

TUESDAY, APRIL 18, 1978



## highlights

### SUNSHINE ACT MEETINGS ..... 16440

#### BITUMINOUS COAL AND COKE OF COAL

Commerce/ITA terminates weekly export monitoring reports; effective 4-12-78 ..... 16310

#### STEEL INDUSTRY

Commerce/EDA establishes program to guarantee loans and leases financed by private lending institutions; effective 4-18-78; comments by 5-18-78 ..... 16360

#### RESEARCH GRANT AWARDS

Labor/ETA announces limited funding to research on Hispanic American labor market problems and issues; proposals by 6-28-78 ..... 16431

#### FOOD LABELING

HEW/FDA proposal permitting ingredients used as firming agents in food (e.g. calcium salts in canned vegetables and tomato products) be declared in the ingredient statements; comments by 6-19-78 ..... 16347

#### CABLE TELEVISION SERVICES

FCC adopts rule change on network program exclusivity protection by cable television systems; effective 5-24-78 ..... 16337

#### REMEDIAL AND/OR AFFIRMATIVE ACTION

EEOC issues document explaining delay in adoption of final Guidelines ..... 16349

#### FEDERAL TRAVEL REGULATIONS

GSA/FSS proposes to modify current method of reimbursing Federal employees for official use of privately owned automobiles; comments by 5-18-78 ..... 16353

#### CONCRETE PRODUCTS INDUSTRY

EPA announces availability of guidance development document and economic impact analysis; comments by 9-1-78 ..... 16393

#### MOTOR COMMON CARRIERS

ICC interprets regulations governing transportation of household goods; comments by 5-18-78 ..... 16340

#### NATIONAL REGISTER OF HISTORIC PLACES

Interior/HCRC issues notice of pending nominations; comments by 4-28-78 ..... 16427

#### TEMPORARY ALIEN AGRICULTURAL WORKERS

Labor/ETA announces 1978 adverse effect wage rates ..... 16431

#### TOBACCO MARKETING QUOTAS

USDA/ASCS announces results of cigar-binder and -filler referendums ..... 16310

CONTINUED INSIDE



## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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Subscription problems (GPO) .....	202-275-3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202-523-5022
Scheduling of documents for publication.	523-3187
Photo copies of documents appearing in the Federal Register.	523-5240
Corrections .....	523-5237
Public Inspection Desk .....	523-5215
Finding Aids .....	523-5227
<b>Public Briefings: "How To Use the Federal Register."</b>	523-3517
<b>Code of Federal Regulations (CFR)..</b>	523-3419
	523-3517
Finding Aids .....	523-5227

### PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents .....	523-5235
Index .....	523-5235

### PUBLIC LAWS:

Public Law dates and numbers .....	523-5266
	523-5282
Slip Laws .....	523-5266
	523-5282
U.S. Statutes at Large .....	523-5266
	523-5282
Index .....	523-5266
	523-5282

<b>U.S. Government Manual .....</b>	523-5230
<b>Automation .....</b>	523-3408
<b>Special Projects .....</b>	523-4534

## HIGHLIGHTS—Continued

### GRAIN STANDARDS

USDA/AMS amends fees for Federal grain inspection and weighing services performed by FGIS in Canada; effective 5-3-78 ..... **16307**

### CANCER CAUSING SUBSTANCES

HEW/NIH announces availability of report on bioassay of 2, 4-Diaminoanisoie sulfate ..... **16417** |

### FOOD ADDITIVES

HEW/FDA permits use of certain substances in adhesives; effective 5-18-78 ..... **16311** |

### NEW ANIMAL DRUGS

HEW/FDA makes correction to use antibiotic animal drugs in baby pigs; effective 2-3-78 ..... **16312** |

### AFLATOXINS

HEW/FDA extends comment period on proposed tolerance level; comments by 5-17-78 ..... **16349** |

### FOOD CHEMICALS CODEX MONOGRAPHS

HEW/FDA announces opportunity for public comment on proposed changes; comments by 6-19-78 ..... **16413** |

### PESTICIDE TOLERANCES

EPA proposes use of herbicide dimethyl tetrachloroterephthalate on upland cress; comments by 5-18-78 ..... **16352** |

### THREATENED SPECIES

Interior/FWS makes determination on greenback cutthroat trout; effective 5-18-78 ..... **16343** |

### BIRD IDENTIFICATION

USDA/APHIS proposes to delete requirement for individual identification of birds prior to importation; comments by 6-20-78 ..... **16346** |

### CONTROL OF PAPERWORK

HEW/Office of Assistant Secretary for Education propose collection of information and data acquisition activity; comments by 5-18-78 ..... **16408** |

### FEDERAL CRIME INSURANCE PROGRAM

HUD/FIA extends eligibility to purchase policies under the Program to North Carolina; effective 4-1-78 ..... **16337** |

### COMMITTEE REESTABLISHMENTS

HEW/FDA reestablishes Gastrointestinal Drugs Advisory Committee ..... **16414** |

HEW/FDA reestablishes Obstetrics and Gynecology Advisory Committee ..... **16414** |

### PRIVACY ACT

DOD/DCA/DNA publishes additional systems of records; comments by 5-18-78 (2 documents) ..... **16365** |

DOD/Navy deletes a system of records and amends two systems of records; comments by 5-18-78 ..... **16367** |

### MEETINGS—

Architectural and Transportation Barriers Compliance Board: National Advisory Committee on an Accessible Environment, 5-7 and 5-8-78 ..... **16357** |

Commerce/ITA: Telecommunications Equipment Technical Advisory Committee, 5-4-78 ..... **16363** |

Commerce/NOAA: Weather Modification Advisory Board, 5-11 and 5-12-78 ..... **16364** |

DOE/ERA: Fuel Oil Marketing Advisory Committee, 5-5-78 ..... **16380** |

HEW/CDC: Immunization Practices Advisory Committee, 5-11 and 5-12-78 ..... **16412** |

FDA: Consumer Representative Ad Hoc Committee, 5-3-78 ..... **16414** |

District Consumer Ad Hoc Meeting, 4-26-78 ..... **16414** |

HSA: Interagency Committee on Emergency Medical Services, 5-17-78 ..... **16415** |



## HIGHLIGHTS—Continued

NIH: Allergy and Clinical Immunology Research Committee, 6-15 and 6-16-78 .....	16415
Board of Regents, 5-24 through 5-26-78 .....	16415
Cellular and Molecular Basis of Disease Review Committee, 6-19 and 6-20-78 .....	16416
Development of a National Research Strategy for Neurological and Communicative Disorders, 5-11 and 5-12-78 .....	16416
National Advisory Allergy and Infectious Diseases Council, 5-24 through 5-26-78 .....	16416
National Advisory Council on Aging, 5-23 and 5-24-78 ...	16416
National Advisory Environmental Health Sciences Council, 5-22 and 5-23-78 .....	16417
National Advisory General Medical Sciences Council, 6-2 and 6-3-78 .....	16417
Transplantation Biology and Immunology Committee, 6-26 and 6-27-78 .....	16417

OE: National Advisory Council on equality of Educational Opportunity, 5-19 and 5-20-78 .....	16412
HUD/Secy: Task Force on Housing Costs, 5-3 and 5-24-78 .....	16425
NRC: Advisory Committee on Reactor Safeguards Siting Evaluation Subcommittee, 5-3-78 .....	16434, 16435
Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Activities, 5-3-78 .....	16434
USDA/SEA: National Arboretum Advisory Council, 5-25 and 5-26-78 .....	16357
National Plant Genetics Resources Board, 5-19-78 .....	16357

## AMENDED MEETINGS—

NRC: Advisory Committee on Reactor Safeguards Subcommittee on the Indian Point Nuclear Generating Station, 4-24-78 .....	16432
--	-------

# reminders

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

### Rules Going Into Effect Today

DOD—Periodicals; policies, criteria, and controls ..... 8137; 2-28-78

### List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

[Last listing: April 11, 1978]



# contents

## AGRICULTURAL MARKETING SERVICE

### Rules

Tobacco inspection; Flue-Cured Tobacco Advisory Committee. 16309

### Proposed Rules

Oranges (Valencia) grown in Ariz. and Calif. 16346

### Notices

Committees; establishment, renewals, terminations, etc.: Flue-Cured Tobacco Advisory Committee. 16357

## AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

### Rules

Tobacco (fire cured, etc.); marketing quotas and acreage allotments. 16310

## AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Federal Grain Inspection Service; Food Safety and Quality Service; Science and Education Administration.

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE

### Proposed Rules

Animal and poultry import restrictions: Bird identification. 16346

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### Notices

Meetings: Accessible Environmental National Advisory Committee. 16357

## CIVIL AERONAUTICS BOARD

### Notices

Hearings, etc.: Aeronaves de Mexico, S.A. 16358

## CIVIL SERVICE COMMISSION

### Rules

Excepted service: Arts and Humanities, National Foundation and National Transportation Safety Board. 16305  
District of Columbia Government. 16305  
Executive Office of President. 16305  
Health, Education, and Welfare Department. 16306  
Humanities, National Endowment. 16306  
Interior Department et al. 16306

Justice Department and Commerce Department. 16305  
Rail Public Counsel Office. 16307

## COMMERCE DEPARTMENT

See Economic Development Administration; Industry and Trade Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

## DEFENSE COMMUNICATIONS AGENCY

### Notices

Privacy Act; systems of records. 16365

## DEFENSE DEPARTMENT

See Defense Communications Agency; Defense Nuclear Agency; Navy Department.

## DEFENSE NUCLEAR AGENCY

### Notices

Privacy Act; systems of records. 16366

## DISEASE CONTROL CENTER

### Proposed Rules

Coal mine health and safety: Noise standards; dosimeter usage. 16349

### Notices

Meetings: Immunization Practices Advisory Committee. 16412

## ECONOMIC DEVELOPMENT ADMINISTRATION

### Notices

Business development program: Steel industry, lending guidelines. 16360

## ECONOMIC REGULATORY ADMINISTRATION

### Notices

Canadian crude oil, mandatory allocation; April 1-June 30. 16373

### Meetings:

Fuel Oil Marketing Advisory Committee. 16380

### Natural gas:

Synthetic; application for importation from Canada; Northern Natural Gas Co. 16380

## EDUCATION OFFICE

### Notices

Information collection and data acquisition activity, description, inquiry. 16408

### Meetings:

Equality of Educational Opportunity National Advisory Council. 16412

## EMPLOYMENT AND TRAINING ADMINISTRATION

### Notices

Alien certification program, temporary; agricultural workers, 1978 adverse effect rates. 16431  
Hispanic American labor market problems and issues; grant awards, closing date and guidelines. 16431

## ENERGY DEPARTMENT

See Economic Regulatory Administration; Federal Energy Regulatory Commission; Western Area Power Administration.

### Notices

Applications for exceptions, etc.; cases filed with Hearings and Appeals Office (2 documents). 16370, 16371

## ENVIRONMENTAL PROTECTION AGENCY

### Proposed Rules

Air quality implementation plans; various States, etc.: Connecticut. 16350  
Florida. 16350  
Louisiana. 16351

### Proposed Rules

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.: Dimethyl tetrachloroterephthalate. 16352

### Notices

Air pollution control: Exxon Corp., Platform Hondo; applicability of Clean Air Act; determination. 16393  
Food additive petitions: Inter-Regional Project 4. 16400  
Pesticide and food additive petitions: Ciba-Geigy Corp. et al. 16399  
Pesticide registration applications (2 documents). 16400-16402  
Pesticides; tolerances, registration, etc.: O - (4-Bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate etc. 16399  
2 - Chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl) benzene. 16405  
Hirsutella thompsonii. 16404  
Methyl 2 - (4-(2,4'-dichlorophenoxy)phenoxy) propanoate. 16404  
2-Methyl-2-(methylsulfonyl) propanal O-((methylamino) carbonyl) oxime; correction. 16400



# CONTENTS

Sodium azide.....	16404
Trifluralin .....	16405
Water pollution; effluent guidelines for certain point source categories; Concrete products industry; guidance development; availability.....	16393

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### Proposed Rules

Remedial and/or affirmative action guidelines; final action delay.....	16349
--	-------

## FEDERAL COMMUNICATIONS COMMISSION

### Rules

Cable television: Network program exclusivity protection.....	16337
---	-------

### Proposed Rules

FM Broadcast stations; table of assignments:	
Idaho; extension of time .....	16355
Nevada .....	16354
Maritime services, land and shipboard stations:	
Radiotelegraph services; interconnection and upgrading of public coast facilities; extension of time .....	16355

### Notices

Satellite communications services; applications accepted for filing .....	16406
---	-------

## FEDERAL ENERGY REGULATORY COMMISSION

### Notices

#### Hearings, etc.:

Alabama-Tennessee Natural Gas Co .....	16381
Area Rate Proceeding .....	16381
Central Louisiana Electric Co .....	16381
Columbia Gas Transmission Corp .....	16382
Consolidated Gas Supply Corp. (3 documents) ..	16382, 16383
East Tennessee Natural Gas Co. (2 documents) .....	16383
Florida Power & Light Co.....	16384
Green Mountain Power Corp ..	16384
Gulf States Utilities Co .....	16384
McCulloch Oil & Gas Corp ....	16385
Michigan Wisconsin Pipe Line Co. et al .....	16385
Mid-Continent Area Power Pool .....	16386
Montana Power Co .....	16387
Mountain Fuel Supply Co.....	16387
New Bedford Gas & Edison Light Co .....	16387
Northern Natural Gas Co .....	16387
Northern States Power Co .....	16388
Northwest Pipeline Corp .....	16388
Oklahoma Gas & Electric Co ..	16388
Otter Tail Power Co .....	16389

Public Utility District No. 1 of Lewis County, Wash .....	16389
Raton Natural Gas Co .....	16389
Sinclair Oil Corp .....	16390
South Georgia Natural Gas Co .....	16390
Sun Oil Co.....	16390
United Gas Pipe Line Co .....	16390

## FEDERAL GRAIN INSPECTION SERVICE

### Rules

#### Grain standards:

Fees for inspection and weighing services; Canada .....	16307
---	-------

## FEDERAL HOME LOAN BANK BOARD

### Notices

#### Applications, etc.:

Sunwood Corp .....	16407
Transwestern United Corp.....	16407
Western Financial Corp .....	16407

## FEDERAL INSURANCE ADMINISTRATION

### Rules

Crime insurance program, Federal:	
Insurance purchases and claims adjustment; eligible States, N.C .....	16337
Flood elevation determinations:	
Alabama (2 documents) .....	16326, 16327
Arizona .....	16327
Connecticut.....	16328
Florida .....	16328
Illinois .....	16329
Iowa .....	16329
Kansas (2 documents) .....	16330, 16331
Kentucky (2 documents) .....	16331, 16332
Louisiana .....	16332
Maryland .....	16333
Michigan .....	16334
Mississippi .....	16334
Missouri .....	16335
Nebraska .....	16335
New Jersey .....	16336
Washington (8 documents) .....	16317-16320
West Virginia (4 documents) ..	16321, 16322
Wisconsin (3 documents) .....	16323, 16324
Wyoming (4 documents) .....	16324-16326

#### Flood insurance, communities eligible for sale:

Alabama et al.; suspension .....	16312
Arizona et al .....	16314

#### Flood insurance; special hazard areas:

Alabama et al.....	16316
--------------------	-------

## FEDERAL MARITIME COMMISSION

### Notices

Agreements filed, etc.; correction .....	16407
--	-------

## FEDERAL RESERVE SYSTEM

### Proposed Rules

#### Truth-in-lending:

Credit transactions, disclosure requirements; suspended.....	16347
--	-------

## FISH AND WILDLIFE SERVICE

### Rules

Endangered and threatened species; fish, wildlife and plants:	
Trout, greenback cutthroat ....	16343

## FOOD AND DRUG ADMINISTRATION

### Rules

Animal drugs, feeds, and related products:	
Amoxicillin trihydrate oral suspension; correction .....	16312
Food additives:	
Sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether disodium salt .....	16311
Human drugs:	
Microdilution minimal inhibitory concentration panels; correction .....	16312

### Proposed Rules

Food for human consumption:	
Poisonous or deleterious substances; aflatoxins in shelled peanuts and peanut products; reopening; extension of time .....	16349
Food labeling:	
Ingredient labeling exemption, firming agents.....	16347

### Notices

Committees; establishment, renewals, terminations, etc.:	
Gastrointestinal Drugs Advisory Committee.....	16414
Obstetrics and Gynecology Advisory Committee .....	16414
Food Chemicals Codex; monographs changes; inquiry .....	16413
Meetings:	
Consumer representative ad hoc meeting .....	16414
Philadelphia District consumer ad hoc meeting.....	16414

## FOOD SAFETY AND QUALITY SERVICE

### Notices

Nitrates and nitrites in cured meat products; policy statement; inquiry; extension of time; correction .....	16357
--	-------

## GENERAL ACCOUNTING OFFICE

### Notices

Regulatory reports review; proposals, approvals, etc. (CAB, NRC) .....	16407
--	-------



# CONTENTS

## GENERAL SERVICES ADMINISTRATION

### Proposed Rules

- Property management regulations, Federal:  
Travel regulations, mileage reimbursement for privately owned automobiles ..... 16353

## HEALTH CARE FINANCING ADMINISTRATION

### Notices

- Chlordiazepoxide HCl; final maximum allowable cost determinations; delay in effective date ..... 16425

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Disease Control Center; Education Office; Food and Drug Administration; Health Care Financing Administration; Health Services Administration; National Institutes of Health; Public Health Service.

### Notices

- Organization, functions and authority delegations:  
Food and Drug Administration ..... 16418  
Health Assistant Secretary et al.; emergency medical services systems ..... 16423  
Secretary; order of succession ..... 16425  
Social Security Administration; Program Operations Office ..... 16424

## HEALTH SERVICES ADMINISTRATION

### Notices

- Meetings:  
Advisory Committees; May .... 16415

## HERITAGE CONSERVATION AND RECREATION SERVICE

### Notices

- Historic Places National Register; additions, deletions, etc.:  
Alabama et al. .... 16427

## HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Insurance Administration.

### Notices

- Meetings:  
Housing Costs Task Force ..... 16425

## INDIAN AFFAIRS BUREAU

### Notices

- Law enforcement functions;  
Muckleshoot Tribe ..... 16426

## INDUSTRY AND TRADE ADMINISTRATION

### Rules

- Export control:  
Special commodity policies; bituminous coal and coke; monitoring reports; termination ..... 16310

## Notices

### Meetings:

- Telecommunications Equipment Technical Advisory Committee ..... 16363

## INTERIOR DEPARTMENT

See Fish and Wildlife Service; Heritage Conservation and Recreation Service; Indian Affairs Bureau; Land Management Bureau.

## INTERNAL REVENUE SERVICE

### Notices

- Employee benefit plans:  
Prohibitions on transactions; exemption proceedings, applications, hearings, etc. .... 16437

## INTERNATIONAL COMMUNICATION AGENCY

### Rules

- Organization, functions, and authority delegations:  
USIA and Bureau of Educational and Cultural Affairs, State Department; transfer of functions; correction ..... 16312

## INTERNATIONAL TRADE COMMISSION

### Notices

- Import investigations:  
Doxycycline ..... 16429  
Luggage products ..... 16428  
Polyvinyl chloride, sheet and film, from Republic of China ..... 16429  
Windows, monumental wood; hearing ..... 16429

## INTERSTATE COMMERCE COMMISSION

### Rules

- Motor carriers:  
Household goods transportation; bill of lading ..... 16340  
Railroad car service orders:  
Grain cars; distribution ..... 16342  
Railroad car service orders; various companies:  
Lenawee County Railroad Co., Inc ..... 16341

### Notices

- Car service rules, mandatory; exemptions ..... 16439  
Hearing assignments ..... 16438

## LABOR DEPARTMENT

See Employment and Training Administration; Pension and Welfare Benefit Programs Office.

## LAND MANAGEMENT BUREAU

### Notices

- Applications, etc.:  
Wyoming (2 documents) ..... 16426, 16427  
Authority delegations:  
Nevada, District Managers ..... 16426

## Outer Continental Shelf:

- Oil and gas lease sales; restricted joint bidders, list; republication ..... 16427

## LEGAL SERVICES CORPORATION

### Notices

- Grants and contracts; applications ..... 16432

## MANAGEMENT AND BUDGET OFFICE

### Notices

- Clearance of reports; list of requests (2 documents) ..... 16436

## MARITIME ADMINISTRATION

### Notices

- Applications, etc.:  
Boston VLCC Tankers, Inc. et al ..... 16363

## NATIONAL INSTITUTES OF HEALTH

### Notices

- Carcinogenesis bioassay reports; availability:  
2,4-Diaminoanisole sulfate ..... 16417

### Meetings:

- Aging National Advisory Council ..... 16416  
Allergy and Clinical Immunology Research Committee ..... 16415  
Allergy and Infectious Diseases National Advisory Council ..... 16416  
Board of Regents ..... 16415  
Cellular and Molecular Basis of Disease Review Committee ..... 16416  
Environmental Health Sciences National Advisory Council ..... 16417  
General Medical Sciences National Advisory Council ..... 16417  
Neurological and communicative disorders National research strategy ..... 16416  
Transplantation Biology and Immunology Committee ..... 16417

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

### Notices

- Marine mammal permit applications, etc.:  
Hubbs/Seaworld Research Institute ..... 16364

### Meetings:

- Weather Modification Advisory Board ..... 16364

## NAVY DEPARTMENT

### Notices

- Privacy Act; systems of records ..... 16367

## NUCLEAR REGULATORY COMMISSION

### Notices

- Meetings:  
Reactor Safeguards Advisory Committee (2 documents) .... 16434, 16435



# CONTENTS

Reactor Safeguards Advisory Committee; correction .....	16432
Regulatory guides; issuance and availability .....	16434
<i>Applications, etc.:</i>	
Consumers Power Co .....	16432
Florida Power and Light Co ...	16435
Georgia Power Co. et al .....	16433
Indiana & Michigan Electric Co. et al .....	16433
Nebraska Public Power District .....	16433
Southern California Edison Co. et al .....	16434

## PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

### Notices

Employee benefit plans: Prohibitions on transactions, exemption proceedings, applications, hearings, etc.....	16437
---	-------

## PUBLIC HEALTH SERVICE

### Notices

Health maintenance organizations, qualified; cumulative list; correction.....	16423
Organization, functions, and delegations of authority: Health, Assistant Secretary for, et al.....	16418, 16424

## SCIENCE AND EDUCATION ADMINISTRATION

### Notices

#### Meetings:

National Arboretum Advisory Council .....	16357
National Plant Genetics Resources Board .....	16357

## TREASURY DEPARTMENT

See Internal Revenue Service.

## WESTERN AREA POWER ADMINISTRATION

### Notices

Power rate adjustments: Central Valley Project, Calif ..	16391
--	-------



# list of cfr parts affected in this issue

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

<b>5 CFR</b>		<b>21 CFR—Continued</b>		<b>40 CFR</b>	
213 (8 documents) .....	16305-16307	540 .....	16312	<b>PROPOSED RULES:</b>	
<b>7 CFR</b>		<b>PROPOSED RULES:</b>		52 (3 documents) .....	16350,16351
26 .....	16307	101 .....	16347	180 .....	16352
29 .....	16309	109 .....	16349	<b>41 CFR</b>	
724 .....	16310	<b>22 CFR</b>		<b>PROPOSED RULES:</b>	
<b>PROPOSED RULES:</b>		Ch. V .....	16312	101-7 .....	16353
908 .....	16346	<b>24 CFR</b>		<b>47 CFR</b>	
<b>9 CFR</b>		1914 (2 documents) .....	16312,16314	76 .....	16317
<b>PROPOSED RULES:</b>		1915 .....	16316	<b>PROPOSED RULES:</b>	
92 .....	16346	1917 (37 documents) .....	16317-16336	73 (2 documents) .....	16354,16355
<b>12 CFR</b>		1931 .....	16317	81 .....	16355
<b>PROPOSED RULES:</b>		<b>29 CFR</b>		<b>49 CFR</b>	
226 .....	16347	<b>PROPOSED RULES:</b>		1033 (2 documents) .....	16341,16342
<b>15 CFR</b>		1608 .....	16349	1056 .....	16340
376 .....	16310	<b>30 CFR</b>		<b>50 CFR</b>	
<b>21 CFR</b>		<b>PROPOSED RULES:</b>		17 .....	16343
175 .....	16311	70 .....	16349		
460 .....	16312	71 .....	16349		



# CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL

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

<b>1 CFR</b>		<b>7 CFR—Continued</b>		<b>12 CFR—Continued</b>	
Ch. I.....	13865	1049.....	15135	<b>PROPOSED RULES:</b>	
<b>3 CFR</b>		1472.....	15320	9.....	13889
<b>EXECUTIVE ORDERS:</b>		1823.....	15136	225.....	14970, 16190
11126 (Revoked by EO 12050)....	14431	1948.....	15137	226.....	16347
11832 (Revoked by EO 12050)....	14431	2852.....	15610	344.....	15432
11888 (Amended by Proc. 4561)..	15127	<b>PROPOSED RULES:</b>		521.....	14505
12022 (Amended by EO 12052) ..	15133	632.....	15312	522.....	14505
12050.....	14431	729.....	14025	523.....	14505
12051.....	15131	908.....	16346	524.....	14505
12052.....	15133	913.....	14319	525.....	14505
12053.....	16147	989.....	14024	526.....	14505
<b>PROCLAMATIONS:</b>		1004.....	16185	527.....	14505
4445 (Revoked in part by Proc.		1036.....	14478	529a.....	16190
4559).....	14433	1068.....	14025	531.....	14505
4477 (Proc. 4559).....	14433	1446.....	14035	532.....	14505
4509 (Revoked in part by Proc.		1822.....	14322	701.....	14929
4559).....	14433	<b>8 CFR</b>		<b>13 CFR</b>	
4560.....	15125	103.....	16150	108.....	14007
4561.....	15127	299.....	14303, 14957	309.....	15148
<b>MEMORANDUMS:</b>		499.....	14957	<b>PROPOSED RULES:</b>	
August 27, 1976 (Supplemented		<b>9 CFR</b>		113.....	14674
by Memorandum of March 24,		75.....	14022	<b>14 CFR</b>	
1978).....	15603	92.....	15137, 16346	39.....	13866,
November 19, 1976 (Supplement-		94.....	15613		13868, 14438-14441, 14957-14960,
ed by Memorandum of March		<b>PROPOSED RULES:</b>			15409-15413, 16151, 16152
24, 1978).....	15603	92.....	14042	71.....	13869,
July 21, 1977 (Supplemented by		113.....	14042, 15719		14442, 14443, 14960, 15414, 15415,
Memorandum of March 24,		381.....	14043, 15158		16152
1978).....	15603	<b>10 CFR</b>		75.....	15415
November 5, 1977 (Supplement-		Ch. I.....	14007	97.....	14444
ed by Memorandum of March		51.....	14641, 15613	1204.....	14008
24, 1978).....	15603	170.....	15408	1221.....	15623
March 21, 1978.....	13999	205.....	14436, 15617	<b>PROPOSED RULES:</b>	
March 24, 1978.....	15603	303.....	14436	39.....	13890, 14517, 14970, 16191
<b>4 CFR</b>		430.....	13865, 15138	71.....	13891,
331.....	16149	<b>PROPOSED RULES:</b>			14518, 14971, 14972, 16192
409.....	16149	11.....	14672	121.....	13891
<b>PROPOSED RULES:</b>		50.....	14672	129.....	13891
21.....	14318	70.....	14672	207.....	13892, 14519, 15720
<b>5 CFR</b>		210.....	14491	208.....	13892, 14519, 15720
213.....	14001,	211.....	14491, 15158	212.....	13892, 14519, 15720
14637, 14638, 15607, 16305-16307		212.....	14491, 15158	214.....	13892
315.....	14001	430.....	13888	215.....	15720
<b>PROPOSED RULES:</b>		470.....	16185	221.....	15334
300.....	14955	<b>11 CFR</b>		241.....	14523
<b>7 CFR</b>		<b>PROPOSED RULES:</b>		244.....	15720
1.....	14002	Ch. I.....	14673	245.....	14523
2.....	14004, 15135	<b>12 CFR</b>		246.....	14523
26.....	16307	207.....	14304	249.....	15720
29.....	16309	217.....	15408	296.....	15720
102.....	14005	220.....	14304	298.....	13892
301.....	15607	221.....	14304	302.....	15334
401.....	14638, 14639, 15319	224.....	14304	304.....	14044, 15730
724.....	16310	225.....	15147, 15321	371.....	13892
907.....	14435, 15407	226.....	15148	372a.....	13892
908.....	14435, 15407	404.....	14438	373.....	13892
910.....	14303, 14640, 15608	612.....	15622	378.....	13892
911.....	16149	701.....	14924, 15409, 15622	378a.....	13892
944.....	16149	703.....	15622	385.....	15720
967.....	15608			389.....	15720



# FEDERAL REGISTER

## 15 CFR

376 .....	16310
917 .....	15306
930 .....	15416

## 16 CFR

### PROPOSED RULES:

Ch. II .....	14322
13 .....	14053, 14524

## 17 CFR

32 .....	16153
200 .....	15416
230 .....	14445
240 .....	14451
241 .....	14451
249 .....	14445

### PROPOSED RULES:

1 .....	15072, 15438
210 .....	15335, 15730
230 .....	15335, 15441
239 .....	15335
240 .....	15335
249 .....	15335
270 .....	16192

