do.
001	Squid	do	10,000	Do.
017 and 018	Tanner Crab	do	Reserved	Do.
009	Other species	do	93,600	Do.
080, 081, and 009	Armored, alousius, and other groundfish	Western Pacific	2,000	July 31

¹ Incidental catch only.

² Comprised of: (1) 4,800 metric tons for directed longline and trap fishery; and (2) 3,200 metric tons for incidental catch in trawl fishery.

³ Does not include an additional amount held in reserve equivalent to 20% of the optimum yield.

⁴ Does not include 1,500 metric tons held in reserve.

⁵ The TALFF for armored, alousius, and other groundfish resources is subject to additional restrictions on total effort by foreign fishing vessels: No more than 50 vessel days of trawling and 50 vessel days of bottom longlining will be allowed in this fishery.

§ 611.21 Allocations.

[Reserved]

Subpart C—Atlantic Ocean

§ 611.50 Northwest Atlantic Ocean Fishery.

(a) Purpose. This subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement during 1978, within the Atlantic Ocean north of 35°00' N. latitude.

(b) Authorized fishery. (1) Foreign fishing vessels may engage in fishing only in the areas specified in Figure 1., during the seasons and with the type of gear specified in Table I, and in accordance with the species allocations in Table II.

(2) The TALFF's for red hake and silver hake are divided between Area 5 and the other four areas as follows:

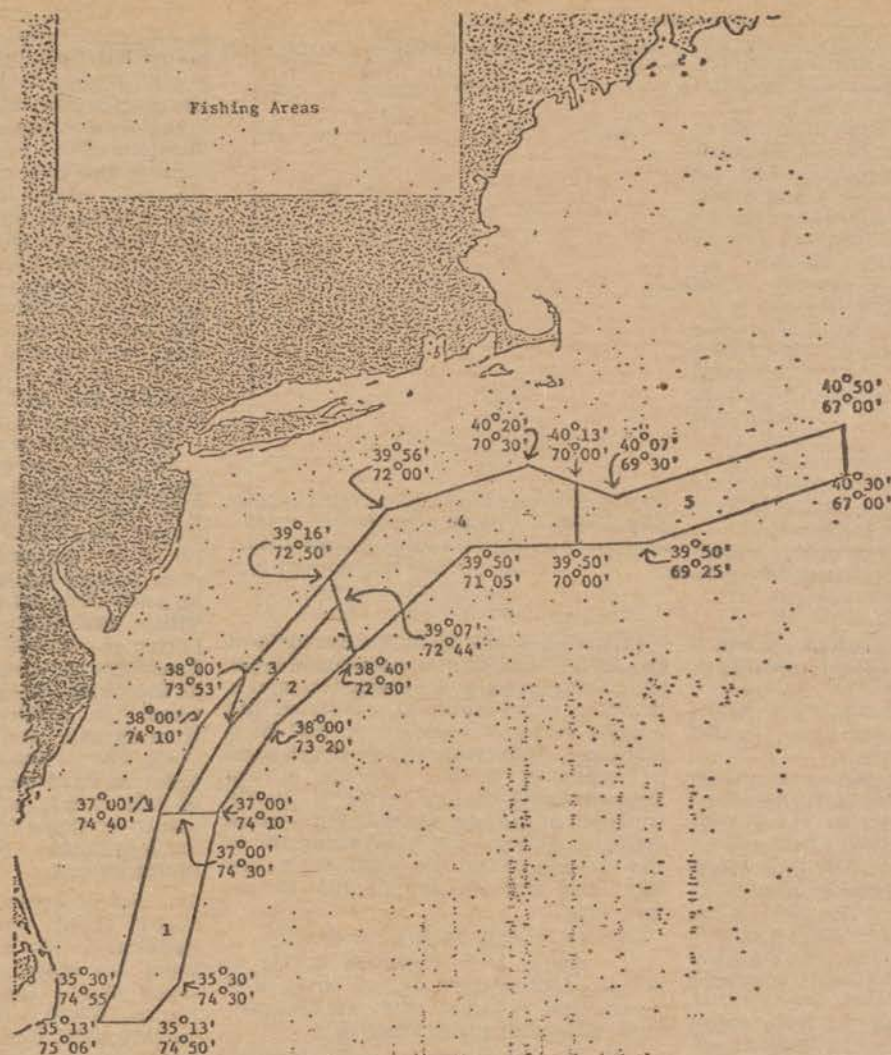
	Silver hake	Red hake
Areas 1 through 4	12,600	12,900
Area 5	32,800	14,500
Total	45,400	27,400

(3) The category "other finfish" included in Table II includes all species except:

(i) The other fish listed in the table; and

(ii) American shad, Atlantic cod, Atlantic menhaden, Atlantic redfish, Atlantic salmon, billfish, black sea bass,

bluefish, croaker, haddock, scup, sharks (except dogfish), spot, striped bass, tile-fish, yellowtail flounder, weakfish and Continental Shelf fishery resources.



Not to be used for navigational purposes

Table 1. Fishing year and season restrictions by fishing area.
Northwest Atlantic Ocean Fishery

AREA 1/	Pelagic Gear Only											
	January	February	March	April	May	June	July	August	September	October	November	December
1												
2												
3												
4												
5												

AREA 2/	Bottom Gear and Pelagic Gear											
	January	February	March	April	May	June	July	August	September	October	November	December
1												
2												
3												
4												
5												

Unless otherwise noted seasons open on 0001 hours local time on the first day of the month and terminate at 2400 hours local time on the last day of the month.

1/ Coordinates of the various areas are set forth in Figure 1.

2/ Season begins at 0001 hours local time on June 15, and terminates at 2400 hours local time on September 15.

3/ Season begins at 0001 hours local time on June 1 and terminates at 2400 hours local time on July 15.

Denotes maximum open fishing season, subject to possible earlier closure for some or all nations in accordance with E.O. 11.15.

Table II

NORTHWEST ATLANTIC INITIAL FOREIGN FISHING ALLOCATIONS BY NATION, 1978

Nation	Metric tons							
	Silver Hake	Red Hake	Shortfinned Squid	Longfinned Squid	Atlantic Mackerel	River 1/ Herring	Butterfish	Other 2/ Finfish
BULGARIA								
CUBA								
EEC:								
FRG								
France								
Italy					[Reserved]			
GDR								
JAPAN								
POLAND								
SPAIN								
USSR								
RESERVED								
INITIAL TALEP	45,400	27,400	23,500	19,000	1,200	500	4,000	46,800

1/ Includes alewife, blueback herring, and hickory shad.

2/ Incidental catch only.

(4) The taking of any species for which a nation has an allocation is permitted, provided that:

(i) The foreign nation has not caught its allocation of that species as specified in Table II of this section;

(ii) If a foreign nation has caught its allocation of any species, all further fishing (as defined in § 611.2(p)(1)) by that nation must cease, even if other allocations have not been reached. Therefore, it is essential that foreign nations plan their fishing strategy to ensure that the reaching of an allocation for one species does not result in the premature closing of a nation's fishery for other allocated species; or

(iii) The fishery has not been closed under § 611.15.

(5) Foreign fishing vessels may elect to retain or discard allocated species, but the computation of allocation utilization and fee refunds will be based on the total quantity of that species which was caught. Prohibited species, however, must always be returned to the sea as required under § 611.13.

(c) *Gear restrictions.* (1) No foreign fishing vessel may use on the bottom a trawl net having, in any part of the net, meshes of less than 60 millimeters (inside measure when wet after use).

(2) No foreign fishing vessel may use any trawl net having, in any part of the net, meshes of less than 45 millimeters (inside measure when wet after use).

(3) Meshes are to be measured by a flat, wedge-shaped gauge having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters, inserted into meshes under a pressure or pull of 5 kilograms. The mesh size of a net shall be taken to be the average of the measurements of any series of twenty consecutive meshes, at least ten meshes from the lacings, and when measured in the cod end of the net beginning at the after end and running parallel to the long axis.

(4) No foreign fishing vessel may:

(i) attach any protective device to pelagic fishing gear or use any other means that would, in effect, make it possible to fish on the bottom, or

(ii) use any device or method which would have the effect of reducing mesh size.

(5) For purpose of this section, any haul which contains any Continental Shelf fishery resource, Echinoderm, Crustacean (except shrimp), Mollusk (except squid) or bottom material, shall be considered to have been used on the bottom.

(d) *Reporting, collection, and maintenance of data.* Each foreign nation or foreign fishing vessel shall collect, maintain or report on a timely basis, accurate data relating to fishing operations as specified below. All submissions required below shall be sent to the Regional Director, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass.

01930, Telex number 940007. In addition to the requirements of § 611.9, the following logs or reports are required:

(1) *A fishing log containing a record of all catches during the permit period.* No specific form for such log is required, but all foreign fishing vessels must use the species codes set forth in § 611.9. The log shall remain aboard the vessel for the duration of the permit period and shall contain the following information on a set-by-set basis: (i) Position in degrees and minutes of latitude and longitude; (ii) Date; (iii) Quantity of total catch to the nearest kilogram; (iv) Composition of the catch by species as a percentage of the haulback; (v) Disposition of the catch (human consumption, fishmeal, or discarded); (vi) Type of gear used; (vii) Size of net or number of hooks on line; and (viii) Duration of the set to the nearest tenth of an hour.

(2) *Quarterly report.* [Reserved]

(e) *Fixed gear avoidance.* (1) No foreign fishing vessel may fish in any fixed-gear area (as broadcast by the Coast Guard; see § 611.11(b) and subparagraph (2) of this paragraph). The operator of each foreign fishing vessel operating in an authorized fishing area shall not fish within two nautical miles of such reported gear areas. Operation in areas of fixed gear locations shall be at the risk of the owner or operator of the foreign vessel for liability purposes resulting from damage to fixed gear.

(2) The locations (latitude and longitude) of fixed-gear areas are broadcast at 1350 G.m.t. on the first day of each month by Coast Guard Communications Station Boston (NMF) on 327 MHz in radiotelegraphy.

The list of areas is updated each day at 350 G.m.t. Voice broadcasts of the locations (LORAN A lines) of fixed-gear areas are made in English each day: Coast Guard Communications Station Boston (NMF) broadcasts at 1405 G.m.t. on 2670 KHz; Coast Guard Communications Station Portsmouth (NMN) broadcasts at 1905 G.m.t. on 2670 KHz; and the Boston and Norfolk marine operators broadcast after their scheduled marine information broadcasts. All broadcasts are numbered sequentially by month, day and year. A printed monthly summary of fixed-gear information is available from Commander (Ao1), Coast Guard Atlantic Area, Governors Island, New York, N.Y. 10004 (Telephone: 212-264-0645; Telex: 126831).

(f) For the purpose of assisting in compliance with the regulations, a listing of all required records, reports, logs, and data is contained in Table III. Persons are cautioned that this is a summary table and that references must be made to the specific sections of the regulations to ensure compliance.

TABLE III
SUMMARY OF REQUIRED REPORTS OR RECORDS

EVENT OR CIRCUMSTANCE	WHEN FILED OR RECORDED	WHO FILES OR RECORDS	WHERE FILED OR RECORDED	REMARKS	REFERENCE
Beginning fishing					
Change in Directed Fishery					
Change in Fishing Area					
Cease Fishing and Leaving Fishery Conservation Zone					
Transfer of Fish or Fishery Products					
Fishing in Area of Fixed Gear Location					
Gear Conflict					
Fishing Effort					
Cumulative Catch and Disposition					
Weekly Effort/Yield Report					
Quarterly Catch/Effort Report					

Subpart D—South Atlantic, Caribbean, and Gulf of Mexico

§ 611.60 [Reserved]

Subpart E—Northeast Pacific

§ 611.70 Washington, Oregon, California trawl fishery.

(a) Purpose. This subpart regulates all foreign fishing conducted under a Gov-

erning International Fishery Agreement during 1978 in the fishery conservation zone seaward of the States of Washington, Oregon and California.

(b) Authorized fishery.

(1) TALFFs and National Allocations. Foreign vessels may engage in fishing only in accordance with the TALFFs and national allocations specified in Table I.

Table I

WASHINGTON, OREGON, CALIFORNIA TRAWL FISHERY: INITIAL FOREIGN FISHING ALLOCATIONS BY NATION, 1978

Nation	Metric tons				
	Pacific Hake	Jack Mackerel	Flounders 1/	Rockfishes including Pacific Ocean Perch 2/	Sablefish 1/ Other 3/ Species
POLAND					
USSR					
RESERVED					
INITIAL TALFF	89,000	4,000	90 1/	71- 890 2/	90 1/ 445 3/

1/ Unavoidable incidental catch only (0.1% of hake TALFF).

2/ Unavoidable incidental catch only (0.2% of hake TALFF).

3/ Unavoidable incidental catch only (0.5% of hake TALFF).

(2) The category "other species" included in the table above includes all species except:

(a) the other fish listed in the table; and

(b) scallops, shrimp, salmon, steelhead, Pacific halibut, sharks (except dogfish), billfish and Continental Shelf fishery resources.

(c) Open season. Foreign fishing authorized under this subpart may begin at 0700 G.m.t. on 1 June 1978, and will terminate not later than 0800 G.m.t. on 1 November 1978, except that the authorized fishing for jack mackerel west of 125°40' W. longitude may continue until 0800 G.m.t. 1 January 1979. This fishery also may be closed in accordance with section 611.15.

(d) Closed areas. Fishing by foreign vessels is prohibited at all times in the following areas:

(1) Within 12 nautical miles of the baseline used to measure the territorial sea unless specifically authorized.

(2) North of 47°30' N. latitude.

(3) South of 39°00' N. latitude.

(4) "Columbia River Recreational Fishery Sanctuary"—that area between latitudes 46°00' N. latitude and 47°00' N. latitude and east of a line connecting the coordinates 46°00' N. latitude, 124°55' W. longitude; 46°20' N. latitude, 124°40' W. longitude; and 47°00' N. latitude, 125°20' W. longitude.

(5) "Klamath River Pot Sanctuary"—that area bounded by straight lines drawn between the following coordinates: 41°37' N. latitude, 124°34' W. longitude; 41°37' N. latitude, 124°30' W. longitude; 41°20' N. latitude, 124°28' W. longitude; 41°20' N. latitude, 124°32' W. longitude; 41°37' N. latitude, 124°34' W. longitude.

(e) Gear restrictions. (1) No foreign vessel may use any gear other than a pelagic trawl with a minimum mesh size of 100 mm, stretched measure. No liners are permitted in the cod end of the trawl.

(2) No foreign fishing vessel may: (i) attach any protective device to pelagic fishing gear or use any other means that would, in effect, make it possible to fish on the bottom; or (ii) use any device or method which would have the effect of reducing the mesh size.

(f) Statistical reporting. In addition to the requirements of § 611.9, the owner or operator of any foreign fishing vessel shall maintain catch and effort statistics and shall submit reports as follows to the Regional Director, Northwest Region, National Marine Fisheries Service (NMFS), 1700 Westlake Avenue North, Seattle, Wash. 98109.

(1) Daily fishing log: The basis for the reports shall be a daily fishing log, completed with on-deck estimates of catch logged in prior to the next fishing operation, which contains the following information:

(i) Date.

(ii) Time of set and haul of each tow.

(iii) Starting and ending position of each tow (latitude and longitude)

(iv) Bottom depth, averaged over length of tow.

(v) Depth of gear during tow.

(vi) Landed catch:

(A) Hake—in metric tons.

(B) Jack Mackerel—in metric tons.

(C) Rockfish, including Pacific Ocean Perch—to nearest 0.1 metric tons.

(D) Sablefish—to nearest 0.1 metric tons.

(E) Flatfish—to nearest 0.1 metric tons.

(F) Other fish, to nearest 0.1 metric tons.

(G) Prohibited Species: (by numbers only) (1) Pacific halibut; (2) Salmon, by species; (3) Other prohibited species.

(2) Daily report: From the time the NMFS estimates that 90 percent of the annual catch allocation of any species (directed or incidental) listed in § 611.70 (b) has been reached and so notifies that nation, the reports which would otherwise be required on a weekly basis under § 611.9(e) must be made on a daily basis and must reach the Regional Director not later than three days after the reported fishing day.

(3) Annual report: Each country whose fishing vessels operate in the area shall report by May 30 of the following year, annual catch and effort statistics, as follows:

Effort in hours trawled, by vessel-class, by gear-type, by month, by ½° latitude by 1° longitude statistical area;

Catch in metric tons, by vessel-class, by gear-type, by month, by ½° latitude by 1° longitude statistical area by the following species groupings: Pacific hake, jack mackerel, rockfishes including Pacific ocean perch, sablefish, flatfish, any other species taken in excess of 1,000 metric tons, and prohibited species, as identified in (f) (1) (vi) (G), by number of fish.

(2) Restrictions. All foreign vessels entering this fishery shall, before starting to fish, report to the Regional Director (using the procedures in § 611.4(c)) the species and amounts of fish on board.

Subpart F—Western Pacific Ocean

§ 611.80 Seamount roundfish fishery.

(a) *Purpose.* This subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement during 1978, in the fishery conservation zone of the western Pacific Ocean.

(b) *Authorized fishery.*—(1) *TALFF and National Allocations.* Foreign fish-

ing vessels may engage in fishing only in accordance with the TALFF and national allocations specified in Table I. The TALFF for this fishery is 2,000 metric tons for all authorized species combined. The term "other groundfish" includes all species of finfish caught incidental to directed fishing for pelagic armorheads and alfonsons.

Table I

WESTERN PACIFIC OCEAN SEAMOUNT GROUND FISH FISHERY: INITIAL FOREIGN FISHING ALLOCATIONS BY NATION, 1978

Nation	Metric tons	
	Pelagic Armorheads, Alfonsons and Other Groundfish	
JAPAN		
USSR		
RESERVED		[Reserved]
INITIAL TALFF	2,000 $\frac{1}{2}$	

$\frac{1}{2}$ The TALFF for armorheads, alfonsons and other groundfish resources is subject to additional restrictions on total effort by foreign fishing vessels. No more than 50 vessel days of trawling and 50 vessel days of bottom longlining will be allowed in this fishery.

(2) *Effort restriction.* The 1978 vessel day limit for total foreign fishing effort is 50 vessel days each of trawling and bottom longlining.

(3) *Prohibited species.* All Continental Shelf fishery resources, and all other species of fish except for alfonsons, armorheads and other groundfish, are prohibited species and shall be treated in accordance with § 611.13.

(4) *Open area.* Foreign fishing vessels may engage in fishing in 1978 for pelagic armorheads, alfonsons, and other groundfish only in those portions of the fishery conservation zone west of the 180° meridian and north of 28° N. latitude.

(c) *Open season.* Foreign fishing authorized under this subpart may begin at 0800 G.m.t. on May 1, 1978, and will terminate not later than 0800 G.m.t. on September 30, 1978. This fishery also may be closed in accordance with § 611.15.

(d) *Gear Restrictions.* No gear other than trawl or bottom longlining gear may be used.

(e) *Statistical reporting.* (1) In addition to the requirements of § 611.9, the logs and reports specified below are required.

All logbook data shall be submitted to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, Calif. 90731, or the National Marine Fisheries Service observer on board the vessel upon request, unless otherwise provided in this section.

(2) The logbook for trawling operations shall contain data for each haul as follows:

(i) Catch, by individual species, to the nearest one-tenth (0.1) t;

(ii) The approximate weight (kilograms), by genus, of the incidental catch of the precious corals designated in paragraph (a) of this section;

(iii) The time at the beginning of the haul and the total duration of the haul to the nearest five (5) minutes;

(iv) The location at the midpoint of each haul to the nearest one-tenth (0.1) minute of latitude and longitude;

(v) The average depth of the seabottom to the nearest meter;

(vi) The average fishing depth of the footrope to the nearest meter;

(vii) The average fishing speed of the vessel (towing speed) to the nearest one-tenth (0.1) knot;

(viii) The date;

(ix) The vessel permit number;

(x) The codend mesh size to the nearest millimeter;

(xi) The length of the footrope to the nearest one-tenth (0.1) meter and average distance between footrope and headrope to the nearest one-tenth (0.1) meter.