## 18 CFR

101 .....	15418
104 .....	15419
141 .....	15419
260 .....	15419

### PROPOSED RULES:

2 .....	15730
157 .....	15730

## 19 CFR

6 .....	14961
145 .....	14451
153 .....	14456

### PROPOSED RULES:

4 .....	14060
---------	-------

## 20 CFR

### PROPOSED RULES:

410 .....	15336
416 .....	15336

## 21 CFR

74 .....	14641
81 .....	14642
172 .....	14644
173 .....	14644
175 .....	16311
182 .....	14008, 14644
184 .....	14008, 14644
361 .....	14644
442 .....	14646
460 .....	16312
520 .....	14647, 15625
522 .....	15625
540 .....	14008, 16312
546 .....	14647
558 .....	14647
561 .....	14008

### PROPOSED RULES:

2 .....	14674
101 .....	14675, 14677, 16347
109 .....	16349
146 .....	14678
171 .....	15164
182 .....	14064

## 21 CFR—Continued

### PROPOSED RULES—Continued

184 .....	14064
186 .....	14064
448 .....	14683, 15734
680 .....	14683

## 22 CFR

Ch. V .....	14298, 16312
61 .....	14456
505 .....	14457

## 23 CFR

130 .....	16167
140 .....	16167
420 .....	15626
625 .....	14648
810 .....	15321

### PROPOSED RULES:

924 .....	14683
-----------	-------

## 24 CFR

203 .....	13870
207 .....	13870
220 .....	13870
841 .....	13871, 16167
888 .....	14457
1914 .....	16312, 16314
1915 .....	16316
1917 .....	16317-16336
1920 .....	16168-16174
1931 .....	16317

### PROPOSED RULES:

1917 .....	15165
------------	-------

## 25 CFR

43p .....	16175
-----------	-------

### PROPOSED RULES:

43h .....	14684
256 .....	14685

## 26 CFR

1 .....	13875
139 .....	14305
404 .....	14962

### PROPOSED RULES:

1 .....	13893
601 .....	13896, 13899, 15336

## 27 CFR

71 .....	14650
----------	-------

## 28 CFR

0 .....	14009
---------	-------

### PROPOSED RULES:

50 .....	14955
----------	-------

## 29 CFR

94 .....	14940
97 .....	14940
1902 .....	14009
2520 .....	14009
2605 .....	14010
2608 .....	14010

### PROPOSED RULES:

97 .....	14424, 14916
202 .....	15734
203 .....	15734
204 .....	15734
541 .....	14688

## 29 CFR—Continued

### PROPOSED RULES—Continued

575 .....	14068
1607 .....	14955
1608 .....	16349
1910 .....	14071

## 30 CFR

### PROPOSED RULES:

40 .....	14691
41 .....	14691
43 .....	14691
44 .....	14691
70 .....	16349
71 .....	16349
100 .....	14691

## 31 CFR

51 .....	15627
----------	-------

### PROPOSED RULES:

51 .....	15735
----------	-------

## 32 CFR

61 .....	15148
81 .....	15149
160 .....	15150
217 .....	14650
519 .....	14458
581 .....	15572
706 .....	13878
707 .....	13878

### PROPOSED RULES:

835 .....	16193
-----------	-------

## 33 CFR

110 .....	14470
181 .....	14963
207 .....	14652
222 .....	14013
279 .....	14014
305 .....	13990

### PROPOSED RULES:

126 .....	15108
154 .....	15108
156 .....	15108
161 .....	15586
173 .....	15583
174 .....	15583
175 .....	15118
177 .....	16194

## 36 CFR

7 .....	14307
50 .....	14653

## 38 CFR

3 .....	14016, 15152
---------	--------------

### PROPOSED RULES:

21 .....	15336
----------	-------

## 39 CFR

111 .....	14018, 14308
-----------	--------------

### PROPOSED RULES:

111 .....	15165
-----------	-------

## 40 CFR

52 .....	13879, 14964, 15424, 16177
55 .....	14470
60 .....	15600
180 .....	14019, 14020, 15155
710 .....	16178



# FEDERAL REGISTER

## 40 CFR—Continued

### PROPOSED RULES:

52 .....	13899-
13902, 14692, 14972, 15167, 16350, 16351 .....	
55 .....	14973, 15339
56 .....	14072
65 .....	16195
180 .....	16352

## 41 CFR

Ch. I .....	14021
Ch. 7 .....	14471
1-1 .....	14315
7-7 .....	15627
7-10 .....	15628
60-4 .....	14888
101 .....	15321
105-65 .....	14315

### PROPOSED RULES:

Ch. 8 .....	14525
Ch. 9 .....	15852
5B-2 .....	14323
60-3 .....	14955
101-7 .....	16353
101-11 .....	14975

## 42 CFR

54a .....	14276
462 .....	13970

## 43 CFR

2 .....	15155
---------	-------

### PROPOSED RULES:

3 .....	14975
4 .....	15441
3800 .....	15102

## 45 CFR

116b .....	16262
116c .....	14292
232 .....	15424
1060 .....	14316

## 45 CFR—Continued

1061 .....	14317
1301 .....	14932
1302 .....	14934
1305 .....	14935

### PROPOSED RULES:

177 .....	14376
232 .....	15457
302 .....	14323, 15457
1151 .....	15458
1170 .....	15737
1201 .....	14072
1231 .....	14077
1490 .....	14634

## 46 CFR

### PROPOSED RULES:

401 .....	15590
-----------	-------

## 47 CFR

15 .....	14654
73 .....	14657, 14658, 14964-14966, 15321, 15322
74 .....	14660
76 .....	16317
83 .....	15324
95 .....	13976
97 .....	14662, 15324-15327

### PROPOSED RULES:

1 .....	14692, 14693
15 .....	15744
63 .....	14080
64 .....	14080, 14088
67 .....	13902
73 .....	14088, 14694, 14977, 15341, 16203, 16354, 16355
74 .....	14695
76 .....	15342
81 .....	16355

## 49 CFR

Ch. X .....	15156
1 .....	14021
192 .....	13880
258 .....	14663
260 .....	14670, 14870
270 .....	14472
523 .....	16181
533 .....	16181
1003 .....	14317, 16182
1004 .....	14664
1033 .....	14021, 14473-14476, 14666, 14668, 14669, 14966, 14967, 15156, 15426, 16341, 16342

1051 .....	14670
1056 .....	16340
1100 .....	14317
1104 .....	14670
1307 .....	14670
1310 .....	14670

### PROPOSED RULES:

Ch. V .....	13905
211 .....	15187
1012 .....	15752
1056 .....	14324
1100 .....	15168
1111 .....	15753
1121 .....	15754
1241 .....	14528
1307 .....	14978, 15168
1310 .....	15168

## 50 CFR

10 .....	14968
17 .....	15427, 16343
26 .....	14477
33 .....	14022, 15429, 15430, 15629, 16183
230 .....	13883, 14477
611 .....	15430
651 .....	14968
661 .....	15629

### PROPOSED RULES:

17 .....	14697, 15463, 16144
227 .....	13906

## FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date	Pages	Date	Pages	Date
13865-13998 .....	Apr. 3	14637-14955 .....	7	15407-15602 .....	13
13999-14301 .....	4	14957-15123 .....	10	15603-16145 .....	14
14303-14430 .....	5	15125-15318 .....	11	16147-16304 .....	17
14431-14636 .....	6	15319-15406 .....	12	16305-16440 .....	18



# 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.

[6325-01]

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

#### PART 213—EXCEPTED SERVICE

##### Executive Office of the President

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment reestablishes two positions in the Executive Office of the President because they were revoked in error.

EFFECTIVE DATE: April 18, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3303 (k)(1), (2) are added as set out below:

§ 213.3303 Executive Office of the President.

\* \* \* \* \*

(k) *Office of Science and Technology Policy.* (1) One Secretary to the Director.

(2) One Senior Policy Analyst.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-10078 Filed 4-17-78; 8:45 am]

[6325-01]

#### PART 213—EXCEPTED SERVICE

##### Department of Justice and Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the Department of Justice and the Department of Commerce because they are confidential in nature.

EFFECTIVE DATES: Department of Justice April 4, 1978, Department of Commerce April 5, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3310(j)(5), and 213.3314(f) are added as set out below:

§ 213.3310 Department of Justice.

\* \* \* \* \*

(j) *Immigration and Naturalization Service.* \* \* \*

(5) One Special Representative of the Commissioner.

\* \* \* \* \*

§ 213.3314 Department of Commerce.

\* \* \* \* \*

(f) *National Bureau of Standards.* (1) One Confidential Assistant to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commission.

[FR Doc. 78-10077 Filed 4-17-78; 8:45 am]

[6325-01]

#### PART 213—EXCEPTED SERVICE

##### NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES, AND NATIONAL TRANSPORTATION SAFETY BOARD

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C one position in the National Transportation Safety Board because it is confidential in nature and (2) reestablishes a position in the National Foundation on the Arts and Humanities.

EFFECTIVE DATE: April 4, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3382(n) and 213.3396(a)(3) are added to read as follows:

§ 213.3382 National Foundation on the Arts and Humanities.

\* \* \* \* \*

(n) One Secretary (Stenography) to the Staff Assistant to the Chairman (for Public Events), National Endowment for the Humanities.

\* \* \* \* \*

§ 213.3396 National Transportation Safety Board.

(a) *Office of the Chairman.* \* \* \*

(3) One Secretary (Stenography) to the Chairman.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-10079 Filed 4-17-78; 8:45 am]

[6325-01]

#### PART 213—EXCEPTED SERVICE

##### Government of the District of Columbia

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Exception under schedule A of seven positions of resident housing managers, GS-5/8, in the Government of the District of Columbia is extended until March 1, 1980, because it is impracticable to examine for these positions.

EFFECTIVE DATE: April 7, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3153(c)(3) is amended as set out below:

§ 213.3153 Government of the District of Columbia.

\* \* \* \* \*

(c) *Department of Housing and Community Development.* \* \* \*



(3) Until March 1, 1980, seven positions of resident housing manager, GS-5 through GS-8, under an experimental demonstration program for improvement of public housing management.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-13457 Filed 4-17-78; 8:45 am]

#### [6325-01]

##### PART 213—EXCEPTED SERVICE

###### Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under schedule C certain positions in the Department of Health, Education, and Welfare because they are confidential in nature.

EFFECTIVE DATES: Director, Confidential Assistant to the Director, Assistant Commissioner, Confidential Assistant to the Administrator, April 7, 1978; Secretary, April 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3316 (c)(20), (1)(3), and (s) (3), (4), and (5) are added to read as follows:

§ 213.3316 Department of Health, Education, and Welfare.

• • • • •  
(c) Office of Education. \*\*\*  
(20) Assistant Commissioner for Executive Operations.

• • • • •  
(1) Federal Council on the Aging. \*\*\*  
(3) One Secretary (Steno) to the Chairperson.

• • • • •  
(s) Health Care Financing Administration. \*\*\*  
(3) Director, Congressional Affairs.  
(4) One Confidential Assistant to the Director, Congressional Affairs.  
(5) One Confidential Assistant to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-10458 Filed 4-17-78; 8:45 am]

#### [6325-01]

##### PART 213—EXCEPTED SERVICE

###### Department of the Interior, Department of Agriculture, Temporary Boards and Commissions

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under schedule A: (1) positions of teacher GS-5/7/9 at schools run by the Bureau of Indian Affairs, when they become vacant after school has started, because it is not practicable to hold an examination to fill such vacancies; (2) 350 positions of food assistance program specialist, GS-5/7 in Agriculture's Food and Nutrition Service, because it is impracticable to examine for them; and (3) until April 30, 1980, positions at GS-15 and below on the staff of the National Commission on the International Year of the Child because it is impracticable to examine for them.

EFFECTIVE DATES: Department of the Interior, March 14, 1978. Department of Agriculture, April 5, 1978. Temporary Boards and Commissions, April 7, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3112(b)(3), 213.3113(j)(2), and 213.3199(i) are added as set out below:

§ 213.3112 Department of the Interior.

• • • • •  
(b) Bureau of Indian Affairs. \*\*\*  
(3) Positions of teacher, GS-5/7/9, at schools run by the Bureau of Indian Affairs, which become vacant during the school year. Appointments may be made under this authority only during the months of August through May and only to fill vacancies which occur after school has started.

• • • • •  
§ 213.3113 Department of Agriculture.

• • • • •  
(j) Food and Nutrition Service. \*\*\*  
(2) Three hundred fifty positions of food assistance program specialist, GS-5/7, under the Child Nutrition Summer Feeding Program, for tempo-

rary employment not to begin before March 1 and not to exceed September 30 of each year, on a full-time, part-time, or intermittent basis.

• • • • •  
§ 213.3199 Temporary Boards and Commissions.

• • • • •  
(i) National Commission on the International Year of the Child.

(1) Until April 30, 1980, all positions at grades GS-15 and below on the staff of the Commission.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-10459 Filed 4-17-78; 8:45 am]

#### [6325-01]

##### PART 213—EXCEPTED SERVICE

###### National Endowment for the Humanities

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The positions of Director and Deputy Director of Public Programs, National Endowment for the Humanities, are no longer excepted under schedule A because it is practicable to examine for them; however, the positions are excepted under schedule B because it is not practicable to hold a competitive examination for them. One position of Humanist Administrator, Youth Programs is also excepted under schedule B because it is not practicable to hold a competitive examination for it.

EFFECTIVE DATES: Director and Deputy Director, Public Programs April 4, 1978. Humanist Administrator, Youth Programs April 7, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3182 (b)(13) and (b)(23) are revoked and 213.3282(b)(14)-(16) are added as set out below:

§ 213.3182 National Foundation on the Arts and the Humanities.

• • • • •  
(b) National Endowment for the Humanities. \*\*\*  
(13) (Revoked)



(23) (Revoked)

[3410-02]

Title 7—Agriculture

CHAPTER 1—AGRICULTURAL MARKETING SERVICE<sup>1</sup>

(STANDARDS, INSPECTIONS, AND MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 26—GRAIN STANDARDS

Fees for Federal Grain Inspection and Weighing Services in the United States and Canada

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Final rulemaking.

SUMMARY: This amendment makes the following general changes in the fees for grain inspection and weighing services performed by the FGIS in Canada.

1. Increases the general level of fees for original inspection, official weighing, reinspection, and appeal inspection services.

2. Eliminates unit fees and establishes hourly fees for factor determinations and other criteria determinations.

3. Increases the minimum fee per service request.

The reason for these changes is discussed in "Supplementary Information."

DATE: The changes in fees become effective May 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Leslie E. Malone, Acting Assistant Deputy Administrator, Program Operations, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 1627, Washington, D.C. 20250, 202-447-9166.

SUPPLEMENTARY INFORMATION: Pursuant to the authority in sections 7, 7A, 7B, and 16 of the United States Grain Standards Act (7 U.S.C. 71 et seq.) as amended, the Federal Grain Inspection Service (FGIS) is amending §§ 26.71 and 26.72 of the regulations (7 CFR 26.71 and 26.72) under the Act to revise or restate the fees for grain inspection, weighing, and related services performed in Canada by representatives of the FGIS.

The United States Grain Standards Act, as amended, authorizes the charge-

<sup>1</sup>Includes matters within the responsibility of the Federal Grain Inspection Service.

ing and collection of fees for the inspection and weighing of grain and related services performed by representatives of the FGIS. Further, the Act provides that the fees shall be reasonable to cover the estimated costs to the FGIS incident to the performance of the services.

Federal fees for services performed by representatives of the FGIS in Canada were published in the FEDERAL REGISTER of January 5, 1977 (42 FR 1019-1022). However, the fees for inspection services performed in Canada by FGIS have not been revised since June 17, 1970.

Since January 1977, the salaries of FGIS personnel have increased more than 6 percent. FGIS travel, rent, and related costs have also increased. Accordingly, the fees for services performed by representatives of the FGIS in Canada are being amended to reflect the increase in costs.

The changes in fees are based on estimated volumes, costs, and revenue, including a supplemental appropriation for supervision costs in fiscal year 1978. The changes are expected to generate income adequate for fiscal year 1978 operating costs plus a nominal operating reserve. The changes will not affect FGIS inspection fees or FGIS weighing fees in the United States.

The costs to the FGIS of providing the services for which the fees are prescribed are matters known only to the FGIS, and collection of fees for such costs is prescribed by law. Further, contractual agreements between FGIS and Canadian elevator operators, which become effective at the start of the Canadian shipping season, on or about April 15, are pending the revision of the fees described herein. Therefore, it is found upon good cause that publication of a notice of proposed rulemaking and other public procedures on the changes in the provisions of §§ 26.71 and 26.72 of the regulations are impractical and unnecessary and good cause is found for making the changes effective 15 days after publication thereof.

Accordingly, pursuant to sections 7(j), 7A(1), 7B(a), and 16 (7 U.S.C. 79, 79a, 79b, and 87e) of the United States Grain Standards Act, as amended, §§ 26.71(a), 26.72(a) and 26.72(b) of the regulations (7 CFR 26.71(a), 26.72(a), and 26.72(b)) under the Act are hereby amended or restated to read as follows:

§ 26.71 Fees for official services performed by the Service.

(a) The fees shown in Schedules A and B apply to official grain inspection and weighing services performed by the Service in the United States and Canada.

§ 213.3282 National Foundation on the Arts and the Humanities.

(b) *National Endowment for the Humanities.* \* \* \*

(14) Until September 30, 1980, Director of Public Programs.

(15) Until September 30, 1980, one Deputy Director of Public Programs.

(16) Until September 30, 1980, one Humanist Administrator, Youth Programs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-10460 Filed 4-17-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Office of Rail Public Counsel

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under schedule C one Confidential Secretary to the Director, Office of Rail Public Counsel, because it is confidential in nature.

EFFECTIVE DATE: April 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3381 is added as set out below:

§ 213.3381 Office of Rail Public Counsel.

(a) One Confidential Secretary to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-10461 Filed 4-17-78; 8:45 am]



SCHEDULE A.—Fees for official inspection and weighing services performed by the Service in the United States<sup>1</sup>

TABLE 1

Inspection services (bulk or sacked grain)	Official weighing services	
	Specified inspection point	Noninspection point
(1) Official sample-lot inspection service (white certificate):		
(i) For official grade and official factor determinations:		
(A) Based on official sample (fee includes cost of sampling):		
(1) Truck or trailer (per truck or part truck or part trailer).....	\$6.50	\$18.00
(2) Boxcar (per car or part car).....	10.00	19.60
(3) Hopper car (per car or part car).....	13.50	23.80
(4) Barge (per 1,000 bushels or fraction thereof).....	2.85	3.50
(5) Ship, bin, and all other lots of grain (per 1,000 bushels or fraction thereof).....	2.85	3.50
(B) Based on official file sample (any lot or part lot, per sample).....	(*)	13.50
(ii) For official factor or official criteria determinations:		
(A) Based on sample used for official grade and official factor determinations:		
(1) Factor determinations (per factor).....	4.20	5.45
(2) Protein test (per sample).....	3.35	4.35
(B) Based on new sample (any lot or part lot).....	(*)	(*)
(3) Special inspection services (sampling, storage examination, testing of inspection equipment, demonstrating official inspection functions, furnishing standard illustrations, and related services) (per man-hour per Service representative).....	16.80	21.80
(4) Warehousemen's sample-lot inspection service (yellow certificate) or submitted sample inspection service (pink certificate):		
(i) For official grade and official factor determinations (per sample).....	5.50	13.50
(ii) For official factor or official criteria determinations:		
(A) Factor determinations (per factor).....	4.20	5.45
(B) Protein test (per sample).....	3.35	4.35
(4) Minimum fee per service request (applicable when the request for service is cancelled after the Service representative(s) arrive at the point of service—fee does not include standby):	(*)	(*)
(i) Grain in trucks, trailers, boxcars or hopper cars.....	33.60	43.60
(ii) All other lots of grain and special services (per Service representative).....	16.80	21.80
(5) Standby (per man-hour per Service representative).....	2.50	2.50
(6) Extra copies of certificates (per copy).....		

TABLE 2

Weighing services (bulk or sacked grain)	Official weighing services	
	Specified inspection point	Noninspection point
(1) Official weighing or supervision of weighing services (per man-hour per Service representative):		
(i) Contract service (per man-hour per service representative).....	\$14.00	\$18.00
(ii) Noncontract service (per man-hour per service representative).....	\$18.00	\$20.00
(2) Special weighing services, (storage examination, testing of weighing equipment, checkweighing sacked grain, checkloading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per Service representative):		
(i) Contract service (per man-hour per service representative).....	\$14.00	\$18.00
(ii) Noncontract service (per man-hour per service representative).....	\$20.00	\$24.00

TABLE 2—Continued

Weighing services (bulk or sacked grain)	Official weighing services	
	Specified inspection point	Noninspection point
(3) Minimum fee per service request (applicable only when request is cancelled after Service representative arrives at point of service—fee does not include standby) (per Service representative):		
(i) Contract service (per man-hour per Service representative).....	18.00	20.00
(ii) Noncontract service (per man-hour per Service representative).....	18.00	20.00
(4) Carrier condition and/or scale record report (not available as a single service).....	(*)	(*)
(5) Extra copies of certificates (per copy).....	2.50	2.50

<sup>1</sup>The fees include the cost of performing official inspection and official weighing or supervision of weighing functions by Service representatives. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see sec. 26.72, paragraphs (a) and (b).

<sup>2</sup>If it is found that there was a material error in the inspection from which a reinspection, a field appeal inspection, or a Board appeal inspection is taken, the specified reinspection, field appeal inspection, or Board appeal inspection fee shall not be assessed. (But see sec. 26.72(b) for fees that are assessed in all instances.)

<sup>3</sup>Board appeal inspections are based on file samples. The fee for Board appeal inspection service shall be \$34 per sample.

<sup>4</sup>Not applicable.

<sup>5</sup>Same fees as in (1)(XIXA), plus applicable sampling charge—see (2).

<sup>6</sup>Only one inspection fee or one weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

<sup>7</sup>The unit fee.

<sup>8</sup>For application of fee for standby, see sec. 26.72(b).

<sup>9</sup>No charge.

SCHEDULE B.—Fees for official inspection and weighing services performed by the Service in Canada<sup>1</sup>

TABLE 1

Weighing services (bulk or sacked grain)	Official weighing services	
	Specified inspection point	Noninspection point
(1) Original inspection, or official weighing, or special services:		
(i) Contract service (per man-hour per service representative).....	\$20.00	\$24.00
(ii) Noncontract service (per man-hour per service representative).....	30.00	36.00
(2) Reinspection or field appeal inspection (per man-hour per service representative):		
(i) Contract service (per man-hour per service representative).....	32.00	38.00
(ii) Noncontract service (per man-hour per service representative).....	34.00	40.00
(3) Board appeal inspection (per sample):		
(i) Minimum fee per service request:		
(A) Noncontract, original inspection, or original weighing, or special services (per service representative):	90.00	108.00
(B) Reinspection, or field appeal inspection (per service representative):	96.00	114.00

See footnotes at end of table.



SCHEDULE B.—Fees for official inspection and weighing services performed by the Service in Canada<sup>1</sup>—Continued

TABLE 1

Services (bulk or sacked grain)	Regular workday	Nonregular workday
(5) Standby (per man-hour per service representative) <sup>2</sup> .....	30.00	36.00
(6) Extra copies of certificates (per copy) <sup>3</sup> .....	2.50	2.50

<sup>1</sup>The fees include the cost of performing official inspection and official weighing functions by Service representatives. For incidental costs included in the fees, and fees in addition to the hourly fees, see § 26.72, paragraphs (a) and (b).

<sup>2</sup>Special services include, but are not limited to the following: sampling, stowage examination, testing of inspection or weighing equipment, demonstrating official inspection or weighing functions, furnishing standard illustrations, checkweighing of sacked grain, checkloading of sacked grain, and related services.

<sup>3</sup>If it is found that there was a material error in the inspection from which a reinspection, a field appeal inspection or Board appeal inspection is taken, the specified reinspection, field appeal inspection or Board appeal inspection fee shall not be assessed. (But see § 26.72(b) for fees that are assessed in all instances.)

<sup>4</sup>Appeal inspections are based on file samples.

<sup>5</sup>Applicable when the requested service is performed in 3 hours or less, or the request for service is canceled after Service representative arrives at the point of service.

<sup>6</sup>Not applicable if the reinspection or field appeal inspection is performed concurrently with an original inspection.

<sup>7</sup>For application of fee for standby, see § 26.72(b).

<sup>8</sup>For application of fee for extra copies of certificates see § 26.72(b)(2).

§ 26.72 Federal Services: Explanation of fees. [3410-02]

(a) *Costs included in fees.* The fees specified in § 26.71(a) for inspection, weighing, and related services include: (1) The cost of per diem or subsistence during travel and the cost of transportation required to perform the service requested; (2) callback adjustments to FGIS employees; (3) postage and other delivery costs; and (4) except as provided in subparagraph (b)(2) of this section, the cost of certification. The fees for inspection services in the United States, nonregular workday weighing services in the United States, and nonregular workday inspection and weighing services in Canada, include the cost of overtime.

(b) *Fees in addition to hourly fees.* (1) Fees for standby shall be assessed in all cases except no fee shall be assessed for standby time performed during a regular workday under a service contract for weighing services in the United States and for inspection and weighing services in Canada.

(2) The original and three copies of each inspection or weighing certificate shall be issued to the applicant of record or to his order. For a field appeal inspection or Board appeal inspection, a copy of each inspection certificate or divided-lot inspection certificate shall also be issued to each respondent of record or to his order. The fee for additional copies of certificates furnished on request of an applicant or a respondent shall be \$2.50 per copy.

(Secs. 8(j), 9, 18, Pub. L. 94-582, 90 Stat. 2873, 2875, 2884 (7 U.S.C. 79, 79a, 79b, 87e).)

Dated: April 11, 1978.

L. E. BARTELT,  
Administrator, Federal Grain  
Inspection Service.

[FR Doc. 78-10431 Filed 4-17-78; 8:45 am]

PART 29—TOBACCO INSPECTION

Inspection of Tobacco Under, Tobacco Inspection Act, Particularly Relating to Flue-Cured Tobacco, Advisory Committee

AGENCY: Agricultural Marketing Service, U.S. Department of Agriculture.

ACTION: Final rule.

SUMMARY: The regulations governing the establishment of the Flue-Cured Tobacco Advisory Committee are amended to permit an additional member and alternate representing a warehouse association.

EFFECTIVE DATE: April 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Leonard J. Ford, Acting Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7235.

SUPPLEMENTARY INFORMATION: Pursuant to the authority contained in the Tobacco Inspection Act (40 Stat. 731; 7 U.S.C. 511 et seq.), notice is hereby given that the Department is amending Subpart G of 7 CFR, Part 29, particularly relating to the Flue-Cured Tobacco Advisory Committee.

The Department is amending § 29.9403(b) of Subpart G—Regulations, governing availability of tobacco

inspection and price support services to flue-cured tobacco on designated markets. For previous amendments of Subpart G see 39 FR 30475, August 23, 1974; 41 FR 19960, May 14, 1976; and 41 FR 24575, June 17, 1976.

The Department received a request for committee representation from the Pee Dee Warehouse Association, of Mullins, South Carolina, which is the only warehouse association not presently represented on the committee. Since its inception in 1974 the Flue-Cured Tobacco Advisory Committee's main function has been to aid the Secretary in making an equitable apportionment and assignment of tobacco inspectors by recommending opening dates for marketing areas within the flue-cured tobacco growing area and recommending selling schedules for marketing areas and each warehouse therein. All segments of the flue-cured tobacco industry—producers, warehousemen, and buyers—are represented on the Committee, and representatives and alternates are appointed by the Secretary after nomination by the individual sectors of the industry. Accordingly, the Department has approved the request of the Pee Dee Warehouse Association for representation on the Committee in an effort to more adequately represent the various segments of the flue-cured tobacco industry on the committee, in this instance, the warehousemen. Therefore, § 29.9403(b) of the regulations is amended to increase membership on the Committee from 36 members and alternates to 37 and thereby increase the number of warehouse representatives from 8 to 9 members.

Additionally, the Department is also amending § 29.9403(d) of the regulations to reflect the addition of the Pee Dee Warehouse Association, thereby increasing the various belt warehouse association membership on the Committee from 8 to 9.

Accordingly, Part 29 of this Title is amended as follows:

Section 29.9403 is amended as follows:

§ 29.9403 Flue-Cured Tobacco Advisory Committee.

(b) The Committee shall consist of 37 representatives and 37 alternates of the flue-cured tobacco industry—20 producers, 9 warehousemen, and 8 buyers.

(d) Recommendations of the nine warehouse representatives shall be received from the various belt warehouse associations.

It is hereby found and determined that notice of proposed rulemaking,



public procedure thereon, and thirty days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that this amendment is necessary to facilitate the operation of the Flue-Cured Tobacco Advisory Committee and thus to preserve and continue orderly marketing conditions in the flue-cured marketing area under the grower designation plan.

Dated: April 13, 1978.

WILLIAM T. MANLEY,  
Deputy Administrator,  
Marketing Program Operations.

[FR Doc. 78-10446 Filed 4-17-78; 8:45 am]

### [3410-05]

## CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

## PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

### Subpart—Proclamation, Determinations and Announcements of National Marketing Quotas and Referendum Results

#### MARKETING QUOTA REFERENDUM RESULTS

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

**SUMMARY:** This document announces the results of the cigar-binder (types 51 and 52) and cigar-filler and binder (types 42-44 and 53-55) tobacco marketing quota referendums. Producers of these kinds of tobacco approved marketing quotas for the 1978-79, 1979-80, and 1980-81 marketing years. Therefore, quotas will be in effect for these kinds of tobacco and producers will be entitled to participate in the tobacco price support program.