(3) The logbook for bottom longlining operations shall contain the following data for each fishing day:

(i) Midday location of fishing, to the nearest one-tenth (0.1) minute of latitude and longitude;

(ii) Number of hooks set and average soak time;

(iii) Number of fish caught, by species, for pelagic armorhead, alfonson, and other groundfish species;

(iv) Average depth of hooks set, in meters.

(4) *Annual.* Each nation whose fishermen fish in the area set forth in Part 3.0 above shall report by February 28 of the following year, annual catch and effort statistics, as follows: Catch in metric tons by gear type by month by area to the nearest one-half degree (0.5°) latitude and by one degree (1°) longitude, by the following species groupings: pelagic armorhead, alfonson, other groundfish; Catch in kilograms of precious corals taken incidental to fishing operations by month by area to the nearest one-tenth degree (0.1°) latitude and longitude square, by the following species groupings: pink coral, gold coral, bamboo coral, other corals; Effort in hours trawled by month by area to the

nearest one-half degree (0.5°) latitude and by one degree (1°) longitude; and Effort in average number of hooks soaked per 24-hour period by month by area to the nearest one-half degree (0.5°) latitude and by one degree (1°) longitude. The annual report shall be submitted to the Regional Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, Calif. 90731.

Subpart G—North Pacific Ocean and Bering Sea

§ 611.90 General provisions.

(a) *Purpose.* This Subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement during 1978 in the fishery conservation zone seaward of the State of Alaska.

(b) *Open Season.* Unless otherwise specified in the following sections, the open season for fishing by foreign vessels shall begin at 0800 G.m.t. on January 1, 1978, and terminate at 0800 G.m.t. on January 1, 1979. These fisheries also may be closed in accordance with § 611.15.

(c) *Fishing areas.*—(1) *General.* Unless specifically authorized, no foreign vessel may engage in fishing within twelve nautical miles of the baseline used to measure the territorial sea.

(2) *Support operations.* Loading and other support operations are permitted by foreign vessels only in areas where the vessel being supported is authorized to fish, and in the following areas between three and twelve nautical miles from the baseline used to measure the territorial sea:

(i) Near Forrester Island, Alaska, bounded on the north by 54°54' N. latitude, on the east by 133°16' W. longitude, and on the south by 54°44' N. latitude;

(ii) On the east side of Kayak Island, Alaska, between 59°48' N. latitude and 59°56' N. latitude west of 143°53' W. longitude and on the west side of Kayak Island between 59°52' N. latitude and 60°07' N. latitude east of 145° W. longitude;

(iii) North of Tonki Cape on Afognak Island, Alaska, bounded on the north by 58°35' N. latitude, on the south by 58°25' N. latitude, on the west by 152°02' W. longitude and on the east by 151°52' W. longitude;

(iv) North and west of Sanak Island, Alaska, bounded on the north by 54°36' N. latitude, on the south by 54°26' N. latitude, on the west by 163°05' W. longitude and on the east by 162°40' W. longitude;

(v) On the south side of Unalaska Island, Alaska, between 167°18' W. longitude and 167°40' W. longitude (from January 1, 1978 through October 14, 1978, only);

(vi) On the north side of Unalaska Island, Alaska, between 167°15' W. longitude and 167°35' W. longitude (from January 1, 1978 through October 14, 1978, only);

(vii) On the south side of Umnak Island, Alaska, between 168°15' W. longitude and 168°30' W. longitude (from Oc-

tober 15, 1978 through December 31, 1978, only);

(viii) On the north side of Umnak Island, Alaska, between 168°25' W. longitude and 168°40' W. longitude and between 168°50' W. longitude and 169°00' W. longitude, (from October 15, 1978 through December 31, 1978, only);

(ix) Off St. George Island of the Pribilof Islands, Alaska, (from January 1, 1978, through to April 30, 1978, and November 1, 1978, through December 31, 1978, only);

(x) On the north side of St. Matthew Island, Alaska, between 172°29' W. longitude, and 172°46' W. longitude, and on the south side of St. Matthew Island, between 172°17' W. longitude, and 172°35' W. longitude, and between 172°54' W. longitude, and 173°04' W. longitude.

(d) *Statistical reporting.* In addition to the requirements of § 611.9, the owner

or operator of any foreign fishing vessel shall maintain catch and effort statistics as required by this Subpart and shall report the information, through the designated representative, to the Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska, U.S.A. 99801.

§ 611.91 Crab fishery. [Reserved]

§ 611.92 Gulf of Alaska Trawl Fishery.

(a) *Purpose.* This section regulates foreign fishing for all species of fish taken in trawl gear in the Gulf of Alaska, which includes that portion of the North Pacific Ocean, exclusive of the Bering Sea, between 132°40' W. longitude and 170°00' W. longitude.

(b) *Authorized fisheries.*—(1) *TALFF's and National Allocations.*

(i) Foreign fishing vessels may engage in fishing only in accordance with the TALFF's and national allocations specified in Table I.

Table I

GULF OF ALASKA TRAWL FISHERY: INITIAL FOREIGN FISHING ALLOCATIONS BY NATION, 1978

Nation	Metric tons								
	Pollock	Pacific Ocean Perch	Other Rockfishes	Flounders	Sablefish 1/	Atka Mackerel	Pacific Cod	Squid	Other Species
JAPAN									
KOREA									
POLAND									
USSR									
RESERVED 2/									
INITIAL TALFF	117,340	18,900	4,080	17,600	3,200 1/	24,800	16,980	1,600	12,960

1/ Incidental catch only (1.5% of total trawl TALFF).

2/ These reserves are part of the initial TALFF's held in anticipation of receiving applications from other foreign nations. These reserves are to be distinguished from those described in Footnote 2/ of Table I in Subpart B.

(ii) The category "other species" in Table I includes all species except:

(A) The other fish listed in the table; and

(B) Shrimp, scallops, salmon, steelhead, Pacific halibut, and Continental Shelf fishery resources.

(iii) The taking of any species for which a nation has an allocation is permitted, provided that:

(A) The foreign nation has not caught its allocation of that species as specified in Table I of this section;

(B) If a foreign nation has caught its allocation of any species, all further fishing (as defined in § 611.2(p)(1)) by that nation must terminate even if other allocations have not been reached. Therefore, it is essential that foreign nations plan their fishing strategy to ensure that the reaching of an allocation for one species does not result in the premature closing of a nation's fishery for other allocated species; or

(C) The fishery has not been closed under § 611.15.

(2) *Open areas.* Except for the closed area described in subparagraph (3) of

this paragraph, the open area for foreign fishing includes:

(i) The entire Gulf of Alaska beyond twelve nautical miles from the base line used to measure the territorial sea; and

(ii) In the Gulf of Alaska between 169°00' W. longitude and 170°00' W. longitude between three and twelve nautical miles from the base line used to measure the territorial sea.

(3) *Closed areas.*

(i) Six "Kodiak Gear Areas" bounded respectively by straight lines connecting in each of the following groups the coordinates in the order listed, are closed to foreign trawling from January 1, 1978 to May 31, 1978, and from August 10, 1978 to December 31, 1978, inclusive.

(A) 57°15' N. lat.-154°51' W. long.; 50°57' N. lat.-154°34' W. long.; 56°21' N. lat.-155°40' W. long.; 56°28' N. lat.-155°55' W. long.; 57°15' N. lat.-154°51' W. long.

(B) 56°27' N. lat.-154°06' W. long.; 55°46' N. lat.-155°27' W. long.; 55°40' N. lat.-155°17' W. long.; 55°48' N. lat.-155°00' W. long.; 55°54' N. lat.-154°55' W. long.; 56°03' N. lat.-154°36' W. long.; 56°03' N. lat.-153°45' W. long.; 56°30' N. lat.-153°45' W. long.; 50°30' N. lat.-153°-

49' W. long.; 56°27' N. lat.-154°06' W. long.

(C) 56°30' N. lat.-153°49' W. long.; 56°30' N. lat.-153°00' W. long.; 56°44' U. lat.-153° W. long.; 56°57' N. lat.-153°15' W. long.; 56°45' N. lat.-153°45' W. long.; 56°30' N. lat.-153°49' W. long.

(D) 57°05' N. lat.-152°52' W. long.; 56°54' N. lat.-152°52' W. long.; 56°46' N. lat.-152°37' W. long.; 56°46' N. lat.-152°20' W. long.; 57°19' N. lat.-152°20' W. long.; 57°05' N. lat.-152°52' W. long.

(E) 57°35' N. lat.-152°03' W. long.; 57°11' N. lat.-151°14' W. long.; 57°19' N. lat.-150°00' W. long.; 57°48' N. lat.-152°00' W. long.; 57°35' N. lat.-152°03' W. long.

(F) 58°00' N. lat.-152°00' W. long.; 58°00' N. lat.-150°00' W. long.; 58°12' N. lat.-150°00' W. long.; 58°19' N. lat.-151°29' W. long.; 58°00' N. lat.-152°00' W. long.

(ii) 58°30' N. lat. to 59°30' N. lat. between 147°40' W. long. and 150°20' W. long.; 57°40' N. lat. to 58°05' N. lat. between 148°50' W. long. and 150°30' W. long.; 55°30' N. lat. to 56°25' N. lat. between 155°45' W. long. and 156°30' W. long. closed to foreign trawling from 5 days prior to 5 days after, the first of the several openings of the U.S. halibut setline fishery in 1978.

(iii) 163°04' W. long. to 166° W. long. closed to foreign fishing January 1, 1978 to December 31, 1978, inclusive.

(iv) 147° W. long. to 157° W. long. closed to foreign trawling from February 16, 1978 to May 15, 1978 inclusive.

(v) 140° W. long. to 147° W. long. closed to foreign trawling from January 1, 1978 to February 15, 1978, and from December 1, 1978 to December 31, 1978, inclusive.

(c) *Additional statistical report.*—*Annual.* Each nation whose vessels engage in this fishery shall report, by May 30 of the following year, annual catch and effort statistics as follows: *Effort* in hours trawled, by vessel class, by gear type, by month, by 1/2° (lat.) X 1° (long.) statistical area; *catch* in metric tons, by vessel class, by gear type, by month, by 1/2° (lat.) X 1° (long.) statistical area, by the following species groupings: Rock sole; Flathead sole; Arrowtooth flounder; Other flounders; Pacific ocean perch; Other rockfish; Pacific cod; Sablefish (blackcod); Walleye (Alaska) pollock; Atka mackerel; any other species taken in excess of 1,000 mt.; and other fishes.

§ 611.93 Bering Sea and Aleutian Islands Trawl and Herring Gillnet Fishery.

(a) *Purpose.* This section regulates foreign fishing for all species of fish, except Snow (Tanner) crab and snails, in the Bering Sea and that portion of the North Pacific Ocean south of the Aleutian Islands chain west of 170° W. longitude.

(b) *Authorized fishery.*—(1) *TALFF's and National Allocations.* (i) Foreign vessels may engage in fishing only in accordance with the TALFF's and national allocations specified in Table I.

Table I

BERING SEA AND ALEUTIAN ISLANDS TRAWL AND HERRING GILLNET FISHERY: INITIAL FOREIGN FISHING ALLOCATIONS BY NATION, 1978

Nation	Pollock	Yellowfin Sole	Other Flounders	Metric tons				Herring	Atka Mackerel	Squid	Other Species	
				Pacific Ocean Perch Areas I-III	Area IV	Sablefish Areas I-III	Area IV				Area I-III	Area IV
JAPAN												
KOREA												
REP. OF CHINA												
USSR												
RESERVED 2/												
INITIAL TALFF	950,000	106,000	105,000	6,500	15,000	3,400	1,500	56,500	8,670	24,800	10,000	59,600

1/ For trawl, longline and trap gear, collectively.

2/ These reserves are part of the initial TALFF's held in anticipation of receiving applications from other foreign nations. These reserves are to be distinguished from those described in Footnotes 3/ and 4/ of Table I in Subpart B.

3/ Allocations in Areas I-III are totals for all three Areas combined. Areas I-IV are described in Figure 2, Fishing Area Divisions of the Bering Sea, in Appendix II of 8611.9.

(ii) The category "Other species" in Table I includes all species except:

(A) The other fish listed in the table; and

(B) shrimp, scallops, salmon, steelhead, Pacific halibut, and Continental Shelf fishery resources.

(iii) The taking of any species for which a nation has an allocation is permitted, provided that:

(A) The foreign nation has not caught its allocation of that species as specified in Table I of this section;

(B) If a foreign nation has caught its allocation of any species, all further fishing by that nation must terminate, even if other allocations have not been reached. Therefore, it is essential that foreign nations plan their fishing strategy to ensure that the reaching of an allocation for one species does not result in the premature closing of a nation's fishery; or

(C) The fishery has not been closed under § 611.15.

(2) *Open areas.* Except for the closed areas set forth in subparagraph (3) of this paragraph, the open area for foreign fishing includes:

(i) The entire Bering Sea and that portion of the North Pacific Ocean south of the Aleutian Islands chain west of 170° W. longitude beyond 12 nautical miles from the baseline used to measure the territorial sea;

(ii) The area between three and twelve nautical miles from the baseline used to measure the territorial sea north of the Aleutian Islands chain as follows:

(A) Between 169° and 170° W. longitude, trawl fishing from June 1, 1978, and November 30, 1978, inclusive, and longline fishing from January 1, 1978, to December 31, 1978, inclusive.

(B) Between 170° and 172° W. longitude, trawl and longline fishing from January 1, 1978, to December 31, 1978, inclusive.

(C) Between 172° and 176° W. longitude, longline fishing from April 1, 1978, to October 31, 1978, inclusive.

(D) West of 176° W. longitude, trawl fishing from May 1, 1978, to December 31, 1978, inclusive, and longline fishing from January 1, 1978, to December 31, 1978, inclusive.

(iii) The area between three and twelve nautical miles from the baseline used to measure the territorial sea south of the Aleutian Islands chain as follows:

(A) Between 170° and 172° W. longitude, trawl and longline fishing from January 1, 1978, to December 31, 1978, inclusive.

(B) Between 172° and 176° W. longitude, longline fishing from April 1, 1978, to October 31, 1978, inclusive.

(C) Between 176° C. and 178°30' W. longitude, longline fishing from April 1, 1978, to October 31, 1978, inclusive, and trawl fishing from July 1, 1978, to October 31, 1978, inclusive.

(D) West of 178°30' W. longitude, trawl fishing from May 1, 1978, to December 31, 1978, inclusive, and longline fishing from January 1, 1978, to December 31, 1978, inclusive.

(3) *Closed areas.* (i) *Trawling.* Trawling by foreign vessels is prohibited in the areas and during the periods shown below:

(A) The Bristol Bay "Pot Sanctuary" which is the area enclosed by straight lines from Cape Sarichef to 55°16' N. lat., 166°10' W. long.; to 56°20' N. lat., 163°00' W. long.; to 57°10' N. lat., 163°00' W. long.; to 58°10' N. lat., 160°00' W. long.; then due south along 160°00' W. long. to the Alaska Peninsula.

(B) From January 1, 1978 to May 31, 1978, inclusive, and from December 1, 1978 to December 31, 1978, inclusive, in the following International Pacific Halibut Commission (IPHC) Conservation Areas:

(1) Area B.

(2) Area E south of 56°30' N. latitude and east of 166°00' W. longitude.

(3) Area E south of 56°00' N. latitude and west of 166°00' W. longitude.

(4) Area A south of 55°30' latitude.

(C) From January 1, 1978 to May 31, 1978, inclusive, and from December 1, 1978 to December 31, 1978, inclusive, in the area bounded by straight lines connecting the coordinates in the order listed: 56°18' N. lat., 170°24' W. long.; 56°20' N. lat., 169°03' W. long.; 56°12' N. lat., 168°46' W. long.; 55°56' N. lat., 169°10' W. long.; 55°56' N. lat., 170°24' W. long.; 56°18' N. lat., 170°24' W. long.

(ii) *Herring.* No foreign vessel may fish for herring east of 168° W. longitude.(c) *Additional Statistical Report.* Annual. Each nation whose vessels engage in this fishery shall report, by May 30 of the following year, annual catch and effort statistics as follows:(1) *Effort* in hours trawled, by vessel class, by gear type, by month, by 1/2° (lat.) X 1° (long.) statistical area; and
(2) *Catch* in metric tons, by vessel class, by gear type, by month, by 1/2° (lat.) X 1° (long.) statistical area, by the following species categories: yellowfin sole; rock sole; flathead sole; arrowtooth flounder; greenland turbot; other flounders; Pacific ocean perch; Pacific cod; sablefish (blackcod); walleye (Alaska) pollock; Atka mackerel; Pacific herring; any other species taken in excess of 1,000 mt; and "other fishes."**§ 611.94 Directed Fishery for Sablefish (Blackcod) in the Gulf of Alaska.**(a) This section regulates the directed fishery for sablefish or blackcod (*Anoplopoma fimbria*) by foreign fishing vessels in the Gulf of Alaska, which includes that portion of the North Pacific Ocean, exclusive of the Bering Sea, between 132°40' W. longitude and 170° W. longitude.(b) *Authorized Fishery.*—(1) *TALFF.* For 1978, the TALFF for sablefish in the Gulf of Alaska is 8,000 metric tons. Of this amount, 3,200 metric tons is set aside for incidental catch in the Gulf of Alaska Trawl Fishery (see § 611.92). Therefore the TALFF for the directed sablefish fishery is 4,800 metric tons. This fishery may be closed in accordance with § 611.15.(2) *National allocations.* Foreign vessels may engage in a directed fishery for sablefish in the Gulf of Alaska in accordance with the TALFF set forth in subparagraph (1) of this paragraph and the following national allocations:

(i) Japan: [Reserved]

(ii) Korea: [Reserved]

(3) Only those species for which a nation has an allocation in § 611.92(b)

(1) (i) may be taken as an incidental catch, and such catch shall be counted against those allocations in § 611.92(b) (1) (i).

(c) *Open Areas.* The open area for foreign fishing includes:

(1) That portion of the Gulf of Alaska which is west of 137°00' W. longitude and which is both seaward of the 500 meter (273.3 fathom) depth contour and beyond twelve nautical miles from the baseline used to measure the territorial sea; and

(2) In the Gulf of Alaska, between three and twelve nautical miles from the baseline used to measure the territorial sea, between 169° W. longitude and 170° W. longitude.

(d) *Gear Restrictions.* No foreign fishing vessel may use any gear other than longlines and traps in this fishery.(e) *Additional Statistical report.*—*Annual.* Each nation whose vessels engage in this fishery shall report, by May 30 of the following year, annual catch and effort statistics as follows: *Effort*, in number of longline units, number of traps, duration of soaking time for

longlines and traps, and number of days fished, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) X 1° (long.) statistical areas; *Catch*, in metric tons, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) X 1° (long.) statistical area. The characteristic features of gear and vessels are also to be reported.

§ 611.95 Snail fishery.

(a) *Purpose.* This section regulates foreign fishing for snails of the genera *Neptunea*, *Fusitriton*, *Buccinum*, *Beringius*, *Volutopsius*, *Clinopegma*, *Plicifusus*, and *Pyrulofusus*, which is authorized in the Bering Sea.

(b) *TALFF.* The 1978 TALFF for all species of snails combined in the Bering Sea is 3,000 metric tons of edible meat.