#### FOR FURTHER INFORMATION CONTACT:

Robert L. Tarczy, 202-447-7601, USDA, ASCS, 3753 South Building, P.O. Box 2415, Washington, D.C. 20013.

**SUPPLEMENTARY INFORMATION:** Sections 724.26 and 724.27 are issued pursuant to and in accordance with section 312 of the Agricultural Adjust-

ment Act of 1938, as amended, to proclaim the marketing quota referendum results for cigar-binder (types 51 and 52) and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, respectively, for the three marketing years beginning October 1, 1978, October 1, 1979 and October 1, 1980. Under the provisions of the same section of the Act, the Secretary proclaimed national marketing quotas for cigar-binder (types 51 and 52) tobacco and for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, for the 1978-79, 1979-80, and 1980-81 marketing years, and announced the amount of the national marketing quota for each of such kinds of tobacco for the 1978-79 marketing year (43 FR 4966). The Secretary announced (43 FR 6205) that separate referendums would be conducted by mail ballot during the period February 21-24, 1978, each inclusive, to determine whether cigar-binder (types 51 and 52) tobacco producers and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco producers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1978, October 1, 1979 and October 1, 1980.

The material previously appearing in these sections under centerhead Marketing Quota Referendum Results remains in full force and effect as to the crops to which they were applicable.

The only purpose of these regulations is to proclaim the results of the referendums. It is hereby found and determined that compliance with the procedure for notice of proposed rule making and public participation is unnecessary.

Therefore, these regulations are issued without compliance with this procedure. Accordingly, 7 CFR Part 724 is hereby amended by revising §§ 724.26 and 724.27 to read as set forth below, effective with the 1978 crops of the respective tobaccos.

#### FINAL RULE

§ 724.26 Cigar-binder (types 51 and 52) tobacco—1978-79, 1979-80, and 1980-81 marketing years.

In a referendum of farmers engaged in the production of the 1977 crop of cigar-binder (types 51 and 52) tobacco held during the period February 21-24, each inclusive, 175 farmers voted. Of those voting, 146 or 83.4 percent, favored quotas for a period of three years beginning October 1, 1978; 29 or 16.6 percent were opposed to quotas. Therefore, the national marketing quota of 8 million pounds proclaimed February 1, 1978 (43 FR 4966) for cigar-binder (types 51 and 52) tobacco for the 1978-79 marketing year will be in effect, and marketing quotas will be in effect for the three marketing years beginning October 1, 1978, October 1, 1979 and October 1, 1980.

§ 724.27 Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco—1978-79, 1979-80, and 1980-81 marketing years.

In a referendum of farmers engaged in the production of the 1977 crop of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco held during the period February 21-24, each inclusive, 4,013 farmers voted. Of those voting, 3,642 or 90.8 percent, favored quotas for a period of three years beginning October 1, 1978; 371 or 9.2 percent were opposed to quotas. Therefore, the national marketing quota of .36 million pounds proclaimed February 1, 1978 (43 FR 4966) for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1978-79 marketing year will be in effect and marketing quotas will be in effect for the three marketing years beginning October 1, 1978, October 1, 1979 and October 1, 1980.

**NOTE.**—The Agricultural Stabilization and Conservation Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Sec. 312, 375, 52 Stat. 46, as amended, 66, as amended (7 U.S.C. 1312, 1375).)

Signed at Washington, D.C., on April 10, 1978.

RAY FITZGERALD,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[FR Doc. 78-10396 Filed 4-17-78; 8:45 am]

### [3510-25]

## Title 15—Commerce and Foreign Trade

## CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

### PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

#### Bituminous Coal and Coke of Coal: Discontinuance of Monitoring of Exports and Anticipated Exports

AGENCY: Department of Commerce, Office of Export Administration.

ACTION: Final rule.

**SUMMARY:** This issuance terminates the export monitoring program for bituminous coal and coke of coal. In view of the settlement of the coal strike and resumption of coal production, the Department has concluded that this program, instituted under the provisions of the Export Administration Act of 1969, as amended, is no longer necessary.

**EFFECTIVE DATE:** April 12, 1978.



**FOR FURTHER INFORMATION CONTACT:**

Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, Department of Commerce, Washington, D.C. 20230, telephone 202-377-3795.

**SUPPLEMENTARY INFORMATION:** On December 7, 1977, the Department of Commerce instituted an export monitoring program pursuant to Section 4(c) of the Export Administration Act of 1969, as amended, for bituminous coal and coke of coal. Persons exporting or contracting to export these commodities were required to submit weekly reports. The filing of weekly reports is discontinued effective with the submission of reports for the week ending April 7, 1978.

In view of the settlement of the coal strike and the restoration of mine production, the Department has determined that the volume of exports of bituminous coal and coke of coal in relation to domestic supply does not currently, and will not in the foreseeable future, contribute to an increase in domestic prices or a domestic shortage which might have a serious adverse impact on the economy or any sector thereof. Therefore, following consultation with other interested government agencies, the Department has concluded that the monitoring of bituminous coal and coke of coal under the provisions of the Export Administration Act of 1969, as amended, is no longer necessary and is being discontinued.

Accordingly, the Export Administration Regulations (15 CFR Part 368 et seq.) are revised as follows:

Section 376.4 is deleted but reserved for future use, and Supplement No. 1 to Part 376 is deleted.

§ 376.4 [Reserved]

Supplement No. 1 [Deleted]

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

STANLEY J. MARCUSS,  
Deputy Assistant Secretary  
for Trade Regulation.

[FR Doc. 78-10381 Filed 4-13-78; 1:24 pm]

[4110-03]

**Title 21—Food and Drugs**

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

**SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION**

[Docket No. 77F-0386]

**PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS**

**Subpart B—Substances for Use Only as Components of Adhesives**

**SULFOSUCCINIC ACID 4-ESTER WITH POLYETHYLENE GLYCOL DODECYL ETHER DISODIUM SALT**

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** This document amends the food additive regulations to provide for the use of sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether disodium salt as a component of adhesives intended for food-contact use. This order is based on a petition filed by American Cyanamid Co.

**DATES:** Effective April 18, 1978; objections by May 18, 1978.

**ADDRESS:** Send written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

**FOR FURTHER INFORMATION CONTACT:**

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** A Notice published in the FEDERAL REGISTER of January 6, 1978 (43 FR 1131) announced that a food additive petition (FAP 8B3350) had been filed by American Cyanamid Co., Wayne, N.J. 07470 proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the use of sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether disodium salt as a component of adhesives intended for food-contact use.

The Commissioner of Food and Drugs, having evaluated the data in the petition and other relevant material, concludes that § 175.105 should be amended as set forth below.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C.

348(c)(1)) and under authority delegated to the Commissioner (21 CFR 5.1), part 175 is amended in § 175.105(c)(5) by inserting alphabetically a new item in the list of substances to read as follows:

**§ 175.105 Adhesives.**

(c) \*\*\*  
(5) \*\*\*

*Substances and Limitations*

Sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether disodium salt (alcohol moiety produced by condensation of 1 mole of *n*-dodecyl alcohol and an average of 5-6 moles of ethylene oxide, Chemical Abstracts Service Registry No. 039354-45-5).

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 18, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

**Effective date.** This regulation shall become effective April 18, 1978.

**Dated:** April 11, 1978.

WILLIAM F. RANDOLPH,  
Acting Associate  
Commissioner for Compliance.

[FR Doc. 78-10034 Filed 4-17-78; 8:45 am]







(1) For acquisition and construction purposes, and

(2) For property located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of

suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement for compliance with program regulations (24 CFR Part 1909 et seq.). Accordingly, the communities are suspended on the ef-

fective date in the list below.

The Federal Insurance Administrator finds that delayed-effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of suspended communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Alabama	Lawrence	Courtland, town of	Mar. 11, 1974, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Mar. 8, 1974 July 2, 1976	010141-B
Connecticut	Hartford	East Windsor, town of	Jan. 12, 1973, Emergency; Apr. 3, 1978, Regular; Apr. 17, 1978, Suspended.	Nov. 16, 1973 Aug. 13, 1976	090027-B
Do	Fairfield	Norwalk, city of	Mar. 10, 1978, Emergency; Apr. 3, 1978, Regular; Apr. 17, 1978, Suspended.	Oct. 25, 1974	090012-A
Florida	Broward	Hillsboro Beach, town of	Feb. 5, 1974, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Jan. 9, 1974 Jan. 30, 1976	120040-B
Georgia	Dougherty	Unincorporated areas	Jan. 31, 1978, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Mar. 3, 1976	130074-A
Idaho	Blaine	Hailey, city of	May 28, 1974, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Dec. 7, 1973 Oct. 29, 1976 Aug. 23, 1977	160022-C
Do	Gem	Unincorporated areas	Apr. 12, 1974, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Apr. 17, 1978	160127-A
Illinois	Cook	Harvey, city of	Jan. 12, 1973, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	June 28, 1974 Aug. 13, 1976	170100-B
Do	Kankakee	Kankakee, city of	May 29, 1973, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	June 28, 1974 Aug. 20, 1976	170339-B
Maryland	Washington	Hagerstown, city of	Apr. 9, 1974, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	May 10, 1974 May 21, 1976	270074-B
Minnesota	Goodhue	Unincorporated areas	Apr. 30, 1971, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.		270140-A
Do	Hennepin	Maple Grove, city of	July 1, 1974, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Mar. 22, 1974 Sept. 24, 1976	270169-B
Do	Nicollet	St. Peter, city of	Sept. 29, 1972, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	June 21, 1974 June 11, 1976	270317-B
Mississippi	Monroe	Amory, city of	Dec. 19, 1973, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Jan. 18, 1974 Oct. 24, 1974	280116-B
Do	Sunflower	Moorhead, city of	May 24, 1973, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	May 10, 1974	280166-B
New Jersey	Union	Elizabeth, city of	May 22, 1970, Emergency; May 7, 1971, Regular; Apr. 17, 1978, Suspended.	May 22, 1970 May 8, 1971	345523-C
Do	Essex	Fairfield, borough of	Mar. 19, 1971, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	June 15, 1973	345295-A
Do	Bergen	North Arlington, borough of	July 3, 1975, Emergency; Apr. 3, 1978, Regular; Apr. 17, 1978, Suspended.	Mar. 29, 1974	340055-B
Do	Passaic	Prospect Park, borough of	Aug. 7, 1975, Emergency; Apr. 3, 1978, Regular; Apr. 17, 1978, Suspended.	May 3, 1974	340406-B
New Mexico	Eddy	Carlsbad, city of	July 21, 1972, Emergency; Mar. 15, 1978, Regular; Apr. 17, 1978, Suspended.	Mar. 15, 1974 Jan. 2, 1976	350017-B
North Carolina	Durham, Orange, and Chatham	Chapel Hill, town of	Feb. 9, 1973, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	June 21, 1974 June 18, 1976	370180-C
Do	Halifax	Roanoke Rapids, city of	Mar. 6, 1974, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Mar. 8, 1974	370117-A
Do	New Hanover	Wilmington, city of	Jan. 16, 1974, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Mar. 1, 1974	370171-A
Pennsylvania	Butler	Butler, city of	July 5, 1973, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	May 24, 1974 Apr. 9, 1976	420212-B
Do	Lancaster	Elizabethtown, borough of	May 15, 1973, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Jan. 23, 1974 Apr. 16, 1976	420550-B
Do	Mercer	Farrell, city of	Dec. 6, 1973, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	June 28, 1974 June 18, 1976	420673-B
Do	Westmoreland	Jeannette, city of	Oct. 1, 1971, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	June 14, 1974 July 9, 1976	420882-B
Do	Lehigh	Lower Milford, township of	Feb. 1, 1974, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Oct. 18, 1974	421039-A
Do	Jefferson	Reynoldsville, borough of	Feb. 22, 1974, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Jan. 9, 1974 June 11, 1976	420513-B
Do	Bucks	Riegelsville, borough of	Aug. 25, 1972, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Feb. 20, 1973 May 14, 1976	420201-B
Do	Snyder	Monroe, township of	Sept. 26, 1973, Emergency; Feb. 2, 1977, Regular; Apr. 17, 1978, Suspended.	Feb. 1, 1974 Feb. 7, 1976	421020-B
Do	McKean	Smethport, borough of	June 29, 1973, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Dec. 28, 1973 May 28, 1976	420672-B



State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Do.....	Chester.....	Tredyffrin, township of.....	Sept. 17, 1971, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Dec. 28, 1973	420291-A
Oregon.....	Tillamook.....	Garibaldi, city of.....	Nov. 13, 1975, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Apr. 17, 1978	410280-A
Do.....	Clatsop.....	Hammond, town of.....	Aug. 6, 1974, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	June 28, 1974 Nov. 28, 1975	410031-B
Do.....	Lincoln.....	Lincoln City, city of.....	Dec. 22, 1972, Emergency; Apr. 17, 1978, Regular; Apr. 17, 1978, Suspended.	Nov. 8, 1974 Mar. 4, 1977	410130-A

(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: April 4, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10076 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-4054]

## PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

### Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fourth column of the table.

ADDRESSES: The addresses where flood insurance policies can be obtained are published at 24 CFR 1912.7.

### 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 Flood Disaster Protection Act of 1973 (Pub. L. 93-234), amended, requires the purchase of flood insurance as a condition of Federal financial assistance of insurable property if such assistance is:

(1) For acquisition and construction purposes as defined in Part 1909 of Title 24 of the Code of Federal Regulations and

(2) For property located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except

as authorized by section 202(a) of the Act unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association (NFIA) servicing company for the State.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Arizona.....	Maricopa.....	Wickenburg, town of.....	Jan. 5, 1978, suspension withdrawn.....	Feb. 1, 1974 Oct. 10, 1975	040056-A
California.....	Marin.....	Fairfax, town of.....	do.....	Jan. 5, 1978	060175
Connecticut.....	Litchfield.....	Woodbury, town of.....	do.....	Apr. 12, 1974	090133
Georgia.....	Cobb.....	Smyrna, city of.....	do.....	June 7, 1974 Jan. 30, 1976	130057
Illinois.....	Madison.....	Venice, city of.....	do.....	Feb. 15, 1974	170450-A
Iowa.....	Muscatine.....	Muscatine, city of.....	do.....	Feb. 1, 1974	190213
Maryland.....	Montgomery.....	Rockville, city of.....	do.....	Apr. 5, 1974 Feb. 13, 1976	240051
New Jersey.....	Bergen.....	Upper Saddle River, borough of.....	do.....	Jan. 16, 1974	340077
New York.....	Chautauqua.....	Falconer, village of.....	do.....	Feb. 22, 1974	360138-A
Do.....	Ontario.....	Gorham, town of.....	do.....	Aug. 2, 1974	360601-A
Do.....	Chautauqua.....	Mayville, village of.....	do.....	Feb. 13, 1976 Aug. 23, 1974 Mar. 26, 1976	361059-B
North Dakota.....	Cass.....	Riverside, city of.....	do.....	Jan. 5, 1978	380316
Pennsylvania.....	Delaware.....	Concord, township of.....	do.....	Aug. 30, 1974	420410
Do.....	Cameron.....	Lumber, township of.....	do.....	Sept. 20, 1974 July 30, 1976	421129-A



State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Do	Montgomery	Whitpain, township of	do	July 26, 1974	420713-A
Virginia	Loudoun	Unincorporated areas	do	June 11, 1976	510090-A
Michigan	Ottawa	Allendale, township of	Dec. 30, 1977, emergency	Mar. 25, 1977	260490-A
Ohio	Hancock	Arcadia, village of	Jan. 5, 1977, emergency	Apr. 25, 1975	390241
Georgia	Fulton	Roswell, city of	Nov. 21, 1973, emergency; Dec. 15, 1977, regular; Dec. 19, 1977, suspended; Dec. 28, 1977, reinstated.	Dec. 31, 1976	130088-B
Pennsylvania	Cameron	Gibson, township of	Mar. 8, 1974, emergency; Sept. 1, 1977, regular; Sept. 15, 1977, suspended; Dec. 28, 1977, reinstated.	Sept. 20, 1974	421130-A
Do	do	Grove, township of	Mar. 4, 1974, emergency; July 18, 1977, regular; Sept. 1, 1977, suspended; Dec. 28, 1977, reinstated.	Nov. 8, 1974	421128-B
Kentucky	Pike	York Town, city of	Jan. 11, 1978, emergency	Nov. 5, 1976	210352-new
Texas	Medina	Natalia, city of	do	Nov. 5, 1976	481112
Kentucky	Knox	Barbourville, city of	Nov. 23, 1973, emergency; Dec. 1, 1977, regular; Dec. 12, 1977, suspended; Dec. 30, 1977, reinstated.	Mar. 15, 1974	210132-C
Pennsylvania	Bucks	New Britain, township of	Apr. 18, 1973, emergency; Sept. 30, 1977, regular; Oct. 1, 1977, suspended; Jan. 4, 1978, reinstated.	Aug. 2, 1974	420987-B
Do	Lebanon	West Lebanon, township of	Apr. 26, 1974, emergency; Apr. 15, 1977, regular; July 18, 1977, suspended; Jan. 3, 1978, reinstated.	June 18, 1976	421166-A
Georgia	Laurens	East Dublin, town of	Jan. 13, 1978, emergency	Apr. 15, 1977	130121
Tennessee	Jefferson	White Pine, city of	do	Oct. 21, 1977	470332
Iowa	Linn	Robins, city of	Jan. 16, 1978, emergency	Dec. 10, 1976	190443
Minnesota	Washington	Dellwood, city of	do	Mar. 26, 1976	270694
Pennsylvania	Somerset	New Centerville, borough of	do	July 15, 1977	422653-new
Mississippi	Clay	Unincorporated areas	Jan. 19, 1978, emergency	Sept. 16, 1977	280036
Nebraska	Furnas	Beaver City, city of	do	July 11, 1975	310348
Pennsylvania	Huntingdon	Dublin, township of	Jan. 20, 1978, emergency	Dec. 13, 1974	421689
Do	Bedford	Napier, township of	do	Jan. 31, 1975	421348
West Virginia	Roane	Unincorporated areas	do	Apr. 25, 1975	540183
Michigan	St. Joseph	Nottawa, township of	Jan. 24, 1978, emergency	Jan. 14, 1977	260514-A
Oregon	Lane	Dunes City, city of	do	Jan. 28, 1977	410262-A
Michigan	Gogebic	Wakefield, city of	Jan. 26, 1978, emergency	Jan. 26, 1978	260567
Nebraska	Dodge	Dodge, village of	do	Aug. 15, 1975	310363
Oklahoma	Carter	Lone Grove, town of	do	Nov. 26, 1976	400395
Do	Garvin	Stratford, town of	do	Aug. 13, 1976	400416
Texas	Johnson	Alvarado, city of	do	Aug. 9, 1974	480397-A
Do	Bexar	China Grove, town of	do	Jan. 23, 1976	481141
Do	Polk	Corrigan, city of	do	Apr. 25, 1975	480527-A
Do	McLennan	Lacy-Lakeview, city of	do	May 24, 1974	480927
Do	Presidio	Unincorporated areas	do	Apr. 9, 1976	480530
Maine	Franklin	Carrabassett Valley, town of	Jan. 30, 1978, emergency	Nov. 19, 1976	230056-A
Iowa	Polk	Bondurant, city of	Feb. 6, 1978, emergency	Feb. 4, 1977	190707
Do	Wayne	Seymour, city of	do	Sept. 5, 1975	190655
Nebraska	Red Willow	McCook, city of	do	Mar. 26, 1976	310181
Do	Dixon	Ponca, city of	do	Nov. 19, 1976	310067-A
Mississippi	Lee	Unincorporated areas	Feb. 7, 1978, emergency	Apr. 12, 1974	280227
North Carolina	Stokes	Danbury, town of	do	Jan. 23, 1976	370363-A
Do	Johnston	Unincorporated areas	do	Sept. 3, 1976	370138
Utah	Weber	Plain City, city of	do	Apr. 1, 1977	490217-A
Louisiana	Ouachita	Richwood, town of	Feb. 9, 1978, emergency	Jan. 3, 1975	220378 new
Oklahoma	Custer	Arapaho, town of	do	June 3, 1977	400342
Do	Bryan	Bokchito, town of	do	Dec. 17, 1976	400349

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10091 Filed 4-17-78; 8:45 am]



[4210-01]

[Docket No. 4053]

# **PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS**

## **Notice of Communities With Minimal Hazard Areas**

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

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the Special Flood Hazard areas, that it is appropriate at this time to convert the communities listed below to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

**EFFECTIVE DATE:** April 18, 1978.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** In these areas, there is no reason not to make full limits of coverage available. The available limits of coverage for flood insurance in these communities is increased to \$185,000 for 1-4 family residential structures, \$250,000 for other residential and commercial structures, \$60,000 for contents of residential structures, and \$300,000 for contents of commercial structures. Flood insurance is available at Zone C rates throughout the entire community.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Association servicing company for the state.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

## **§ 1915.7 List of communities with minimal hazard areas.**

State	County	Community name
Alabama.....	Mobile .....	Town of Mount Vernon.
Do.....	Geneva.....	Town of Slocomb.
Do.....	Coffee.....	Town of Kinston.
Iowa.....	Marion.....	City of Knoxville.
Louisiana.....	Vermillion.....	Town of Gueydan.
Do.....	Iberville.....	Town of White Castle.
New Jersey.....	Warren.....	Borough of Alpha.
Do.....	Burlington.....	City of Beverly.
Pennsylvania.....	Bedford.....	Township of Juniata.
South Carolina.....	Oconee.....	City of Seneca.

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

FR Doc. 78-10090 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3631]

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

## **Final Flood Elevation Determination for the Town of Albion, Whitman County, Wash.**

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

**ACTION:** Final rule.

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

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

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Albion, Whitman County, Wash., are available for review at the Albion Town Hall, Albion, Wash.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Albion, Whitman County, Wash.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Fork.....	Upstream corporate limits.	2,245
Palouse River .....	Unnamed street .....	2,240
	"D" St.....	2,240
	Downstream corporate limits.	2,237

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10194 Filed 4-17-78; 8:45 am]



[4210-01]

[Docket No. FI-3604]

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

**Final Flood Elevation Determination for the Town of Endicott, Whitman County, Wash.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

**FOR FURTHER INFORMATION CONTACT:**

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Endicott, Whitman County, Wash.

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

base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, above mean sea level
Rebel Flat Creek...	County Rd 6140 .....	1,708
	3rd St.....	1,707
	Downstream corporate limits.	1,695

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10195 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3311]

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

**Final Flood Elevation Determination for the Town of Palouse, Whitman County, Wash.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Palouse, Whitman County, Wash., are available for review at the bulletin board in the City Hall, Palouse, Wash.

**FOR FURTHER INFORMATION CONTACT:**

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Palouse, Whitman County, Wash.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Palouse River .....	Upstream corporate limits.	2,438
	4th St.....	2,430
	Bridge St.....	2,427
	Burlington Northern RR.	2,425
	Main St.....	2,424
	Corporate limits downstream from Main St.	2,422
	Corporate limits at State Route 272.	2,418
	Burlington Northern RR.	2,417
	Downstream corporate limits.	2,417

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



1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10196 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-33121]

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

## **Final Flood Elevation Determination for the City of Pomeroy, Garfield County, Wash.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Pomeroy, Garfield County, Wash., are available for review at the bulletin board in the City Hall, Pomeroy, Wash.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Pomeroy, Garfield County, Wash.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood In-

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pataha Creek.....	Upstream corporate limits.	1,932
	Columbia St.....	1,896
	18th St.....	1,886
	15th St.....	1,878
	12th St.....	1,864
	9th St.....	1,853
	7th St.....	1,846
	4th St.....	1,830
	1st St. (extended).....	1,819
	Downstream corporate limits.	1,763

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10197 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-34331]

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

## **Final Flood Elevation Determination for the Town of Rosalia, Whitman County, Wash.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of Rosalia, Whitman County, Wash. These

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Rosalia, Whitman County, Wash., are available for review at the City Hall, Rosalia, Wash.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Rosalia, Whitman County, Wash.

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

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

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

Source of flooding	Location	Elevation in feet above mean sea level
Pine Creek.....	Upstream corporate limits, right bank.	2,220
	Upstream corporate limits, left bank.	2,218
	7th Street Bridge.....	2,217
	Railroad bridge.....	2,215
	Downstream corporate limits.	2,210

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development



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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10198 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3247]

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

## Final Flood Elevation Determination for the City of Toppenish, Yakima County, Wash.

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)  
flood elevations are listed below for se-  
lected locations in the City of Toppen-  
ish, Yakima County, Wash. These base  
(100-year) flood elevations are the  
basis for the flood plain management  
measures that the community is re-  
quired to either adopt or show evi-  
dence of being already in effect in  
order to qualify or remain qualified  
for participation in the National Flood  
Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-  
ance of the Flood Insurance Rate Map  
(FIRM), showing base (100-year) flood  
elevations, for the City of Toppenish,  
Yakima County, Wash.

ADDRESS: Maps and other informa-  
tion showing the detailed outlines of  
the flood-prone areas and the final  
elevations for the City of Toppenish,  
Yakima County, Wash., are available  
for review at the City Hall, Toppenish,  
Wash.

FOR FURTHER INFORMATION  
CONTACT:

Mr. Richard Krimm, Assistant Ad-  
ministrator, Office of Flood Insur-  
ance, 202-755-5581 or toll free line  
800-424-8872, Room 5270, 451 Sev-  
enth Street SW., Washington, D.C.  
20410.

SUPPLEMENTARY INFORMATION:  
The Federal Insurance Administrator  
gives notice of his final determinations  
of flood elevations for the City of Top-  
penish, Yakima County, Wash.

This final rule is issued in accord-  
ance with section 110 of the Flood Di-  
saster Protection Act of 1973 (Pub. L.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yakima River .....	Intersection of East Toppenish Ave. and L St.	752
	Intersection of East Toppenish Ave. and H St.	753
	Intersection of East Toppenish Ave. and A St.	755
	Intersection of Chehalis Ave. and North Beach St.	757
	Intersection of Chehalis Ave. and North Elm St.	760
	Intersection of Buena Way and Idaho Ave.	763
	Buena Way at north corporate limit.	765

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10199 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3551]

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

## Final Flood Elevation Determination for Town of Uniontown, Whitman County, Wash.

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)  
flood elevations are listed below for se-  
lected locations in the town of Union-  
town, Whitman County, Wash. These  
base (100-year) flood elevations are  
the basis for the flood plain manage-  
ment measures that the community is  
required to either adopt or show evi-  
dence of being already in effect in  
order to qualify or remain qualified  
for participation in the National Flood  
Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-  
ance of the Flood Insurance Rate Map  
(FIRM), showing base (100-year) flood  
elevations, for the town of Uniontown,  
Whitman County, Wash.

ADDRESS: Maps and other informa-  
tion showing the detailed outlines of  
the flood-prone areas and the final  
elevations for the town of Uniontown,  
Whitman County, Wash., are available  
for review at Mini Park, Montgomery  
Street, Uniontown, Wash.

FOR FURTHER INFORMATION  
CONTACT:

Mr. Richard Krimm, Assistant Ad-  
ministrator, Office of Flood Insur-  
ance, 202-755-5581 or toll free line  
800-424-8872, Room 5270, 451 Sev-  
enth Street SW., Washington, D.C.  
20410.

SUPPLEMENTARY INFORMATION:  
The Federal Insurance Administrator  
gives notice of his final determinations  
of flood elevations for the town of Un-  
iontown, Whitman County, Wash.

This final rule is issued in accord-  
ance 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 In-  
surance Act of 1968 (Title XIII of the  
Housing and Urban Development Act  
of 1968 (Pub. L. 90-448), 42 U.S.C.  
4001-4128, and 24 CFR Part 1917.4(a)).  
An opportunity for the community or  
individuals to appeal this determina-  
tion to or through the community for  
a period of ninety (90) days has been  
provided, and the Administrator has  
resolved the appeals presented by the  
community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Union Flat Creek ..	Corporate limits (downstream).	2,558
	Confluence of south fork of Union Flat Creek.	2,560
	County Rd. 9410 .....	2,562
	Corporate limits (upstream).	2,564



Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South fork of Union Flat Creek.	Confluence with Union Flat Creek.	2,560
	Railroad bridge (1st crossing).	2,561
	Blair St.....	2,561
	Spring St.....	2,564
	Woodworth St.....	2,568
	Church St.....	2,571
	Private road downstream of corporate limits.	2,578
	Private road at corporate limits.	2,583

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10200 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3606]

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

#### Final Flood Elevation Determination for the City of Wapato, Yakima County, Wash.

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Wapato, Yakima County, Wash., are available for review at the City Hall, 205 East 3d Street, Wapato, Wash.

#### FOR FURTHER INFORMATION CONTACT:

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Wapato, Yakima County, Wash.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yakima River .....	Donald Rd .....	856

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10201 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-37511]

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

#### Final Flood Elevation Determinations for the Town of Leon, Mason County, W. Va.

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Leon, are available for review at Town Hall, Leon, W. Va.

#### FOR FURTHER INFORMATION CONTACT:

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Leon, W. Va.

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



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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kanawha River .....	Along river bank .....	571
Thirteen Mile Creek.	West Virginia State Route 62.	571

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10202 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3709]

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

**Final Flood Elevation Determinations for the Town of Star City, Monongalia County, W. Va.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Star City, are available for review at Town Hall,

3466 University Avenue, Star City, W. Va.

**FOR FURTHER INFORMATION CONTACT:**

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Star City, W. Va.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River.	Star City Highway .....	811
Pompano Run.....	Monongahela Blvd. 1.....	862
	Monongahela Blvd. 2.....	844
	Shopping center culvert 1.	844
	Shopping center culvert 2.	811

<sup>1</sup>Upstream.