(c) *Area, gear, and general restrictions.* (1) No foreign fishing vessel may:

(i) Fish for snails east of 164° W. long., or within twelve miles of the baseline used to measure the territorial sea;

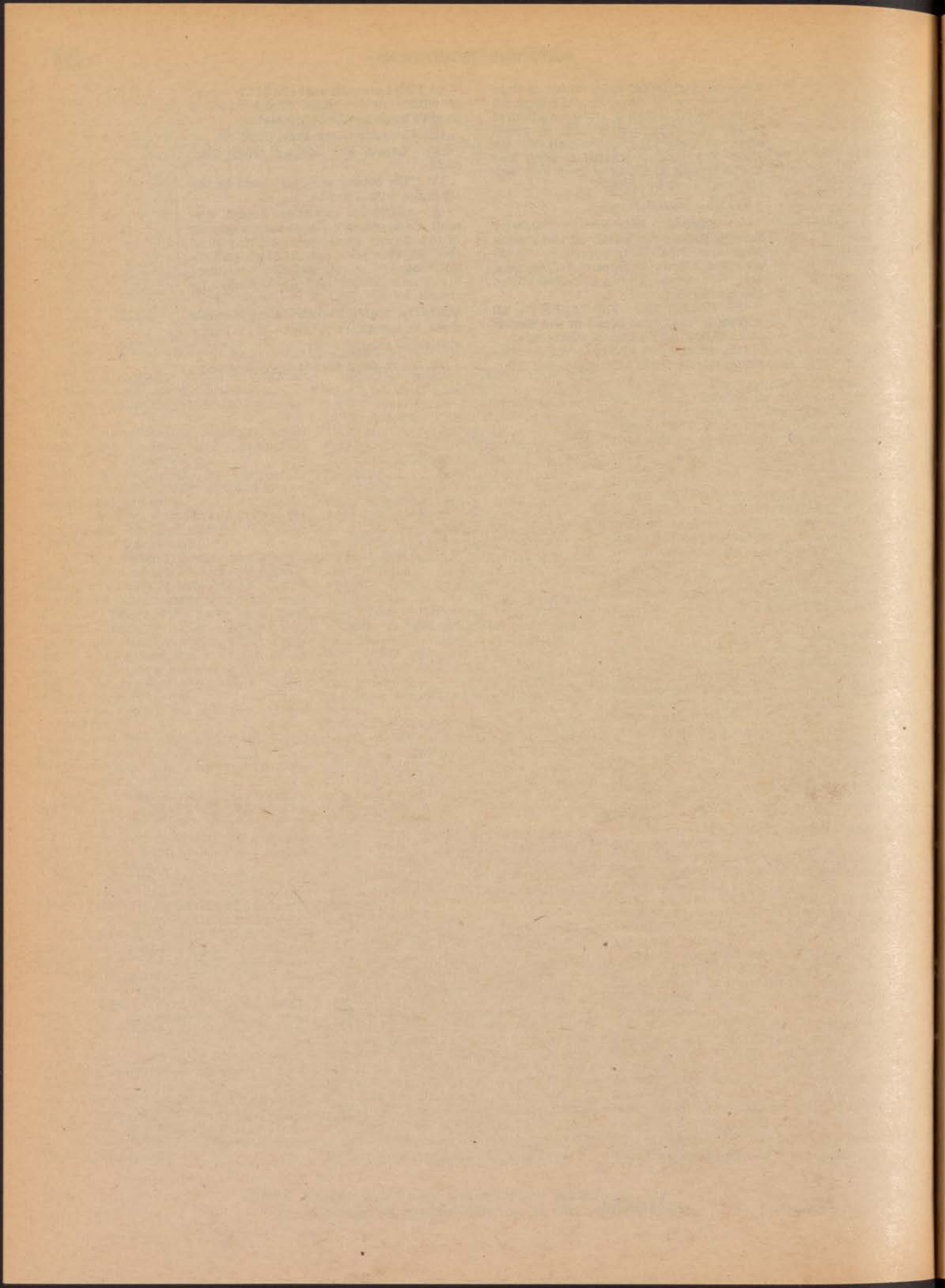
(ii) Use gear other than pots; or

(iii) Retain any species other than snails.

(2) This fishery may be closed in accordance with § 611.15.

(d) *Additional statistical report.* Annual. Each country whose vessels engage in this fishery shall report by May 30 of the following year, annual catch and effort statistics as follows: *Effort* in number of pots hauled, hours pots soaked by mouth, by $\frac{1}{2}^{\circ}$ (lat.) X 1° (long.) statistical area; *Catch* in metric tons of edible meat, by month, by $\frac{1}{2}^{\circ}$ (lat.) X 1° (long.) statistical area.

[FR Doc.77-34007 Filed 11-25-77;8:45 am]



Legislation
1977
Federal Register

MONDAY, NOVEMBER 28, 1977

PART IV



ENVIRONMENTAL
PROTECTION
AGENCY

■

OCEAN DUMPING

Procedural Regulations

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

SUBCHAPTER H—OCEAN DUMPING

[FRL 777-5]

PART 223—CONTENTS OF PERMITS; RE-
VISION, REVOCATION OR LIMITATION
OF OCEAN DUMPING PERMITS UNDER
SECTION 104(d) OF THE ACTPART 226—ASSESSMENT OF CIVIL PEN-
ALTIES AND REVOCATION AND SUS-
PENSION OF PERMITS UNDER SECTION
105 OF THE ACT

Revision of Procedural Regulations

AGENCY: United States Environmental
Protection Agency.

ACTION: Interim final revision of regu-
lations.

SUMMARY: The United States Envi-
ronmental Protection Agency (EPA)
today publishes interim final revisions to
its regulations for the enforcement of
Title I of the Marine Protection, Re-
search, and Sanctuaries Act of 1972, as
amended, 33 U.S.C. 1401 et seq. These
regulations set forth the procedures to
be followed, and the criteria to be
applied, in actions to modify, revoke or
suspend ocean dumping permits and to
assess civil penalties for violation of Title
I of the Act, EPA ocean dumping regu-
lations, or the terms and conditions of a
permit.

DATES: Effective November 28, 1977.
Comments are due December 28, 1977.

ADDRESS: Send comments in triplicate
to: Lisa K. Friedman, Office of General
Counsel (A-131), U.S. Environmental
Protection Agency, 401 M Street SW.,
Washington, D.C. 20460.

FOR FURTHER INFORMATION CON-
TACT:

Lisa K. Friedman, 202-755-0433.

SUPPLEMENTARY INFORMATION: EPA's ocean dumping enforcement regu-
lations were first published on October
15, 1973 (38 FR 28610 et seq.) and now
appear at 40 CFR Parts 223 and 226.
In response to the requests of several
Regional Administrators that the regu-
lations be significantly expanded and
clarified, EPA published, on June 28,
1976 (41 FR 26644 et seq.), proposed re-
visions to Parts 223 and 226 which
spelled out the rules of practice in en-
forcement proceedings in substantially
greater detail.

Subsequent discussions with Regional
enforcement personnel and the Agency's
Administrative Law Judges have led EPA
to conclude that the proposed revisions,
while representing a substantial improve-
ment over its earlier regulations, are still
not sufficiently detailed to provide a
clear, comprehensive procedural frame-
work for ocean dumping enforcement
proceedings. Accordingly, in the interim
final rules of practice published today,
EPA has further modified and expanded
its June 28, 1976 proposed revisions to
clarify both the format of these proceed-

ings and the rights and responsibilities
of the various participants.

Under the Agency's existing regula-
tions, and its June 28, 1976 proposed
revision, all procedures for the revoca-
tion, modification, suspension or limita-
tion of permits were contained in Part
223. In a major departure from this for-
mat, the regulations published today
establish two separate procedures for
permit revocation, modification, and
suspension under Sections 104(d) and
105(f) of the Act, respectively, to reflect
the two different types of factors re-
quired to be considered in making deter-
minations under those sections.

Section 104(d) authorizes the Admin-
istrator to deny, revoke, alter or limit a
permit whenever he finds that a pro-
posed dump cannot be carried out "con-
sistently with the criteria and other fac-
tors required to be applied in evaluating
the permit application." Because a deter-
mination to deny, revoke, alter or limit
a permit under Section 104(d) requires
the Administrator to consider the same
factors applied in initially evaluating the
permit application, the revised proce-
dural rules for revocation, revision and
limitation of permits under that Section
parallel those set forth in Part 222 of the
EPA's ocean dumping regulations for the
evaluation of permit applications. Final
revisions of Part 222 were published on
January 11, 1977 (42 FR 2462 et seq.).

The rules of practice for Section 104
(d) permit revocation, revision and limi-
tation proceedings appear below as Sub-
part B of Part 223. They provide for
written notification of any proposed
revocation, revision or limitation of a
permit to the permittee and the public.
Any person may request a public hearing
on the proposed revocation, modification
or limitation, and a hearing will be
ordered if it is determined that the re-
quest presents genuine issues, or that a
public hearing is otherwise necessary or
appropriate. Upon receipt of the Admin-
istrator's or Regional Administrator's de-
termination following the public hearing,
any person who participated in the hear-
ing may request an adjudicatory hearing
for the purpose of reviewing such de-
termination.

Under Section 105(f) of the Act, the
Administrator may revoke or suspend a
permit if he finds that its terms and con-
ditions have been violated. Since Sec-
tion 105(a) requires the Administrator
to make a similar finding (or a finding
that the Act or the regulations have been
violated) in assessing a civil penalty, the
rules of practice published today adopt
the same procedures for both Section 105
(f) permit revocation and suspension
proceedings and Section 105(a) civil
penalty assessment proceedings. These
regulations appear below as Part 226.

Part 226 has been modeled on the rules
of practice used in proceedings to assess
civil penalties under the Federal Insec-
ticide, Fungicide and Rodenticide Act, as
amended (7 U.S.C. 1361(a) and 136t(a))
(FIFRA), 40 CFR 168.01 et seq., and Sec-
tion 211(d) of the Clean Air Act (42
U.S.C. 1857f-6c) (unleaded fuel), 40 CFR
80.301 et seq. (40 FR 39962 et seq., Au-
gust 29, 1975). These rules have now been

used in a number of FIFRA and un-
leaded fuel civil penalty proceedings, and
experience has demonstrated their effec-
tiveness. For this reason, and because
both regulations were the subject of ex-
tensive public comment at the time they
were proposed, and thus reflect the fine
tuning resulting from two separate pub-
lic rulemakings, they have been used as
the basis for Section 105 (a) and (f)
procedural regulations.

Both civil penalty assessment proceed-
ings and permit revocation/suspension
proceedings under Section 105(f) begin
with the service of a complaint. Com-
plaints for assessment of a civil penalty
issued pursuant to these procedures must
set forth, inter alia, (1) the provision
of the Act, regulations, or permit which
is alleged to have been violated; (2) the
factual basis for the allegation; (3) the
amount of the civil penalty which is pro-
posed to be assessed; and (4) a state-
ment as to the appropriateness of the
proposed penalty as well as notice of op-
portunity to request a hearing. Com-
plaints for revocation or suspension of a
permit must include similar information
with respect to the basis for the pro-
posed revocation or suspension.

Within twenty (20) days after receipt
of such complaint, the person charged
may file an answer in which he (1) ad-
mits, denies or explains the material fac-
tual allegations contained in the com-
plaint, (2) challenges the appropriateness
of the proposed penalty or proposed
revocation or suspension or (3) con-
tends that he is entitled to judgment as a
matter of law. This twenty-day period in
which an answer may be filed can be ex-
tended upon motion granted by the Re-
gional Administrator. The answer must
also state (1) the circumstances or argu-
ments which are alleged to constitute
the grounds of defense, (2) the facts
which the respondent intends to place at
issue, and (3) whether a hearing is re-
quested. Failure to file a timely answer to
the complaint or failure to comply with
prehearing orders of the Presiding Of-
ficer will constitute an admission of the
allegations contained in the complaint
and a waiver of the right to a hearing,
and may give rise to a default order re-
quiring payment of the proposed civil
penalty or revocation or suspension of
the permit without further proceedings.

Leave to intervene in a proceeding
may be granted to persons who timely
demonstrate real interests which (1)
raise common questions of fact or law,
(2) may be adversely affected by the
outcome of the proceedings, (3) will not
be protected absent their intervention,
and (4) do not unreasonably broaden
the issues or unduly prolong the pro-
ceeding. Other persons may, for good
cause shown, be granted leave to par-
ticipate in proceedings as amicus curiae
and will be eligible to participate in any
briefing following the granting of such
motion.

Part 226 encourages settlement of pro-
ceedings through informal settlement
conferences leading to the signing of a
consent agreement by the Agency and
the person charged. Prehearing confer-

ences and prehearing correspondence may also be utilized to simplify the litigable issues, obtain stipulations to factual matters, encourage settlement, and otherwise expedite the proceeding. In addition, the Presiding Officer is authorized to render an accelerated decision at any time during the proceeding if it appears that either the complainant or respondent is entitled to judgment as a matter of law.

If settlement upon all issues is not reached or if the proceeding is not disposed of by an accelerated decision, a public hearing must be held to adjudicate all remaining issues of fact and law. Such hearing must be conducted by a Presiding Officer on the record pursuant to Part 226 with appropriate procedural safeguards. The Presiding Officer is authorized to receive all oral or written evidence which is relevant, competent, material, and not unduly repetitious. Evidence regarding trade secrets or other appropriately designated commercial or financial information may be considered *in camera*.

Following the hearing and his review of the hearing record, the Presiding Officer is required to issue an initial decision. This initial decision, or an accelerated decision, may be appealed to the Regional Administrator by any party or reviewed by him *sua sponte*. No matter of controversy (whether reaching conclusion by means of a consent agreement, default order, accelerated decision, or an initial decision and regardless of whether appealed or reviewed *sua sponte*) may be ultimately disposed of except by a final order of the Regional Administrator. Each final order must include findings of fact, conclusions regarding material issues of law, fact or discretion, the reasons therefor, and an order assessing a civil penalty or revoking or suspending a permit, as appropriate. Parties adversely affected by a final order of the Regional Administrator may move to reopen the hearing or to reargue any orders, rulings, or decisions of the Presiding Officer, or may request reconsideration of the Regional Administrator's final order.

Under the Agency's current Parts 223 and 226, it is not possible to assure that the Agency's authority to assess civil penalties under Section 105(a) and to revoke, revise, suspend, or limit permits under Sections 104(d) and 105(f) of the Act is being applied uniformly and consistently in all ocean dumping enforcement proceedings. In order to remedy this situation as promptly as possible, it is necessary that these procedural regulations take effect prior to a thirty (30)-day period following promulgation. In finalizing these regulations on an interim basis the Agency has considered both the need for immediate implementation and the fact that the regulations are based on Part 222 of its ocean dumping regulations and existing Agency civil penalty assessment procedural regulations, all of which have previously been the subject of extensive public comment.

These interim rules of practice shall become effective on November 28, 1977, and all ocean dumping civil penalty assessment or permit revocation, revision, limitation or suspension proceedings which commence on or after that date shall be subject thereto. Beginning on the effective date, the rules shall also apply to the remaining phases of any proceedings currently in process insofar as such application is feasible and equitable, provided, however, that any completed phase of a proceeding which might have been conducted differently under the rules shall not be affected.

NOTE.—The Environmental Protection Agency has determined that this document does not constitute a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and under OMB Circular A-107.

The Agency will consider all written comments on these rules received prior to December 28, 1977, in promulgating final regulations. All documents should be submitted in triplicate to Lisa K. Friedman, whose address appears above. All comments received will be available for inspection and copying at the EPA Public Information Reference Unit, room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. 20460 and at EPA Regional Offices in Regions II and III.

Dated: November 11, 1977.

DOUGLAS M. COSTLE,
Administrator.

1. Part 223 is revised to read as follows:

Subpart A—Contents of Ocean Dumping Permits Issued Under Section 102 of the Act

Sec.

223.1 Contents of special, interim, emergency, general and research permits; posting requirements.

Subpart B—Procedures for Revision, Revocation or Limitation of Ocean Dumping Permits Under Section 104(d) of the Act

223.2 Scope of these rules.

223.3 Preliminary determination; notice.

223.4 Request for, scheduling and conduct of public hearing; determination.

223.5 Request for, scheduling and conduct of adjudicatory hearing; determination.

AUTHORITY: Secs. 102, 104, 107, 108, Marine Protection Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1412, 1414, 1417, 1418).

Subpart A—Contents of Ocean Dumping Permits Issued Under Section 102 of the Act

§ 223.1 Contents of special, interim, emergency, general and research permits; posting requirements.

(a) All special, interim, emergency and research permits shall be displayed on the vessel engaged in dumping and shall include the following:

(1) Name of permittee;

(2) Means of conveyance and methods and procedures for release of the materials to be dumped;

(3) The port through or from which such material will be transported for dumping;

(4) A description of relevant physical and chemical properties of the materials to be dumped;

(5) The quantity of the material to be dumped expressed in tons;

(6) The disposal site;

(7) The times at which the permitted dumping may occur and the effective date and expiration date of the permit;

(8) Special provisions which, after consultation with the Coast Guard, are deemed necessary for monitoring or surveillance of the transportation or dumping;

(9) Such monitoring relevant to the assessment of the impact of permitted dumping activities on the marine environment at the disposal site as the Administrator or Regional Administrator, as the case may be, determine to be necessary or appropriate; and

(10) Any other terms and conditions determined by the Administrator, or Regional Administrator, as the case may be, to be necessary or appropriate, including, without limitation, release procedures and requirements for the continued investigation or development of alternatives to ocean dumping.

(b) General permits shall contain such terms and conditions as the Administrator deems necessary or appropriate.

(c) Interim permits shall, in addition to the information required or permitted to be included in the permit pursuant to paragraph (a) of this section, include terms and conditions which satisfy the requirements of §§ 220.3(d) and 227.8.

Subpart B—Procedures for Revision, Revocation or Limitation of Ocean Dumping Permits Under Section 104(d) of the Act

§ 223.2 Scope of these rules.

(a) These rules of practice shall govern all proceedings under Section 104(d) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1414(d)), to revise, revoke or limit the terms and conditions of any permit issued pursuant to section 102 of the Act. Section 104(d) provides that "the Administrator . . . may limit or deny the issuance of permits, or he may alter or revoke partially or entirely the terms of permits issued by him under this title, for the transportation for dumping, or for the dumping, or both of specified materials or classes of materials, where he finds that such materials cannot be dumped consistently with the criteria and other factors required to be applied in evaluating the permit application."

(b) In the absence of specific provisions in these rules, and where appropriate, questions arising at any stage of the proceedings shall be resolved at the discretion of the Presiding Officer, the Regional Administrator, or the Administrator, as appropriate.

§ 223.3 Preliminary determination; notice.

(a) *General.* Any general, special, emergency, interim or research permit

issued pursuant to Section 102 of the Act shall be subject to revision, revocation or limitation, in whole or in part, as the result of a determination by the Administrator or Regional Administrator that:

(1) The cumulative impact of the permittee's dumping activities or the aggregate impact of all dumping activities at the dump site designated in the permit should be categorized as Impact Category I, as defined in § 228.10(c) (1) of this subchapter; or

(2) There has been a change in circumstances relating to the management of the disposal site designated in the permit; or

(3) The dumping authorized by the permit would violate applicable water quality standards; or

(4) The dumping authorized by the permit can no longer be carried out consistent with the criteria set forth in Parts 227 and 228.

(b) *Preliminary determination.* Whenever any person authorized by the Administrator or Regional Administrator to (1) periodically review permits pursuant to Section 104(d) of the Act or (2) otherwise assess the need for revision, revocation or limitation of a permit makes any of the determinations listed in paragraph (a) of this section with respect to a permit issued pursuant to Section 102 of the Act, and additionally determines that revision, revocation or limitation of such permit is warranted, the Administrator or Regional Administrator, as the case may be, shall provide notification of such proposed revision, revocation or limitation to the permittee named in the permit, if any, the public, and any cognizant Federal/State agencies pursuant to paragraph (c) of this section.

(c) *Form of notification.* Notice of any proposed revision, revocation or limitation of a permit shall be sent to the permittee by certified mail, return receipt requested, and shall be published and otherwise disseminated in the manner described in § 223.3(b)-(h).

(d) *Contents of notice.* The notice of any proposed revision, revocation or limitation of a permit issued pursuant to paragraph (b) of this section shall include, in addition to any other materials, the following:

(1) A brief description of the contents of the permit, as set forth in § 223.1;

(2) A description of the proposed revision, revocation, or limitation;

(3) A statement of the reason for such proposed revision, revocation, or limitation; and

(4) A statement that within thirty (30) days of the date of dissemination of the notice, any person may request a public hearing on the proposed revision, revocation or limitation.

§ 223.4 Request for scheduling and conduct of public hearing; determination.

(a) *Request for hearing.* Within thirty (30) days of the date of the dissemination of any notice required by § 223.2(b), any person may request the Administra-

tor or Regional Administrator, as appropriate, to hold a public hearing on the proposed revision, revocation or limitation by submitting a written request containing the following:

(1) Identification of the person requesting the hearing and his interest in the proceeding;

(2) A statement of any objections to the proposed revision, revocation or limitation or to any facts or reasons identified as supporting such revision, revocation or limitation; and

(3) A statement of the issues which such person proposes to raise for consideration at such hearing.

(b) *Grant or denial of hearing; notification.* Whenever (1) a written request satisfying the requirements of paragraph (a) of this section has been received, and the Administrator or Regional Administrator, as appropriate, determines that such request presents genuine issues, or

(2) the Administrator or Regional Administrator, as the case may be, determines in his discretion that a public hearing is necessary or appropriate, the Administrator or Regional Administrator, as the case may be, will set a time and place for a public hearing in accordance with paragraph (c) of this section and will give notice of such hearing by publication in accordance with § 223.3 (c). In the event the Administrator or the Regional Administrator, as the case may be, determines that a request filed pursuant to paragraph (a) of this section does not comply with the requirements of paragraph (a) or that such request does not present genuine issues, he shall advise, in writing, the person requesting the hearing of his determination.

(c) *Time and place of hearing.* Any hearing authorized pursuant to this Section by the Administrator or Regional Administrator, as the case may be, shall be held in the city in which the Environmental Protection Agency Regional Office which issued the permit is located, whenever practicable, and shall be set for the earliest practicable date, but in no event less than thirty (30) days after the receipt of an appropriate request for a hearing or a determination by the Administrator or the Regional Administrator, as the case may be, to hold such a hearing without such a request.

(d) *Presiding Officer.* Any hearing convened pursuant to this Part shall be conducted by a Presiding Officer, who shall be either a Regional Judicial Officer or a person having the qualifications of a Judicial Officer assigned by the Administrator or Regional Administrator, as appropriate. Such person shall be an attorney who is a permanent or temporary employee of the Agency, who is not employed by the Region's or Headquarters Water Programs Division, Surveillance and Analysis Division, or Enforcement Division, and who has had no connection with the preparation or presentation of evidence for any hearing in which he participates as Judicial Officer.

(e) *Conduct of the public hearing.* The Presiding Officer shall be responsible for

the expeditious conduct of the hearing. The hearing shall be an informal public hearing, not an adversary proceeding, and shall be conducted so as to allow the presentation of public comments. When the Presiding Officer determines that it is necessary or appropriate, he shall cause a suitable record, which may include a verbatim transcript, of the proceedings to be made. Any person may appear at a public hearing convened pursuant to this section whether or not he requested the hearing, and may be represented by counsel or any other authorized representative. The Presiding Officer is authorized to set forth reasonable restrictions on the nature or amount of documentary material or testimony presented at a public hearing, giving due regard to the relevancy of any such information, and to the avoidance of undue repetitiveness of information presented.

(f) *Recommendations of Presiding Officer.* Within 30 days following the adjournment of a public hearing convened pursuant to this section or within such additional period as the Administrator or the Regional Administrator, as the case may be, may grant to the Presiding Officer for good cause shown, and after full consideration of the comments received at the hearing, the Presiding Officer will prepare and forward to the Administrator or to the Regional Administrator, as the case may be, written recommendations relating to the revision, revocation or limitation of the permit and the record of the hearing, if any. Such recommendations shall contain a brief statement of the basis therefor, including a description of evidence relied upon (1) to support any finding made pursuant to § 223.3(a); (2) to justify any proposed revision, revocation or limitation of the permit; and (3) to justify any proposed revision, revocation or limitation which differs from that set forth in the notice issued pursuant to § 223.3(b). Copies of the Presiding Officer's recommendations shall be provided to any interested person on request, without charge. Copies of the record will be provided in accordance with 40 CFR Part 2.

(g) *Determination of the Administrator or Regional Administrator.* Upon receipt of the Presiding Officer's recommendations or, where no hearing has been held, upon termination of the thirty (30)-day period for requesting a hearing provided in paragraph (a) of this section, the Administrator or the Regional Administrator, as the case may be, shall make a determination with respect to the modification, revocation or suspension of the permit. Such determination shall include a description of the permit revision, revocation or limitation, the basis therefor, and the effective date. A copy of such determination shall be mailed to the permittee and each person who registered his attendance at the hearing by providing his name and mailing address.

§ 223.5 Request for, scheduling and conduct of adjudicatory hearing; determination.

Within ten (10) days following the receipt of the Administrator's or Regional Administrator's determination issued pursuant to § 223.4(g), any person who participated in the public hearing held pursuant to § 223.4 may request that an adjudicatory hearing be held for the purpose of reviewing such determination or any part thereof. Such request shall be submitted and disposed of, and any adjudicatory hearing convened shall be conducted in accordance with the procedures set forth in §§ 222.10 (a), (b), (d), and (e) and 222.11.

2. Part 226 is revised to read as follows:

Subpart A—General

- Sec. 226.1 Scope of these rules.
- 226.2 Use of number and gender.
- 226.3 Definitions.
- 226.4 Powers and duties of the Regional Administrator, Regional Judicial Officer and the Presiding Officer; disqualification.
- 226.5 Filing, service and form of pleadings and documents.
- 226.6 Filing and service of rulings, orders, and decisions.
- 226.7 Computation and extension of time.
- 226.8 Ex parte discussion of proceeding.
- 226.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 226.10 Appearances.
- 226.11 Intervention.
- 226.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 226.13 Issuance of complaint; docket number.
- 226.14 Contents of the complaint.
- 226.15 Motions.
- 226.16 Answer to the complaint.
- 226.17 Failure to answer the complaint; default order.
- 226.18 Informal settlement and consent agreement.
- 226.19 Prehearing conference.
- 226.20 Accelerated decision.

Subpart D—Hearing Procedure

- 226.21 Scheduling the hearing.
- 226.22 Evidence.
- 226.23 Objections and offers of proof.
- 226.24 Burden of presentation; burden of persuasion.
- 226.25 Filing of transcripts.
- 226.26 Filing of briefs, proposed findings of fact and conclusions of law, and proposed order.
- 226.27 Initial decision.

Subpart E—Appeals and Administrative Review

- 226.28 Appeal from or review of interlocutory orders or rulings.
- 226.29 Appeal from or review of initial decisions.

Subpart F—Final Order

- 226.30 Final Order.

Subpart G—Motion to Reconsider

- 226.31 Motion to reopen hearings, to rehear or reargue proceedings, or to reconsider a final order.
- 226.32 Procedure for disposition of motions.

AUTHORITY: Secs. 105, 107, 108, Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1415, 1417, 1418).

Subpart A—General

§ 226.1 Scope of these rules.

(a) These rules of practice shall govern all proceedings conducted for (i) the assessment against any person of any civil penalty pursuant to the provisions of section 105(a) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, (33 U.S.C. 1415(a)) or (ii) the revocation or suspension of a permit pursuant to the provisions of Section 105(f) of the Act (33 U.S.C. 1415(f)). Section 105(a) provides that any person who violates any provision of Title I of the Act, its implementing regulations or any ocean dumping permit "shall be liable to a civil penalty of not more than \$50,000 for each violation to be assessed by the Administrator." Section 105(f) provides that if the provisions of a permit issued under Section 102 of the Act are violated, "the Administrator * * * may revoke the permit or may suspend the permit for a specified period of time."

(b) In the absence of specific provisions in these rules, and where appropriate, questions arising at any stage of the proceeding shall be resolved at the discretion of the Presiding Officer or of the Regional Administrator, as appropriate, pursuant to the provisions of § 226.15(c) hereof.

§ 226.2 Use of number and gender.

As used in these rules of practice, words in the singular shall be deemed to import the plural and words in the masculine gender shall be deemed to import the feminine and vice versa, as the case may require.

§ 226.3 Definitions.

(a) The term "Act" means the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401 et seq.) and any other legislation supplementary thereto and amendatory thereof.

(b) The term "Administrative Law Judge" means an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR Part 930, as amended by 37 FR 16787). Such term is synonymous with the term "Hearing Examiner" as used in Title 5 of the United States Code.

(c) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(d) The term "Agency" means the United States Environmental Protection Agency.

(e) The term "Complainant" means the Agency acting through any person authorized by the Regional Administrator to issue a complaint to persons alleged to be in violation of specific provisions of Title I of the Act, the regulations, or a permit. The complainant shall not be the Regional Judicial Officer or the Regional Administrator.

(f) The term "Complaint" or "Complaint and Notice of Opportunity for Hearing" means a written communication issued by the complainant to a person alleging one or more violations of

specific provisions of Title I of the Act, or the regulations promulgated thereunder, or a permit issued pursuant thereto. The required contents of the complaint are set forth in § 226.14.

(g) The term "Consent Agreement" means any written document containing stipulations of fact, conclusions regarding material issues of law, fact, or discretion, and a specified proposed penalty or proposed revocation or suspension acceptable to both the complainant and respondent.

(h) The term "Default Order" means an order issued pursuant to § 226.17 disposing of a matter of controversy between the respondent and the Agency upon (1) the failure of the respondent to file a timely answer to the complaint, or (2) motion of the complainant to the Regional Administrator or the Presiding Officer, as appropriate, pursuant to § 226.15(c) because of the respondent's failure to comply with an order of the Regional Administrator or Presiding Officer.

(i) The term "Final Order" means an order issued by the Regional Administrator disposing of a matter of controversy between any respondent and the Agency. No matter of controversy which reaches conclusion upon the (1) default of the respondent; (2) ratification of a consent agreement; (3) completion of a hearing; or (4) rendering of an accelerated decision pursuant to § 226.20 may be disposed of except by a final order of the Regional Administrator.

(j) The term "Hearing" means a hearing open to the public and conducted pursuant to these rules of practice.

(k) The term "Initial Decision" means the decision issued by the Presiding Officer based upon the record of the hearing out of which it arises or upon the rendering of an accelerated decision pursuant to the provisions of section § 226.20.

(l) The term "Party" means any person, group, organization, agency, or department that participates in a hearing as complainant, respondent, or intervenor.

(m) The term "Permit" (1) in actions for the revocation or suspension of a permit, refers to any permit issued under Section 102 of the Act and (2) in actions for the assessment of a civil penalty, refers to any permit issued under Title I of the Act.

(n) The term "Person" includes any individual, partnership, association, corporation, and any trustee, assignee, receiver or legal successor thereof; any organized group of persons whether incorporated or not; and any officer, employee, agent, department, agency or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(o) The term "Presiding Officer" refers to the Administrative Law Judge, Regional Judicial Officer, or person having the qualifications of Regional Judicial Officers designated by the Regional Administrator to serve as Presiding Officer.

(p) The term "Regional Administrator" means the Administrator of any Regional Office of the Agency or any officer or employee thereof to whom authority is duly delegated to act in his stead. Where the Regional Administrator has authorized the Regional Judicial Officer to act, the term "Regional Administrator" shall include the "Regional Judicial Officer."

(q) The term "Regional Hearing Clerk" means an individual duly authorized by the Regional Administrator to serve as hearing clerk for a given Region. Correspondence may be addressed to the Regional Hearing Clerk, United States Environmental Protection Agency (address of Regional Office).

(r) The term "Regional Judicial Officer" means an officer or employee of the Agency duly authorized by the Regional Administrator to serve as the Judicial Officer for the region as provided in these rules of practice.

(s) The term "Respondent" means any person proceeded against in the complaint.

(t) The term "Regulations" means any regulations set forth in this Subchapter H.

(u) Terms defined in the Act and not explicitly defined herein are used herein with the meanings given in the Act.

§ 226.4 Powers and duties of the Regional Administrator, Regional Judicial Officer and the Presiding Officer; disqualification.

(a) *Regional Administrator.* The Regional Administrator shall exercise all powers and duties as prescribed or delegated under the Act and these rules of practice.

(b) *Regional Judicial Officer.*—(1) *Office.* One or more Regional Judicial Officers may be designated by the Regional Administrator to perform the functions hereinafter provided within the Region of their designation.

(2) *Qualifications.* A Regional Judicial Officer shall be an attorney who is a permanent or temporary employee of the Agency and who may perform other duties within the Agency. Such Regional Judicial Officer shall not be employed by the Region's Water Programs Division, Surveillance and Analysis Division, or Enforcement Division, and shall have had no connection with the preparation or presentation of evidence for any hearing in which he participates as Regional Judicial Officer. He may be a member of the staff of the Regional Counsel.

(3) *Functions.* The Regional Administrator may delegate to the Regional Judicial Officer all or part of his authority to act in a given proceeding. The Regional Administrator may separately delegate to the Regional Judicial Officer his authority to make findings of fact and draw conclusions regarding material issues of law, fact or discretion in a particular proceeding. This delegation shall not, however, preclude the Regional Judicial Officer from referring any motion or case to the Regional Administrator when such referral is appropriate.

(c) *Presiding Officer.* It shall be the duty of the Presiding Officer to conduct a fair and impartial hearing, assure that the facts are fully elicited, adjudicate all issues, and avoid delay. With respect to the cases assigned to him, between the time he is designated and the time he issues his decision, the Presiding Officer shall have authority to:

(1) Conduct administrative hearings held pursuant to Sections 105 (a) and (f) of the Act and these rules of practice;

(2) Rule upon motions, requests, and offers of proof, dispose of procedural requests, and issue all necessary order;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine witnesses, receive documentary or other evidence;

(5) For good cause, upon motion or sua sponte, order a party, or an officer or agent thereof, to produce testimony, documents or other non-privileged evidence and failing the production thereof without good cause being shown, may draw adverse inferences against such party;

(6) Admit or exclude evidence;

(7) Hear oral argument on facts or law;

(8) Hold conferences for the settlement or simplification of the issues, or the expediting of the proceedings; and

(9) Do all other acts and take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues of fact and law arising in proceedings under Section 105 (a) or (f) of the Act.

(d) *Disqualification, withdrawal.* The Regional Administrator, Regional Judicial Officer or Presiding Officer may not perform functions provided for in these rules of practice regarding any matter in which he (1) has a financial interest; (2) has any relationship with a party or with the subject matter which would make it inappropriate for him to act; or (3) is unable for any reason to act. Any party may at any time by motion made to the Regional Administrator request that the Regional Judicial Officer, or Presiding Officer, be disqualified from the proceeding. The Regional Administrator shall then rule upon such motion. Any party may at any time by motion to the Administrator request that the Regional Administrator be disqualified from the proceeding. The Administrator shall then rule upon such motion. The Regional Administrator, Regional Judicial Officer or Presiding Officer may at any time withdraw from any proceeding in which he deems himself disqualified or unable to act for any reason.

(e) *Effect of disqualification or withdrawal.* In the event the Regional Administrator, Regional Judicial Officer, or Presiding Officer is disqualified or withdraws from the proceeding, a qualified individual who has none of the infirmities listed in paragraph (d) of this section shall be assigned to replace him. "Delegation of the Regional Administrator's or Regional Judicial Officer's responsibilities in these proceedings" shall be made by the Administrator or the

Regional Administrator, respectively. Assignment of a new Presiding Officer shall be made by the Chief Administrative Law Judge if the original Presiding Officer was an Administrative Law Judge, or if the Chief Administrative Law Judge is available as a replacement, the Regional Administrator shall designate the new Presiding Officer. In all cases of disqualification or withdrawal, upon designation of a replacement, the proceeding shall continue without abatement unless otherwise ordered to facilitate the proceeding and to protect the interests of the parties.

§ 226.5 Filing, service and form of pleadings and documents.

(a) *Filing of pleadings and documents prior to the filing of an "answer to the complaint."* Documents filed after the complaint is issued and prior to the filing of an answer to the complaint shall be served directly upon all other parties to the proceeding. The file of the complainant shall be the official file of the proceeding prior to the filing of an answer to the complaint. No file of a proceeding shall be maintained by the Regional Hearing Clerk prior to the filing of an answer to the complaint. Each document shall contain the docket number assigned pursuant to § 226.13. A certificate of service shall accompany each document served or filed.

(b) *Filing of pleadings and documents after the filing of an answer to the complaint.* (1) After the filing of an answer to the complaint, the complainant shall prepare and shall file with the Regional Hearing Clerk the original and one copy of each document in the official file of the proceedings. The original shall be included in the file maintained by the Regional Hearing Clerk and the duplicate shall be forwarded by the Regional Hearing Clerk to the Presiding Officer assigned to preside over the proceeding pursuant to § 226.21. The Presiding Officer shall promptly notify the parties that he has been assigned to preside over the proceeding.

(2) Thereafter, the original of any document served in the proceeding shall be forwarded directly to the Regional Hearing Clerk by the party serving the document and a duplicate copy shall be forwarded to the Presiding Officer. Except as otherwise provided, a party filing documents with the Regional Hearing Clerk shall serve copies thereof upon all other parties at the same time. Each document filed shall contain the docket number assigned pursuant to § 226.13. A certificate of service shall accompany each document filed.

(3) When the Presiding Officer corresponds directly with the parties, the original of such correspondence shall be sent to the Regional Hearing Clerk and a duplicate copy shall be maintained by the Presiding Officer in the duplicate file. Parties who correspond directly with the Presiding Officer shall in addition to serving all other parties send a duplicate copy of all such correspondence to the Regional Hearing Clerk. A certificate of

service shall accompany each document served under this subsection.

(c) *Service of Complaint.* (1) Service of the complaint may be made personally on the respondent (or his representative), or by certified mail, return receipt requested.

(2) Service upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name shall be made by personal service or certified mail, as prescribed by subparagraph (1) of this paragraph, directed to an officer, a managing or general agent, or to any other agent authorized by appointment or by Federal or State law to receive service of process.

(3) Service upon an officer or agency of the United States shall be made by delivering a copy of the complaint to such officer or agency. If the agency is a corporation, the complaint shall be served in the manner prescribed in subparagraph (2) of this paragraph.

(4) Service upon a State or local unit of government, or a State or local officer, agent, department, agency, corporation or other instrumentality shall be made by serving the complaint in the manner prescribed by the law of the State for the service of process on any such persons, or:

(i) If upon a State or local unit of government, or a State or local department, agency, corporation or other instrumentality, by delivering a copy of the complaint to the chief executive officer thereof;

(ii) If upon a State or local officer or agent, by delivering a copy to such officer or agent.

(5) Proof of service of the complaint shall be made by affidavit of the person making personal service, or by properly executed return receipt. Such proof of service shall be filed with the complaint immediately upon completion of service.

(d) *Service of documents other than complaint.* All documents other than the complaint may be served personally or by first-class mail. Copies shall be served upon all parties to a proceeding unless otherwise ordered by the Presiding Officer. A certificate of service setting forth the date and manner of service and the names of all persons served shall accompany each document served.

(e) *Record address.* The initial document filed by any person shall contain his name, address and telephone number. Any changes in such information shall be communicated promptly to the Hearing Clerk, Presiding Officer and all parties to the proceeding. A party who fails to furnish such information shall be deemed to have waived his right to notice and service under these rules.

(f) *Form of documents.* (1) Except as provided herein, or by order of the Presiding Officer or Regional Administrator, there are no specific requirements as to the form of documents. Every pleading, letter or other document shall contain on the first page a caption identifying the complainant and respondent, and including the docket number.

(2) The original of any pleading, letter or other document (other than exhibits) shall be signed by the party filing or by his counsel or other representative. Such signature constitutes a representation by the signer that he has read the pleading, letter or other document, that to the best of his knowledge, information and belief, the statements made therein are true, and that it is not interposed for delay.

(3) The Regional Administrator, Presiding Officer or Regional Hearing Clerk may refuse to file any document which does not comply with this paragraph.

§ 226.6 Filing and service of rulings, orders, and decisions.