<sup>2</sup>Downstream.

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10203 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3710]

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

**Final Flood Elevation Determinations for the City of Westover, Monongalia County, W. Va.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Westover, are available for review at City Office, Westover, W. Va.

**FOR FURTHER INFORMATION CONTACT:**

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

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

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



## RULES AND REGULATIONS

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River.	U.S. Route 19 Highway .. Confluence of Dents Run.	813 812
Dents Run.....	U.S. Route 19 Highway (upstream).	821
	U.S. Route 19 Highway (downstream).	818
	Monongahela RR.....	812

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10204 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3607]

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

##### Final Flood Elevation Determination for the City of White Sulphur Springs, Greenbrier County, W. Va.

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

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

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of White Sulphur Springs, Greenbrier County, W. Va.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of White Sulphur Springs, Greenbrier County, W. Va., are available for review at the White Sulphur Springs City Building, 1 West Main Street, White Sulphur Springs, W. Va.

#### FOR FURTHER INFORMATION CONTACT:

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of White Sulphur Springs, Greenbrier County, W. Va.

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



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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Howard Creek.....	Downstream corporate limit.	1,840
	Greenbriar Avenue Branch.	1,843
	Big Draft Road Branch..	1,853
	Green Street Branch .....	1,858
	Upstream corporate limit.	1,873
Dry Creek.....	Mouth (confluence with Howard Creek).	1,855
	Main Street Bridge .....	1,856
	Gum Street Branch .....	1,869
	Interstate 64 overpass ....	1,872
	Upstream corporate limit.	1,890

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10205 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-2912]

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

## Final Flood Elevation Determinations for the City of Fond du Lac, Fond du Lac County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the city of Fond du Lac, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Fond du Lac, are available for review at City Hall, 76 East Second Street, Fond du Lac, Wis.

### FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Fond du Lac, Wis.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
De Neven Creek ....	Fourth St.....	768
	Division St.....	759
	Johnson St.....	756
	Winnebago Dr. (U.S. Highway 151).	750
	Pioneer Rd.....	771
Fond du Lac River—East Branch.	Ninth St.....	758
	Second St.....	756
	Soo Line RR.....	752
Fond du Lac River—Main Stem—West Branch.	Seymour St.....	757
	Western Ave.....	753
	West Division St.....	752
	Arndt St.....	751
	Scott St.....	750

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10206 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3668]

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

## Final Flood Elevation Determination for the City of Neillsville, Clark County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevation for the city of Neillsville, are available for review at City Hall, 118 West Fifth Street, Neillsville, Wis.

### FOR FURTHER INFORMATION CONTACT:

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

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

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



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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River .....	Chicago & Northwestern Ry.	986
	Grand Ave. ....	994
O'Neill Creek .....	do .....	992
	Hewett St. upstream side.	997

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10207 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3754]

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

#### Final Flood Elevation Determinations for the Village of Solon Springs, Douglas County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the village of Solon Springs, are available for review at Village Hall, Solon Springs, Wis.

#### FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Solon Springs, Wis.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Croix River .....	MI-KI-KI Ave.....	1,020
	Ash Ave .....	1,020
	Ash Ave .....	1,020
Unnamed Creek ....	1st St.* .....	1,077
	do.** .....	1,075
	Pine Ave .....	1,071
	2d St.* .....	1,068
	do.** .....	1,063
	Maple Ave.* .....	1,061
	do.** .....	1,054
	Cedar Ave.* .....	1,051
	do.** .....	1,045
	3d St.* .....	1,040
	do.** .....	1,037
	Cedar Ave .....	1,028
	5th St.* .....	1,022
	do.** .....	1,021

\*Upstream.

\*\*Downstream.

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10208 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3436]

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

#### Final Flood Elevation Determinations for the Town of Hudson, Fremont County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Hudson, are available for review at Town Hall, Hudson, Wyo.

#### FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Hudson, Wyo.

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



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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Popo Agie River.	Highway 789 Bridge.....	5,084

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10209 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-32561]

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

## Final Flood Elevation Determinations for the Town of Kemmerer, Lincoln County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevation for the Town of Kemmerer, are available for review at Town Hall, 700 Cedar Street, Kemmerer, Wyo.

## FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Kemmerer, Wyo.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hams Fork .....	U.S. Highway No. 189 bridge.	5,897
	Aspen Avenue Bridge .....	5,896

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10210 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-33201]

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

## Final Flood Elevation Determinations for Natrona County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Natrona County, are available for review at City-County Building, Casper, Wyo.

## FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Natrona County, Wyo.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Platte River.	Burlington Northern RR.	5,070
	New Mystery Rd.....	5,074
	Pipeline bridge.....	5,080
Casper Creek .....	New Yellowstone Rd.....	5,128
	Old Yellowstone Rd.....	5,129



Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Highway 20.....	5,152
Squaw Creek.....	State Highway 220.....	5,198
Wolf Creek.....	do.....	5,177
Garden Creek.....	Outer Dr.....	5,422
	Garden Creek Rd.....	5,618
Sage Creek.....	15th St.....	5,224

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10211 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3365]

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

##### Final Flood Elevation Determinations for the Town of Thermopolis, Hot Springs County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Thermopolis, are available for review at Town Hall, 420 Broadway, Thermopolis, Wyo.

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 Sev-

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Thermopolis, Wyo.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bighorn River.....	Bridge (wood).....	4,327
	Railroad bridge.....	4,326
	New bridge.....	4,320
	Old Bridge State Park.....	4,317

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10212 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3531]

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

##### Final Flood Elevation Determinations for the City of Hartselle, Morgan County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for se-

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Hartselle, are available for review at City Hall, 200 Sparkman Street, Hartselle, Ala.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shoal Creek.....	U.S. Highway 31.....	618
	At the confluence with town branch.	627
	Parker Rd. <sup>1</sup> .....	632
	Parker Rd. <sup>2</sup> .....	635
	U.S. Highway 31.....	619
Unnamed tributary No. 1 to Shoal Creek.		
Unnamed tributary No. 2 to Shoal Creek.	Madison St. <sup>1</sup> .....	630
	Madison St. <sup>2</sup> .....	633
	Footbridge (No. 2) <sup>1</sup> .....	633
	Footbridge (No. 2) <sup>2</sup> .....	634



Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed	Alabama Highway 36 <sup>1</sup> .....	642
tributary No. 3	Alabama Highway 36 <sup>2</sup> .....	646
to Shoal Creek.	Ashworth St.....	663
Unnamed	Corporate limit—Roan	661
tributary to	St.	
unnamed		
tributary No. 3		
to Shoal Creek.		
Town branch.....	Louisville & Nashville	657
	RR.	
	Chestnut St.....	668
	Georgia St.....	675
Unnamed	Corsbie St. <sup>1</sup> .....	666
tributary No. 1	Stewart St.....	673
to town branch.	Longhorn Pass.....	682
Unnamed	Rooks St.....	680
tributary to	Monroe St.....	686
unnamed		
tributary No. 1		
to town branch.		

<sup>1</sup>Downstream side.

<sup>2</sup>Upstream side.

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10213 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-33931]

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

#### Final Flood Elevation Determinations for the Town of Reform, Pickens County, Ala.

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Reform, are available for review at Town Hall, Reform, Ala.

#### FOR FURTHER INFORMATION CONTACT:

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Reform, Ala.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lubbub Creek	2d St.....	233
Tributary 1.	4th Ave.....	239
	3d Ave.....	239
Lubbub Creek.....	Illinois Central Gulf RR	225
	U.S. Highway 82.....	226

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1979 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10214 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-32751]

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

#### Final Flood Elevation Determination for the City of Willcox, Cochise County, Ariz.

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

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

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

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Willcox, Cochise County, Ariz., are available for review at the bulletin board, City Hall, 151 West Maley Street, Willcox, Ariz.

#### FOR FURTHER INFORMATION CONTACT:

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Willcox, Cochise County, Ariz.

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

The Administrator has developed criteria for flood plain management in



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

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

Source of flooding	Location	Elevation in feet, above mean sea level
Sales barn diversion channel.	Haskell Ave.....	4,173
	Wood St.....	4,169
	Railroad.....	4,166
	Downstream corporate limit.	4,163
Shallow flooding west of I-10.	North corporate limit....	4,180
	South corporate limit....	4,177
Shallow flooding west of sales barn diversion channel.	Rex Allen Dr.....	4,172
	Wood Street Dike.....	4,170
	Intersection of Curtis Ave. and Fremont St.	4,168
	Intersection of McCourt St. and Railroad Ave.	4,166
	South corporate limit....	4,164

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10215 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3641]

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

#### Final Flood Elevation Determinations for the Town of Winchester, Litchfield County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Winches-

ter, are available for review at Town Hall, 338 Main Street, Winsted, Conn.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Still River.....	Riverton Rd.*.....	642
	White St.....	654
	Holabird Ave.*.....	694
	New St.....	699
Mad River.....	Rowley St.....	698
	Lake St.*.....	738
	Meadow St.....	757
	Rugg Brook Rd.*.....	984
	Danbury Quarter Rd.....	1063
	Grantville Rd.....	1151

\*Upstream.

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10216 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3537]

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

#### Final Flood Elevation Determinations for Indian River County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Indian River County, are available for review at Indian River County Courthouse, 14th Avenue, Vero Beach, Fla.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Indian River County, Fla.

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

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



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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sebastian Creek	Florida East Coast RR ...	6
South Prong	Indian River County line.	6
	State Route 512	5
	Sebastian corporate limits.	5
Indian River	Indian River County-Brevard County line.	8
	Horseshoe Island	7
	Pine Island	6
	Junction of Indian River Shores and Vero Beach corporate limits with Indian River County corporate limits.	5
	Prang Island	5
	Round Island	5
Atlantic Ocean	East of State Route A1A	8

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10217 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3495]

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

## Final Flood Elevation Determination for the Village of Glendale Heights, Du Page County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Glendale Heights, Du Page County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Glendale Heights, Du Page County, Ill., are available for review at the bulletin board in the Village Hall, 1611 Bloomingdale Road, Glendale Heights, Ill.

## FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Glendale Heights, Du Page County, Ill.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Branch Du Page River.	Downstream corporate limits.	702
	Illinois Central RR	703
	Upstream corporate limits.	705
Armitage ditch	Downstream corporate limits.	707
	Wayne Ave.	713
	Jill Ct.	718
	Leslie Lane	719
	Armitage Ave.	722
	Glen Ellyn Rd.	726
	Highland Ave.	732
	Winthrop Ave.	733
	Pullerton Ave.	737
	Ardmore Ave.	740
	Lincoln Ave.	751
	Placid Ave.	760
	Upstream corporate limits.	760
Armitage Fork	Confluence w/Armitage ditch.	733
	Pearle Ave.	753
	Bleden Ave.	756
	Upstream corporate limits.	758

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10218 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-2939]

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

## Final Flood Elevation Determination for the City of Webster City, Hamilton County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Webster City, Hamilton County, Iowa, are available for review at the City Manager's Office, Webster City Municipal Building, 400 Second Street, Webster City, Iowa.

## FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Webster City, Hamilton County, Iowa.

This final rule is issued in accordance with section 110 of the Flood



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

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

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

Source of flooding	Location	Elevation in feet above mean sea level
Boone River .....	North extra territorial jurisdiction boundary.	1,000
	Iowa Highway 17 .....	1,007
	U.S. Highway 520 .....	1,014
	Confluence of Lyons Creek.	1,021
	Des Moines St .....	1,024
	County Rd .....	1,033
	South extra territorial jurisdiction boundary.	1,039
Brewers Creek .....	Superior St .....	1,026
	Des Moines St .....	1,037
	Beach Ave .....	1,049
	West corporate limit .....	1,059
	West Wall St .....	1,074
	County Rd .....	1,083
	U.S. Highway 20 .....	1,090
Lyons Creek .....	Park Ave .....	1,021
	Columbia St .....	1,021
	2d St .....	1,023
	I.C. RR .....	1,041
White Fox Creek ..	Confluence with Boone River.	1,022
	North corporate limit .....	1,040
	County road .....	1,048

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10219 Filed 4-17-78; 8:45 am]

## [4210-01]

[Docket No. FI-3614]

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

#### Final Flood Elevation Determination for the Unincorporated Areas of Doniphan County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Doniphan County, Kans. are available for review at the County Engineer's Office, County Court House, Troy, Kans.

#### FOR FURTHER INFORMATION CONTACT:

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the unincorporated areas of Doniphan County, Kans.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River .....	2.7 mi downstream of confluence of Peters Creek.	809
	1.5 mi downstream of U.S. Highway 36.	815
	0.2 mi upstream of Union Pacific RR.	817
	0.8 mi upstream of Union Pacific RR.	818
	3.8 mi upstream of confluence of Mill Creek.	855
Peters Creek .....	Southern corporate limits of Wathena.	811
	500 ft upstream of western corporate limits of Wathena.	830
	10,400 ft upstream of western corporate limits of Wathena.	856
	At county road 19,000 ft upstream of western corporate limits of Wathena.	901
	15,570 ft downstream of ponds located just east of Troy.	930
	At county road 12,050 ft downstream of ponds located just east of Troy.	959
	8,250 ft downstream of ponds located just east of Troy.	975
	At county road 5,250 ft downstream of ponds located just east of Troy.	991
	100 ft downstream of ponds located just east of Troy.	1,025

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10220 Filed 4-17-78; 8:45 am]



[4210-01]

[Docket No. FI-3126]

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

**Final Flood Elevation Determination for the City of Marquette, McPherson County, Kans.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Marquette, McPherson County, Kans., are available for review at the City Hall, 206 North Washington Street, Marquette, Kans.

**FOR FURTHER INFORMATION CONTACT:**

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Marquette, McPherson County, Kans.

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

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

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

Source of flooding	Location	Elevation in feet, above mean sea level
Smoky Hill River ..	Downstream corporate limit.	1,376
	Washington St., upstream.	1,377
	Upstream corporate limit.	1,378
Smoky Hill River, tributary No. 1.	2d St.....	1,378
	3d St.....	1,382
	4th St. (extended) .....	1,386
	Upstream of 5th St. (extended).	1,389

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10221 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3579]

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

**Final Flood Elevation Determination for the City of Louisville, Jefferson County, Ky.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevation for the city of Louisville, Jef-

erson County, Ky., are available for review at City Hall, Sixth and Jefferson, Louisville, Ky.

**FOR FURTHER INFORMATION CONTACT:**

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Louisville, Jefferson County, Ky.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River .....	Downstream corporate limit.	447
	McAlpine Dam .....	449
Upstream corporate limit.	Beargrass Creek .....	451
	Brownsboro Rd .....	434
	Upstream Frankfort Ave .....	440
	Beargrass Creek. Breckinridge St.....	451
	Ellison Ave.....	453
	Upstream Trevillian Way .....	466
	Watterson Expressway .....	471
	Bushford Manor .....	474
	Green Dr. (extended) .....	482
	Kondike Lane.....	498
	Middle fork of Confluence with south	447
	Beargrass Creek. fork, Beargrass Creek.	455
	Payne St.....	458
	Upstream Grimstead Dr .....	460
Park Bridge No. 8.....	Upstream of Park Bridge No. 9.	469
	Upstream of Seneca Park, bridge No. 1.	471
	Old Cannons Lane.....	486
	Interstate 64, east entrance.	495
	Corporate limits .....	500
	Watterson Expressway .....	520
	Browns Lane (downstream).	530
	Woodmont Dr .....	536
	Corporate limits .....	544
	Brooklawn Bridge .....	472
Brooklawn tributary.		



Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Rose Bowl Bridge.....	479
	Stratford Ave.....	485
	Shannon Dr.....	491
Uppermill Creek....	Corporate limits.....	451
	Manslick Rd.....	451
Greasy Ditch.....	Downstream corporate limits.....	480
	Upstream corporate limits.....	481

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10222 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-35011]

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

#### Final Flood Elevation Determination for the City of Shively, Jefferson County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Shively, Jefferson County, Ky., are available for review at the entrance way of City Hall, 3920 Dixie Highway, Shively, Ky.

#### FOR FURTHER INFORMATION CONTACT:

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

#### SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Shively, Jefferson County, Ky.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Upper Mill Creek..	Rockford Lane.....	443
	Kieffer Rd.....	445
	U.S. Highway 31W-60.....	449
	Upstream corporate limit.....	451
Heatherfield ditch	Cottage Lane.....	449
	Crums Lane.....	449
	Devron Dr.....	449
City park ditch.....	Park Rd.....	448
	Matheis Lane.....	449
	Appleton Lane.....	450

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10223 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3728]

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

#### Final Flood Elevation Determination for the Village of Clayton, Concordia Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Clayton, Concordia Parish, La., are available for review at City Hall, Clayton, La.

#### FOR FURTHER INFORMATION CONTACT:

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Clayton, Concordia Parish, La.

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

The Administrator has developed criteria for flood plain management in



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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tensas River .....	Just upstream of Louisiana Highway 15.	63
Ditch No. 1 .....	Approximately 100 ft upstream of Louisiana Highway 900.	59
	Just upstream of U.S. Highway 65.	60
	Just downstream of Martlett Lane.	60
Ditch No. 2 .....	Just upstream of U.S. Highway 65.	58
	Just downstream of McAdams St.	58

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10224 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3585]

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

## Final Flood Elevation Determination for Carroll County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Carroll County, Md., are available for review at the County Building, in the Conference Room, 225

North Center Street, Westminster, Md.

## FOR FURTHER INFORMATION CONTACT:

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

## SUPPLEMENTARY INFORMATION:

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Branch .....	Halter Rd .....	583
	Hughes Shop Rd .....	596
	County road at upstream limit of detailed study.	679
Beaver Run .....	Maryland Route 91 .....	441
	Kays Mill Rd .....	462
	Confluence with tributary No. 35.	491
	Green Mill Rd .....	567
	Bollinger Rd .....	629
	Arnold Rd .....	670
Big Pipe Creek (II) .....	Maryland Route 32 .....	619
	Meadow Branch Rd .....	687
Buckhorn Run .....	Confluence with Piney Run.	602
	Buckhorn Rd .....	629
Copps Branch .....	Wakefield Rd .....	533
	Confluence with tributary No. 107.	565
Cranberry branch .....	Old Manchester-Westminster Rd.	648
	Maryland Route 27 .....	673
	Confluence with tributary No. 18.	721
Double Pipe Creek .....	Confluence with Monocacy River.	327
	Confluence with Big Pipe Creek and Little Pipe Creek.	333
East Branch Patapsco River .....	Chessie system .....	502
	Patapsco Rd. (downstream).	524
	Patapsco Rd. (upstream).	569

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Georges Run .....	Maple Grove Rd .....	829
	Confluence with tributary No. 7.	851
Little Morgan Run (I) .....	Warfieldsburg Rd .....	666
Little Morgan Run (II) .....	Bartholow Rd .....	451
	Linton Rd .....	491
	Maryland Route 97 .....	593
	Washington Rd .....	597
Little Pipe Creek .....	Confluence with Big Pipe Creek and Double Pipe Creek.	333
	Maryland Route 194 .....	353
	Good Intent Rd .....	388
	McKinstry Mill Rd .....	416
	Winters Church Rd .....	427
	Maryland Route 75 .....	439
	Stone Chapel Rd .....	545
	Confluence with tributary No. 105.	579
	Maryland Route 27 (downstream).	634
	Bond St .....	675
Middle Run (I) .....	Confluence with Beaver run.	583
	Bollinger Rd .....	632
Middle Run (II) .....	Louisville Rd .....	470
	Maryland Route 91 .....	512
	Niner Rd .....	561
	Confluence with tributary No. 38.	635
Murphy Run .....	Beckleysville Rd .....	662
	Confluence with tributary No. 9.	681
	Dave Rill Rd .....	726
	Fairmount Rd .....	741
	Uts Rd .....	789
	Chessie system .....	827
North Branch Patapsco River .....	Maryland Route 91 .....	442
	Lawndale Rd .....	457
	Tank Rd .....	475
	Wesley Rd .....	501
Piney Branch .....	Confluence with South Branch Patapsco River.	386
	Oklahoma Rd .....	475
Piney Creek .....	Maryland Route 97 .....	417
	Harney Rd .....	433
	Teeter Rd .....	479
Piney Run .....	Arrington Rd .....	376
	Brangles Rd .....	409
	Confluence with Buckhorn Run.	602
	Freter Rd .....	648
	Liberty Rd .....	693
Roaring Run .....	Confluence with North Branch Patapsco River.	445
	Brown Rd .....	522
	Sandymount Rd .....	648
Roop Branch .....	Maryland Route 75 .....	420
	Maryland Route 84 .....	438
Sams Creek .....	Maryland Route 75 .....	398
South Branch Patapsco River .....	Confluence with tributary No. 68.	389
	Gaither Rd .....	426
	Maryland Route 97 .....	446
	Morgan Rd .....	469
	Flagg Marsh Rd .....	503
West Branch Patapsco River .....	Patapsco Rd .....	512
	Carrollton Rd .....	571
	Tannery Rd .....	631
	Maryland Route 27 .....	660
	Lemon Rd .....	708
Tributary No. 7 .....	Confluence with Georges Run.	851
Tributary No. 9 .....	Confluence with Murphy Run.	681
	Dam .....	765
Tributary No. 10 .....	Confluence with tributary No. 11.	730
Tributary No. 11 .....	Confluence with tributary No. 10.	730
Tributary No. 14 .....	Confluence with West Branch Patapsco River.	701
	Lemon Rd .....	715



Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 15 ...	Confluence with West Branch Patapsco River.	693
Tributary No. 16 ...	Confluence with West Branch Patapsco River.	677
Tributary No. 18 ...	Wilmert Rd. ....	710
Tributary No. 19 ...	Confluence with Cranberry Branch.	721
Tributary No. 21 ...	Lemon Rd. ....	692
Tributary No. 22 ...	Old Backmans Rd. ....	713
Tributary No. 23 ...	Confluence with West Branch Patapsco River.	729
Tributary No. 24 ...	Gorsuch Rd. (farthest downstream of three crossings).	611
Tributary No. 25 ...	Gorsuch Rd. (farthest upstream of three crossings).	698
Tributary No. 26 ...	Chessie system.	729
Tributary No. 27 ...	Bethel Rd. ....	590
Tributary No. 28 ...	Confluence with West Branch Patapsco River.	566
Tributary No. 29 ...	Poole Rd. ....	514
Tributary No. 30 ...	Bollinger Rd. ....	682
Tributary No. 31 ...	Confluence with Beaver Run.	631
Tributary No. 32 ...	Confluence with Beaver Run.	491
Tributary No. 33 ...	Confluence with Middle Run (II).	487
Tributary No. 34 ...	Birdview Rd. ....	635
Tributary No. 35 ...	Niner Rd. ....	690
Tributary No. 36 ...	Confluence with tributary No. 40.	559
Tributary No. 37 ...	Birdview Rd. ....	647
Tributary No. 38 ...	Confluence with tributary No. 39.	698
Tributary No. 39 ...	Birdview Rd. ....	647
Tributary No. 40 ...	Klee Mill Rd. ....	712
Tributary No. 41 ...	Concrete Ford. ....	647
Tributary No. 42 ...	Oklahoma Rd. ....	428
Tributary No. 43 ...	Confluence with Liberty Lake.	479
Tributary No. 44 ...	Highlands Rd. ....	427
Tributary No. 45 ...	Maryland Route 32. ....	491
Tributary No. 46 ...	Confluence with Piney Run.	552
Tributary No. 47 ...	Confluence with Piney Run.	395
Tributary No. 48 ...	Chessie system.	378
Tributary No. 49 ...	Confluence with South Branch Patapsco River.	347
Tributary No. 50 ...	Gather Rd. ....	413
Tributary No. 51 ...	Confluence with South Branch Patapsco River.	425
Tributary No. 52 ...	Confluence with South Branch Patapsco River.	609
Tributary No. 53 ...	Confluence with South Branch Patapsco River.	640
Tributary No. 54 ...	Maryland Route 144. ....	706
Tributary No. 55 ...	Maryland Route 27. ....	622
Tributary No. 56 ...	Maryland Route 27 (downstream).	593
Tributary No. 57 ...	Maryland Route 27 (upstream).	660
Tributary No. 58 ...	Confluence with Copps Branch.	590
Tributary No. 59 ...	Rockland Rd. (farthest downstream).	649
Tributary No. 60 ...	Chessie system.	565
Tributary No. 61 ...	Confluence with Piney Creek.	499
Tributary No. 62 ...	Francis Scott Key Highway.	437
Tributary No. 63 ...	ConRail. ....	410
Tributary No. 64 ...	Maryland Route 194. ....	466
Tributary No. 65 ...		510
Tributary No. 66 ...		470

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10225 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3572]

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

#### Final Flood Elevation Determinations for the City of Ironwood, Gogebic County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Ironwood, are available for review at Ironwood Memorial Building, East McLeod Avenue, Ironwood, Mich.

#### FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood In-

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Montreal River. ....	U.S. Route 2 <sup>1</sup> . ....	1,426
	Silver St. <sup>1</sup> . ....	1,476
	Oma St. <sup>1</sup> . ....	1,485

<sup>1</sup>Upstream side.

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10226 Filed 4-17-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3588]

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

#### Final Flood Elevation Determinations for the Town of Sunflower, Sunflower County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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



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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Sunflower, are available for review at Town Hall, Sunflower, Miss.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Sunflower, Miss.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Sunflower River.	Tolly St .....	121

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10227 Filed 4-17-78; 8:45 am]

**[4210-01]**

[Docket No. FI-3657]

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

**Final Flood Elevation Determination for the City of Creve Coeur, St. Louis County, Mo.**

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

**ACTION:** Final rule.

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

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Creve Coeur, St. Louis County, Mo.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Creve Coeur are available for review at the Office of the City Inspector, Creve Coeur Government Center, 11631 Olive Boulevard, Creve Coeur, Mo.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Creve Coeur, St. Louis County, Mo.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monsanto— Sunswept Creek.	At corporate limits with Frontenac.	531
	Just downstream of Ladue Rd.	548
	Just upstream of.....	
	Ladue Rd .....	556
Westwood Creek ...	Just downstream of Chilton Lane.	557
	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
Smith Creek.....	Just upstream of a culvert for a private entrance 650 ft downstream of Ladue St.	573
	Just downstream of Ladue St.	574
	At western corporate limits.	497
	315 ft downstream of Conway Rd.	500
	Just upstream of Conway Rd.	507
	1,585 ft upstream of Conway Rd.	509
	At southern corporate limits.	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: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10228 Filed 4-17-78; 8:45 am]

**[4210-01]**

[Docket No. FI-2750]

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

**Final Flood Elevation Determinations for the City of Fremont, Dodge County, Nebr.**

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

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for se-



lected locations in the city of Fremont, Dodge 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).

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Fremont, are available for review at City Hall, 725 Park Street, Fremont, Nebr.

**FOR FURTHER INFORMATION CONTACT:**

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Platte River .....	Burlington Northern RR.	1,194
	U.S. Highway 77 .....	1,196
	Upstream extraterritorial limits.	1,216
Sheet flow .....	Intersection of Lincoln Ave. and Austin Lane.	1

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Approximately 1,000 ft southwest along the Chicago & Northwestern RR. tracks from the point at which the railroad crosses the easterly extraterritorial limits.	1
	Approximately 6,000 ft north along Somers Ave. from its intersection with 23d St.	1
	Approximately 3,000 ft north along Somers Ave. from its intersection with 23d St.	
	Depth in feet, above ground level	
Do.....	In the southeastern portion of the extraterritorial limits, between Old Highway No. 8 and the Union Pacific RR.	1
	In the south-southeast portion of the extraterritorial limits, to the southwest of the Union Pacific RR. and east of Downing St.	2

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

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10229 Filed 4-17-78; 8:45 am]

[4210-01]

[Docket No. FI-3589]

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

**Final Flood Elevation Determinations for the Borough of Collingswood, Camden County, N.J.**

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

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the borough of Collingswood, 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).

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Collingswood, are available for review at Borough Hall, 678 Haddon Avenue, Collingswood, N.J.

**FOR FURTHER INFORMATION CONTACT:**

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cooper River.....	Upstream corporate limit.	13
	Downstream corporate limit.	13
North branch of Newton Creek.....	ConRall .....	10
	Sloan Ave .....	14
Newton Lake.....	ConRall .....	10
	White Horse Pike .....	10
	Upstream Bettewood Ave.	11
	Lees Lane .....	11

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33



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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10230 Filed 4-17-78; 8:45 am]

[4210-01]

SUBCHAPTER C—FEDERAL CRIME INSURANCE PROGRAM

[Docket No. R-78-524]

PART 1931—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

States Eligible for Sale of Crime Insurance

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule will extend to the citizens of North Carolina, effective April 1, 1978, eligibility to purchase Federal crime insurance policies against burglary and robbery losses under the Federal Crime Insurance Program by updating § 1931.1 which lists the States eligible for the sale of crime insurance and adding to said list the State of North Carolina. This action is being taken under the authority of 12 U.S.C. 1749bbb-10a on the basis of evidence obtained through a continuing review of the market availability situation in each of the several States and particularly upon the conclusion and recommendation of the Governor of North Carolina who requested that the citizens of his State be made eligible for Federal crime insurance. The effect of this action will be to enable residents and businesses in the State of North Carolina to obtain the same benefits of purchasing Federal crime insurance policies which are currently available to residents and businesses in the District of Columbia and the States of Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Ohio, Rhode Island, Tennessee, and Virginia.