All rulings, orders, decisions, or other documents made or signed by the Regional Administrator, the Regional Judicial Officer or the Presiding Officer, as appropriate, pursuant to § 226.15(c) shall be filed with the complainant if made prior to the filing of an answer to the complaint and thereafter with the Regional Hearing Clerk except as provided in § 226.5(b)(3). Such rulings, orders, decisions or other documents shall be served directly upon all parties by the Regional Administrator, Regional Judicial Officer, or Presiding Officer, as appropriate.

§ 226.7 Computation and extension of time.

(a) *Computation.* In computing any period of time prescribed or allowed in these rules of practice, except as otherwise provided, the day of the act, event, or default from which the designated period begins to run shall not be included in computing the time allowed for the filing of any document or paper. Saturdays, Sundays, and Federal legal holidays shall be included in computing the time allowed for such filing, unless the period of time prescribed is five (5) days or less, in which event intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation. When such time expires on a Saturday, Sunday or legal holiday, such period shall be extended to include the next following business day.

(b) *Extensions of time.* A prescribed period of time within which a party is required or permitted to do an act shall be computed from the time of service. Extensions of time for the filing of any pleadings, document, or motion shall be granted sua sponte or upon timely motion of a party to the proceeding only for good cause shown and after consideration of prejudice to other parties. Motions for an extension of time shall be filed in advance of the date on which the pleading, document or motion is due to be filed, unless the failure of a party to make timely motion for extension of time was the result of excusable negligence. Such motion shall be decided in accordance with the provisions of § 226.15(c).

(c) *Service by mail.* Service shall be deemed complete upon mailing. However, where service of a pleading or document is by mail, three (3) days shall be added

to the time allowed by these rules for the filing of a responsive pleading.

§ 226.8 Ex parte discussion of proceeding.

At no time after the issuance of the complaint shall the Regional Administrator, Regional Judicial Officer, or Presiding Officer discuss ex parte the merits of the proceedings with any person who is connected with the proceeding in an advocative, investigative, or expert capacity, or with any representative of such person. The Regional Administrator, the Regional Judicial Officer, or the Presiding Officer may discuss the merits of the case with any such person only if all parties to the proceeding, or their representatives, have been given reasonable notice and opportunity to be present. Any memorandum or other communication addressed to the Regional Administrator, Regional Judicial Officer or the Presiding Officer, during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of any party, shall be regarded as argument made in the proceeding and shall be served upon all other parties. Nothing in this section shall limit discussion between the respondent and complainant for the purpose of exploring settlement of the case.

§ 226.9 Examination of documents filed.

(a) Subject to the provisions of law restricting the public disclosure of confidential information, any person may, during Agency business hours, inspect and copy any document filed in any proceeding. Such documents may be made available by the complainant if the request to inspect is made prior to the filing of an answer to the complaint, and by the Regional Hearing Clerk if the request to inspect is made after the filing of an answer to the complaint.

(b) The cost of duplicating documents filed in any proceeding shall be borne by the person seeking copies of such documents filed.

Subpart B—Parties and Appearances

§ 226.10 Appearances.

(a) *Representatives.* Any party may appear in person or by counsel or other representative; a partner may appear on behalf of a partnership and an officer may appear on behalf of a corporation. Persons who appear as counsel or other representative must conform to the standards of conduct and ethics as required of practitioners before the courts of the United States. Withdrawal of appearance of any counsel or representative may be effected by filing a written notice of withdrawal.

(b) *Failure to appear.* Any party in the proceeding, who, after being duly notified and without good cause being shown, fails to appear at any prehearing conference shall be subject to whatever orders or determinations the Presiding Officer may make in his discretion. The failure of a party to appear at a hearing shall constitute a waiver of the right to present evidence at such hearing. Where

the respondent fails to appear at a hearing, the Presiding Officer shall require the presentation by the complainant of such evidence as the Presiding Officer deems necessary to develop a prima facie case against the respondent. Upon conclusion of the hearing, the Presiding Officer shall cause a copy of the initial decision to be served upon the respondent.

§ 226.11 Intervention.

(a) *Motion.* Any person may file a motion for leave to intervene in any proceeding conducted under these rules of practice. Such motion must set forth the grounds for the proposed intervention, the position and interest of the movant in the proceedings, and the likely impact that such intervention will have on the expeditious progress of the proceeding. Any person already a party to the proceeding may file an answer to a motion to intervene, making specific reference to the factors set forth in the foregoing sentence and paragraph (c) of this section, within ten (10) days after service.

(b) *When filed.* A motion for leave to intervene in a proceeding must ordinarily be filed prior to the first prehearing conference or, in the absence of a prehearing conference, prior to the initiation of correspondence pursuant to § 226.19(d), or if there is no such correspondence, prior to the setting of a time and place for a hearing. Any motion filed after that time must include, in addition to the information set forth in paragraph (a) of this section, a statement of good cause for the failure to file in a timely manner. Such motion for leave to intervene shall be granted only upon a finding that (1) extraordinary circumstances justify the granting of the motion; and (2) the intervenor agrees to be bound by any agreements, arrangements and other matters previously made in the proceeding.

(c) *Disposition.* Leave to intervene will be granted only insofar as the movant demonstrates that (1) there exist common questions of fact or law; (2) he may be adversely affected by a final order of the Regional Administrator; (3) there are no other means whereby the movant's interest may be protected, including the representation of his interest by other parties; and (4) his presence in the case would not unreasonably broaden the issues as already presented, or unduly prolong or otherwise prejudice the adjudication of the rights of the original parties. If leave is granted, the movant shall thereby become a party to the proceeding upon such terms as the Presiding Officer shall determine. Any party, or the movant if leave is denied, may request that the ruling on any motion for leave to intervene in a proceeding conducted under these rules of practice be certified on interlocutory appeal to the Regional Administrator as provided in § 226.28.

(d) *Amicus curiae.* Persons not parties to the proceeding who wish to file briefs therein may, upon good cause shown, so move the Presiding Officer or the Regional Administrator, as appropriate,

pursuant to § 223.15(c). Such motion for leave to file briefs shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable. In the event such motion is granted, the Presiding Officer or Regional Administrator shall issue an order setting the time for filing such brief. An amicus curiae shall be eligible to participate in any briefing following the granting of his motion, and shall be served with all briefs, reply briefs, motions and orders relating to the issues to be briefed.

§ 226.12 Consolidation and severance.

(a) *Consolidation.* The Presiding Officer may, by motion or sua sponte, consolidate any or all matters at issue in two or more proceedings docketed under these rules of practice in his Region where there exist common parties, common questions of fact and law, and where such consolidation would expedite or simplify consideration of the issues. Consolidation shall not prejudice any rights granted parties to proceedings conducted under these rules of practice and shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred.

(b) *Severance.* The Presiding Officer may, by motion or sua sponte, for good cause shown, order any proceedings severed with respect to some or all parties or issues.

Subpart C—Prehearing Procedures

§ 226.13 Issuance of complaint; docket number.

(a) *Issuance of complaint for assessment of civil penalty.* If the complainant has reason to believe that a person has violated any provision of the Act, the regulations, or a permit, he may institute a proceeding for the assessment of a civil penalty by issuing a complaint.

(b) *Issuance of complaint for revocation or suspension of permit.* If the complainant has reason to believe that a permittee has

(1) Violated any term or condition of the permit; or

(2) Misrepresented or inaccurately described any material fact in the permit application or failed to disclose all relevant facts in the permit application; or

(3) Failed to keep the records and to notify appropriate officials of dumping activities, as required by §§ 224.1 and 223.2, he may institute a proceeding for the revocation or suspension of such permit.

(c) *Docket number.* Prior to the service of any complaint for either the assessment of a civil penalty or revocation or suspension of a permit, the complainant shall consult with the Regional Hearing Clerk for the assignment of a docket number. Thereafter, each document filed in the proceeding shall bear such assigned docket number.

§ 226.14 Contents of the complaint.

(a) *Complaint for assessment of civil penalty; derivation of proposed penalty.* Each complaint for assessment of a civil penalty shall include (1) a statement

that the complaint is issued pursuant to Section 105(a) of the Act and Part 226 of Title 40 of the Code of Federal Regulations; (2) specific reference to each provision of the Act, regulations, or permit which the respondent is alleged to have violated; (3) a concise statement of the factual basis for alleging such violation; (4) the amount of civil penalty which is proposed to be assessed; (5) a statement indicating the appropriateness of the proposed penalty; (6) if the alleged violation has not been remedied or the respondent has not brought himself into compliance with the provisions of the Act, regulations or permit allegedly violated, a statement that the respondent's efforts to achieve rapid compliance after receipt of the complaint may affect the ultimate determination of the amount of the penalty; and (7) notice of the respondent's right to request a hearing on any material fact contained in the complaint, or on the appropriateness of the amount of the proposed penalty. The dollar amount of the civil penalty which is proposed to be assessed in the complaint shall be determined on the basis of (1) the gravity of the violations; (2) the respondent's prior violations which have resulted in a final order under this Part, if any; and (3) the demonstrated good faith of the respondent in attempting to achieve rapid compliance after notification of a violation.

(b) *Complaint for revocation or suspension of permit.* Each complaint for revocation or suspension of a permit shall include (1) a statement that the complaint is issued pursuant to Section 105(f) of the Act and Part 226 of Title 40 of the Code of Federal Regulations; (2) specific reference to each term or condition of the permit which the respondent is alleged to have violated, to each alleged inaccuracy or misrepresentation in respondent's permit application, to each fact which the respondent allegedly failed to disclose in his permit application, to the records which the respondent allegedly failed to keep pursuant to § 224.1 or to the officials which the respondent failed to notify of his dumping activities under § 224.2; (3) a concise statement of the factual basis for such allegations; (4) a statement as to whether it is proposed that the permit be revoked or suspended, and, if suspended or revoked in part, the terms and conditions of such proposed suspension or partial revocation; (5) a statement indicating the basis for recommending the revocation, rather than the suspension, of the permit, or vice versa, as the case may be; and (6) notice of the respondent's right to request a hearing on any material fact contained in the complaint, or on the appropriateness of the proposed revocation or suspension.

(c) *Amendment of the complaint.* At any time prior to the filing of an answer to the complaint, the complainant may amend the complaint as a matter of right. The respondent shall have twenty (20) additional days from the date of service of the amended complaint in which to file his answer. At any time

after the filing of an answer to the complaint, the complaint may be amended only upon motion granted by the Presiding Officer.

§ 226.15 Motions.

(a) *General.* All motions, except those made orally on the record during a hearing, shall (1) be in writing; (2) state with particularity the grounds therefor; (3) set forth the relief or order sought; and (4) be accompanied by any affidavit, certificate or other evidence relied upon. Such motions shall be served in accordance with the provisions of § 226.5.

(b) *Response to motions.* Except as otherwise provided by the Presiding Officer or the Regional Administrator, as appropriate, pursuant to paragraph (c) of this section, any party may file a response in support of or in opposition to any written motion within ten (10) days after service of such motion. Such response shall be accompanied by an affidavit, certificate, or other evidence relied upon. If no response is filed within the designated period, the parties shall be deemed to have waived any objection to the granting of the motion. The Presiding Officer or Regional Administrator, as appropriate, pursuant to paragraph (c) of this section, may set a shorter time for response, or make such other orders concerning the disposition of the motion as he deems appropriate.

(c) *Decision.* The Regional Administrator shall rule upon all motions filed or made prior to the filing of an answer to the complaint or after the filing of an initial decision. The Presiding Officer shall rule upon all motions filed or made after the filing of an answer to the complaint and prior to the filing of his initial decision. Oral argument on motions will be permitted where the Presiding Officer or the Regional Administrator deems it necessary or desirable.

§ 226.16 Answer to the complaint.

(a) *General.* Where the respondent (1) contests any material fact alleged in the complaint to constitute a violation of the Act, regulations or a permit, a misrepresentation, inaccuracy or failure to disclose all relevant facts in his permit application or a failure to keep the records and notify the appropriate officials of his dumping activities pursuant to §§ 224.1 and 224.2; (2) contends that the amount of the penalty proposed in the complaint or the proposed revocation or suspension, as the case may be, is inappropriate; or (3) contends that he is entitled to judgment as a matter of law, he shall file a written answer to the complaint with the Regional Hearing Clerk. Any such answer to the complaint must be filed with the Regional Hearing Clerk within twenty (20) days after service of the complaint. The initiation of informal conferences with the Agency pursuant to § 226.18 does not enlarge this twenty (20) day period. The time period in which to file an answer may be extended upon motion granted by the Regional Administrator.

(b) *Contents of the answer.* The answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the complaint with regard to which the respondent has any knowledge. Such answer shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which the respondent intends to place at issue, and (3) whether a hearing is requested.

(c) A hearing upon the issues raised by the complaint and answer shall be held upon request of the respondent in the answer. In addition, a hearing may be held at the discretion of the Presiding Officer, *sua sponte*, or upon the grant of a request therefor by any party other than the respondent. Any request for hearing filed by a party other than the respondent shall state with particularity his objections to the complaint and the issues which such party intends to raise during the hearing.

(d) *Failure to answer specifically.* Failure of the respondent to plead specifically to any material factual allegation contained in the complaint shall constitute an admission of such allegation.

(e) *Withdrawal of the complaint.* At any stage in the proceeding where, on the basis of new information or evidence, the complainant concludes that no violation of the Act, the regulations, or a permit has occurred or that the issuance of the complaint was otherwise inappropriate, the complainant may withdraw the complaint once without prejudice.

(f) *Amendment of the answer.* The respondent may amend the answer to the complaint upon motion granted by the Presiding Officer.

§ 226.17 Failure to answer the complaint: Default order.

(a) *Default.* The respondent may be found to be in default upon his (1) failure to file a timely answer to the complaint; or (2) failure to comply with a prehearing or hearing order of the Regional Administrator or the Presiding Officer, as appropriate, pursuant to § 226.15(c). Default of the respondent shall constitute an admission of all facts alleged in the complaint and a waiver of the respondent's right to a hearing of such factual allegations. If the complaint is for assessment of a civil penalty the penalty proposed to be assessed in the complaint shall become due and payable by the respondent without further proceedings upon the issuance by the Regional Administrator of a final order issued upon default. If the complaint is for revocation or suspension of a permit, the terms and conditions of revocation or suspension proposed in the complaint shall become effective without further proceedings on the date designated by the Regional Administrator in his final order issued upon default.

(b) *Procedures upon default.* (1) Where a default results from the respondent's failure to file a timely answer to the complaint, the complainant shall prepare and transmit to the Re-

gional Administrator a proposed final order to be issued upon default.

(2) Where the Presiding Officer finds a default to have occurred after the filing of an answer to the complaint, the Presiding Officer may render a proposed default order to be issued against the defaulting party. For the purpose of appeal pursuant to § 226.29, such order shall be deemed to be the initial decision of the Presiding Officer.

(c) *Contents of a final order issued upon default.* A final order issued upon default shall include findings of fact, conclusions regarding all material issues of law, fact, or discretion, and the penalty which is therein assessed or the terms and conditions of permit revocation or suspension, as appropriate. An order issued by the Regional Administrator upon the default of the respondent shall constitute a final order in accordance with the terms of § 226.30.

§ 226.18 Informal settlement and consent agreement.

(a) *Settlement policy.* The Agency encourages settlement of the proceeding at any time after the issuance of a complaint if such settlement is consistent with the provisions and the objectives of the Act and the regulations. Whether or not the respondent requests a hearing, he may confer with the complainant concerning the facts stated in the complaint, or, as the case may be, the proposed permit revocation or suspension or the amount of the proposed civil penalty. If a settlement is reached, the terms of any settlement shall be expressed in a written consent agreement. Conferences with the complainant concerning possible settlement shall not affect the requirement to file a timely answer pursuant to § 226.16.

(b) *Consent Agreement.* A written consent agreement signed by the parties shall be prepared by the complainant and forwarded to the Regional Administrator whenever settlement or compromise is proposed. The consent agreement shall state that, for the purpose of this proceeding, the respondent (1) admits the jurisdictional allegations of the complaint; (2) admits the facts as stipulated in the consent agreement or neither admits nor denies specific factual allegations contained in the complaint; and (3) consents to the proposed permit revocation or suspension or assessment of a given proposed civil penalty, as the case may be. The consent agreement shall include (i) the terms of the agreement; (ii) any appropriate conclusions regarding material issues of law, fact or discretion as well as reasons therefor; and (iii) a proposed final order of the Regional Administrator.

(c) *Final order.* No settlement or consent agreement shall be dispositive of any action pending under section 105(a) or (f) without a final order of the Regional Administrator. In preparing such final order, the Regional Administrator may require that any or all of the parties to the settlement appear before him to answer inquiries relating to the proposed consent agreement.

§ 226.19 Prehearing conference.

(a) *Purpose of prehearing conference.* When it appears that such procedure will expedite the proceeding, the Presiding Officer, at any time prior to the commencement of the hearing, may request the parties and their counsel or other representative to appear at a conference before him to consider:

- (1) The possibility of settlement of the case;
- (2) The simplification of issues and stipulation of facts not in dispute;
- (3) The possibility of reducing oral testimony to exhibit form;
- (4) The necessity or desirability of amendments to pleadings;
- (5) The possibility of obtaining admissions or stipulations of fact and of documents which will avoid unnecessary proof;
- (6) The limitation of the number of expert or other witnesses;
- (7) The setting of a time and place for the public hearing, giving consideration to the convenience of all parties and witnesses and to the public interest; and
- (8) Any other matters which may expedite the disposition of the proceedings.

(b) *Exchange of witness lists and documents.* Unless otherwise ordered by the Presiding Officer each party shall at the prehearing conference make available to all other parties the names of the expert and other witnesses he intends to call, together with a brief narrative summary of their expected testimony. Copies of all documents and exhibits which the party intends to introduce into evidence shall be marked for identification as ordered by the Presiding Officer. Thereafter, witnesses, documents, or exhibits may be added and narrative summaries of expected testimony amended only upon motion of a party.

(c) *Record of the prehearing conference.* No transcript of any prehearing conference shall be made unless ordered upon motion of a party or *sua sponte* by the Presiding Officer. The Presiding Officer shall prepare and file for the record a written summary of the action taken at such conference. Such summary shall incorporate any written stipulations or agreements made by the parties, all rulings upon matters considered at such conference, and appropriate orders containing directions to the parties. Such summary shall direct the subsequent course of the proceeding, unless modified by the Presiding Officer, on motion or *sua sponte*, to prevent manifest injustice.

(d) *Location of Prehearing Conference.* The prehearing conference shall be held in the city in which the Environmental Protection Agency Regional Office is located unless the Presiding Officer determines that there is good cause for it to be held at another location in the Region.

(e) *Unavailability of a prehearing conference.* Where circumstances render a prehearing conference unnecessary or impracticable, the Presiding Officer, on motion or *sua sponte*, may request the parties to correspond with him for the purpose of accomplishing any of the ob-

jectives set forth in this section. The Presiding Officer shall include such correspondence and his written summary of any stipulation or agreements reached by means of such correspondence as provided in paragraph (c) of this section in the record.

§ 226.20 Accelerated decision.

(a) *General.* The Presiding Officer or the Regional Administrator, as appropriate, pursuant to § 226.15(c), upon motion or *sua sponte*, may at any time render an accelerated decision in favor of the complainant or respondent as to all or any portion of the proceeding without further proceedings or upon such limited additional evidence (such as affidavits) as he may require under any of the following conditions:

- (1) A party has failed to state a claim upon which relief can be granted;
- (2) There is no genuine issue of any material fact and a party is entitled to judgment as a matter of law;
- (3) A party is directly or collaterally estopped from asserting a fact or conclusion of law; or
- (4) Such other and further reasons as are just.

(b) *Effect.* (1) In the event an accelerated decision is issued by the Presiding Officer, the decision shall be treated for the purpose of these rules of practice in the same manner as an initial decision of the Presiding Officer rendered after completion of a hearing under § 226.27.

(2) In the event an accelerated decision is issued by the Regional Administrator, the Regional Administrator shall proceed to issue a final order disposing of all or part of the case, as may be appropriate, under § 226.30.

Subpart C—Hearing Procedure

§ 226.21 Scheduling the hearing.

(a) *Assignment of Presiding Officer.* Upon the filing of an answer, the Regional Administrator shall assign the Presiding Officer. The Regional Administrator may, however, request that the Chief Administrative Law Judge assign an Administrative Law Judge as Presiding Officer. If the Chief Administrative Law Judge finds that such an assignment can be made without impairing the ability of his office to timely discharge its other responsibilities, he shall make the assignment. Otherwise, he shall notify the Regional Administrator making the request that he is unable to make such an assignment. In such event, the Regional Administrator shall appoint a Regional Judicial Officer or a person having the qualifications of a Regional Judicial Officer to serve as Presiding Officer.

(b) *Notice of hearing.* In the event that a hearing is requested by the respondent in his answer, or is ordered by the Presiding Officer pursuant to the provisions of § 226.16(c), the Presiding Officer shall, after consideration of the convenience of the parties, forthwith serve upon the parties a notice of a hearing. This notice may set a time and place for such hearing and may contemplate a future prehearing conference. Unless otherwise agreed upon by all parties, the

parties shall be notified of the date set for the hearing at least twenty (20) days prior to such date.

(c) *Postponement of hearing.* Except for good cause shown, no request for postponement of a hearing will be granted. Such request must be received in writing at least three (3) days in advance of the time set for the hearing. In case of postponement, the hearing shall be rescheduled for the earliest practicable date.

(d) *Location of hearing.* The hearing shall be held in the city in which the Environmental Protection Agency Regional Office is located unless the Presiding Officer determines that there is good cause for it to be held at another location in the Region.

§ 226.22 Evidence.

(a) *General.* The Presiding Officer shall admit all evidence which is relevant, competent and material, and is not unduly repetitious. Relevant, competent and material evidence may be received at the hearing although such evidence may be inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given all evidence shall be determined by its reliability and probative value. In the presentation, admission, disposition, and use of evidence, the Presiding Officer shall preserve the confidentiality of trade secrets and other privileged commercial and financial information. The confidential or trade secret status of any evidence shall not, however, preclude its being introduced into evidence. The Presiding Officer may make such orders as may be necessary to consider such evidence in camera, including the preparation of a supplemental initial decision to consider questions of fact and conclusions regarding material issues of law, fact or discretion which arise out of that portion of the evidence which is confidential or which includes trade secrets.

(b) *Examination of witnesses.* Except as otherwise provided in these rules of practice or by the Presiding Officer, witnesses shall be examined orally, under oath or affirmation. Parties shall have the right to cross-examine a witness who appears at the hearing provided that such cross-examination is not unduly repetitious.

(c) *Verified statements.* The Presiding Officer may admit and insert into the record as evidence in lieu of oral testimony, statements of fact or opinion prepared by a witness. The admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced under oral examination. Before any such statement is read or admitted into evidence, the witness shall deliver a copy of the statement to the Presiding Officer, the reporter, and each opposing party. The witness presenting the statement shall swear to or affirm the statement and shall be subject to oral cross-examination on the contents thereof. Such statements shall not be admitted when it appears to the Presiding Officer that the memory or the demeanor of the witness is of importance.

(d) *Exhibits.* Except where the Presiding Officer finds it impracticable, an original and one copy of each exhibit shall be filed with the Presiding Officer for the record and a copy shall be furnished to each party. A true copy of an exhibit may be substituted for the original. Each exhibit offered in evidence shall be numbered and shall identify the party by whom it is offered.

(e) *Official notice.* Official notice may be taken of any matter judicially noticed in the Federal courts, and of other facts within the specialized knowledge and experience of the Agency. Opposing parties shall be given adequate opportunity to show that such facts are erroneously noticed.

§ 226.23 Objections and offers of proof.

(a) *Objection.* Any objection concerning the conduct of the hearing, the admission or rejection of evidence, the limitation of the scope of any examination or cross-examination, or a ruling by the Presiding Officer shall be made orally or in writing, accompanied by a short statement of the grounds for the objection. The transcript shall include all argument or debate on the objection, and the ruling thereon and the reasons therefor given by the Presiding Officer. An exception to each objection overruled shall be automatic and is not waived by further participation in the hearing.

(b) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of evidence excluded. The offer of proof for excluded documents or exhibits shall consist of their insertion in the record, appropriately marked. Where the Regional Administrator decides that the ruling of the Presiding Officer in excluding the evidence was both erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence, or, where appropriate, the Regional Administrator may evaluate such improperly excluded evidence in preparing his final order. In the event that the Regional Administrator in the preparation of his final order relies in whole or part upon any evidence excluded at the hearing by the Presiding Officer, he shall explicitly identify in the final order any such excluded evidence relied upon and his reasons therefor.

§ 226.24 Burden of presentation; burden of persuasion.

In establishing that the violation occurred as set forth in the complaint and that the proposed revocation, suspension or civil penalty, as the case may be, is appropriate, the complainant has the burden of going forward with and of proving an affirmative case. Following the establishment of a prima facie case, the respondent shall have the burden of presenting and of going forward with any defense to the allegations set forth in the complaint. Each matter of controversy shall be determined by the Presiding

Officer upon a preponderance of the evidence.

§ 226.25 Filing of transcripts.

The hearing shall be transcribed verbatim. Promptly following the taking of the last evidence, the reporter shall transmit to the Regional Hearing Clerk as many copies of the transcript of testimony as are called for in the reporter's contract with the Agency, and shall transmit to the Presiding Officer the original transcript. A certificate of service shall accompany each copy of the transcript. The Regional Hearing Clerk shall promptly furnish all parties with a copy of the transcript of the hearing without cost. Any person not a party to the proceeding may receive a copy of such transcript upon payment of the costs of reproduction of such transcript.

§ 226.26 Filing of briefs, proposed findings of fact and conclusions of law, and proposed order.

Unless otherwise ordered by the Presiding Officer, each party may, within twenty (20) days after service of the transcript of a hearing as provided in § 226.25, file with the Regional Hearing Clerk and serve upon all other parties proposed findings of fact, conclusions regarding material issues of law, fact or discretion, a proposed order based solely upon the record, and a brief in support thereof, together with references to relevant pages of the transcript and to relevant exhibits. Within ten (10) days thereafter each party may file a reply brief concerning matters contained in opposing briefs and containing alternative findings of fact, conclusions regarding material issues of law, fact or discretion and proposed orders. Oral argument may be had at the discretion of the Presiding Officer on motion of any party or sua sponte.

§ 226.27 Initial decision.

(a) *Contents of initial decision.* The Presiding Officer shall, as soon as practicable after the conclusion of the briefing period, evaluate the record before him and prepare and file his initial decision with the Regional Hearing Clerk. The initial decision shall contain his findings of fact, conclusions regarding all material issues of law, fact or discretion as well as reasons therefor, a recommended civil penalty assessment (if the proceeding is for assessment of a civil penalty) and a proposed final order assessing a civil penalty or revoking or suspending a permit, as appropriate. The Regional Hearing Clerk shall, in accordance with the provisions made for service in § 226.5(d), serve upon each of the parties a copy of the initial decision, and shall also serve one copy upon the Regional Administrator.

(b) *Evaluation of proposed civil penalty in proceedings for assessment of civil penalty.* In determining the dollar amount of the recommended civil penalty assessed in the initial decision, the Presiding Officer shall consider (1) the gravity of the violation; (2) prior violations which have resulted in a final order under this part, if any; and (3) the

demonstrated good faith of the respondent in attempting to achieve rapid compliance after notification of a violation. The Presiding Officer may at his discretion increase or decrease the assessed penalty from the amount proposed to be assessed in the complaint.

(c) *Effect of initial decision.* The initial decision of the Presiding Officer shall become the final order of the Regional Administrator within thirty (30) days after transmission thereof by the Regional Hearing Clerk to the Regional Administrator and without further proceedings unless (1) an appeal to the Regional Administrator is taken from it by a party to the proceedings, or (2) the Regional Administrator elects, sua sponte, to review the initial decision.

Subpart E—Appeals and Administrative Review

§ 226.28 Appeals from or review of interlocutory orders or rulings.

(a) *Request for interlocutory appeal.* Except as provided in this section, appeals to the Regional Administrator shall obtain as a matter of right only from an initial decision of the Presiding Officer. Appeals from other orders or rulings shall lie only if the Presiding Officer, upon motion of a party, certifies such orders or rulings to the Regional Administrator on appeal. Requests to the Presiding Officer for such certification shall be filed in writing within five (5) days of notice of the ruling or service of the order and shall state briefly the grounds to be relied upon on appeal.

(b) *Availability of interlocutory appeal.* The Presiding Officer may certify a ruling for appeal to the Regional Administrator when (1) the order or ruling involves an important question of law or policy concerning which there are substantial grounds for difference of opinion; and (2) either (i) an immediate appeal from the order and ruling will materially advance the ultimate termination of the proceeding, or (ii) review after the final order is issued will be inadequate or ineffective.

(c) *Decision.* If the Regional Administrator determines that certification was improvidently granted, or if he takes no action within thirty (30) days of the certification, the appeal shall be deemed dismissed. When the Presiding Officer declines to certify an order or ruling of the Regional Administrator on interlocutory appeal, it may be reviewed by the Regional Administrator only upon appeal from the initial decision, except when the Regional Administrator determines, upon motion of a party and in exceptional circumstances, that to delay review would be deleterious to the public interest. Such motion shall be made within five (5) days of service of an order of the Presiding Officer refusing to certify a ruling for interlocutory appeal to the Regional Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submissions made by the Presiding Officer. The Regional Administrator may, however, allow further briefs and oral argument.

(d) *Stay of proceedings.* The Presiding Officer may stay the proceedings pending a decision by the Regional Administrator upon an order or ruling certified by the Presiding Officer for interlocutory appeal, or upon the denial of such certification by the Presiding Officer. Except in extraordinary circumstances proceedings will not be stayed. A stay of more than thirty (30) days must be separately approved by the Regional Administrator.

§ 226.29 Appeal from or review of initial decision.

(a) *Exceptions.* (1) Within twenty (20) days after service of the Presiding Officer's initial decision, any party may take exception to any matter set forth in such decision or to any adverse order or ruling to which he objected during the hearing and may appeal such exceptions to the Regional Administrator. Appeal shall be made by filing exceptions in writing with the Regional Hearing Clerk. Such exceptions shall contain alternative findings of fact, conclusions regarding material issues of law, fact or discretion and a proposed order together with references to the relevant pages of the record and initial decision. A copy of each such document taking exception to the initial decision shall be served upon every other party and each amicus curiae. Within the same period of time each party filing exceptions and each amicus curiae shall file with the Regional Hearing Clerk and shall serve upon all parties a brief concerning each of the exceptions being appealed. Each such brief shall include page references to the relevant portions of the record and to the Presiding Officer's initial decision.

(2) Within ten (10) days of the service of exceptions and briefs under paragraph (a) (1) of this section, any other party or amicus curiae may file and serve a reply brief responding to exceptions or arguments raised by any party or amicus curiae, together with references to the relevant portions of the record, initial decision, or opposing brief. Reply briefs shall not, however, raise additional exceptions.

(b) *Sua sponte review by Regional Administrator.* Whenever the Regional Administrator determines sua sponte to review an initial decision, notice of such intention shall be served upon the parties by the Regional Hearing Clerk within thirty (30) days after the date of service of the initial decision. Such notice shall include a statement of issues to be briefed by the parties and a time schedule for the service and filing of briefs.

(c) *Scope of appeal or review.* The appeal of the initial decision shall be limited to the issues raised by the appellant, except when the Regional Administrator determines that additional issues should be briefed and argued. If the Regional Administrator determines that briefing or argument of additional issues is warranted, the parties shall be given reasonable written notice

of such determination to permit preparation of adequate argument.

(d) *Argument before the Regional Administrator.* The Regional Administrator may, upon request by a party or sua sponte, set a matter for oral argument. The time and place for such oral argument shall be assigned after giving consideration to the convenience of the parties.

Subpart F—Final Order

§ 226.30 Final Order.

(a) *Contents of the final order.* As soon as practicable after service upon the Regional Administrator of the initial decision of the Presiding Officer, the Regional Administrator shall issue his final order. Such final order shall include findings of fact, conclusions regarding material issues of law, fact or discretion as well as reasons therefor, and an order assessing a civil penalty or revoking or suspending the permit, as appropriate. Such final order may accept or reject all or part of the initial decision of the Presiding Officer.

(b) *Evaluation of civil penalty in proceedings for assessment of civil penalty.* The final order of the Regional Administrator shall consider the appropriateness of the penalty proposed to be assessed in the consent agreement (§ 226.18(b)), default order (§ 226.19(b)), or the initial decision (§ 226.20 or § 226.27) out of which the final order originates.

(1) In evaluating the appropriateness of such proposed penalty, the Regional Administrator must consider (i) the gravity of the violation, (ii) prior violations which have resulted in a final order under this Part, if any; and (iii) the demonstrated good faith of the respondent in attempting to achieve rapid compliance after notification of a violation.

(2) The Regional Administrator may, at his discretion, increase or decrease the assessed penalty from the amount recommended to be assessed in the initial decision.

(c) *Payment of a civil penalty in proceedings for assessment of civil penalty.*

(1) Except as otherwise provided in conjunction with (i) motions made pursuant to § 226.31 or § 226.32 or (ii) petitions seeking judicial review of a final order of the Regional Administrator, payment of the full amount of the civil penalty assessed in the final order shall be made within sixty (60) days of service upon the respondent of the final order. Such payment shall be made by forwarding to the Regional Hearing Clerk a cashier's check or certified check in the amount of the penalty assessed in such final order. Such check shall be payable to the United States of America.

(2) Failure to make timely payment of the penalty assessed in the final order shall result in reference of the matter to the Attorney General, who shall recover such amount by action in the appropriate

United States District Court pursuant to Sections 105 (d) and (e) of the Act.

Subpart G—Motion to Reconsider

§ 226.31 Motion to reopen hearings; to rehear or reargue proceedings; or to reconsider a final order.

(a) *Filing and service.* A motion to reopen a hearing to take further evidence, to rehear or reargue any matter related to such proceeding, or to reconsider any final order (including remission or mitigation of any civil penalty assessed) must be made by motion to the Regional Administrator, in accordance with § 226.15(a) and filed with the Regional Hearing Clerk. Every such motion must state the specific grounds upon which relief is sought.

(b) *Motion to reopen hearing.* A motion to reopen a hearing for the purpose of taking further evidence may be filed at any time after the service of the initial decision of the Presiding Officer and prior to the issuance of the Regional Administrator's final order. Each such motion shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not cumulative, and shall set forth a good reason why such evidence was not adduced at a hearing.

(c) *Motion to rehear, reargue or reconsider.* Motions to rehear or reargue any matter related to a hearing or to reconsider the final order shall be filed within ten (10) days after the date of service of the final order. Every such motion must state specifically the matters claimed to have been erroneously decided and the nature of any alleged error. Where a party moves for the remission or mitigation of any civil penalty assessed in the final order, such motion shall also include a specific statement of the facts which warrant such action, such as newly discovered facts which were not known at the time of or prior to the issuance of the final order and could not have been readily ascertained by the exercise of due diligence.

§ 226.32 Procedure for disposition of motions.

Within ten (10) days following the service of any motion provided for in § 226.31 any other party to the proceeding may file with the Regional Hearing Clerk and serve on all other parties an answer thereto. As soon as practicable thereafter, the Regional Administrator shall announce his intent to grant or to deny such motion. Unless the Regional Administrator determines otherwise, implementation of the final order shall not be stayed pending the decision to grant or to deny the motion. The conduct of any proceeding which may be required as a result of the granting of any motion allowed in this section shall be governed by the provisions of the applicable section of these rules.

[FR Doc. 77-34018 Filed 11-25-77; 8:45 am]

Registered
Federal

MONDAY, NOVEMBER 28, 1977

PART V



CIVIL
AERONAUTICS
BOARD

■
EMPLOYEE
RESPONSIBILITIES
AND CONDUCT

[6320-01]

Title 14—Aeronautics and Space
CHAPTER II—CIVIL AERONAUTICS
BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-141, Amdt. 3]

PART 370—EMPLOYEE
RESPONSIBILITIES AND CONDUCT

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This is an extensive amendment to the Board's rules about the responsibilities and conduct of its employees. The changes it makes are both procedural and substantive. The procedural changes are designed to tighten controls, speed up determinations under the regulation and increase accountability for action and compliance by detailing the procedures and governing rules to be followed with greater precision. The substantive changes expand the stated classes of persons covered by the regulation; restrict in a number of new ways the permissible conduct of persons covered; expand the definition of "civil aeronautics enterprise"; expand the classes of employees required to file reports on their financial, employment, and other interests, increasing both the number of such reports and their scope; and make other miscellaneous changes. This proceeding was undertaken on the Board's own initiative in the summer of 1975.

DATES: ¹Effective January 3, 1978 (except as stayed). Adopted September 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Gary J. Edles, Acting General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5233.

¹Some parts of this amendment require the maintenance of new systems of records subject to the provisions of the Privacy Act of 1974 (Pub. L. 93-579). The effectiveness of such parts must be stayed pending compliance with that Act's requirements. The parts whose effectiveness is stayed are the following:

Part of amendment	Portion stayed
5. § 370.735-15(b) -----	Entire paragraph.
10. § 370.735-22(c) (3) -	The clause: "who shall maintain a list in the Public Reference Room of all such invitations accepted by each employee".
23. § 370.735-72(f) -----	Last sentence of paragraph.
23. § 370.735-72(j) -----	Entire paragraph.

When the requirements of the Privacy Act have been completed, the Board will publish notice of the effective date of the stayed parts of this amendment.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking SPDR-53, 42 FR 29999 (January 14, 1977), the Board announced consideration of the amendment of Part 370 of its Special Regulations ("Employee Responsibilities and Conduct"). A number of comments were received in response to the Notice, most being from Board employees. Each of these comments has been closely reviewed and carefully considered by the Board. The comments were very helpful. Many brought to our attention potential problems under the proposed amendment. Accordingly, we made publicly available a revision of the proposed amendment of Part 370 and have provided employees and the public an opportunity to present their case to the Board at an open meeting and to file further comments on the proposed amendment. Both the oral presentations and further comments have been quite helpful to us. As a result of these comments and oral presentations we have determined to modify in a number of respects the terms of the Part 370 amendment proposed by SPDR-53.

We wish to correct the implications drawn by some of the comments and clarify that the occasion for review and revision of Part 370 was neither any specific instance of employee misconduct nor any view of the Board that the conduct of Board employees has not been fully consistent with both the existing rules and high ethical standards.

Rather, the review and revisions were undertaken against a very different background.

First, the existing rules had not been examined for a decade. They form a continuing and an important body of guidance to the Board and the staff designed to maintain the actual and perceived integrity of the agency and its work. They are rules which deserve periodic review because they are important and their re-examination should not await the occurrence of some unfortunate transgression. Indeed, the very process of periodic review contributes to a heightened awareness of the existence and importance of these rules.

Second, rules governing Board and staff conduct must in part be measured against public expectations of what that conduct should be. It is plain that such public expectations are not static. Perceptions change. Conduct generally deemed acceptable in the past may no longer be so viewed. For a host of reasons—some perhaps well founded, others not—the climate surrounding government and the public's expectations concerning the conduct of persons in government service have changed in the past decade. In the belief that a primary purpose of these rules is to encourage public confidence in the objectivity and integrity of this agency, these rules need to be periodically reviewed in the context of changing public attitudes.

Third, the General Accounting Office performed an examination of the Board's rules and their administration. Without necessarily accepting all of the GAO's

criticisms, the Board believes that GAO raised certain issues which deserve response in the form of amendments to the existing rules.