DATES: Effective date April 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. James M. Rose, Jr., Assistant Administrator for Urban Property Insurance—Riot and Crime, 451 Seventh Street SW., Washington, D.C. 20410, telephone 755-6555.

SUPPLEMENTARY INFORMATION: The Federal Crime Insurance Program

commenced operation in August 1971 and approximately 40,000 policies are currently in force in the District of Columbia and twenty-one States eligible for Federal crime insurance. The Program enables residents and businesses to obtain affordable policies of burglary and robbery insurance which will not be cancelled or nonrenewed because of losses. Applicants are required to meet minimum protective device requirements designed to reduce their vulnerability to crime losses. Since 1971, the Program has grown from offering coverage in the District of Columbia and nine States to a current participation/eligibility of the District of Columbia and twenty-one States. The Governor of North Carolina, after considering the insurance needs of his State, has requested that the citizens of North Carolina also be made eligible to purchase Federal crime insurance. Accordingly, on the basis of the Administrator's continuing review of the crime insurance availability situation in the various States and on the basis of findings and recommendations by the Governor of North Carolina, it has been determined that a critical market unavailability situation exists in the States set forth in revised § 1931.1 and that as of the effective date of this regulation, April 1, 1978, this State will be made eligible for the sale of crime insurance, or continue to be eligible for such sale. Because the availability of Federal crime insurance is beneficial to the public, it is unnecessary to provide for notice and public procedure, and good cause exists for making this amendment effective on April 1, 1978.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Regulations published at 38 FR 19182, 19186. A copy of this Finding of Inapplicability is available for public inspection during regular business hours at the following address:

Rules Docket Clerk, Department of Housing and Urban Development, Room 10141, 451 Seventh Street SW., Washington, D.C. 20410.

NOTE.—It is also certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Subchapter C of Chapter X of Title 24 is amended as follows:

1. Paragraph (b) of § 1931.1 is revised to read as follows:

§ 1931.1 States eligible for sale of crime insurance.

(b) On the basis of the information available, the Administrator has determined that the States set forth in this

paragraph have an unresolved critical market availability situation that requires the operation of the Federal Crime Insurance Program therein as of April 1, 1978. Accordingly, the program is in operation in the following States:

Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, and Virginia.

(Sec. 7(d), 79 Stat. 670; (42 U.S.C. 3535(d)); sec. 1103, 82 Stat. 466, (12 U.S.C. 1749bbb-17).)

Issued at Washington, D.C., April 12, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance  
Administrator.

[FR Doc. 78-10451 Filed 4-17-78; 8:45 am]

[6712-01]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19995; RM-2275; FCC 78-217]

PART 76—CABLE TELEVISION SERVICES

Network Program Exclusivity Protection by Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Earlier decision reconsidered and rule change adopted.

SUMMARY: A rule change was adopted to provide that the cable television network nonduplication rules no longer require a cable television system to delete network programming on any station which has a significant number of viewers among non-cable subscribers in the area. This is a reconsideration of an earlier decision not to change the rules.

EFFECTIVE DATE: May 24, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Tom Hendrickson, Cable Television Bureau, 202-632-6468.

SUPPLEMENTARY INFORMATION:

Adopted: March 22, 1978.

Released: April 17, 1978.

In the matter of Amendment of Subpart F of Part 76 of the Commission's



Rules and Regulations with Respect to Network Program Exclusivity Protection by Cable Television Systems; Petition for Reconsideration. *Memorandum Opinion and Order* (41 FR 53168).

By the Commission: Commissioners Lee and Washburn dissenting and issuing statements; Commissioner Quello concurring in the result; Commissioners White and Brown concurring and issuing statements.

1. A recurring issue in the Commission's cable television network nonduplication rules is how nonpriority signals which are commonly viewed off-the-air in the cable community should be treated. The present rules do not consider this "viewability" factor and require that network nonduplication protection against the programming on such signals be based on the relative distances between the two stations involved and the cable community. The *Further Notice of Proposed Rule Making in Docket 19995*, FCC 75-922, 40 FR 34395 (8/15/75) was issued to announce formal consideration of this issue. It led to the *Third Report and Order in Docket 19995*, FCC 76-1076, 62 FCC 2d 99 (1976), in which the Commission decided not to change the rules in this respect but to handle the individual cases where the result is inappropriate through the special relief process.

2. A petition for reconsideration of the *Third Report and Order* was subsequently filed by Moscow TV Cable Co., Inc. and Pullman TV Cable Co., Inc. and is now before us. It was supported in comments filed by the National Cable Television Association. Oppositions were filed by the National Association of Broadcasters and by NWG Broadcasting, licensee of Station KLEW-TV, Lewiston, Idaho. Petitioners filed a reply to these oppositions.

3. Petitioners operate cable television systems serving Moscow, Idaho and Pullman, Wash. They ask the Commission to reconsider its decision not to change the rules to take into account off-the-air availability of signals. And, in the alternative, they ask that we reconsider that portion of the decision that requires their systems to grant protection to a satellite station, KLEW-TV, against a Spokane station with the same network affiliation. A combination of factors are brought to our attention to urge that some rule change be adopted, including the following: (a) KLEW-TV is the satellite of a television station over 200 miles away with "almost no program origination in Lewiston"; (b) Until the network nonduplication rules were revised in the *First Report and Order in Docket 19995*, FCC 75-413, 52 FCC 2d 519 (1975), neither of the stations involved had rights to protection against the other since they both cast predicted Grade B contours over the area; (c)

The Spokane station which must be deleted has been carried on the cable systems for over 20 years while KLEW-TV was not added until 1968; (d) KLEW-TV (the "local" station) is not even listed as significantly viewed in the county where Pullman is located; (e) KLEW-TV was acquired by the present owners before the new network nonduplication rules were adopted and, thus, in the belief that its programming would not get protection in Moscow and Pullman.

4. Petitioners urge that a modification be made in the rules so that "a satellite station, where it predominantly carries a parent station from a distance greater to the cable community than the distance between a significantly viewed station and the cable community, is not entitled to nonduplication protection against the significantly viewed station where the system had, prior to April 14, 1975 (release of the *First Report and Order*), been carrying both stations without nonduplication protection." NCTA filed comments supporting the concept but urging that the whole decision be reconsidered and that the objective "viewability test" which it proposed in response to the *Further Notice* be adopted.

5. NAB opposes any reconsideration and argues that if the Commission expects satellite stations to develop into full-fledged local stations, it must not handicap them by eliminating their nonduplication rights. Furthermore, NAB asserts that the petitioners' proposal is an attempt to institute grandfathering which was rejected in the *First Report and Order in Docket 19995*, *supra*. NWG Broadcasting's opposition argues that the Petition merely restates positions previously submitted and is thus procedurally defective. It responds to the petitioners' specific contentions by stating that KLEW-TV does produce and broadcast significant amounts of programming of interest to the Pullman/Moscow area.

6. *Discussion.* Since the nonduplication rules were first devised in 1965, the Commission has exhibited some concern about deleting programs on stations which the viewers could receive off-the-air. At that time the Commission stated: "Our purpose was and is to preserve the existing off-the-air situation, insofar as exclusivity is concerned, and not to give stations any greater exclusivity vis-a-vis CATV systems than they now enjoy as against each other."<sup>1</sup>

7. Ten years later, the Commission made a thorough review of the network nonduplication rules and revised them, principally by changing the cri-

teria for the zone of protection from signal strength prediction to fixed mileage zones. The Commission was concerned enough about significantly viewed signals that it decided to consider them separately. A *Further Notice*, *supra*, was issued "to set a standard which will prevent those television signals, commonly viewed in non-cable households of a cable community, from being blacked out because of the mileage priorities."<sup>2</sup>

As we already discussed, the Commission struggled with the issue and concluded that it was best left as a matter for special relief.

8. The issue here is one of balancing. On one side is the concern that a station be available in full on the cable where it is available that way off-the-air. On the other side is the traditional concern about economic impact to local broadcasting. In the *Third Report and Order*, the Commission attempted to balance these factors. The difficulty here is that both stations involved, the one claiming priority and the one whose programming is being deleted, are "local" stations. They generally are competitors over-the-air, and we consider them both so local in nature that our rules mandate their carriage on the cable system.

9. In the *Third Report and Order*, the Commission, in balancing the factors, used the traditional framework of local station versus distant station, deciding that the local station should be protected absent grounds for waiver. On reconsideration, we believe it is more accurate to view this as a local station versus local station situation. Accordingly, we are amending the rules to provide that a station which is significantly viewed under Section 76.54, not be deleted pursuant to the network nonduplication rules.

10. This does not conflict with the policy and goals behind these provisions. They are designed to protect network affiliates from actual or potential economic loss due to importation of distant signals. Our action here merely shifts the burden of proof. Where a signal is significantly viewed, we shall give it full local status for purposes of cable carriage. Naturally, an aggrieved station can obtain protection via our special relief procedures. As such, the burden now has shifted to the broadcast licensee seeking nonduplication protection against a significantly viewed signal. A petitioning licensee will be expected to present persuasive justification. Insofar as economic impact is concerned, this shifts the burden to the party possessing the licensee financial information. It should be added that today's decision does not change our earlier determina-

<sup>1</sup>Para. 97, *First Report and Order in Docket Nos. 14895 and 15233*, 38 FCC 2d 683 (1965).

<sup>2</sup>Paragraph 3 of the *Further Notice of Proposed Rulemaking in Docket 19995*, *supra*.



tion that no deletions will be required where the technical quality of the priority signal is demonstrably inferior.

11. Accordingly, we are today altering our decision in the *Third Report and Order, supra*. The notice we provided clearly contemplated the possibility of the rule change, and many of the commenting parties addressed it in detail. The Petition for Reconsideration and NCTA's comments asked us to reconsider our decision. Therefore we do not believe another notice is needed.

Authority for the rule amendments adopted herein is contained in Sections 2, 4 (i) and (j), 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *It is ordered*, That effective May 24, 1978, Part 76 of the Rules and Regulations is amended as set forth in the attached appendix.

*It is further ordered*, That the Petition for Reconsideration filed by Moscow TV Cable Company, Inc. and Pullman TV Cable Company, Inc. is granted to the extent indicated above.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317.)

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>3</sup>

WILLIAM J. TRICARICO,

Secretary.

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

1. Section 76.92 is amended by the addition of (g) which reads as follows:

§ 76.92 Stations entitled to network program nonduplication protection.

\* \* \*

(g) A community unit is not required to delete the duplicating network programming of any television broadcast station which is significantly viewed in the cable television community pursuant to § 76.54.

DISSENTING STATEMENT OF COMMISSIONER  
ROBERT E. LEE

IN RE: THIRD REPORT AND ORDER, DOCKET  
19995

I dissent to the majority's decision eliminating non-duplication protection against significantly viewed signals.

When the Commission first adopted rules for microwave-served CATV systems in 1965 and later when it applied its rules to all CATV systems, it recognized some disparity between signal carriage rights and non-duplication requirements. CATV systems with adequate channel capacity were required to carry signals from all local stations, including stations placing predicted Grade B sig-

nals over the CATV community. However, the Commission recognized then that all local signals were not equal and that carriage of all these signals on an equal basis would not be consistent with its objective "to preserve the existing off-the-air situation, insofar as exclusivity is concerned."<sup>1</sup> It concluded that, in situations where a CATV system carried signals of different grades, "the CATV system, which can effectively render the signals of all stations carried equal in technical quality, is in fact altering the existing off-the-air situations as to exclusivity."<sup>2</sup>

The non-duplication priorities of Section 76.92(b) follow from the priorities of the Commission's earlier rules.<sup>3</sup> The only difference between Section 76.92(b) and the earlier non-duplication rules is that the Commission used predicted signal strength as the basis for determining priorities then and uses specified mileage zones now for administrative ease. The reason for the priorities has not changed.

The majority does not argue that the world has changed enough to render earlier conclusions obsolete. It also does not argue that the non-duplication policy and goals have changed. Indeed, it concludes to the contrary.

It bases its decision, instead, on a kind of logic. If the Commission calls a signal "local" for carriage purposes, even if this is only a gimmick to increase signal carriage quotas for CATV systems, it should treat the signal on a par with all other local signals. This is an interesting academic proposition, but it precludes consideration of the real world which the Commission's non-duplication rules were intended to parallel to the extent possible. It also overlooks other distinctions built into the CATV rules.

Significantly viewed signals subject to deletion for non-duplication purposes are from different markets, as defined by the Commission, than the higher priority stations.<sup>4</sup> They are also from different markets than the one in which the CATV system operates. Significant viewing based on the Commission's 1972 master list<sup>5</sup> was determined from now out-of-date county-wide average viewing figures. The particular signal may not even be viewed or viewable in the particular CATV community! Yet, the majority has concluded that logic requires these signals to be treated equally with truly local stations.<sup>6</sup>

Although the majority should have reason to doubt its assumptions because of the

<sup>1</sup>Rules re Microwave-Served CATV, 38 F.C.C. 683, 720 (1965).

<sup>2</sup>Id. at 721.

<sup>3</sup>Stations whose principal community contours covered the CATV community had priority over stations whose Grade A or Grade B contours covered the community. Stations whose Grade A contours covered the community had priority over stations which only placed predicted Grade B signals over the community.

<sup>4</sup>If they were from the same markets, simultaneously broadcast network programs would not be subject to deletion.

<sup>5</sup>Appendix B to Reconsideration of Cable Television Report and Order, 38 FCC 2d 326, 378 (1972).

<sup>6</sup>The majority apparently is not fully convinced of the validity of its own logic. If it were, wouldn't it have given significantly viewed signals the same right to protection against "distant" signals which "local" stations enjoy?

nature of its significant viewing standard, it has not made a study of the real world to determine whether the change it has adopted will serve the Commission's goals as well as or better than the rule being changed. I am not a lawyer, but it seems to me the Commission should develop substantial evidence on this point before changing the rule, especially since the concept behind the rule has been affirmed so often by courts as a reasonable and appropriate exercise of Commission jurisdiction.

I also think the Commission should have considered whether the change is really consistent with its allocations objective of local stations serving local needs. In treating stations from different markets as equal, the majority seems to have forgotten that consistency with allocations objectives has been the underlying reason for all of the Commission's CATV rules.

Finally, I am concerned about the shift in the burden of proof. The majority suggests that this is minor. I do not agree. When the burden was on CATV systems, the petitioning system could show that the significantly viewed signal really was comparable to the higher priority signal on the basis of audience levels or technical quality. In shifting the burden to television stations, the majority has said only one factor will be considered relevant to the waiver request, the economic demise of the station. Factors such as relative signal strength or off-the-air viewing levels, which were relevant when the burden was on the CATV system, are apparently not relevant now that the burden has been shifted. In other words, the majority has not only shifted the burden, it has changed it to preclude consideration of the real world.<sup>7</sup>

While this Third Report is characterized as a small detail of the Commission's earlier decision to base non-duplication rights on mileage zones rather than predicted signal contours, I detect change in the Commission's attitude toward CATV. I am not criticizing change if based on fact and reason. However, I do not think this proceeding should be used as the first step. The Commission should evaluate the role of CATV in the nationwide communications system, articulate reasonable goals, and design appropriate rules in a proceeding which allows the issues to be addressed directly. I favor such a proceeding and would like to see it started as soon as possible.

I am dissenting from the majority's decision in this case because I do not think it is consistent with the objectives behind the Commission's present rules. I recognize that no rule precisely fits every situation, but that is the problem with any rule. I believe that changes in a rule should be based on an adequate record showing that the change is warranted, an improvement, and consistent with the Commission's regulatory goals. Otherwise, individual problems with the rule should be handled in waiver proceedings.

<sup>7</sup>Although the majority makes a point about the burden being on the party with the information, this has always been the case. If a CATV system made a showing justifying waiver, the burden then shifted to the broadcaster to show that a waiver, otherwise justified, would affect its ability to serve the public. Some CATV systems have complained that they need financial data to collaterally attack the non-duplication rule. However, rulemaking proceedings, not special relief proceedings, should be used to change rules.



**DISSENTING STATEMENT OF COMMISSIONER  
ABBOTT WASHBURN**

**RE: RECONSIDERATION OF THIRD REPORT AND  
ORDER IN DOCKET 19995**

As we have said again and again: the essence of our American system of broadcasting is local service to the public in the community of license. Any action that erodes the ability of the local broadcaster to provide this service is thus harmful to the system. Today's decision by the Commission is just such an action. It detracts from the local broadcaster's viability and in return it gives the cable-TV subscribers not one minute of additional program diversity.

"Significantly-viewed" TV signals are in most cases not true "local" signals. They usually come in from another market area and therefore do not ascertain and program for the needs and interests of the community served by the cable system. But according to our cable-TV rules they are, for some unclear reason, considered "local" signals. Therefore, in the view of the majority in today's decision, they should not be blacked out when they duplicate priority local stations' network programming.

Mechanically applying the "significantly-viewed" standards to the nonduplication rules, in this fashion, brings to mind Ralph Waldo Emerson's observation that "a foolish consistency is the hobgoblin of little minds." Through foolish consistency the majority of the Commission has failed to recognize the differences between distant signal carriage and nonduplication protection.

The resulting dilution of local stations' ability to provide service to the community will be especially pronounced in small markets—the very areas where the Commission should be particularly concerned about preserving "localism". The sole benefit derived from today's action will be the elimination of a slight technical inconvenience to the cable system operator in having to black out the signals; but we should bear in mind that, except in a few notable cases, most cable systems originate no local service to the community.

Today's decision makes an early Commission reexamination of our definition of "significantly-viewed" signals essential to the continued vitality of "local" service.

**STATEMENT OF COMMISSIONER MARGITA E.  
WHITE**

**RE: DOCKET NO. 19995**

There are two general areas which arise in this rulemaking which are of primary concern to the Commission—local service by broadcasters and competition. The Commission believes, as do I, in the value of local service by broadcasters. Only by a strong commitment to serving its local community does the broadcast licensee ensure its commercial success and fulfill its public interest obligations. Competition reduces the need for regulation because the marketplace often regulates far more effectively than does government.

In the instant decision we have, I believe, furthered localism and competition. We have retained protection for local stations against distant signals, but have removed a barrier which impeded competition on cable among broadcasters who now compete over the air. In so doing, the Commission has applied its "significantly viewed" test evenhandedly. If a cable system must carry a signal which is local because it is significant-

ly viewed, then it should carry that signal in its entirety.

A significantly viewed signal should not be blacked out as not "local" if that same signal must be carried as local. This is not to say that the current standard used to measure "significantly viewed" should not be reexamined. But we owe it to the public to deal with the definition of "local" directly rather than by applying a standard in contradictory ways.

Today's decision makes our "significantly viewed" tests consistent. However, I am concerned about potential harm to the local service provided by small market television broadcasters. Broadcasters should not be reluctant to seek special relief. We, in turn, must be alert to undue burdens placed upon stations with limited resources and should act accordingly.

I concur.

**CONCURRING STATEMENT OF COMMISSIONER  
TYRONE BROWN**

**IN RE: RECONSIDERATION OF THIRD REPORT AND  
ORDER IN DOCKET 19995**

To the extent it requires deletion of significantly viewed signals, section 76.92 of our rules does not appear to me to be rationally consistent with the underlying tenet of the signal carriage rules.

Subpart D of our rules mandates a cable system to carry the signal of any television station which is significantly viewed in the cable community.<sup>1</sup> The Commission requires carriage because we consider that television station as "local" to the cable community (see *Cable Television Report and Order*, 36 FCC 2d 143, at para. 81 (1972) and *Reconsideration*, 36 FCC 2d 326, at paras. 50-63 (1972)). Presumably, we sought to assure cable subscribers access to local stations. (See *Cable Report*, *supra* at para. 78).

However, upon carriage of a significantly viewed signal, section 76.92 of the rules has until today mandated deletion of that signal on request of another local but "higher priority" television station which concurrently is broadcasting the same program. The Commission has required deletion to protect the "higher priority" station from adverse economic impact from the significantly viewed "distant" signal. See *First Report and Order in Docket 19995*, 52 FCC 2d 519, at paras. 18 and 43 (1975).

Thus, our carriage rules have treated the significantly viewed signal as "local" while our nonduplication rules have, in effect, treated the signal as "distant". The record simply does not justify this inconsistency, and I, therefore, join in eliminating this anomaly in our rules.

I recognize that treating significantly viewed signals as local signals does not always reflect the actualities of the marketplace. It may be that, consistent with the need for a reasonably certain and administratively workable rule, it would be better to redefine a "local signal" on service area or market basis (assuming there is data available). I for one would be prepared to consider such a general approach to the definition of "local signal" within the context of a petition for rulemaking.

[FR Doc. 78-10418 Filed 4-17-78; 8:45 aml]

<sup>1</sup>See Sections 76.57(a)(4), 76.59(a)(6) and 76.61(a)(5). See also Section 76.54.

[7035-01]

**Title 49—Transportation**

**CHAPTER X—INTERSTATE  
COMMERCE COMMISSION**

**SUBCHAPTER A—GENERAL RULES AND  
REGULATIONS**

[Ex Parte No. MC-19 (Sub-No. 8)]

**PART 1056—TRANSPORTATION OF  
HOUSEHOLD GOODS IN INTER-  
STATE OR FOREIGN COMMERCE**

**Practices of Motor Common Carriers  
of Household Goods**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Interpretation of Regulations.

**SUMMARY:** The Interstate Commerce Commission is interpreting its regulations governing motor common carriers of household goods. The interpretation of the regulations 49 CFR 1056.6 and 49 CFR 1065.10 requires that a copy of the bill of lading for a particular shipment must accompany the shipment while in transit as soon as the gross weight is obtained.

**DATE:** Interpretations are effective immediately. Comments may be filed with the Commission on or before May 18, 1978.

**ADDRESS:** Send comments to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:**

Michael Erenberg, 202-275-7292.

**SUPPLEMENTARY INFORMATION:** The transportation of household goods in interstate or foreign commerce is regulated by Part 1056 of the Code of Federal Regulations. These regulations have undergone frequent and considerable revision since first adopted by the Commission in a continuing effort to compel motor common carriers of household goods to provide a moving service which is both efficient and responsive to the needs of the shipping public. The Commission is dedicated to the realization of this goal. Satisfactory service for every shipper can be attained only by constant review and interpretation of our regulations in this highly consumer-oriented transportation activity. With this purpose in mind, we have determined that certain matters in the present regulations require clarification.

Under 49 CFR 1056.10(a), a carrier is required to issue a bill of lading (or receipt) when it receives a shipment of household goods for transportation. That regulation also specifies the information which must be set forth on



the bill of lading. This information includes the name and address of the transporting carrier and any interlining carriers, the actual pickup dates and agreed delivery date, the tare, gross, and net weights as required by §1056.6(a)(1), the number of the transporting vehicle, and the amount of estimated charges. Section 1056.6(a) specifies the manner in which the tare, gross, and net weights are to be determined, and requires that these weights be entered on the bill of lading. Section 1056.6(b) orders the carrier to obtain a separate weight ticket, signed by the weighmaster or driver for both the tare and gross weights. It further requires that:

"\* \* \* the driver shall enter thereon (the weight tickets) the number of the bill of lading accompanying the shipment involved." (Emphasis added.)

Under §1056.10(b)(5), the carrier must attach true copies of these weight tickets to the bill of lading. The tare weight must be entered on the bill of lading given to the shipper, with a weight ticket attached, before the gross weight is obtained. Moreover, the gross weight must be entered on, and a weight ticket attached to, the bill of lading as soon as the gross weight is obtained. Section 1056.6 specifies that the gross weight must be obtained at a certified scale nearest to the point of origin, or if none is available at point of origin, then at the nearest certified scale in the direction of the movement of the shipment, or the direction of the next pickup or delivery in the case of part loads.

(A) Copy of the Bill of Lading for a Particular Shipment must Accompany the Shipment while in Transit.

Reading these requirements together, and particularly the specific language of §1056.6(b), we interpret the regulations to require that a copy of the bill of lading for each shipment must accompany the particular shipment while in transit. By "accompanying the shipment in transit", we mean that a copy of the bill of lading must be in the possession of the driver or agent of the carrier and physically transported in the vehicle carrying the household goods shipments. If more than one shipment is transported on a single vehicle, a copy of the bill of lading for each shipment must be carried.

(B) A Copy of the Bill of Lading must Accompany the Shipment while in Transit as soon as the Gross Weight is Obtained.

In complying with the regulations, it is obvious that a copy of the bill of lading must be carried in the vehicle transporting the shipment at the time the gross weight of the shipment is obtained in order to record that weight on the bill and attach the gross weight ticket to it. Therefore, it seems reason-

able to require that a copy of the bill of lading must accompany the shipment in transit once the gross weight is obtained, and at all times thereafter until the shipment is delivered.

Our interpretation here is consistent with the intent of the regulations and also with what we understand to be the prevailing practice in the industry. This interpretation is issued simply to make explicit what is already implicit in the regulations. This interpretative order is effective on the date it is issued. However, we will accept and consider any comments submitted by interested persons concerning the Commission's interpretations of the regulation. These comments must be submitted on or before May 18, 1978.

It is ordered that a copy of this decision be served on all certificated motor common carriers of household goods.

By the Commission.

Dated: April 6, 1978.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-10450 Filed 4-17-78; 8:45 am]

[7035-01]

[S.O. No. 1321]

# PART 1033—CAR SERVICE

## Lenawee County Railroad Co., Inc., Authorized To Operate Over Tracks of Consolidated Rail Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1321).

SUMMARY: The Lenawee County Railroad operates two separate lines of railroad in the vicinity of Grosvonor, Mich. Service Order No. 1321 authorizes the Lenawee County Railroad to operate over 3.6 miles of a line of the Consolidated Rail Corp. between Lenawee Junction, Michigan and Grosvonor in order to permit their single locomotive to serve both line segments.

DATES: Effective 12:01 a.m., April 13, 1978. Expires July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of April 1978.

The Lenawee County Railroad Co., Inc. (LCRC), has been authorized,

under Certificate D-OP 18, to operate USRA Line Nos. 392a, 393, and 394 (two portions) between various points in Lenawee County, Mich. Certain of these lines are separated from each other by lines operated by the Consolidated Rail Corporation (Conrail). In order economically to operate these lines it is necessary that the LCRC operate over tracks of Conrail between Lenawee Junction, Mich., milepost 324.8 and Grosvonor, Mich., milepost 321.2, a distance of 3.6 miles. Conrail has consented to use of these tracks by LCRC.

In the opinion of the Commission immediate operation by LCRC over these tracks of Conrail is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§1033.1321 Service Order No. 1321.

(a) Lenawee County Railroad Company, Inc., authorized to operate over tracks of Consolidated Rail Corporation. The Lenawee County Railroad Company, Inc. (LCRC), is authorized to operate over tracks of Consolidated Rail Corporation (Conrail) between Lenawee Junction, Mich., milepost 324.8 and Grosvonor, Mich., milepost 321.2, a distance of 3.6 miles.

(b) Application. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Effective date. This order shall become effective at 12:01 a.m., April 13, 1978.

(d) Expiration date. The provisions of this order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. 1 (10-17).)

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-10448 Filed 4-17-78; 8:45 am]



[7035-01]

[S.O. No. 1322]

**PART 1033—CAR SERVICE****Distribution of Grain Cars**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Emergency Order (Service Order No. 1322).

**SUMMARY:** Because of an extreme shortage of jumbo covered hopper cars and boxcars, numerous country elevators are unable to secure freight cars required for shipments of grain resulting in severe economic loss both to the elevator operators and to their former patrons. Service Order No. 1322 requires railroads to devote at least 70 percent of their serviceable jumbo covered hopper cars and 50 percent of their serviceable ownership of 40-foot, narrow-door, plain boxcars to grain service. A minimum of half of each of these groups of grain cars must be applied against car orders placed by country elevators.

**DATES:** Effective April 17, 1978. Expires April 30, 1978.

**FOR FURTHER INFORMATION CONTACT:**

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, telephone 202-275-7840, telex 89-2742.

**SUPPLEMENTARY INFORMATION:** The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of April 1978.

An acute shortage of covered hopper cars and boxcars for transporting shipments of grain exists in the western part of the United States. These shortages are particularly prevalent at country grain elevators. In some instances railroads have given priority in filling orders for grain cars to the larger terminal and sub-terminal elevators, thus aggravating the shortages at country elevators. Such practices have resulted in severe financial hardships to many country elevators and other small volume grain shippers by forcing them to pay penalties for non-shipment against outstanding sales contracts or to repurchase such contracts, to pay increased transportation costs for shipments via other modes, or to sell their grain at substantial discounts to other companies that have been able to acquire control over either railroad or privately owned freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people; that

notice and public procedure are impracticable, and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered, That:*

**§ 1033.1322 Service Order No. 1322.**

(a) *Distribution of grain cars—Application.* (1) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(2) This order shall apply to all freight cars listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof, as having the following descriptions:

Jumbo covered hoppers: Mechanical designation "LO" Capacity 4000 cu. ft. or greater and 180,000 lb. or greater.

40 ft., narrow door, plain boxcars: Mechanical designation "XM" with inside length less than 49 ft. 6 in., and equipped with doors less than 9 ft. wide.

(3) This order shall apply to the following common carriers by railroad:

The Atchison, Topeka & Santa Fe Railway Co.; Burlington Northern Inc.; Chicago & Northern Western Transportation Co.; Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; Chicago, Rock Island & Pacific Railroad Co.; Illinois Central Gulf Railroad Co.; Missouri-Kansas-Texas Railroad Co.; Missouri Pacific Railroad Co.; St. Louis-San Francisco Railway Co.; Soo Line Railroad Co.; Union Pacific Railroad Co.; Terminal Switching Railroads.

(b) *Definitions—(1) Terminal and Sub-Terminal Elevators.* The terms "terminal elevators" and "sub-terminal elevators" mean a grain storage elevator located at one of the principal port and interior markets listed below:

New Orleans, La., and sub-ports Ama, Destrehan, Myrtle Grove, Reserve, Westwego, Baton Rouge, La., (Port Allen).  
Beaumont, Tex., Port Arthur, Tex., Galveston, Tex., Houston, Tex., Corpus Christi, Tex.  
San Diego, Calif., San Francisco, Calif., and sub-ports Sacramento, Stockton, Los Angeles, Calif. and sub-ports Long Beach, San Pedro.  
Seattle, Wash., Tacoma, Wash., Kalama, Wash., Longview, Wash., Vancouver, Wash.  
Portland, Oreg., Astoria, Oreg.  
Milwaukee, Wis., Superior, Wis.  
Amarillo, Tex., Lubbock, Tex., Plainview, Tex., Dallas, Tex.  
Dodge City, Kans., Great Bend, Kans., Newton, Kans., Wellington, Kans., Salina, Kans., Wichita, Kans., Hutchinson, Kans., Atchison, Kans., Topeka, Kans.  
St. Joseph, Mo.  
Council Bluffs, Iowa, Sioux City, Iowa.  
Omaha, Nebr., Lincoln, Nebr., Hastings, Nebr.  
Denver, Colo.  
Duluth, Minn., Minneapolis, Minn., St. Paul, Minn.  
Chicago, Ill.  
Kansas City, Mo., St. Louis, Mo.  
Ft. Worth, Tex.  
Enid, Okla.

(2) *Country Elevators defined.* The term "country elevator" means all

grain storage or loading facilities located at interior points not listed in paragraph (b)(1) of the section and served by one or more of the railroads listed in paragraph (a)(3) of this section.

(3) *Terminal Switching Railroads defined.* The term "terminal switching railroad" means any railroad, not participating in the freight rate, performing terminal switching services of carloads of grain originated by any of the railroads specifically named in paragraph (a)(3) of this section.

(4) *Grain defined.* The term "grain" mean any unprocessed, raw, whole grain including soybeans.

(c) *Restrictions on use of covered hopper cars.* (1) Each railroad listed in paragraph (a)(3) of this section shall assign to grain service at least seventy (70) percent of its serviceable ownership of jumbo covered hopper cars.

(2) Each railroad listed in paragraph (a)(3) of this section shall use at least fifty (50) percent of the jumbo covered hopper cars assigned to grain service for transporting shipments of grain from country grain elevators. The remaining grain service jumbo covered hopper cars may be used for transporting shipments of grain from terminal and sub-terminal elevators.

(3) The limitations on the use of jumbo covered hopper cars provided by Service Order No. 1304 shall continue to apply. Covered hopper cars used in unit-grain train services shall be considered as being assigned to country elevators or to terminal or sub-terminal elevators in accordance with the classification of elevators provided in paragraphs (b) (1) and (2) of this section.

(d) *Restrictions on use of plain boxcars.* (1) Each railroad listed in paragraph (a)(3) of this section shall assign to grain service at least fifty (50) percent of its serviceable ownership of 40 ft., narrow-door, plain boxcars.

(2) Each railroad listed in paragraph (a)(3) of this section shall use at least fifty (50) percent of the 40 ft., narrow-door, plain boxcars assigned to grain service for transporting shipments of grain from country grain elevators. The remaining grain service 40 ft., narrow-door, plain boxcars may be used for transporting shipments of grain from terminal and sub-terminal elevators.

(e) *Restrictions on use of foreign cars.* At least fifty (50) percent of all foreign cars used for loading grain shall be allocated to country elevators. In the application of this section a "foreign" car is a car bearing the reporting marks of a railroad other than the line furnishing the car for loading.

(f) *Exceptions.* Exceptions to this order may be authorized to carriers by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Requests for exceptions



must be submitted in writing, or confirmed in writing, and must state clearly the reason and justification for such exception.

(g) *Records and Reports.* (1) Each railroad subject to this order shall maintain in the offices of the superintendent of each division serving either country, terminal or sub-terminal elevators, the following records compiled separately for cars ordered by and furnished to country elevators and for cars ordered by and furnished to terminal or sub-terminal elevators containing the following information, by date for which cars have been ordered for placement.

Station \_\_\_\_\_  
Name of Elevator \_\_\_\_\_  
Cars ordered: \_\_\_\_\_  
Date wanted \_\_\_\_\_  
Box \_\_\_\_\_  
Covered hoppers \_\_\_\_\_  
Cars furnished: \_\_\_\_\_  
Date \_\_\_\_\_  
Box \_\_\_\_\_  
Covered hoppers \_\_\_\_\_

Substitution of one type of car for another or the furnishing of smaller cars for larger cars ordered must be indicated by appropriate notes.

Cars which have made one or more trips in grain service subject to tariff provisions requiring two or more consecutive trips shall be considered as ordered when they arrive empty at the next point designed for loading.

(2) A summary of the divisional reports described in paragraph (g)(1) of this section shall be compiled at the close of each month by each railroad subject to this order containing the following information separately for country elevators and for terminal and subterminal elevators.

Date wanted \_\_\_\_\_  
Cars ordered: \_\_\_\_\_  
Box \_\_\_\_\_  
Covered hoppers \_\_\_\_\_  
Cars furnished: \_\_\_\_\_  
Date \_\_\_\_\_  
Box \_\_\_\_\_  
Covered hoppers \_\_\_\_\_

Substitution of one type of car for another or of smaller cars for larger cars ordered must be indicated by appropriate notes.

A copy of the summary report for the immediately preceding month shall be sent to the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, on or before the seventh day of each month.

(h) The provisions of Service Orders Nos. 1182, 1234, 1280, 1304, 1305, 1310, 1312, 1313, and 1314, revisions thereof or amendments thereto, shall remain fully in effect.

(i) *Effective date.* This order shall become effective at 12:01 a.m., April 17, 1978.

(j) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1978, unless otherwise modified, changed, or

suspended by order of this Commission.

(49 U.S.C. 1(10-17)).

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 78-10449 Filed 4-17-78; 8:45 am]

[4310-55]

# Title 50—Wildlife and Fisheries

## CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

### PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

#### Listing of the Greenback Cutthroat Trout as a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines the greenback cutthroat trout (*Salmo clarki stomias*) to be a Threatened species. This action will reclassify the greenback cutthroat trout from Endangered to Threatened. Conservation efforts by State and Federal agencies on behalf of this species have restored it to the point where it is no longer Endangered. Threats from hybridization and habitat alteration exist but are not serious enough to require an Endangered status; they do indicate, however, that the trout is Threatened. The greenback cutthroat trout occurs only in Colorado, and this rule would permit the species to be taken in accordance with the laws of that State.

DATE: This rule becomes effective May 18, 1978.

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:

### BACKGROUND

On September 26, 1977, the Service published a proposed rulemaking in the FEDERAL REGISTER (42 FR 48901-48902) advising that sufficient evidence was on file to support a determination that the greenback cutthroat trout was a Threatened species pursuant to the Endangered Species Act of 1973, 16 U.S.C. 1531, et seq. That proposal summarized the factors thought to be contributing to the likelihood that this fish could become Endangered within the foreseeable future, specified the prohibitions which would be applicable if such a determination was made, and solicited comments, suggestions, objections, and factual information from any interested person. Section 4(b)(1)(A) of the Act requires that the Governor of each State or Territory, within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened species or an Endangered species. A letter was sent to Governor Lamm of the State of Colorado on September 29, 1977, notifying him of the proposed rulemaking for the greenback cutthroat trout. On September 29, 1977, letters were sent to other Federal agencies notifying them of the proposal and soliciting their comments and suggestions.

### SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the FEDERAL REGISTER prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

In the September 26, 1977, FEDERAL REGISTER proposed rulemaking (42 FR 48901-48902) and associated Press Release, all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rulemaking.

All public comments received during the period September 26, 1977, to December 31, 1977, were considered.

The Colorado Department of Natural Resources, Division of Wildlife, responded for the State. They supported the proposed reclassification of the greenback cutthroat trout as Threatened. They also expressed confidence in the recovery of the trout through the implementation of the Greenback Cutthroat Trout Recovery Plan.

The U.S. Forest Service and the National Park Service submitted comments concurring with the proposed reclassification of the greenback cutthroat trout.



One national conservation organization submitted comments and expressed concern that the proposed regulation did not expressly limit taking to areas which have reached carrying capacity nor limit such taking to non-commercial purposes. The State of Colorado will determine which populations would benefit from sport fishing and limit taking to those areas. State regulations prohibit taking of trout for commercial purposes.

#### CONCLUSION

After a thorough review and consideration of all the information available, the Director has determined that the greenback cutthroat trout is threatened throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act. This review amplifies and substantiates the description of those factors and are described as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.*—The greenback cutthroat trout is less tolerant of adverse conditions than are other trouts such as brown trout or rainbow trout. Optimum conditions of oxygen, temperature, and water purity for the greenback cutthroat trout appear to be more stringent than for other trouts. The original distribution of the greenback cutthroat trout was the headwaters of the South Platte and Arkansas River basins. Permanent populations were restricted to the mountains and foothills because the warm, turbid conditions in the South Platte and Arkansas Rivers in the plains did not provide suitable habitat. The extirpation of the greenback cutthroat trout proceeded very rapidly due to competition and hybridization with introduced trouts and loss and degradation of habitat from mining, logging, grazing, and irrigation projects. By 1930, the greenback cutthroat trout in its pure form was commonly assumed to be extinct.

Protection of presently occupied habitat varies. Como Creek and Black Hollow Creek are on Roosevelt National Forest lands with the exception of a few hundred yards of the head of Como Creek, which is on the grounds of the Arctic and Alpine Research Institute of the University of Colorado. Bear Lake, Forest Canyon, Hidden Valley, and Caddis Lake are on lands of the Rocky Mountain National Park; Island Lake and the Boulder water-

shed lakes are on land owned by the city of Boulder. The headwaters of the Little South Platte River is on the Roosevelt National Forest and Rocky Mountain National Park. South Huerfano Creek is on a private ranch surrounded by the San Isabel National Forest and Florence Creek is on the Uintah and Ouray Indian Reservations. The habitats on public lands appear to be safe from degradation. Waters on private land either known to contain greenback cutthroat trout or in the historic range and possibly containing undiscovered populations continue to be threatened by habitat destruction due to logging, mining, grazing, or water development projects.

5. *Other natural or manmade factors affecting its continued existence.*—The greenback cutthroat trout is not likely to coexist successfully with other species of trout. The introduction of non-native trout within the range of the greenback cutthroat trout presents the most serious threat to its continued existence. Hybridization usually occurs with other subspecies of cutthroat trout and with rainbow trout. Eastern brook trout do not hybridize with greenback cutthroat trout wherever the two species occur together. Introduction of non-native trout into greenback cutthroat trout habitat by fishermen is a threat to the species, as is destruction of barrier dams.

#### EFFECT OF THE RULEMAKING

The effects of this determination and rulemaking include, but are not necessarily limited to, those discussed below.

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. All of these prohibitions and exceptions also apply to any Threatened species unless a special rule pertaining to the Threatened species has been published and indicates otherwise. In the case of the greenback cutthroat trout, the special regulation will allow "take" of the species in accordance with State laws.

This rule will not change the eligibility of the greenback cutthroat trout for the protection provided by Section 7 of the Act. That Section reads as follows:

#### INTERAGENCY COOPERATION

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of

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

Although no Critical Habitat has yet been determined for this species, the other provisions of Section 7 are applicable.

Provisions for Interagency Cooperation were published at 50 CFR Part 402 on January 4, 1978, in the FEDERAL REGISTER (43 FR 870-876) to assist Federal agencies in complying with Section 7 of the Endangered Species Act of 1973.

#### EFFECT INTERNATIONALLY

In addition to the protection provided by the Act, the Service will review the greenback cutthroat trout to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendix(ices) to that Convention or whether it should be considered under other, appropriate international agreements.

#### NATIONAL ENVIRONMENTAL POLICY ACT

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves the greenback cutthroat trout. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. James D. Williams, Office of Endangered Species, 202-343-7814.

#### REGULATIONS PROMULGATION

1. Accordingly, § 17.11 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended by adding the greenback cutthroat trout, alphabetically under "Fishes," as follows:



§ 17.11 Endangered and threatened wildlife.

Species		Range		Portion of range where threatened or endangered	S tatus	When listed	Special rules
Common name	Scientific name	Population	Known distribution				
Fishes Trout, greenback cutthroat.	<i>Salmo clarki stomias</i> .	N/A	U.S.A. (Colorado) .....	Entire.....	T .....	1, 38 .....	17.44(f).....

2. Section 17.44 is amended by adding a new paragraph (f) as follows:

§ 17.44 Special rules—fishes.

\* \* \* \* \*

(f) Greenback cutthroat trout (*Salmo clarki stomias*).

(1) All provisions of § 17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

NOTE.—The Service has determined that this document does not contain a major re-

quiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: April 6, 1978.

LYNNE A. GREENWALT,  
Director, Fish and  
Wildlife Service.

[FR Doc. 78-10089 Filed 4-17-78; 8:45 am]



# proposed rules

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

[3410-02]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 908]

#### VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Proposed Expenses, Rate of Assessment and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses and a rate of assessment for the 1977-78 fiscal period, to be collected from handlers to support activities of the Valencia Orange Administrative Committee which locally administers the Federal marketing order covering Valencia oranges grown in Arizona and designated part of California.

DATES: Comments must be received before May 2, 1978. Proposed effective dates: November 1, 1977, through October 31, 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 proposals under consideration were submitted by the committee, established under Marketing Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia 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 proposals are:

(a) Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1977, through October 31, 1978, will amount to \$356,040.

(b) The rate of assessment for said period payable by each handler in accordance with § 908.41 is fixed at \$0.0145 per carton of oranges.

(c) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended October 31, 1977, shall be carried over as a reserve in accordance with § 908.42.

Dated: April 13, 1978.

CHARLES R. BRADER,

*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 78-9943 Filed 4-17-78; 8:45 am]

[3410-34]

### Animal and Plant Health Inspection Service

[9 CFR Part 92]

#### BIRD IDENTIFICATION

#### Proposed Rulemaking

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to delete the requirement for individual identification of birds prior to their importation into the United States; to require such identification during the period of quarantine and prior to their release; and to require quarantine facility operators to make records of such identification and maintain such records for 12 months following the date of release of the birds from quarantine. It appears that individual identification of birds at the quarantine facility will be easier to accomplish than to require such identification prior to importation and will facilitate recordkeeping. The intended effect of this proposal would be to identify and make a record of all birds legally imported into the United States so that they could be differentiated from birds smuggled into the United States.

DATE: Comments on or before, June 20, 1978.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 817, Hyattsville, Md. 20782.

#### FOR FURTHER INFORMATION CONTACT:

Dr. George P. Pierson, USDA, APHIS, VS, Imported-Export Staff, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8170.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to sec. 7 of the Act of December 28, 1973; sec. 2 of the Act of February 2, 1903, as amended; and secs. 2, 4, and 11 of the Act of July 2, 1962 (16 U.S.C. 1536 and 21 U.S.C. 111, 134a, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending part 92, title 9, Code of Federal Regulations.

This proposed amendment would: (1) delete the requirement for individual identification of birds prior to their importation into the United States in § 92.5(c) of the regulations (9 CFR 92.5(c)); (2) amend § 92.11(f)(3)(ii)(E) of the regulations (9 CFR 92.11(f)(3)(ii)(E)) to require a quarantine facility operator to identify individually all birds with identifying devices supplied by the Department, at cost, upon request to the Deputy Administrator, Veterinary Services within 72 hours of the time that the birds enter the quarantine facility; and (3) require a quarantine facility operator to make additional records concerning birds at the time the birds are so identified and maintain the records for 12 months following the date of the release of the birds from quarantine. Additionally, with respect to birds quarantined at a USDA quarantine facility, such birds would also be so identified and the Department would make and maintain the same records required of a private quarantine facility operator.

The proposed amendments would require additional information, in the form of an identification record, be maintained by the operator of each bird quarantine facility. Such an identification record would include the common and scientific name of the species involved, and the number of the identification device attached to each bird which enters the quarantine facility. These requirements should provide a better method of tracing the origin of birds which is an essential part of treating outbreaks of communicable diseases of birds. Further, the common and scientific names of the particular species of birds would be required because such names are believed to be the most accurate way to identify birds in a particular shipment. Additionally, requiring such information would appear to be in accordance with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) which



mandates that Federal agencies utilize their authorities in furtherance of the purposes of that Act. Such information should facilitate prompt identification of such birds in order to determine whether they are an endangered species.

When outbreaks of velogenic viscerotropic Newcastle disease occur, it is important to be able to differentiate smuggled birds from legally imported birds when the tracing of movements is required. Smuggled birds have been implicated in all outbreaks of velogenic viscerotropic Newcastle disease since the Southern California outbreak in the fall of 1971. Under the existing regulations, identification numbers applied prior to presentation for entry are not required to be recorded, and are, therefore, lost in most cases. Further, the identification of birds and the recording of numbers applied at the quarantine facility should facilitate the tracing of legally imported birds and provide a means to differentiate them from smuggled birds. It is believed that this differentiation will suppress the smuggling of birds and the consequent threat of introducing velogenic viscerotropic Newcastle disease associated with such smuggled birds. It should be noted that the birds would be required to be identified within 72 hours of the time that such birds enter the facility. A period of 72 hours is proposed to allow the facility operator time to identify the birds during his normal hours of business so that overtime expenses might be minimized.

Accordingly, part 92, title 9, Code of Federal Regulations, would be amended in the following respects:

1. Section 92.5(c) would be amended by deleting the phrase "such birds were individually identified by serially numbered legbands (or by other suitable means of identification approved by the Deputy Administrator, Veterinary Services, upon request to him) and" appearing after the first semicolon in the first sentence in said section.

2. The following sentences would be added between the first and second sentences of § 92.11 (e): "At a USDA quarantine facility each bird shall be individually identified by the Department within 72 hours of the entry of the bird into the bird quarantine facility with an identifying device supplied by the Department at cost to the importer. The Department shall insure that the bird shall be so identified at the time the bird is released from quarantine. The Department shall make an identification record at the time such bird is so identified containing the species of the bird, including the common and scientific name, and the number of the identification device placed on the bird. The daily log and the identification record shall

be maintained for 12 months following the date of the release of the bird from quarantine."

3. Section 92.11 (f)(3)(ii)(E) would be amended by deleting the period at the end of the first sentence of the section and adding the following in lieu thereof: "; and it shall be the responsibility of the facility operator to identify individually each bird within 72 hours of the entry of the bird into the quarantine facility with an identifying device supplied by the Department upon request to the Deputy Administrator, Veterinary Services, and to insure that each bird is so identified at the time the bird is released from the facility. Such identifying devices shall be furnished to quarantine facility operators at cost."

4. Section 92.11 (f)(3)(iii) would be amended by deleting the last sentence of said section and inserting in lieu thereof the following:

The operator of the facility shall also make identification record, at the time each bird is identified, containing the species of the bird, including the common and scientific name and the number of the identification device placed on each bird. The daily log and the identification record shall be maintained for 12 months following the date of release of the bird from quarantine and shall be made available to Veterinary Services personnel upon request.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 817, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of April 1978.

NOTE.—The Animal and Plant Health Inspection Service 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.

E. A. SCHILF,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc. 78-10456 Filed 4-17-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z; Docket No. R-00981]

AMENDMENT TO REGULATION Z TO SIMPLIFY DISCLOSURE REQUIREMENTS

Consumers in Credit Transactions; Suspension of Rulemaking

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Suspension of rulemaking.

SUMMARY: On May 9, 1977, the Board of Governors proposed for comment four amendments to simplify the disclosure requirement of Regulation Z (42 FR 23516). The proposals concerned itemization of the finance charge and downpayment, itemization of certain fees to exclude them from the finance charge, and identification of the method of computing unearned finance charges upon prepayment. The Board has decided to defer final action on these proposals because of pending consideration by Congress of bill to simplify the Truth in Lending Act.

DATE: Further action will be delayed pending Congressional action.

FOR FURTHER INFORMATION:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2761.

By order of the Board of Governors, April 7, 1978.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 78-10395 Filed 4-17-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 101]

[Docket No. 77P-0413]

FOOD LABELING

Ingredient Labeling Exemption

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: This is a proposal to permit ingredients used as firming agents in food (e.g., calcium salts in canned vegetables and tomato products) to be listed together in the ingredient statement, in the order of predominance appropriate for the total amount of all firming agents, by specific common or usual names in paren-



theses following the collective name "firming agents." The proposal would permit the firming ingredients listed within the parentheses to appear other than in descending order of predominance and would provide for the declaration of firming ingredients which may not always be present.

**DATE:** Written comments by May 18, 1978; proposed effective date of final regulation based on this proposal is its date of publication in the **FEDERAL REGISTER**.

**ADDRESS:** Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

**FOR FURTHER INFORMATION CONTACT:**

Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-3092.

**SUPPLEMENTARY INFORMATION:** The Commissioner of Food and Drugs received a petition from the Canners League of California (Docket No. 77P-0413) requesting that calcium salts used as firming agents in canned vegetables and tomato products be declared in the ingredient statement by the collective name "firming agents", followed by a parenthetical listing of the specific salts used, in the proper order of predominance for all such firming agents. The petitioner also requested that salts which may not always be present in the food be permitted to appear on the label.

In support of the proposal, the petitioner stated that prior to recent amendments, the standards of identity for canned vegetables and for canned tomatoes permitted use of five or more different calcium salts for purposes of assuring the firmness of the canned product after processing. The use of these ingredients was declared on the label as "trace of calcium salt added," thus permitting the processor to choose among calcium salts on the basis of price and physical availability, and permitting private label distributors to purchase previously packed good without the necessity for maintaining stocks of labels to match the particular salt in use by each processor. The revised standards of identity and the ingredient labeling regulation require that each optional ingredient be individually declared by its common or usual name.

The petitioner contends that the private label purchaser, whose labels are often made up many months in advance of the packing season, has no way to control or predetermine the calcium salt that will be the most economical to use at the time of packing.

The petitioner also contends that permitting packers and distributors to

use a label statement that includes the alternative or cumulative use of various calcium salts, thus permitting the choice by the packer of the most economically advantageous salt and permitting the private label distributor to purchase goods without regard to the particular salt that was used, will minimize that aspect of the cost of foods. The consumer will, nonetheless, have on the label the specific names of the various calcium salts that the manufacturer or distributor may have used in the canned food.

The full petition is on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be seen between 9 a.m. and 4 p.m. Monday through Friday.

The Commissioner has considered the petition and concludes that a proposed exemption should be published for comment. The petitioner's proposed regulation would limit the exemption to calcium salts used as firming agents. However, the Commissioner is aware that salts of aluminum and magnesium and other firming agents not named in the petition are also used in canned foods as firming agents. He does not wish to limit the exemption to those cases discussed by the petitioner. The Commissioner therefore proposes a modification of the petitioner's proposal to entitle any firming agents, as defined in 21 CFR 170.3, to this exemption.

The Commissioner advises that, pending the issuance of a final regulation ruling on this proposal, FDA will not initiate regulatory action against any food product on the basis of improper ingredient declaration of firming ingredients, provided such ingredient declarations are in accordance with this proposal.

The Commissioner proposes that the effective date of any final regulation ruling on this proposal be the date of publication of such regulation in the **FEDERAL REGISTER**.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sections 201, 403, 701(a), 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 101 of Chapter I of Title 21 of the Code of Federal Regulations be amended in §101.4 by adding new paragraph (b) (21) to read as follows:

§ 101.4 Food; designation of ingredients.

(b) \*\*\*

(21) Ingredients that act as firming agents in food (e.g., salts of calcium and other safe and suitable salts in canned vegetables) may be declared in the ingredient statement, in order of predominance appropriate for the total of all firming agents in the food, by stating the specific common or usual name of each individual firming agent in descending order of predominance in parentheses following the collective name "firming agents." If the manufacturer is unable to adhere to a constant pattern of firming agents in the food, the listing of the individual firming agents need not be in descending order of predominance. Firming agents not present in the product may be listed if they are sometimes used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", "contains one or more of the following:"

Interested persons may, on or before May 18, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

**NOTE.**—The Food and Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: April 11, 1978.

WILLIAM F. RANDOLPH  
Acting Associate  
Commissioner for Compliance.

[FR Doc. 78-10035 Filed 4-17-78; 8:45 am]



[4110-03]

[21 CFR Part 109]

[Docket No. 78N-0048]

**AFLATOXINS IN SHELL PEANUTS AND  
PEANUT PRODUCTS USED AS HUMAN FOODS****Proposed Tolerance: Extension of Reopened  
Comment Period****AGENCY:** Food and Drug Administration.**ACTION:** Extension of comment period on proposed rule.**SUMMARY:** The Commissioner of Food and Drugs is extending the comment period on the proposed tolerance for aflatoxins in consumer peanut products. The additional time provides an opportunity for public comment on a report on the assessment of estimated risk resulting from aflatoxins in consumer peanut products and other food commodities.**DATE:** Comments by May 17, 1978.**ADDRESS:** Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.**FOR FURTHER INFORMATION  
CONTACT:**

Joseph V. Rodricks, Bureau of Foods (HFF-3), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1564.

**SUPPLEMENTARY INFORMATION:** In the FEDERAL REGISTER of March 3, 1978 (43 FR 8808), the Commissioner of Food and Drugs reopened the comment period on a proposal published in the FEDERAL REGISTER December 6, 1974 (39 FR 42748) to establish a formal tolerance of 15 parts per billion (ppb) total aflatoxins ( $B_1 + B_2 + G_1 + G_2$ ) in shelled peanuts and peanut products used as human foods without further processing.

The Commissioner has received a written request for extension of the additional comment period from the Peanut Butter Manufacturers and Nut Salters Association (on file with the Hearing Clerk, Food and Drug Administration). The request asserts that the additional time is needed to evaluate and submit comments from their members regarding the risk assessment report.

The Commissioner finds the request to be meritorious, and extends the comment period in this matter to May 17, 1978.

Interested persons may, on or before May 17, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written

comments regarding this report on the assessment of estimated risk resulting from aflatoxins in consumer peanut products and other food commodities and the proposed tolerance. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

**Dated:** April 13, 1978.WILLIAM F. RANDOLPH,  
*Acting Associate Commissioner  
for Compliance.*

[FR Doc. 78-10493 Filed 4-14-78; 10:39 am]

[6570-06]

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**

[29 CFR Part 1608]

**REMEDIAL AND/OR AFFIRMATIVE ACTION AP-  
PROPRIATE UNDER TITLE VII OF THE CIVIL  
RIGHTS ACT OF 1964 AS AMENDED****Explanation of delay in Publication of Final  
Rule****AGENCY:** Equal Employment Opportunity Commission**ACTION:** Proposed rule—explanation of delay in publication of final rule**SUMMARY:** This document explains that there will be a delay in the Commission's adoption in final form of Guidelines on Remedial/Affirmative Action. The delay is due to the volume and nature of the comments received.**DATES:** Not applicable**FOR FURTHER INFORMATION  
CONTACT:**

Peter C. Robertson, Director, Office of Policy Implementation, Room 4002, 2401 E Street NW., Washington, D.C. 20506, telephone: 202-634-7060 between the hours of 9 a.m. and 5 p.m. e.s.t.

**SUPPLEMENTARY INFORMATION:** On December 28, 1977 at 42 FR 64826, the Equal Employment Opportunity Commission published for notice and public comment its proposed Guidelines on Remedial and/or Affirmative Action. At that time the Commission announced that following the closing of the comment period on March 1, "[t]he Commission proposes to consider the comments for a period of 15 days and to issue a final Guideline immediately thereafter."

The Commission wishes to advise the public that due to the volume and nature of the comments received, it has not been possible for the Commission to adhere to its contemplated

schedule. The Guidelines will be issued in final form as soon as possible.

**Dated:** April 13, 1978.ELEANOR HOLMES NORTON,  
*Chair, Equal Employment  
Opportunity Commission.*

[FR Doc. 78-10412 Filed 4-17-78; 8:45 am]

[4110-87]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE****Center for Disease Control**

[30 CFR Parts 70 and 71]

**COAL MINE HEALTH NOISE STANDARD****Use of Noise Dosimeters****AGENCY:** National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, PHS, HEW.**ACTION:** Notice of change in rule-making procedure.**SUMMARY:** This notice reflects the change in the procedure for adopting coal mine health standards resulting from the enactment of the Federal Mine Safety and Health Act of 1977 (Pub. L. 95-164) which became effective on March 9, 1978. The change affects the proposed amendment to permit the use of noise dosimeters to measure noise in coal mines.**FOR FURTHER INFORMATION  
CONTACT:**

B. Thomas Scheib, Chief, Coal Mine Standards Activity, Division of Criteria Documentation and Standards Development, NIOSH, Room 8A-44, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4614

**SUPPLEMENTARY INFORMATION:** The Federal Mine Safety and Health Act of 1977 became effective on March 9, 1978, and combined the statutory provisions for all mining operations in an amended Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et seq.). Under the 1977 Act, responsibility for establishing and enforcing mine safety and health standards, including those applicable to coal mines, was transferred from the Secretary of the Interior to the Secretary of Labor.