It may be finally noted that the undertaking to review and revise these rules has been a thorough and equitable process. The initial review was commenced in the summer of 1975. Numerous drafts were reviewed by the Board Members and their Assistants and the proposed revisions were discussed at length in a number of Board meetings prior to promulgation of the proposed rules this past January. Since then the staff and other interested parties have had three separate opportunities to make written or oral comment upon the originally proposed rules and subsequent revisions. Thus we find that it is both appropriate and fair now to adopt this amendment of Part 370. In doing so, we adopt and make final the tentative findings and conclusions set forth in the Explanatory Statement to SPDR-53 to the extent that they are not inconsistent with this preamble and this final amendment of our rules.

The principal differences between this amendment of Part 370 and the proposals contained in SPDR-53 are as follows:²

1. The Deputy General Counsel will be the only person designated as a Deputy Ethics Counselor (§ 370.735-15).

2. Employees entitled to retirement benefits from interested persons (primarily persons regulated by the Board or affected by its decisions) may accept such benefits if (i) they are a matter of right and are paid under a plan generally applicable to similarly situated retirees and (ii) the employee's official duties do not involve participation in matters directly affecting such benefits. However, an employee entitled to such benefits must report them to the Ethics Administrator (§ 370.735-22(a)(2)).

3. The title "Ethics Administrator" has been substituted for that of "Conflicts Administrator" throughout the regulation as being more clearly descriptive of the job.

4. Employees may accept invitations from civic groups and state and local governments to meals and similar social

²Although at one time we were ready to permit employees to accept paid invitations to widely-attended functions sponsored by persons regulated by or directly interested in Board activities, or associations of such persons: *Provided*, That there was a publicly available listing of such invitations, after consultation with the Civil Service Commission, the receipt of comments from employees, and a reappraisal of the Board's position (including the views of two new Members), the Board has determined to reaffirm the substance of § 375.735-22(c)(2) of SPDR-53 in our final regulation. The effect of this is to permit employee (including Board Member) acceptance of such paid invitations only if the Board (in the limited circumstances it has legal authority to do so) or the employee pays for the function. Exceptions are made only if the employee is the speaker or a participant in the function in question.

engagements, whether in Washington, D.C. or during the course of official travel, if the invitation is customary and if, in addition, refusal would be embarrassing to the Board or otherwise inappropriate. However, a public list of employees and such invitations accepted by them shall be maintained (§ 370.735-22(c)(3)).

5. Employees associated with the U.S. delegation may accept invitations during the course of international civil aviation negotiations, whether the invitation is during the course of official travel or not. The invitation may be extended by a member, observer or other participant in the negotiations.

The primary condition for acceptance of such invitations is that the social function include at least one member or participant of the foreign delegation (§ 370.735-22(c)(5)).

6. The exception for "other items of nominal value" has been clarified by limiting it to items with a retail value of \$1 or less (§ 370.735-22(d)).

7. Approval of an employee's outside employment will not be limited to one year (§ 370.735-35).

8. The provisions on future employment have been conformed to the language of 18 U.S.C. 208, except for the retention of the recommendation that employees consult the Ethics Counselor (§ 370.735-38).

9. Waivers granted to employees to allow them to hold an interest in a civil aeronautics enterprise will be made public (§ 370.735-72(f)).

The only other authorized public disclosure of employee financial interests would be the provision requiring the disclosure of interests in companies which are not a civil aeronautics enterprise but which are, or own or control, either a direct air carrier (other than an air taxi) or an air freight forwarder (§ 370.735-72(j)).

10. Provisions protecting the confidentiality of the Form 16 reports (§ 370.735-72(h)) and strengthening the confidentiality of the reports of employment and financial interests (proposed § 370.735-73(c)) have been added.

11. Employees obligated to file the confidential reports of employment and financial interest are required to update such reports semi-annually (§ 370.735-73(a)(1)).

12. All employees of grades GS-14 and above will file the confidential report of employment and financial interest (subject to their right to request a waiver of that requirement). In addition, office and bureau heads shall designate employees of grades GS-13 and below whose work in their opinion has a significant effect on Board action. Such employees will also have to file the confidential report, but would also have the right to request a waiver of this requirement (§ 370.735-74(b)).

13. The Board shall also review this Part by December 31, 1978, with the assistance of an appropriate committee, to see whether it should be further amended (§ 370.735-80).

These amendments to Part 370 have been approved by the United States Civil Service Commission.

Accordingly, the Civil Aeronautics Board hereby amends Part 370 of its Special Regulations (14 CFR Part 370) effective 1977, as follows:

1. Amend the table of contents of Part 370 by revising § 370.735-52; by deleting §§ 370.735-61, -62, and -63; by revising and redesignating Subparts F and G and §§ 370.735-72 and -73; and by adding new §§ 370.735-16, -38, -56, -74, -80, as follows:

Sec.	Subpart A * * *
370.735-16	Consultants.
	Subpart B * * *
	Subpart C * * *
370.735-38	Future Employment.
	Subpart D * * *
	Subpart E * * *
370.735-52	Misuse or disclosure of information.
370.735-56	Influence or coercion.
	Subpart F—Financial Interests
370.735-71	* * *
370.735-72	Civil aeronautics enterprises.
370.735-73	Confidential reports of financial interest and employment.
370.735-74	Employees required to submit statements.
	Subpart G—Review of Regulations
370.735-80	Review of regulations.

2. Amend § 370.735-12 *Definitions*, by amending paragraph (a) to read in full as follows and by adding new paragraphs (d) and (e) as set forth below:

§ 370.735-12 Definitions.

(a) "Employee" means Board Members and employees, including special Government employees as defined in 18 U.S.C. 202 and members of the personal staffs of the Board Members.

(d) "Civil aeronautics enterprise" means any enterprise primarily civil aeronautical in nature.

(1) In determining whether an enterprise is primarily civil aeronautical in nature, the Ethics Counselor or other authority shall consider, without exclud-

ing other relevant factors, (i) the sales, investment, profit, and managerial effort directed to the civil aeronautical aspects of the enterprise compared to the other aspects of its business, (ii) the public image of the enterprise, (iii) the degree of the Board's regulation and oversight of such enterprise, and (iv) the degree to which the economic interests of the enterprise might be affected by Board action.

(2) Excluded from "civil aeronautics enterprises" shall be (i) businesses engaged in manufacturing products essentially non-aeronautical in nature even though some part of their production is used in aviation; (ii) investment companies, unless their names or portfolios suggest that they are engaged primarily in holding financial interests in civil aeronautical enterprises; and (iii) aeronautical entities exclusively military in nature.

(e) "Financial interests" includes stocks, bonds, other forms of securities or indebtedness and other holdings or interests which produce (or may produce) a monetary or other material gain to their holder. A person shall be deemed to hold a financial interest if he owns it legally or beneficially or in a representative or fiduciary capacity.

3. Amend § 370.735-13 to read in full as follows:

§ 370.735-13 Policy and enforcement.

(a) The maintenance of unusually high standards of honesty, integrity, impartiality and conduct by Government employees is essential to assure the proper performance of the Government's business and the maintenance of confidence by citizens in their Government. In a regulatory agency such as the Civil Aeronautics Board, whose actions affect the safety and financial interest of a large number of persons (the users of air transportation as well as the suppliers of the service), it is particularly important that every employee be completely impartial, honest, and above suspicion of improper conduct. Accordingly, the Board requires that its employees adhere strictly to the highest standard of ethical conduct in all their social, business, political and other off-the-job activities, relationships and interests as well as in their official actions. All Board employees shall exercise their informed judgment to avoid situations which might result in actual or apparent misconduct or conflicts of interest.

(b) Failure to adhere to the requirements of the regulations in this part, including any failure to make a report or submit accurate and complete information required by this part, or the disclosure of information in contravention of § 370.735-52, may constitute cause for disciplinary action. Non-compliance with a final decision of the Board, the Ethics Counselor, the Deputy Ethics Counselor, or the Ethics Administrator may also constitute cause for disciplinary action. Such disciplinary action may in appropriate cases include removal. Any such administrative disciplinary action may be in addition to any penalty prescribed by law.

* Certain files and reports will be subject to the Privacy Act of 1974 (5 U.S.C. 552a). Until Privacy Act requirements are met, the effectiveness of §§ 370.735-15(b), 370.735-22(c)(3) (clause requiring Public Reference Room list of accepted invitations), and 370.735-72(f) (last sentence) and (j) is stayed.

* 18 U.S.C. 202 defines a "special Government employee" as including an officer or employee of any independent agency of the United States who is retained, designated, appointed, or employed to perform with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

4. Amend § 370.735-14 to read in full as follows:

§ 370.735-14 Procedure for waiver or permission.

Unless a different procedure is specifically prescribed, requests for a waiver or special permission with respect to matters relating to this part shall be submitted as follows:

(a) Promptly upon the employee's discovery of a problem which in his judgment requires a waiver the employee shall forward to the head of the bureau or office a statement in triplicate setting forth, specifically and in detail, the facts and circumstances surrounding the matter and describing the relief requested. A copy of such statement shall also be sent to the Ethics Counselor.

(b) In determining whether the requested relief is permissible, the bureau or office head shall consider whether a denial of the requested relief would cause undue hardship to the employee and would not further the public interest. If the request concerns an employee's financial interests the bureau or office head shall also consider the factors set forth in § 370.735-72(f). The bureau or office head's decision, which shall normally be made within one week of receipt of the employee's request, shall be entered on each copy of the employee's statement. The bureau or office head shall retain the original copy of the statement, forward one copy to the Ethics Counselor for review, and return the remaining copy to the employee. If the Ethics Counselor, who normally will act within a week, disagrees with the determination of the bureau or office head, the bureau or office head and the employee shall be promptly notified and the matter shall automatically be submitted on the following day to the Board, which normally shall decide the matter within a week. In this situation, no decision will become effective except that of the Board. If, however, the Ethics Counselor agrees with the bureau or office head to deny the request, the employee shall be so notified and the effectiveness of the decision shall be stayed for two working days after notification of the employee of the Ethics Counselor's agreement to permit the employee to request the bureau or office head or, if necessary, the Board, or any Member thereof, for a stay of the decision pending the determination of a timely appeal to the Board.

(c) An employee whose request for a waiver is denied may appeal to the Board by forwarding to it within one week after receipt of notification from the Ethics Counselor of agreement with the decision of the bureau or office head a statement setting forth why the employee believes the decision should be changed. Copies of such statement shall be given at the same time to the head of the employee's office or bureau and the Ethics Counselor. The Board shall normally decide the appeal within one week and if such decision is upheld by the Board on appeal, the employee shall terminate as soon as ordered any prohibited employment, activity or interest.

(d) (1) Whenever an employee terminates any employment, activity, or interest engaged in or held on the basis of a waiver or upon termination after denial of a request to engage in such activity, he shall immediately so advise the head of the office or bureau by memorandum, with a copy to the Ethics Counselor.

(2) Whenever an employee makes any significant change in the nature or extent of the outside employment which the employee was granted permission to engage in, the employee shall promptly file a new application in accordance with this section.

(e) Insofar as the request for a waiver is filed by a Board Member and affects any matter other than the financial interests of the Board Member, the decision of the Ethics Counselor shall be reviewed by the full Board as a matter of course and shall not become effective until such Board ruling is made. Matters affecting the financial interests of a Board Member shall be handled by the Civil Service Commission.

5. Amend § 370.735-15 to read in full as follows:

§ 370.735-15 Interpretation, advice and dissemination of information.

(a) The Board hereby designates the General Counsel to serve as its Ethics Counselor and as the Board's designee to the Civil Service Commission on matters covered by this part. The Board also designates the Deputy General Counsel as the Deputy Ethics Counselor, who may act as the Ethics Counselor when so designated by the Ethics Counselor or when the Ethics Counselor is absent or otherwise unavailable. The Deputy Ethics Counselor shall not act as Ethics Counselor with respect to an issue involving the Ethics Counselor; any such issue shall be resolved by the Board. The Ethics Counselor and his Deputy shall be assisted by an Ethics Administrator appointed by the Ethics Counselor, with the approval of the Managing Director, from the employees of the Board.

(b) The Office of Personnel shall establish and maintain a roster of employees of the Board indicating which of them are required to file financial reports pursuant to § 370.735-74. It shall furnish the Ethics Administrator with a copy thereof on request.

(c) The Office of Personnel shall distribute a copy of this part to each employee on the roster at the time of its issuance and to each new employee upon entrance on duty. It shall also distribute a copy of each substantive amendment of this part to each employee on the Board's roster within ten days after such amendment becomes effective. Whenever this section requires that a copy of this part or an amendment thereto be given an employee the Office of Personnel shall obtain from him a written acknowledgment of receipt of such copy and advise

⁶ The effectiveness of this paragraph (b) is stayed pending compliance with the Privacy Act of 1974, 5 U.S.C. 552a.

the Ethics Administrator thereof. At the same time such Office shall advise each such employee of the persons who have been designated as Ethics Counselor, Deputy Ethics Counselor and Ethics Administrator, that counseling services are available from them, including access to the statutory and other regulatory provisions cited in this part, and of the requirement that financial interests and employment are to be reported pursuant to §§ 370.735-72 and 370.735-73. Thereafter from time to time as may be appropriate, and at least annually, such Office shall again call the attention of each employee to the regulations in this part and again advise each employee of the information heretofore specified.

6. Add a new § 370.735-16 as follows:

§ 370.735-16 Consultants.

(a) Those consultants and experts hired by the Board by contract or otherwise who are not considered employees or special Government employees shall be subject to all the regulations of this part (other than §§ 370.735-41 and 370.735-42) insofar as such regulations are applicable to special Government employees.

(b) Each contract with such a consultant or expert shall include a term subjecting such contractor to this section as a continuing matter through the life of the contract.

7. Amend § 370.735-21 to read as follows:

§ 370.735-21 Conduct prohibited.

(a) Except as provided in § 370.735-22, an employee (and the employee's spouse, minor children, and other permanent members of the immediate household) shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, meal, refreshment, entertainment, loan or any other thing of monetary value, from a person (or employee or agent of such person) who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Board; or

(2) Conducts operations or activities that are regulated by the Board; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty; or

(4) Is a representative of a communications medium which has an interest in obtaining information from Board employees with respect to Board activities for commercial use; or

(5) Is an association or organization predominantly composed of persons who are subject to this section by their inclusion in paragraphs (1), (2), (3), or (4) of this paragraph.

(b) A gift or gratuity, the receipt of which is prohibited by § 370.735-21, shall be returned to the donor with a letter explaining why the return is necessary. When the return of the gift is not possible, the gift or gratuity shall be submitted to the Ethics Counselor with a written explanation why the return is not feasible. The Counselor shall turn

the gift or gratuity over to a charitable organization.

§ 370.735-22 [Amended]

8. Amend paragraph (a) of § 370.735-22 *Exceptions* to read as follows:

(a) The provisions of § 370.735-21 shall not apply:

(1) In respect to obvious family and personal relationships when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors, if in addition the employee reasonably believes that the cost of the gift, favor or other thing of monetary value will be borne personally by the relative or friend and the circumstances do not otherwise create a conflict of interest or apparent conflict of interest; or

(2) To retirement benefits obtained by reason of prior employment where (i) such benefits are a matter of right, were extended under a plan or program generally applicable to similarly situated retirees of the prior employer, and were fixed at the time of termination of such prior employment, and (ii) the employee's official duties do not involve participation in matters directly and materially affecting such benefits: *Provided, however*, An employee entitled to such retirement benefits shall, upon entering employment with the Board, file a description thereof with the Ethics Administrator. Free air transportation privileges on non-Government aircraft, earned by an employee for the employee, the employee's family, or permanent members of the employee's immediate household, even where such privileges may not be denied in the discretion of the carrier, may not be utilized by the employee, the employee's family, or permanent members of the employee's immediate household during the course of his employment by the Board.

9. Amend paragraph (b) of § 370.735-22 *Exceptions*, by striking the words "(2) the carriage without charge by an air carrier, of employees engaged in inspection duties, pursuant to and in accordance with Part 224 of the Board's Economic Regulations (Part 224 of this chapter); and (3)" and substituting therefor "and (2)."

10. Amend paragraph (c) of § 370.735-22 *Exceptions*, to read as follows:

(c) The provisions of § 370.735-21 shall not prohibit the acceptance of the following:

(1) Invitations addressed to and approved by the Board for employees designated by the Board to participate in ceremonial or inaugural flights, and meals and entertainments incidental thereto, where the Board pays the host all costs associated with its employee's participation in such flight, including lodging, meals and entertainments, and where the Board also determines that such participation is in the best interests of the Government. In such instances, the spouse of the employee may also participate if the employee pays the pro rata cost of such participation.

(2) Invitations to widely-attended functions, or gatherings, including luncheons, dinners, or other affairs, such as the annual Wright Day Dinner, luncheons of the Aero Club, National Aviation Club, International Aviation Club, or National Society of Industrial Associations, luncheons or dinners of the Air Force Association, Navy League, etc., Congressional Appreciation Dinners, and other functions relating to aeronautics, sponsored by trade or aeronautical associations or other persons specified in section 370.735-21, but only where the Board or the employee pays the host the cost of the employee's participation in the affair. *Provided*, That for any such function the host may pay the cost of the employee's attendance if the employee is a speaker or participates in the program for the function. Employees shall consult the Ethics Counselor as to whether their role at a function constitutes participation therein.

(3) Invitations for food, refreshments and similar social engagements with attendant social amenities when extended by a civic body or a state or local government, if the social engagement is customary under the circumstances, and if the refusal of the invitation would be embarrassing to the Board or otherwise would be inappropriate: *Provided*, That any employee accepting such an invitation shall immediately report it in writing to the Ethics Administrator. *Provided further*, That if the invitation is in the course of official travel involving an adjudicatory matter, a copy of the employee's report shall also be inserted in the docket of such matter.

(4) Invitations from a foreign government for food, refreshments and similar social engagements if the employee has no reason to believe that a civil aeronautics enterprise is bearing the cost of any social amenities involved, the occasion is customary under the circumstances, and the refusal of the invitation would be embarrassing to any of the governments involved or otherwise would be inappropriate.

(5) Invitations for food, refreshments and similar social engagements in connection with international civil aviation consultations or negotiations when invitations are extended by a member (or other participant) of one delegation and include one or more members (or other participants) of the other delegation, and the Board employee is associated with the U.S. delegation, if the social engagement is customary under the circumstances, and if the refusal of the invitation would be embarrassing to the governments involved or would otherwise be inappropriate.

*The effectiveness of the clause, "who shall maintain a list in the Public Reference Room of all such invitations accepted by each employee", is stayed pending compliance with the Privacy Act of 1974, 5 U.S.C. 552a.

(6) Such other invitations as shall from time to time be authorized in advance by the Board in specific situations if the Board finds acceptance of such is in the best interests of the Government and makes such finding publicly available.

11. Amend paragraph (d) of § 370.735-22 *Exceptions*, to read as follows:

(d) The provisions of § 370.735-21 shall not prohibit the acceptance of (i) unsolicited advertising or promotional material, such as pens, pencils, note pads, and calendars, and (ii) items of nominal intrinsic value, i.e., having a retail value of \$1 or less.

§ 370.735-24 [Amended]

12. Amend § 370.735-24 *Gifts from foreign governments*, by adding thereto the following sentence:

* * * Any such gift or thing which cannot appropriately be refused shall be submitted to the Ethics Counselor for transmittal to the State Department.

§ 370.735-35 [Amended]

13. Amend § 370.735-35 *Approval of outside employment*, by adding the following material at the end thereof:

* * * If any significant change in the nature or period of outside employment is made, a new application must be filed for permission to engage in such changed or extended employment.

14. Amend paragraphs (a) and (d) of § 370.735-36 *Exceptions*, to read as follows:

§ 370.735-36 *Exceptions*.

(a) Receipt of bona fide reimbursement, unless prohibited by these regulations or other law, for actual expenses for travel and such other necessary subsistence as is compatible with this part incurred when not engaged on official business if approved in accordance with §§ 370.735-34—370.735-36. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal benefits. When travelling on official business no reimbursement may be accepted from private sources, excepting only reimbursement for travel and subsistence expenses incurred in connection with meetings approved in accordance with § 242.8 of the CAB Manual.