Under the previous Act, the Secretary of the Interior was directed to publish the coal mine health standards developed by the Secretary of Health, Education, and Welfare. Pursuant to this authority there was published in the FEDERAL REGISTER for June 2, 1977 (42 FR 28151) proposed amendments to 30 CFR Part 70 and 71 which would permit the use of personal noise dosimeters to meet the measurement requirements of the Coal Mine Health Noise Standard. In re-



sponse to appropriate request for a hearing the Department published a notice of public hearing (42 FR 43646) and the hearing was held on September 29. On the basis of the evidence presented at the hearing and on other information available, findings of fact were published in accordance with the 1969 Act (43 FR 37729).

In view of the change in the standard setting procedures under the 1977 Act, which vests such authority in the Secretary of Labor, the National Institute for Occupational Safety and Health is forwarding the hearing record on the proposed amendments to the noise standard and all relevant information, together with its recommendations, to the Mine Safety and Health Administration in the Department of Labor for its consideration. Inquiries concerning the status of the proposed regulation should be addressed to the Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203.

Dated: April 13, 1978.

VERNON E. ROSE,  
Acting Director, National Institute  
for Occupational Safety  
and Health.

[FR Doc. 78-10549 Filed 4-17-78; 8:45 am]

#### [6560-01]

### ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 883-11]

### APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—CONNECTICUT

#### Revision to Connecticut Air Monitoring Network

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes approval of Connecticut's revision to the air monitoring network specified in the presently approved State Implementation Plan. The revision updates chapter 8, Air Quality Surveillance, to reflect the present configuration of the ambient monitoring network.

DATE: Comments must be received on or before May 18, 1978.

ADDRESSES: Copies of the Connecticut submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 2113, JFK Federal Building, Boston, Mass. 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; and Connecticut Department of Environmental Protection, Office of Information and Educa-

tion, Room 112, 165 Capitol Avenue, Hartford, Conn. 06115. Comments should be submitted to the Regional Administrator, Region I, Environmental Protection Agency, Room 2203, JFK Federal Building, Boston, Mass. 02203.

### FOR FURTHER INFORMATION CONTACT:

David Stonefield, Air Branch, EPA Region I, Room 2113, JFK Federal Building, Boston, Mass. 02203, 617-223-5609.

SUPPLEMENTARY INFORMATION: On June 30, 1977, the Governor of Connecticut submitted a revision to the State Implementation Plan (SIP) which updates chapter 8, Air Quality Surveillance, to reflect the present configuration of the ambient monitoring network. However, the network will be an interim network, since EPA's ambient monitoring guidelines are being revised.

The network consists of 43 monitoring stations for total suspended particulates (TSP), 24 for sulfur dioxide (SO<sub>2</sub>), 22 for nitrogen dioxide (NO<sub>2</sub>), 12 for ozone (O<sub>3</sub>), and 7 for carbon monoxide (CO). The Connecticut submittal includes a rationale for site selection and location, as well as descriptive information about each monitoring site. Also included are descriptions of the sampling methods. EPA's evaluation shows that the revision to chapter 8 of the SIP meets the requirements of 40 CFR 51.17. Further, although there are fewer stations operating now than required in the original SIP, this is consistent with policies recently established by EPA's Standing Air Monitoring Work Group (SAMWG).

Several special features are incorporated into the SIP network:

1. The Connecticut Department of Environmental Protection (Connecticut DEP) has a telemetered air quality data system by which data from 12 sites are transmitted every 15 minutes to a centrally located computer. This system enables the Connecticut DEP to obtain real-time information for proper abatement actions during times of high pollutant concentrations and air stagnations. The data thus obtained are also used to report a daily air quality index in the EPA-recommended Pollutant Standards Index (PSI) format.

2. The Connecticut DEP has developed a method of monitoring background TSP concentrations at selected sites, using a low-volume sampler. However, since this is not a reference or equivalent method, these sites have been designated as "special purpose monitoring" sites.

3. Monitoring instruments for SO<sub>2</sub>, CO, and O<sub>3</sub>, special studies are maintained by the Connecticut DEP. These will be activated as necessary and will

be used primarily to provide data for planning purpose.

4. Because of the temperature-related concentration decay encountered in SO<sub>2</sub> sampling by the bubbler method, the Connecticut DEP is operating the SO<sub>2</sub> bubblers only during the first and fourth quarters of each calendar year (October through March). Since maximum SO<sub>2</sub> concentrations occur during these months, this procedure is acceptable to EPA. The continuous SO<sub>2</sub> monitors are operated year round.

5. Meteorological data are being collected by the Connecticut DEP, including wind speed, direction, and horizontal deviation, rainfall, solar radiation, air and dewpoint temperatures, and barometric pressure.

The Regional Administrator proposes approval of Connecticut's revision to the SIP air monitoring network until such time as a modified SIP network may be required by revised EPA guidelines, and stipulates that any further changes or proposed relocations of monitoring instruments in the SIP network must be approved by EPA.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of sections 110(a)(2)(A)-(H) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51. This revision is being proposed pursuant to sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: April 5, 1978.

WILLIAM R. ADAMS, JR.,  
Regional Administrator,  
Region I.

[FR Doc. 78-10454 Filed 4-17-78; 8:45 am]

#### [6560-01]

[40 CFR Part 52]

[FRL 882-81]

### APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

#### Florida: Proposed Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Florida has changed the sulfur dioxide emission limits applicable to three large fuel-burning sources: Tampa Electric Co.'s Big Bend Station, Florida Power and Light Co.'s Manatee Station, and Jacksonville Electric Authority's Northside Station. The purpose of this notice is to describe these proposed changes in the Florida implementation plan and to solicit public comment on them.

DATE: Comments must be received on or before June 19, 1978, to be considered.

ADDRESSES: Written comments on the proposed Florida plan revisions



should be addressed to Mr. Brian Mitchell of the Air and Hazardous Materials Division of EPA's Region IV office in Atlanta (see complete address below). Copies of the materials submitted by Florida may be examined during normal business hours at the following locations:

Air and Hazardous Materials Division, EPA Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308.

Public Information Reference Unit, Library Systems Branch, EPA, 401 M Street SW., Washington, D.C. 20460.

Florida Department of Environmental Regulations, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Fla. 32301.

#### FOR FURTHER INFORMATION CONTACT:

D. Brian Mitchell, Air Programs Branch, Air and Hazardous Materials Division, 345 Courtland Street NE., Atlanta, Ga. 30308, 404-881-3286.

**SUPPLEMENTARY INFORMATION:** On May 31, 1972 (37 FR 10858), the Administrator approved the Florida State Implementation Plan (SIP) to attain and maintain the national ambient air quality standards. Subsequently, a number of changes have been made in the plan to improve its effectiveness. In mid-1975, following the review of the Florida SIP conducted by EPA pursuant to requirements of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), the State relaxed its sulfur dioxide emission limits for large fossil fuel-fired steam generators. The limit applicable to all existing (as of January 1972) fossil-fuel steam generators in which liquid fuel is burned was changed from 1.1 lbs.  $\text{SO}_2/10^6$  Btu to 2.75 lbs.  $\text{SO}_2/10^6$  Btu except (1) in Duval County, where the limit was set at 2.5 lbs.  $\text{SO}_2/10^6$  Btu north of Hecksher Drive and 1.65 lbs.  $\text{SO}_2/10^6$  Btu for all other sources, and (2) in Hillsborough County, where the limit remained at 1.1 lbs.  $\text{SO}_2/10^6$  Btu for all sources. The limit applicable to all existing (as of January 1972) steam generators burning solid fuel was changed from 1.5 lbs.  $\text{SO}_2/10^6$  Btu to 6.17 lbs.  $\text{SO}_2/10^6$  Btu except for two sources in Hillsborough County, where the limit was set at 2.4 lbs.  $\text{SO}_2/10^6$  Btu for Gannon Station of the Tampa Electric Co. (TECO), Units 5 and 6, and 6.5 lbs.  $\text{SO}_2/10^6$  Btu for Big Bend Station, also of TECO. The limits applicable to new sources remained unchanged (same as 40 CFR 60.43 in essence).

On April 19, 1976 (41 FR 16461), EPA disapproved the new limits as they applied to TECO's Big Bend Station. At the same time, the Agency announced it would refrain from acting on the new limits for Duval County pending completion of the air quality maintenance analysis then underway.

On April 7, 1977, the Florida Environmental Regulation Commission adopted new interim and final sulfur dioxide emission limits for TECO's Big Bend Station and Jacksonville Electric Authority's Northside Station. At the same time, a variance applicable to  $\text{SO}_2$  limits from Florida Power and Light Co.'s Manatee Station was adopted. These changes were submitted to EPA as proposed implementation plan revisions on April 27, 1977; revised control strategy information was submitted in support of the new limits on May 16, 1977. Each of these three sources is now discussed.

#### TECO'S BIG BEND STATION

Under the changes adopted, units 1, 2, and 3 of this station were to have total emissions, prior to October 1, 1977, of no more than 32 tons of  $\text{SO}_2$  per hour, 24-hour average, and no more than 35 tons of  $\text{SO}_2$  per hour, 3-hour average, but in no case more than 6.5 pounds of  $\text{SO}_2$  per million Btu heat input, 2-hour average. After September 30, 1977, and through July 1, 1979, these three units were to have total emissions of  $\text{SO}_2$  no greater than 25 tons per hour, 24-hour average, 35 tons per hour, 3-hour average, but were in no case to exceed 6.5 pounds of  $\text{SO}_2$  per million Btu input, 2-hour average. After July 1, 1979, unit 3 is to meet the limits applicable to new sources burning coal, 1.2 pounds of  $\text{SO}_2$  per million Btu, 2-hour average.

#### JACKSONVILLE ELECTRIC AUTHORITY'S NORTHSIDE STATION

Prior to August 1, 1978, units 1, 2, and 3 were to emit no more than 1.98 pounds of  $\text{SO}_2$  per million Btu, 2-hour average, when burning oil. By August 1, 1978, unit 3 is to meet the emission limits applicable to new sources burning oil, 0.8 pounds of  $\text{SO}_2$  per million Btu, while units 1 and 2 will have to meet the limit applicable to other existing oil-burning sources in Duval County which are north of Hecksher Drive, 2.5 pounds of  $\text{SO}_2$  per million Btu.

#### FLORIDA POWER AND LIGHT CO.'S MANATEE STATION

A variance from the State new source emission limits is proposed for this plant. Prior to August 1, 1978, units 1 and 2 are to emit no more than 1.1 pounds of  $\text{SO}_2$  per million Btu when burning oil. Thereafter, these two units are to meet the new source standard for oil burning sources, 0.8 pounds of  $\text{SO}_2$  per million Btu.

Air quality modeling performed by EPA supports all of these proposed regulatory changes to the Florida State Implementation Plan to attain and maintain the national ambient air quality standards. No violations of any sulfur dioxide national standards are

expected to occur as demonstrated by this modeling. EPA's analysis and modeling results are available for public inspection at the Regional EPA Office in Atlanta, Ga. during regular business hours.

Interested persons are encouraged to participate in this rulemaking action by submitting written comments on the proposed revisions in the Florida plan. After carefully weighing relevant comments received and all other information available to him, the Administrator will take approval/disapproval action on these changes in the Florida plan.

(Section 110 of the Clean Air Act (42 U.S.C. 7410).)

Dated: March 28, 1978.

JOHN A. LITTLE,

Acting

Regional Administrator.

[FR Doc. 78-10453 Filed 4-17-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 882-3]

#### APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### Dedesignation of the Shreveport AQMA

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

**SUMMARY:** This action proposes approval of the dedesignation of the Shreveport, La. area as an Air Quality Maintenance Area (AQMA) for particulate matter. The dedesignation request was submitted by the State to EPA for approval, after an air quality maintenance analysis was performed. Approval of the dedesignation will eliminate the need for the State to develop and submit to EPA a long-range air quality maintenance plan for the Shreveport AQMA. Current air quality problems are expected to be solved through compliance with approved State emission limitations by all applicable stationary sources.

**DATE:** Comments on this proposed rulemaking must be received on or before May 18, 1978, in order to be considered by EPA in the final approval/disapproval decision.

**ADDRESSES:** Written comments may be submitted to the address below: Environmental Protection Agency, Region VI, Air Program Branch, 1201 Elm Street, Dallas, Tex. 75270.

Copies of the State's submittal are available for inspection during normal business hours at the above EPA regional office and at the address below: Environmental Protection Agency, Public Information reference Unit, Room 2932, EPA Library, 401 M Street SW., Washington, D.C. 20460.



## FOR FURTHER INFORMATION CONTACT:

Jack S. Divita, Environmental Protection Agency, Region VI, Air Program Branch, 1201 Elm Street, Dallas, Tex. 75270, 214-767-2745.

**SUPPLEMENTARY INFORMATION:** On December 9, 1977, after adequate notice and public hearing, the Governor of Louisiana submitted a revision to the State Implementation Plan (SIP) which proposes a dedesignation of the Shreveport area as an AQMA for particulate matter.

## BACKGROUND

On April 29, 1975, EPA promulgated the designation of the Shreveport AQMA for particulate matter (40 CFR 18734), which included Caddo, Bossier, and Webster Parishes. EPA's promulgation resulted from air quality and emissions projections based on data available at the time. The State questioned the identification of the Shreveport area as an AQMA, and submitted new emission data for consideration by EPA. However, the data were sufficiently incomplete to prevent new projections from being made.

As a result of the designation of the Shreveport AQMA, the State was required to perform a comprehensive analysis as prescribed by Subpart D of 40 CFR Part 51. To assist the State in this effort, EPA Region VI provided contractor support.

## EMISSION INVENTORY UPDATE

Pacific Environmental Services, Inc. conducted an emission inventory update for the three AQMA parishes in 1976. In addition to adding emissions from any new sources, State Emission Inventory Questionnaires were reviewed for completeness and accuracy, and corrections were made where necessary. The inventory update included emissions from both point and area sources.

## AIR QUALITY MAINTENANCE ANALYSIS

In 1977, TRW, under contract to EPA, performed a comprehensive analysis as prescribed by EPA Guidelines for Air Quality Maintenance Planning and Analysis. This analysis is the technical basis for the State's proposed dedesignation of the Shreveport AQMA, and the report entitled "Air Quality Maintenance Area Analysis for the Shreveport Air Quality Maintenance Area" was submitted by the State as part of the SIP revision.

The results of TRW's analysis show that the receptor site, which shows violations of the primary standards, is significantly influenced by emissions from a single point source. Contributions to air quality levels at the receptor site were projected by the Implementation Planning Program model. The table below shows projected air

quality and contributions from the one source.

Year	Annual geometric mean $\mu\text{g}/\text{m}^3$	Source contribution	
		$\mu\text{g}/\text{m}^3$	Percent
1985 .....	66.1	27.1	36.3
1995 .....	71.6	30.4	37.7

The conclusion is that an estimated reduction of 45 percent or more from this source will allow primary and secondary standards for particulate matter to be attained and maintained through 1995. Action was initiated by the State in May 1977 to bring the source into compliance with State emission limitations. Compliance was accomplished by the source in December 1977, resulting in a reduction of particulate emissions of approximately 70 percent.

Recent air quality data indicate that the secondary 24-hour standard was violated. These data are considered to relate more to an attainment problem rather than a maintenance problem, since growth in the Shreveport area is not projected to significantly influence air quality. An analysis will be performed to determine if the area should be designated non-attainment for particulate.

## CURRENT ACTION

This action proposes approval of the designation of the Shreveport area as an AQMA for particulate matter.

This notice of proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: April 3, 1978.

ADLENE HARRISON,  
Regional Administrator.

It is proposed to amend Part 52 of Chapter 1, title 40 of the Code of Federal Regulations as follows:

## Subpart T—Louisiana

1. In § 52.970, paragraph (c) is amended by adding a new paragraph (9) as follows:

## § 52.970 Identification of plan.

• • • • •

(9) A proposed dedesignation of the Shreveport area as an AQMA for particulate matter was submitted by the Governor on December 9, 1977.

2. Section 52.985 is revoked.

[FR Doc. 78-10452 Filed 4-17-78; 8:45 am]

[6560-01]

[40 CFR 180]

[PP 7E1968/P63; FRL 884-51]

## TOLERANCES AND EXEMPTIONS FOR TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

## Proposed Tolerances for the Pesticide Chemical Dimethyl Tetrachloroterephthalate

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

ACTION: Proposed Rule.

SUMMARY: This notice proposes that the herbicide dimethyl Tetrachloroterephthalate be used on upland cress. This proposal was submitted by the Interregional Research Project No. 4. This amendment will establish a maximum permissible level for residues of the herbicide on upland cress.

DATE: Comments must be received on or before May 18, 1978.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, room 401, East Tower, 401 M Street SW, Washington, D.C. 20460.

## FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-426-755-2516.

**SUPPLEMENTARY INFORMATION:** Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, has submitted a pesticide petition (PP7E1968) to the EPA on behalf of the Agricultural Experiment Station of Tennessee. This petition requests that the Administrator propose that 40 CFR 180.185 be amended by the establishment of a tolerance for combined residues of the herbicide dimethyl Tetrachloroterephthalate and its metabolites monomethyl Tetrachloroterephthalate and Tetrachloroterephthalic acid in or on the raw agricultural commodity upland cress at 5 parts per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included a two-year rat-feeding study with a no-effect level (NEL) at 1,000 ppm, a 2-year dog-feeding study (NEL at 10,000 ppm), a multigeneration rat-feeding study, and a single generation rabbit reproduction/teratology study. Although a second



oncogenicity study and a mutagenicity study are lacking, there is no expectation of significant increased exposure due to this minor use. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3), and it is concluded that the tolerance of 5 ppm established by amending 40 CFR 180.185 will protect the public health.

An adequate analytical method (gas chromatography) is available for enforcement purposes, and the nature of the residues is adequately understood. Hexachlorobenzene (HCB), a suspect carcinogen, is present as a contaminant in the formulation and is a candidate for a rebuttable presumption against registration (RPAR). However, it has been determined that no residues of HCB at detectable levels will be present in meat or milk. Tolerances have previously been established (40 CFR 180.185) for residues of the subject herbicide on a variety of raw agricultural commodities at levels ranging from 5 ppm to 0.05 ppm. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, within 30 days after publication of this proposal in the FEDERAL REGISTER, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP7E1968/P63". All written comments filed in response to the notice of proposed rulemaking will be available for public inspection in the office of the FEDERAL REGISTER from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: April 11, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

It is proposed that Part 180, Subpart C, section 180.185 be amended by alphabetically inserting a tolerance on upland cress at 5 ppm in the list of commodities to read as follows:

§ 180.185 Dimethyl tetrachloro-terephthalate; tolerances for residues.

Commodity:	Parts per million
Cress, upland.....	5

[FR Doc. 78-10455 Filed 4-17-78; 8:45 am]

[6820-24]

## GENERAL SERVICES ADMINISTRATION

Federal Supply Service

[41 CFR Part 101-7]

### FEDERAL TRAVEL REGULATIONS

Mileage Reimbursement for Use of Privately  
Owned Automobiles

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend the Federal Travel Regulations (FTR) to modify the current method of reimbursing Federal employees for official use of privately owned automobiles by changing the basis for determining the mileage rate allowance. This proposed rule contains two new mileage rate structures which reflect the difference in operating costs of standard size, compact, and subcompact automobiles: a "tiered mileage rate" and a single "weighted average mileage rate." Federal agencies are requested to review these proposed rate structures and indicate to GSA which would be the more practical and equitable for both the employee and the Government.

DATE: Written comments must be submitted on or before May 18, 1978.

ADDRESS: Written comments should be sent to: General Services Administration (FAF), Washington, D.C. 20406.

FOR FURTHER INFORMATION  
CONTACT:

Mr. John B. Millington, Transportation Services Division, Office of Transportation and Public Utilities, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-8510.

### SUPPLEMENTARY INFORMATION:

#### BACKGROUND

Federal employees who use privately owned automobiles in the conduct of official business have traditionally been reimbursed by the Government at a single mileage rate allowance based on the average operating cost of a standard size automobile. This method of reimbursement has been appropriate in the past since its basis, the standard size vehicle, was historically representative of total automobile ownership in the United States.

In recent years, however, the increased availability of compact and

subcompact vehicles, the continued emphasis on energy conservation, and the rising cost of fuel have influenced a shift in consumer preference toward ownership of smaller automobiles. Data compiled in 1976 by the Department of Transportation (DOT) indicates that total automobiles registration in the United States consists of a "mix" of 61 percent standard size vehicles, 25 percent compact, and 14 percent subcompact.

By applying the above registration mix statistics to Federal employees as a group, it can be assumed that, since the current single rate of reimbursement is based solely on standard vehicle operating costs, approximately 39 percent (those who own compact and subcompact vehicles) who use their private automobiles for official business are being overcompensated by the Government. Therefore, the current method of reimbursement and present mileage rate structure must be changed to recognize the lower operating costs of smaller sized automobiles.

GSA is required by the Travel Expense Amendments Act of 1975 (5 U.S.C. 5707) to: (1) Conduct periodic investigations of, among other things, the cost of operating privately owned vehicles when used for official business; (2) report the results of these investigations to the Congress; and (3) implement changes to mileage allowances determined necessary as a result of the investigations. In the most recent cost investigations report, published in the FEDERAL REGISTER on September 14, 1977 (42 FR 46087), the Congress was informed of the need, as explained in the foregoing paragraphs, to change the present method of reimbursing employees for official use of privately owned automobiles to one which would more accurately reflect the costs of operating a motor vehicle.

#### CHANGE TO PRESENT MILEAGE RATE STRUCTURE FOR AUTOMOBILES

GSA proposes to implement a new mileage rate structure for automobiles which will recognize the variance in operating costs of different vehicle sizes. Two new rate structure concepts are now being considered by GSA. These concepts, a "tiered mileage rate" and a "weighted average mileage rate," are explained below as proposals A and B, respectively. Federal agencies are requested to review these proposals and indicate to GSA, including any appropriate comments, a preference between the two. Consideration should be given to equitability with regard to both the employee and the Government as well as administrative impact on the agency.

#### PROPOSAL A—TIERED MILEAGE RATE

Under a tiered mileage rate concept, mileage allowances would vary according to the number of engine cylinders.



An employee would annotate the travel voucher as to the number of cylinders in the automobile used for the official travel; i.e., whether 8, 6, or 4, and claim the applicable mileage rate. As determined by the most recent GSA cost investigation, current per-mile rates are 17 cents for a standard size automobile (8 cylinders), 13 cents for a compact (6 cylinders), and 10.5 cents for a subcompact (4 cylinders).

Adoption of this proposal A would necessitate amending the FTR to revise paragraphs 1-4.2a and 1-4.2a(2) substantially as follows:

1-4.2. When use of a privately owned conveyance is advantageous to the Government.

a. *Authorized mileage rates.* When the use of a privately owned conveyance is authorized or approved as advantageous to the Government for the performance of official travel as provided in 1-2.2c(3), reimbursement to the employee shall be at the mileage rates prescribed in (1) through (3), below. When claiming reimbursement under (2), below, the employee shall annotate the travel voucher as to the number of engine cylinders in the automobile used for the official travel.

(2) For use of a privately owned automobile:

- (a) 8 cylinders: 17 cents per mile.
- (b) 6 cylinders: 13 cents per mile.
- (c) 4 cylinders: 10.5 cents per mile.

#### PROPOSAL B—WEIGHTED AVERAGE MILEAGE RATE

Under a weighted average mileage rate concept, a single mileage rate would apply to all automobiles regardless of the number of engine cylinders. This single rate would be based on the average operating costs, as determined by the GSA cost investigation, for a standard size (8 cylinders), compact (6 cylinders), and subcompact (4 cylinders) automobile weighted proportionately according to the DOT registration mix of vehicle sizes. (The single mileage rate which now appears in the FTR is based exclusively on the average operating cost of a standard size automobile.) According to the present registration mix and the average per-mile operating costs in GSA's most recent cost investigation, the current weighted average mileage rate would be 15 cents per mile.

Adoption of this proposal B would necessitate amending the FTR to revise paragraph 1-4.2a(2) substantially as follows:

1-4.2. When use of a privately owned conveyance is advantageous to the Government.

(2) For use of a privately owned automobile: 15 cents per mile.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486)).

Dated: April 13, 1978.

Robert P. Graham,  
Commissioner, Federal  
Supply Service.

[FR Doc. 78-10486 Filed 4-17-78; 8:45 am]

[6712-01]

### FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-124; RM-3003]

#### FM BROADCAST STATION IN LAS VEGAS, NEV.

##### Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a sixth FM channel to Las Vegas, Nev. Petitioner, Graham Broadcasting Co., states the proposed station would provide an additional voice to a community whose population warrants six or more FM assignments.

DATES: Comments must be filed on or before May 30, 1978. Reply comments must be filed on or before June 19, 1978.

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

#### FOR FURTHER INFORMATION CONTACT:

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

#### SUPPLEMENTARY INFORMATION:

Adopted: March 31, 1978.

Released: April 6, 1978.

In the Matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Las Vegas, Nev.).

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal and Comments:* (a) Petition for rulemaking, filed June 6, 1977, by Graham Broadcasting Company ("petitioner"), proposing the assignment of Class C FM Channel 242 to Las Vegas, Nev., as a sixth FM assignment. No responses to the petition were received.<sup>1</sup>

(b) The channel may be assigned without affecting any existing FM assignments and in conformity with the minimum distance separation requirements.

(c) Petitioner states that it will promptly file an application for the channel, if assigned.

<sup>1</sup>Public Notice of the petition was given on December 14, 1977, Report No. 1093.

2. *Demographic Data:* (a) *Location:* Las Vegas, seat of Clark County, is located at the southern tip of Nevada.

(b) *Population:* Las Vegas—125,787; Clark County—273,288.<sup>2</sup>

(c) *Present Aural Services:* Local aural service is provided by five AM full-time stations (KDWN, KENO, KLAV, KORK, KRAM), two daytime-only AM stations (KLUC, KVEG), and five FM stations (KENO-FM, Channel 222; KUDO, Channel 226; KORK-FM, Channel 246; KLUC-FM, Channel 253; KFMS, Channel 270). It is also served by noncommercial educational station KRUD-FM, Channel 215.

3. *Economic Considerations:* Petitioner states that Las Vegas is a growing sun-belt recreational area. It asserts that, although the city is considered to be the gambling center of the United States, it nonetheless has a stable economy. It notes that tourism and services make up a substantial percentage of the city's cash flow. In addition, petitioner claims that Las Vegas has experienced a 150 percent increase in population between 1960 and 1974. It notes further that the latest Las Vegas Chamber of Commerce estimated metropolitan population figure is 350,000. In our view, these factors could justify the assignment of an additional FM channel to Las Vegas.

4. *Preclusion Considerations:* Seven communities<sup>3</sup> of over 1,000 population would be precluded as a result of the proposed assignment. Of these seven communities, three (Hurricane, Kanab and Grand Canyon) are without an FM assignment or local AM service. Therefore, petitioner is requested to indicate in comments whether alternate channels are available for assignment to these three communities.

5. *Additional Considerations:* Petitioner's Roanoke Rapids/Anamosa showing (based on existing facilities for operating stations, reasonable facilities for unused FM channel assignments, and terrain profile data) shows that second FM service would be provided to 2,755 persons in a 2,350 square kilometer (895 square miles) area and second nighttime aural service would be provided to 57 persons in a 350 square kilometer (137 square miles) area. These figures would be considerably reduced if, as required, reasonable facilities were used in place of existing facilities wherever the former are greater. Petitioner should submit a proper Roanoke Rapids showing.

6. It would appear that petitioner has made a sufficient public interest showing to warrant issuance of a

<sup>2</sup>Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

<sup>3</sup>Utah: St. George (pop. 7,097), Cedar City (8,946), Hurricane (1,408), Kanab (1,381); Nevada: Henderson (16,395), Boulder City (5,227); Arizona: Grand Canyon (1,101).



Notice as to its proposal. Considering the size of Las Vegas which qualifies the city for six assignments, and its steady growth, we are of the opinion that institution of rule making looking toward the assignment of an additional Class C FM channel to Las Vegas, merits consideration.

7. In view of the above, the Commission proposed to amend the FM Table of Assignments (Section 73.202(b) of the Rules) with regard to Las Vegas, Nev., as follows:

City	Channel No.	
	Present	Proposed
Las Vegas, Nev.	222, 226, 246, 253, 270.	222, 226, 242, 246, 253, 270

8. Authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

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

9. Interested parties may file comments on or before May 30, 1978, and reply comments on or before June 19, 1978.

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

#### APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits 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 Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

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

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

[FR Doc. 78-10420 Filed 4-17-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-25; RM-2920]

#### FM BROADCAST STATION IN LEWISTON, IDAHO

##### Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning proposed FM channel changes in Lewiston, Idaho. Petitioner states that the additional time is necessary so that it can make a proper response to comments.

DATE: Reply comments must be received on or before May 1, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Adopted: April 7, 1978.

Released: April 12, 1978.

In the matter of Amendment of section 73.202(b), Table of Assignments, FM Broadcast Stations. (Lewiston, Idaho). Order extending time for filing reply comments (43 FR 4076).

By the Chief, Broadcast Bureau: 1. The Commission has before it a request for extension of time for filing reply comments regarding the *notice of proposed rulemaking* in the above entitled proceeding, 43 FR 4076. The date for filing comments has expired and the date for filing reply comments is presently April 17, 1978.

2. The request was filed by 4-K Radio, Inc. ("4-K") in which it requests that the date for filing reply comments be extended to and including May 1, 1978.