(d) In respect to special Government employees, engaging in outside employment and receiving compensation therefor, to the extent reported and approved in accordance with §§ 370.735-73 and 370.735-74, and not otherwise prohibited by statute or regulation.

15. Amend paragraph (a) of § 370.735-37 *Employment of family members in aeronautical and related enterprises*, to read as follows:

§ 370.735-37 *Employment of family members in aeronautical and related enterprise*.

(a) No individual will be employed or retained in employment by the Board if

the spouse or a minor child or other permanent member of the employee's immediate household is employed by a civil aeronautics enterprise, a person or firm (legal, accounting, advertising, etc.) representing a civil aeronautics enterprise, or an aviation trade association.

16. Add a new § 370.735-38 reading in full as follows:

§ 370.735-38 Future employment.

(a) An employee shall not participate personally and substantially in a particular matter in which, to his or her knowledge, a person or organization with whom the employee is negotiating or has any arrangement concerning prospective employment has a financial interest. Unless such negotiation or arrangements are rejected at the outset, employees are encouraged to report the facts promptly to the Ethics Counselor. With the authorization of his supervisor and the agreement of the Ethics Counselor, an employee may be relieved of any assignment which, in the absence of such relief, might preclude such negotiation or arrangements. A waiver of this provision may be granted in accordance with the procedure set forth in § 370.735-14 upon a determination that the prospective employer's interest is not so substantial as to be deemed likely to affect the integrity of the employee's services.

(b) The Ethics Administrator shall from time to time issue bulletins advising employees of any conflict of interest developments which may have occurred in the area of negotiating employment.

§ 370.735-44 [Amended]

17. Amend § 370.735-44 *Other statutory requirements*, by striking the first two lines thereof and substituting therefor the following:

Each employee shall acquaint himself with the following provisions of law. The full texts of these provisions are available through the offices of the Ethics Counselor, Deputy Ethics Counselor and Ethics Administrator * * *

18. Strike paragraph (e) of § 370.735-44 *Other statutory requirements*, and add new paragraphs (e) and (s) to § 370.735-44 as follows:

(e) The prohibition against acceptance of excessive honorariums (2 U.S.C. 441(i)).

(s) The prohibition against a public official appointing or promoting a relative, or advocating such appointment or promotion (5 U.S.C. 3110).

19. Amend § 370.735-52 to read in full as follows:

§ 370.735-52 Misuse or disclosure of information.

No employee shall, for the purpose of furthering a private interest, except as provided in § 370.735-34, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employ-

ment which has not been made or would not be made available to the general public.

20. Add a new § 370.735-56 to read in full as follows:

§ 370.735-56 Influence or coercion.

An employee shall not use his Government employment to coerce or influence, or give the appearance of coercing or influencing, a person to provide financial benefit to himself or another person. Coercion or influence will be readily inferred if the benefit is for one with whom the employee has family, business or financial ties.

Subpart F [Deleted] [Subpart G Redesignated as Subpart F]

21. Delete Subpart F, including §§ 370.735-61, 370.735-62 and 370.735-63, and redesignate present Subpart G as "Subpart F—Financial Interests."

§ 370.735-71 [Amended]

22. Amend § 370.735-71 by deleting paragraph (a), changing "(b)" and "(c)" to "(a)" and "(b)", respectively, and changing "Part 274 of the CAB Manual" to "§ 370.735-72."

23. Add a new § 370.735-72 reading in full as follows:

§ 370.735-72 Civil aeronautics enterprises.

(a) No employee (including his spouse, minor children and other permanent members of his immediate household) shall have any financial interest in any civil aeronautics enterprise.

(b) The Office of Personnel shall obtain from each employee entering on duty (other than Board Members), a completed CAB Form 16, Employee's Report as to Financial Interests in Civil Aeronautics Enterprises, on which the employee shall report any financial interest held by him in a civil aeronautics enterprise or an enterprise which is primarily a surface common carrier. A Form 16 shall also be filed by every present employee of the Board (other than Board Members) within 30 days after the effectiveness of amendment No. 3. The Office of Personnel shall immediately send such forms to the Ethics Administrator. Board Members shall only file a Confidential Statement of Employment and Financial Interests required by E.O. 11222 directly with the Civil Service Commission, including all information relating to civil aeronautics enterprises.

(c) Any employee who by purchase, gift, inheritance or otherwise acquires a financial interest in a civil aeronautics enterprise shall within 14 days of such acquisition complete and forward to the Office of Personnel a Form 16 reporting such acquisition. The Office of Personnel shall immediately forward a copy of such Form 16 to the Ethics Administrator.

(d) During each January the Office of Personnel shall remind employees by Staff Notice of their obligations to report holdings of financial interests in civil aeronautics enterprises. Periodically, the

Ethics Administrator shall distribute bulletins to employees listing those entities which have been determined to be or not to be civil aeronautics enterprises, with brief explanatory information as to the reasons therefor. Each such bulletin shall contain a warning that the listings may not be taken as conclusive as the nature of an enterprise may change with the passage of time.

(e) The Ethics Administrator shall review all Form 16's and furnish advice respecting civil aeronautics enterprises to employees when requested or required. If, on the basis of past determinations of the Ethics Counselor or the Board, the entity being reviewed clearly appears to be or not to be a civil aeronautics enterprise, the Ethics Administrator shall so advise the employee, the Office of Personnel and the Ethics Counselor. The Ethics Counselor may reopen a case if he disagrees with the Ethics Administrator. If the Ethics Administrator cannot reach a determination in a given case, or if the employee disagrees with the Ethics Administrator, the matter shall be presented to the Ethics Counselor promptly. The Ethics Counselor shall determine whether the entity in question is a civil aeronautics enterprise and the nature and timing of reasonable remedial action. The Ethics Counselor's determination may not be appealed by the employee. If the employee does not wish to dispose of his financial interest in the civil aeronautics enterprise in accordance with the Ethics Counselor's decision he must within one week thereafter request a waiver from § 370.735-72(a) in accordance with the procedures set forth in §§ 370.735-14 and 370.735-72(f). The Ethics Administrator and Ethics Counselor shall each normally make his decision on whether an entity is a civil aeronautics enterprise within one week of the presentation of the matter to him. The employee holding the financial interest shall furnish as much information as possible for use in determining the nature of the entity.

(f) An employee other than a Board member may, in accordance with § 370.735-14, request a waiver, modification or postponement of the implementation of this section, if this section would impose an undue hardship upon the employee and is not required in the public interest. In considering the employee's request for a waiver, modification or postponement, the following factors, among others, shall be considered: (1) The nature and extent of the employee's holdings, in terms both of the number of shares owned by the employee and the total shares outstanding, (2) the manner and date of acquisition of the financial interest, including the circumstance that the holding was lawful prior to September 20, 1977, (3) the nature of the employee's title to or obligations concerning the interest, (4) the nature and extent of the hardship to the employee if the waiver is denied, (5)

* The effectiveness of the last sentence of this paragraph is stayed pending compliance with the Privacy Act of 1974, 5 U.S.C. 552a.

the employee's function in the Board's decision-making process, (6) the extent and frequency of the disqualification of the employee from participation in the Board's work if the financial interest were retained, and (7) the reasons why the employee believes the retention of the financial interest will not tend to influence the performance of official duties, will not encourage premature or improper disclosure of information to any person, and will not otherwise create any form of conflict of interest or appearance thereof, and is not contrary to the public interest. Each waiver of this section shall be available to the public in the Public Reference Room.

(g) Any employee required to dispose of a financial interest in a civil aeronautics enterprise shall do so within the time and in the manner allowed by the decision of the Ethics Counselor, unless such employee receives a stay or a waiver in accordance with the provisions of this section and § 370.735-14. The employee shall immediately advise the Ethics Administrator upon disposition of the prohibited interest or other compliance with an order of the appropriate official and shall furnish the Ethics Administrator any information earlier requested regarding the employee's progress in disposing of the interest.

(h) An employee holding a financial interest in an entity which is or may be a civil aeronautics enterprise shall withdraw from participation in any matter affecting such entity and shall notify the immediate supervisor of the holding of such a financial interest immediately upon the employee's acquisition of such an interest or the discovery that a previously acquired interest may violate this section.

(i) Appropriate actions for remedying the holding of a prohibited financial interest by a Board employee (other than a Member) which may be determined, in appropriate cases, by the Ethics Administrator, the Ethics Counselor, or the Board, include: Divestiture (with such conditions as may reasonably be appropriate); the establishment of a "blind trust" or other like independent investment arrangement; or any other arrangement approved by the Ethics Administrator, Ethics Counselor or the Board as authorized to pass finally upon the case in question.

(j) In the event that an employee's holding of a financial interest in an entity is determined not to be a holding in a civil aeronautics enterprise, but the entity is, or owns or controls a direct air carrier (whether domestic, foreign, or intrastate), other than an air taxi operator, or is or owns or controls an air freight forwarder, the employee shall report the name of the entity and the name of the air carrier or freight forwarder company so held, and the Ethics Administrator shall file a report in the Conflicts File (alphabetical by name of employee) in the Public Reference Room

showing the name of the employee, the name of the entity and the name of the air carrier company.

(k) The Form 16 reports shall be disclosed only to the persons and in the manner described in § 370.735-73(c).

§ 370.735-72 [Redesignated as § 370.735-73]

24. Redesignate § 370.735-72 as § 370.735-73 and amend it through paragraph (c) to read in full as follows:

§ 370.735-73 Confidential reports of financial interests and employment.

(a)(1) Employees presently in the categories listed in § 370.735-74(b), but excluding Board Members, shall submit to the Office of Personnel for transmittal to the Ethics Administrator by July 31, 1978, and all employees thereafter entering or being promoted to positions within the purview of § 370.735-74(b), shall so submit, within 30 days after any such event, a confidential statement of their financial interests and employment on CAB Form 141. All special Government employees shall submit their confidential statements of financial interests and employment in like manner in accordance with § 370.735-74(e). A supplementary confidential statement shall be submitted as of June 30 of each year prior to July 31 by all those required to report initially. If no changes or additions occur, a negative report shall be submitted. Any acquisition of a financial or other interest during the year shall be reported in writing by the following January 31 or June 30, whichever is earlier, if retained by the employee.

(2) Board Members shall file their reports of Employment and Financial Interests in conformity with E.O. 11222 and the requirements of the Civil Service Commission.

(3) An employee's obligation does not end with the filing of a statement. Notwithstanding the filing of the reports required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts of interest provisions of section 208 of Title 18, United States Code.

(4) The interest of an employee's spouse, minor children and other permanent members of the employee's immediate household is considered to be the interest of the employee.

(b)(1) The Ethics Administrator shall review the statements of financial interests and employment of all employees other than Board Members for the purpose of determining whether any conflict of interest or apparent conflict is present. If a conflict or apparent conflict is found, the Ethics Administrator shall give the employee an opportunity to explain it. If the Ethics Administrator thereafter finds on the basis of past determinations of the Ethics Counselor or the Board, that there is a conflict or apparent conflict of interest, he shall so advise the employee, the Office of Personnel, the employee's bureau or office head, and the Ethics Counselor and shall also advise such persons of what remedial

action must be taken. The remedial action may include the employee's divestiture of the conflicting interest, disqualification for particular assignments, reassignment, disciplinary action, or the remedies specified in § 370.735-72(i). The Ethics Counselor may reopen the matter if he disagrees with the Ethics Administrator.

(2) If the Ethics Administrator cannot resolve the case, or if the employee disagrees with the Ethics Administrator, the matter shall be presented to the Ethics Counselor within one week together with any additional written statement the employee may wish to make, and the Ethics Counselor shall decide the case.

(3) An employee may appeal the Ethics Counselor's decision to the Board by forwarding to it within one week of such decision a statement setting forth why the employee believes the Ethics Counselor's decision should be changed. A copy of such statement shall be given at the same time to the Ethics Counselor.

(4) The employee shall comply with the decision of the Ethics Administrator or Ethics Counselor except only insofar as such decision is later changed by the Ethics Counselor or the Board, as the case may be. The effectiveness of the decision of the Ethics Administrator or the Ethics Counselor shall be stayed for two working days after the employee receives notice thereof to permit the employee to request the Ethics Counselor or the Board, or any Member thereof, for a stay of the decision of the Ethics Administrator or Ethics Counselor pending the determination of a timely filed appeal. The employee may not apply for a waiver from this section under § 370.735-14. Any remedial action shall be effected in accordance with applicable laws, executive orders and Civil Service Commission or Board regulations. The Ethics Administrator, the Ethics Counselor and the Board shall normally decide each matter within one week, and the employee shall be responsible for promptly furnishing any information available to him requested by such officers.

(5) The Office of General Counsel of the Board shall be available for consultation with the Civil Service Commission in connection with any inquiry it may make about the holdings of any Member.

(c) The reports of financial interests and employment shall be held in the strictest confidence. Only the following persons shall have access to such a report and only for purposes of administering this part: The Ethics Administrator, Ethics Counselor, Deputy Ethics Counselor, Director of Office of Personnel and employees designated by the Director to tabulate the reports, Board Members and the employee submitting the report. When necessary in the interest of the Government, for good cause shown, the Civil Service Commission or the Board may upon written request authorize access by other government officials. In such event, the employee shall be notified in writing at least 10 days in advance of such authorized access. Except when

*The effectiveness of this paragraph is stayed pending compliance with the Privacy Act of 1974, 5 U.S.C. 552a.

being reviewed by authorized persons, the reports shall be stored in locked containers.

§ 370.735-73 [Redesignated as § 370.735-74]

25. Redesignate § 370.735-73 as § 370.735-74 and amend it through subparagraph (b) as follows:

§ 370.735-74 Employees required to submit statements.

(a) Every employee (other than Board Members), including special Government employees and consultants and experts working under contract, shall execute and forward to the Office of Personnel for transmittal to the Ethics Administrator a Form 16 report of all financial interests in any civil aeronautics enterprise and any enterprise which is primarily a surface common carrier. Any subsequent acquisition of a financial interest in such an enterprise or carrier shall be promptly reported in accordance with § 370.735-72.

(b) The following categories of employees, including special Government employees and consultants and experts working under contracts, are determined by the Board to be within the scope of §§ 735.403 and 735.404 of the Regulations of the Civil Service Commission on Employee Responsibilities and Conduct (5 CFR Part 735) and therefore shall, in addition to the requirement in paragraph (a) of this section, submit Statements of Employment and Financial Interests (Form 141):

(1) Employees in Administrative Law Judge positions.

(2) Employees in grades GS-14 and above.

(3) All other employees in positions of assistant division chief or equivalent and above at any grade or salary.

(4) All contracting officers, and all persons on Members' personal staffs paid at a rate equal to or above the entrance rate for a GS-14.

(5) Heads of Bureaus and Offices shall designate to the Conflicts Administrator on or before June 15 of each year those employees below grade GS-14 whose work has a significant effect on Board action, and such employees shall also submit a Form 141 report.

Any employee within the above categories may request a waiver under § 370.735-14 from the requirement that he or she file a Form 141 report. Such waiver shall be granted if the employee's responsibilities and work do not have a significant effect on Board action.

26. Redesignate paragraph (e) of § 370.735-73 as paragraph (e) of § 370.735-74 *Employees required to submit statements*, and amend it to read as follows:

(e) In addition to all other reports, all special Government employees shall report all other employment. Such statements shall be submitted not later than the time of employment and shall be kept current throughout the special Government employee's employment

with the Board by submission of a supplementary statement within 14 days after any change. These requirements may be waived or modified to the extent consistent with § 735.412 of the Civil Service Commission's regulations (5 CFR 735.412) if the employee requests a waiver in accordance with § 370.735-14.

Subpart G—Review of Regulations

27. Add a new Subpart G—Review of Regulations and § 370.735-80 thereunder to read in full as follows:

§ 370.735-80 Review of Regulations.

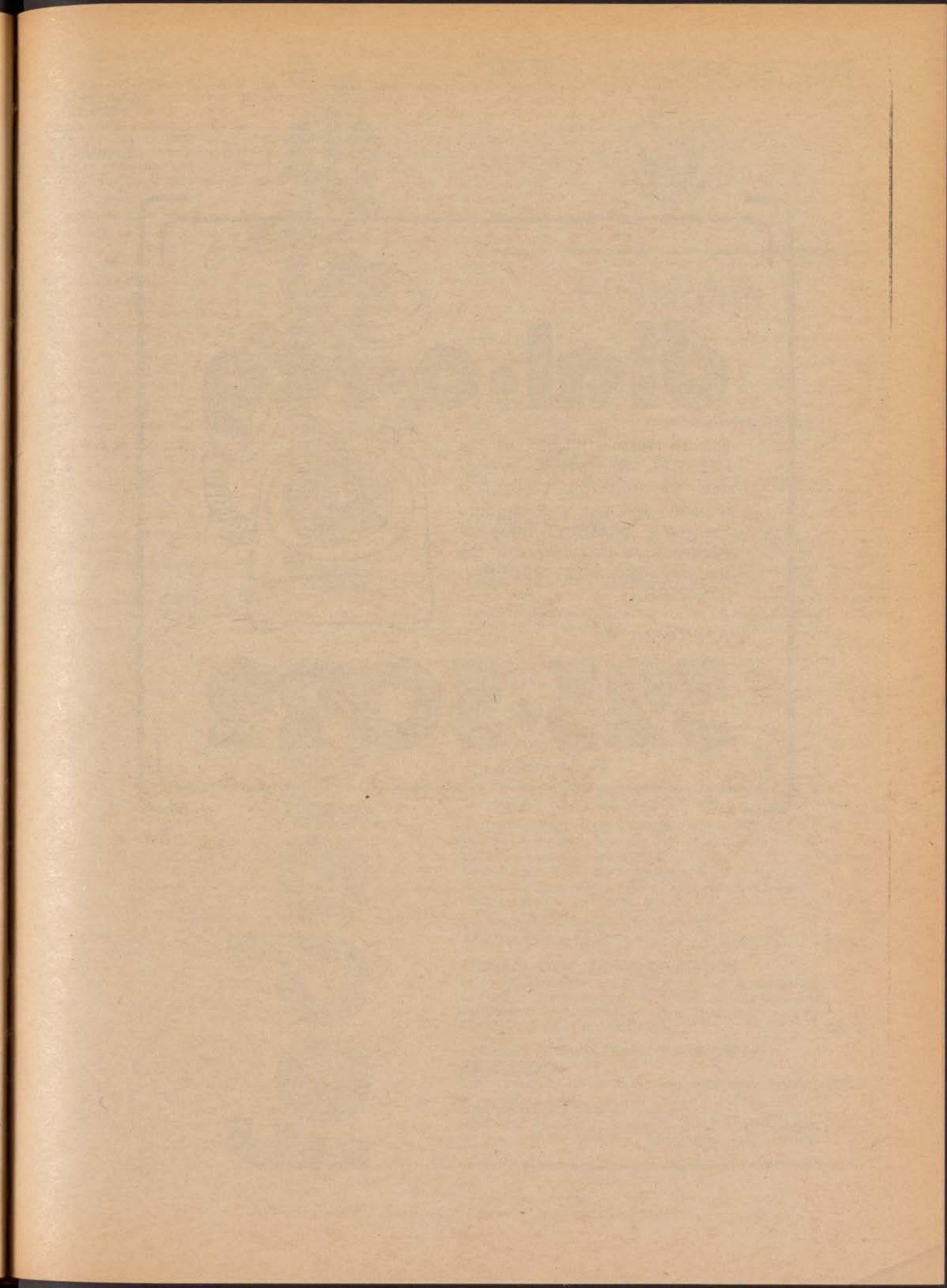
The Board shall on or before December 31, 1978, reexamine this part and review its experience thereunder for the purpose of determining whether modifications should be made thereto: *Provided*, That the Board may amend this part prior to such review if appropriate in the public interest. The Board shall appoint an appropriate committee to assist it in such reexamination and review. (E.O. 11222, 30 FR. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.101 et seq.; secs. 201, 202, and 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 741, 742, 743; (49 U.S.C. 1321, 1322, 1324).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

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* OAB Forms 16 and 141 filed as part of the original document.



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