3. 4-K indicates that it received no comments from other parties even though such comments were expected from KRLC, Inc. To be able to respond to such comments as were filed, it seeks this extension.

4. In fact, KRLC, Inc., did file comments but it did not observe the requirement to serve a copy of its comments on 4-K. Under the circumstances we are granting the extension in order to give 4-K an opportunity to make a response and are providing it a copy of KRLC's filing. The significance to be attached to the failure to serve will be dealt with later.

5. Accordingly, it is ordered, That the request for extension of time for filing reply comments submitted by 4-K Radio, Inc., is granted to and including May 1, 1978.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and section 303(r) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's rules.

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

[FR Doc. 78-10419 Filed 4-17-78; 8:45 am]

[6712-01]

[47 CFR Part 81]

[Gen. Docket No. 78-67]

#### INTERCONNECTION AND UPGRADING OF PUBLIC COAST FACILITIES PROVIDING RADIOTELEGRAPH SERVICE

##### Order Extending Time for Filing Comments, Responses, and Replies

AGENCY: Federal Communications Commission.

ACTION: Extension of time for filing comments, responses, and replies granted in Gen. Docket No. 78-67 (Interconnection of Public Coast Facilities Providing Radiotelegraph Services).

SUMMARY: Commission grants an extension for filing comments, responses, and replies in the above referenced rulemaking proceeding instituted to prescribe measures for improvement of maritime mobile communica-



tions services rendered by public coast radiotelegraph stations.

**DATES:** Comments are required to be filed on or before May 17, 1978. Responses may be filed on or before June 7, 1978. Replies may be filed on or before June 19, 1978.

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

**FOR FURTHER INFORMATION CONTACT:**

James L. Ball, International Programs Staff, Common Carrier Bureau, 202-632-3214.

**SUPPLEMENTARY INFORMATION:**

Adopted: April 12, 1978.

Released: April 13, 1978.

In the matter of interconnection and upgrading of public coast facilities providing radiotelegraph service. Order (43 FR 10414).

1. By notice of proposed rulemaking in the above-referenced matter, released February 27, 1978, FCC 78-115, the Commission instituted a proceeding to prescribe measures for improvement of maritime mobile communications services rendered by public coast radiotelegraph stations, including the interconnection and upgrading of the facilities of such stations. The notice called for interested persons to submit

comments and required the licensees of Class IA public coast stations to provide certain information on or before April 17, 1978, for each station operated. It also invited responses to be filed on or before May 8, 1978, and replies to be filed on or before May 18, 1978.

2. We now have before us for consideration a request filed by TRT Telecommunications Corp. (TRT) for a 1-month extension of time in which to file comments. TRT asserts that it needs this additional time to: (1) gather and organize historic detailed marine traffic, revenue, expense, and investment data requested by the Commission, (2) develop the forecasts requested by the Commission, and (3) respond to the issues of this investigation. TRT further states that statistics required by the Commission for the month of March 1978 will not be available from its automated system until 10 to 15 days after the close of the month and it will need additional time to organize this information into a form that can be submitted to the Commission.

3. This proceeding raises fundamental questions concerning the adequacy of present facilities and collection and delivery procedures for rendering maritime mobile radiotelegraph communications. We desire to develop a

record which will enable the Commission to fashion a policy designed to promote rapid, efficient public coast radiotelegraph services with adequate facilities at reasonable charges. Therefore, we wish to give public coast station licensees and other interested parties a reasonable opportunity to file comments and provide information that will be helpful in reaching our over-all goal of benefiting the public. In view of this and the extensive information the Commission requested in its notice from the licensees, we believe that TRT has shown good cause for an extension of time.

4. Accordingly, *it is ordered*, Pursuant to section 0.303 of the Commission's rules and regulations, 47 CFR 0.303 (1977), that the request of TRT Telecommunications Corp. is granted.

5. *It is further ordered*, that the procedural dates in the proceeding are extended as follows:

Comments, May 17, 1978.  
Responses, June 7, 1978.  
Replies, June 19, 1978.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WALTER HINCHMAN,  
Chief, Common Carrier Bureau.

[FR Doc. 78-10421 Filed 4-17-78; 8:45 am]



# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### FLUE-CURED TOBACCO ADVISORY COMMITTEE

##### Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the Flue-Cured Tobacco Advisory Committee for an additional period of two years.

This committee represents all segments of the flue-cured tobacco industry. It recommends opening dates and selling schedules for the flue-cured marketing area which aid the Secretary in making an equitable apportionment and assignment of tobacco inspectors.

Membership of the committee is balanced and consists of 37 representatives of the flue-cured area—20 producers, 9 warehousemen, and 8 buyers.

The Committee shall report to the director, Tobacco Division, Agricultural Marketing Service.

Authority for this committee will expire April 4, 1980, unless the Secretary formally determines that continuance is in the public interest.

This notice is given in compliance with Pub. L. 92-463.

Dated: April 13, 1978.

WILLIAM T. MANLEY,  
Deputy Administrator,  
Marketing Program Operations.

[FR Doc. 78-10425 Filed 4-17-78; 8:45 am]

[1505-01]

### Food Safety and Quality Service

#### NITRATES AND NITRITES IN MEAT PRODUCTS STATEMENT OF POLICY

##### Request for Data Extension of Time for Comments

##### Correction

In FR Doc. 78-9735 appearing at page 15172 in the issue of Tuesday, April 11, 1978, in the 3rd column, on page 15172, the 7th line should read, "cuts and fermented sausages, including".

[3410-22]

### Science and Education Administration

#### NATIONAL ARBORETUM ADVISORY COUNCIL

##### Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776) notice is hereby given that a public meeting of the National Arboretum Advisory Council will be held on Thursday, May 25 and Friday, May 26, 1978, in the Information Center, U.S. National Arboretum, 24th and "R" Streets NE., Washington, D.C. 20002. The meeting is open to the public and will convene at 9 a.m. on both dates. Members of the public may submit comments before or after the meeting, and may participate in the meeting as time and space permits.

The Advisory Council meets annually to review the progress relating to the Arboretum's Congressional mandate which is research and education concerning trees and plant life. The Advisory Council submits its findings and recommendations to the Secretary of Agriculture. The Chairman of the National Arboretum Advisory Council is Mr. William Flemer, III, Princeton, N.J.

Copy of the agenda and further information concerning the meeting may be obtained by contacting Dr. Hugo O. Graumann, Executive Secretary, National Arboretum Advisory Council, U.S. Department of Agriculture, Washington, D.C. 20250. His telephone number is 202-447-3961.

Done at Washington, D.C., this 12th day of April 1978.

JAMES NIELSON,  
Acting Director,  
Science and Education.

[FR Doc. 78-10377 Filed 4-17-78; 8:45 am]

[3410-22]

#### NATIONAL PLANT GENETICS RESOURCES BOARD

##### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776) notice is hereby given that a public meeting of the National

Plant Genetics Resources Board will be held on May 18 and one-half day on May 19, 1978, in Room 3109, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C. The meeting is open to the public and will convene at 9 a.m. on both dates. Members of the public may submit comments before or after the meeting, and may participate in the meeting as time permits.

The purpose of the meeting is to advise the Secretary of Agriculture on policies and actions to more effectively collect, describe, and utilize plant genetic resources.

Copy of the agenda and further information concerning the meeting may be obtained by contacting the Executive Secretary, Dr. C. F. Lewis, Science and Education Administration, Federal Research, U.S. Department of Agriculture, BARC-West, Beltsville, Md. 20705. His telephone number is 301-344-3884.

Done at Washington, D.C., this 12th day of April 1978.

JAMES NIELSON,  
Acting Director,  
Science and Education.

[FR Doc. 78-10378 Filed 4-17-78; 8:45 am]

[4110-12]

#### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

##### NATIONAL ADVISORY COMMITTEE ON AN ACCESSIBLE ENVIRONMENT

##### Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) that the second 1978 meeting of the National Advisory Committee on an Accessible Environment will be held on May 7 and 8, 1978, at 9 a.m. to 5 p.m. The May 7 meeting, from 9 a.m. to 5 p.m., and the May 8 meeting, from 1:45 to 5 p.m., will be held at the Old Town Holiday Inn, 480 King Street, Alexandria, Va. The May 8 meeting, from 10:15 a.m. to 12 p.m., will be held at the Veterans Administration, 810 Vermont Avenue, Washington, D.C. This portion of the meeting will be an Architectural and Transportation Barriers Compliance Board meeting which the National Advisory Committee members will attend.



The National Advisory Committee on an Accessible Environment is established under the 1974 amendments to the Rehabilitation Act (Pub. L. 93-516, 29 U.S.C. 792, et. seq.). The Committee is established to provide advice, guidance, and recommendations to the Architectural and Transportation Barriers Compliance Board in carrying out its functions.

The meeting of the Committee shall be open to the public. On the first morning, the Committee will discuss the status of activities since the previous meeting and review previously submitted recommendations to the Board. During the afternoon of the first day, the National Advisory Committee will convene as three district subcommittees. The Compliance Subcommittee will discuss issues of parking, housing, enforcement, and accessibility standards. The Public Information Subcommittee will focus on issues related to publicity and technical assistance regarding section 502 of the Rehabilitation Act. The Planning Subcommittee will discuss licensing for architects to encompass barrier-free design competence. In addition, the Planning Subcommittee will discuss compliance policy issues and budget considerations for the operation of the Advisory Committee in FY 1980. On the second day, the National Advisory Committee will attend the Architectural and Transportation Barriers Compliance Board meeting. The Chairperson of the National Advisory Committee will represent the Advisory Committee at the meeting. After this meeting, the NACAE will reconvene at the Old Town Holiday Inn to discuss the Board's response to recommendations and to further delineate NACAE recommendations to the Board. The final topic of discussion will be about the July 22 and 23 meeting to be held in Portland, Oreg., which will include a Public Awareness Session.

Persons interested in attending the meeting should contact Ms. Laurinda Steele, Coordinator, Architectural and Transportation Barriers Compliance Board, Mary E. Switzer Building, Room 1010, 330 C Street SW., Washington, D.C. 20201, telephone 202-245-1801.

ROBERT JOHNSON,  
Executive Director, Architectural  
and Transportation, Bar-  
riers Compliance Board.

[FR Doc. 78-10379 Filed 4-17-78; 8:45 am]

## [6320-01]

### CIVIL AERONAUTICS BOARD

[Order 78-4-53; Docket No. 32265]

#### AERONAVES DE MEXICO, S.A.

#### Statement of Tentative Findings and Conclusions and Order to Show Cause

Adopted by the Civil Aeronautics  
Board at its office in Washington,

D.C., on the 12th day of April 1978. Application of Aeronaves de Mexico, S.A. for amendment of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958.

Aeronaves de Mexico, S.A. (Aeromexico) is the holder of a foreign air carrier permit<sup>1</sup> authorizing: (a) foreign air transportation of persons, property, and mail over 16 routes between a point or points in Mexico and 11 U.S. intermediate or terminal points,<sup>2</sup> as well as beyond authorization on certain routes to Canada and/or Bermuda and/or Europe, and (b) the performance of charter trips in foreign air transportation pursuant to part 212 of the Board's Economic Regulations.

Aeromexico currently operates scheduled combination services to five<sup>3</sup> of the 11 U.S. points, as well as some beyond services to Europe, authorized in its foreign air carrier permit utilizing DC-8, DC-9, D9S, and DC-10 aircraft.

By application filed on March 17, 1978,<sup>4</sup> Aeromexico requests amendment of its foreign air carrier permit.<sup>5</sup> The operations for which Aeromexico seeks authority are provided for in the United States-Mexico Air Transport Services Agreement of August 15, 1960, as recently amended,<sup>6</sup> and Aeromexico has been designated by the Government of Mexico.<sup>7</sup>

In granting Aeromexico its existing routes to the United States, the Board found that the carrier was substantially owned and effectively controlled by the citizens of Mexico, that it was financially and operationally fit, and that it was in the public interest to grant the carrier authority to the United States.<sup>8</sup> Aeromexico's application indicates that no changes in its corporate structure or operations have occurred which would cast doubt upon the continued accuracy of the Board's previous findings.

No answers to the application have been filed.

<sup>1</sup> Order 72-1-32, approved Jan. 11, 1972.

<sup>2</sup> Boston, Cleveland, Detroit, Houston, Los Angeles, Miami, New York, Philadelphia, Phoenix, Santa Ana, and Tucson.

<sup>3</sup> Houston, Los Angeles, Miami, New York, and Tucson.

<sup>4</sup> A copy of the application has been transmitted to the President pursuant to section 801 of the Act.

<sup>5</sup> The applicant states that the proposed amendment will not constitute a major Federal action significantly affecting the quality of the human environment since it intends to gradually implement the additional authority requested—San Francisco (1978), Atlanta (1980), and New Orleans (1981). Therefore, the carrier requests a waiver of part 312 of the Board's Economic Regulations. We will grant the waiver.

<sup>6</sup> Memorandum of Consultations and amendments of Dec. 19, 1977, implemented on Jan. 20, 1978.

<sup>7</sup> By diplomatic note dated Jan. 30, 1978.

<sup>8</sup> See Order 72-1-32, approved Jan. 11, 1972.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes:

1. That Aeronaves de Mexico, S.A. is substantially owned and effectively controlled by citizens of Mexico;

2. That it is in the public interest to amend the foreign air carrier permit held by Aeronaves de Mexico, S.A. to authorize the carrier, subject to conditions, to engage in foreign air transportation of persons, property, and mail over the following routes:<sup>9</sup>

(1) Between the coterminal points Acapulco, Mexico City, Monterrey, Guadalajara, Guaymas, Zihuatanejo, Manzanillo, San Jose del Cabo, La Paz, Loreto, and Tijuana, Mexico, and the coterminal points San Diego, Los Angeles, San Francisco, and San Jose Calif.

(2) Between the coterminal points Mexico City, Acapulco, Guadalajara, Zihuatanejo, Manzanillo, Puerto Vallarta, Mazatlan, San Jose del Cabo, La Paz, Loreto, Hermosillo, and Guaymas, Mexico, and the coterminal points Tucson and Phoenix, Ariz.

(3) Between the coterminal points Acapulco, Zihuatanejo, Manzanillo, Puerto Vallarta, Mazatlan, San Jose del Cabo, La Paz, Loreto, Guadalajara, Hermosillo, Guaymas, and Bahia Kino, Mexico, and the coterminal points El Paso, Tex., and Albuquerque, N. Mex.

(4) Between the coterminal points Manzanillo, Puerto Vallarta, Mazatlan, San Jose del Cabo, La Paz, and Loreto, Mexico, and the terminal point Houston, Tex.

(5) Between the coterminal points Acapulco, Zihuatanejo, Oaxaca, and Monterrey, Mexico, and the terminal point Houston, Tex.

(6) Between the coterminal points Acapulco, Zihuatanejo, Manzanillo, Puerto Vallarta, Mazatlan, San Jose del Cabo, La Paz, and Loreto, Mexico, and the terminal point New Orleans, La.

(7) Between the coterminal points Mexico City, Acapulco, Guadalajara, Zihuatanejo, Manzanillo, and Monterrey, Mexico; the intermediate points New York, N.Y.; Boston, Mass.; and the coterminal points Lisbon, Portugal; Madrid, Spain; Paris, France; London, England; Rome, Italy; and Frankfurt, Germany.

(8) Between the coterminal points Mexico City, Guadalajara, and Merida, Mexico, and the terminal point Miami, Fla.

(9) Between the coterminal points Mexico City, Guadalajara, and Merida, Mexico, and the intermediate points Miami, Fla.; Hamilton, Bermuda; and

<sup>9</sup> In addition, the carrier is authorized to engage in charter trips in foreign air transportation subject to the terms, conditions and limitations prescribed in part 212 of the Board's Economic Regulations.



Santa Maria, Azores Islands, and the coterminal points Lisbon, Portugal; Madrid, Spain; Paris, France; London, England; Rome, Italy; and Frankfurt, Germany.

(10) Between the coterminal points Mexico City, Guadalajara, and Merida, Mexico; the intermediate, point Miami, Fla., and the terminal point Toronto, Canada.

(11) Between the coterminal points Mexico City, Guadalajara, and Merida, Cozumel, and Cancun, Mexico; the intermediate points Houston, Tex.; New Orleans, La.; Toronto and Montreal, Canada, and the coterminal points Lisbon, Portugal; Madrid, Spain; Paris, France; London, England; Rome, Italy; and Frankfurt, Germany.

(12) Between the coterminal points Merida, Cozumel, and Cancun, Mexico, and the coterminal points Atlanta, Ga.

(13) Between the coterminal points Merida, Cozumel, and Cancun, Mexico, and the coterminal points New York, N.Y., and Washington/Baltimore, Md.

3. That the public interest requires that the exercise of the privileges granted by such amended permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order and to such other reasonable terms, conditions, and limitations required by the public interest as from time to time may be prescribed by the Board;

4. That Aeronaves de Mexico, S.A. is fit, willing, and able properly to perform the above-described foreign air transportation, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board;

5. That the amendment of Aeronaves de Mexico, S.A.'s foreign air carrier permit is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975 (EPACA), as defined in section 313.4(a)(1) of the Board's regulations;<sup>10</sup>

6. That the request by Aeronaves de Mexico, S.A. for a waiver of the requirements of section 312 of the Board's regulations should be granted;

7. That an oral hearing is not required in the public interest; and

8. That except to the extent granted, the application of Aeronaves de

Mexico, S.A. in Docket 32265 should be denied.

*It is therefore ordered, That:*

1. All interested persons are directed to show cause why the Board should not make final its tentative findings and conclusions, and why a foreign air carrier permit in the form of the attached specimen permit should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Aeronaves de Mexico, S.A.;

2. Any interested person having objection to the issuance of an order making final the Board's tentative findings and conclusions and issuing the permit shall, within 15 days after the adoption of this order, file with the Board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon in support of the statement of objection. If an oral hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be given the matters and issues raised therein by the objector before further action is taken by the Board; *Provided*, That the Board may proceed to enter an order in accordance with its tentative findings and conclusions set forth in the order if it determines that there are no factual issues present that warrant the holding of an oral hearing;<sup>11</sup>

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Secretary shall enter an order which: (1) shall make final the Board's tentative findings and conclusions set forth in this order, and (2) subject to the approval of the President, shall issue an amended foreign air carrier permit to the applicant in the specimen form attached; and

5. This order shall be served upon Aeronaves de Mexico, S.A.; the Ambassador of Mexico in Washington, D.C.; the U.S. Departments of State and transportation; American Airlines, Inc.; Braniff Airways, Inc.; Eastern Air Lines, Inc.; Frontier Airlines; Hughes Airwest; Pan American World Airways, Inc.; Texas International Airlines, Inc.; and Western Air Lines, Inc.

This order will be published in the *FEDERAL REGISTER* and will be transmitted to the President.

<sup>11</sup>Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

#### SPECIMEN PERMIT

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

Permit to Foreign Air Carrier (as amended), Aeronaves de Mexico, S.A., is hereby authorized, subject to the provisions herein after set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation of persons, property, and mail, as follows:

(1) Between the coterminal points Acapulco, Mexico City, Monterrey, Guadalajara, Guaymas, Zihuatanejo, Manzanillo, San Jose del Cabo, La Paz, Loreto, and Tijuana, Mexico, and the coterminal points San Diego, Los Angeles, San Francisco, and San Jose, Calif.

(2) Between the coterminal points Mexico City, Acapulco, Guadalajara, Zihuatanejo, Manzanillo, Puerto Vallarta, Mazatlan, San Jose del Cabo, La Paz, Loreto, Hermosillo, and Guaymas, Mexico, and the coterminal points Tucson and Phoenix, Ariz.

(3) Between the coterminal points Acapulco, Zihuatanejo, Manzanillo, Puerto Vallarta, Mazatlan, San Jose del Cabo, La Paz, Loreto, Guadalajara, Hermosillo, Guaymas, and Bahia Kino, Mexico, and the coterminal points El Paso, Tex., and Albuquerque, N. Mex.

(4) Between the coterminal points Manzanillo, Puerto Vallarta, Mazatlan, San Jose del Cabo, La Paz, and Loreto, Mexico, and the terminal point Houston, Tex.

(5) Between the coterminal points Acapulco, Zihuatanejo, Oaxaca, and Monterrey, Mexico, and the terminal point Houston, Tex.

(6) Between the coterminal points Acapulco, Zihuatanejo, Manzanillo, Puerto Vallarta, Mazatlan, San Jose del Cabo, La Paz, and Loreto, Mexico, and the terminal point New Orleans, La.

(7) Between the coterminal points Mexico City, Acapulco, Guadalajara, Zihuatanejo, Manzanillo, and Monterrey, Mexico; the intermediate points New York, N.Y., and Boston, Mass.; and the coterminal points Lisbon, Portugal; Madrid, Spain; Paris, France; London, England; Rome, Italy; and Frankfurt, Germany.

(8) Between the coterminal points Mexico City, Guadalajara, and Merida, Mexico, and the terminal point Miami, Fla.

(9) Between the coterminal points Mexico City, Guadalajara, and Merida, Mexico; the intermediate points Miami, Fla.; Hamilton, Bermuda; and Santa Maria, Azores Islands, and the coterminal points Lisbon, Portugal; Madrid, Spain; Paris, France; London, England; Rome, Italy; and Frankfurt, Germany.

(10) Between the coterminal points Mexico City, Guadalajara, and Merida, Mexico; the intermediate point Miami, Fla., and the terminal point Toronto, Canada.

(11) Between the coterminal points Mexico City, Guadalajara, Merida, Cozumel, and Cancun, Mexico; the intermediate points Houston, Tex.; New Orleans, La.; and Toronto and Montreal, Canada and the coterminal points Lisbon, Portugal; Madrid, Spain; Paris, France; London, England; Rome, Italy; and Frankfurt, Germany.

(12) Between the coterminal points Merida, Cozumel, and Cancun, Mexico, and the terminal point Atlanta, Ga.

<sup>10</sup>Our conclusions are based upon the fact that the proposed amendment will not result in any significant change in the level of service at any U.S. point. Thus, our action will not constitute a major Federal action within the meaning of the National Environmental Policy Act of 1969. Moreover, the implementation of the proposed authority will not result in the near-term consumption of 10 million gallons of fuel.



(13) Between the coterminal points Merida, Cozumel, and Cancun, Mexico, and the coterminal points New York, N.Y., and Washington/Baltimore, Md.

The holder is authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations, prescribed by part 212 of the Board's Economic Regulations.

This permit shall be subject to the conditions that: (1) The holder may not operate nonstop flights between San Francisco and Guadalajara nor between San Jose and Guadalajara and San Jose and Acapulco; and (2) on routes 7, 9, 10, and 11 any flight which serves a point beyond the United States shall originate or terminate at a point in Mexico.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Mexico for Mexican international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Mexico shall be parties.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder: (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of \$1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation of persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The initial tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

By accepting this permit, as amended, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit, as amended.

The exercise of the privileges granted here shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit, as amended, shall be effective on \_\_\_\_\_. Unless otherwise terminated at an earlier date pursuant to the terms of any treaty, convention, or agreement, this permit shall terminate: (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the route here authorized from the routes which may be operated by airlines designated by the Government of Mexico (or in the event of the elimination of any part of a route or routes authorized in this permit, the authority granted here shall be terminated to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to some other carrier designated by Mexico in lieu of the holder, or (3) upon the termination or expiration of the Agreement between the Government of the United States of America and the Government of Mexico relating to air services between their respective territories, effective August 15, 1960, as amended and extended: *Provided, however*, That if prior to the occurrence of the event specified in this clause (3) the operation of the foreign air transportation authorized in this permit becomes the subject of any treaty, convention, or agreement to which the United States and Mexico are or shall have become parties, then and in that event this permit, as amended, is continued in effect during the period provided in such treaty, convention, or agreement.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed the seal of the Board on \_\_\_\_\_.

Secretary.

Issuance of this permit to the holder approved by the President of the United States on \_\_\_\_\_ in Order \_\_\_\_\_.

[FR Doc. 78-10415 Filed 4-17-78; 8:45 am]

[3510-24]

## DEPARTMENT OF COMMERCE

### Economic Development Administration

#### BUSINESS DEVELOPMENT PROGRAM

##### Steel Industry Lending Guidelines

Notice is hereby given that, pursuant to authority contained in sections 202, 203, and 403 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 et seq.), and the regulations contained in 13 CFR Part 301 et seq., the Economic Development Administration (EDA) is establishing a special program to guarantee loans and leases financed by private lending institutions to firms in the basic steel industry. Such program will be conducted in accordance with the guidelines set forth herein. This notice is intended to inform the public of these guidelines.

DATES: Effective Date: April 18, 1978.  
Comments by: May 18, 1978.

#### SEND COMMENTS TO:

Glenn S. Waldron, Director, Office of Business Development, U.S. Department of Commerce, Economic Development Administration, Room

7868, Washington, D.C. 20230, 202-377-5236.

Because this publication constitutes a general statement of policy, it is exempted from the procedures described in Section 553 of the Administrative Procedure Act (5 U.S.C. 553). However, in the spirit of the public policy set forth in that Act, interested persons may submit written suggestions regarding this publication to the above address.

## STEEL INDUSTRY LENDING GUIDELINES

### BACKGROUND

In response to rising concern over large layoffs in the steel industry, the President appointed an inter-agency Task Force, chaired by the Undersecretary of Treasury, Anthony M. Solomon, to formulate a program of response by the Federal Government. The Task Force Report concluded that the United States steel industry faced a number of serious problems. Among those problems cited were a serious erosion of its competitive position, a need to reinvest heavily in modernization in order to remain competitive, a need to make substantial expenditures to meet environmental regulations, and continued difficulty in raising capital for these expenditures under present market conditions, given the industry's recent unsatisfactory return on investment.

The Task Force pointed out that steel is a major industry in the United States, and major dislocations in this industry would have substantial repercussions throughout the economy. Among the objectives established by the Task Force for the Federal response was to assist the steel industry in a manner which will stimulate efficiency and to help ease the burden of adjustment to market trends for both industry and labor. Another objective was to provide meaningful incentives for plant and equipment modernization.

A major policy of the Task Force was to assist steel firms in finding the funds required for the necessary capital expenditures for modernization and pollution control. The Task Force pointed out that the decline in steel company earnings had reduced the industry's cash flow and exacerbated the industry's ability to acquire funds through external financing. The Task Force recommended a number of measures that would help restore steel firms' profitability and, through tax reform and other measures, increase the industry's cash flow.

However, and in addition to these general measures, the Task Force recognized the need to prevent closings of facilities which could be made viable, and therefore recommended a program of loan guarantees for:

Firms with serious financial problems, with little or no access to capital markets;



Firms seeking funds for modernization of plants located in areas of high and rising unemployment or threatened massive lay-offs; and

Firms with viable plans for modernization.

Funds available under section 203 of the Public Works and Economic Development Act of 1965 (PWEDA) will be used for these loan guarantees. This section created a revolving fund into which repayments and interest payments in connection with loans made under the Area Redevelopment Act of 1961 and the Public Works and Economic Development Act of 1965 are deposited. After payments are made to the Treasury for the use of funds, the balance remains available to make loan guarantees under section 202 of the Act. A total of \$100,000,000 is being made available from the section 203 fund to guarantee loans to steel companies in accordance with the recommendations of the Task Force. This amount will be used as a reserve for the loan guarantees, with 20% of the government's exposure on any loan guarantee obligated against the \$100,000,000. Since the maximum government exposure on any loan is 90% of the amount due, this means that the \$100,000,000 will make possible at least \$550,000,000 in loans.

#### INTRODUCTION

EDA will use the authority and funds provided under sections 202, 203 and 403 of the Public Works and Economic Development Act of 1965 (Pub. L. 89-136, 42 U.S.C. 3121 et. seq.) (the Act) to establish a special program to guarantee loans and to guarantee leases financed by private lending institutions to firms in the basic steel industry which do not have access to capital markets for the funds to finance modernization (including pollution control) necessary for profitable operations.

The purpose of this program is to assist in providing the necessary financing to make facilities competitive, restore employment or sustain existing employment, or to make possible the establishment of new jobs.

#### RESPONSIBILITIES OF THE APPLICANT

The operating company is responsible for cooperating with EDA which must satisfy the requirements of the EDA legislation and other relevant Federal legislation and related rules and regulations, as set forth in Section 202 and 13 CFR Parts 301 et. seq. The operating company is also primarily responsible for preparing the application and submitting it for the private lender and all necessary supporting information to EDA.

#### WHO MAY APPLY

Applicants for EDA business development assistance for steel companies are normally the operators of steel fa-

cilities located in EDA eligible areas,<sup>1</sup> who are joined in the application by a lender wishing to secure EDA's guarantee.

#### GENERAL ELIGIBILITY REQUIREMENTS

EDA business development assistance to steel firms is offered for the purpose of upgrading an area's economy through the creation or retention of permanent jobs for local residents. EDA loan guarantees will not be made for firms which cannot achieve ultimate long-term viability through reasonable access to regular capital markets and/or internally-generated funds.

Firms are eligible which meet the following EDA criteria:

A. Come from Standard Industrial Classification 3312 and have facilities for producing at least 250,000 tons of raw steel annually.

B. Have facilities with steel making furnaces and rolling and finishing mills which convert steel into basic shapes, i.e., plates, sheets, strips, rods, bars, structured shapes and tubing.

C. Do not have reasonable access to regular capital markets and find it difficult or imprudent to use internally generated funds for financing modernization (including pollution control) of facilities.

D. EDA assistance is unavailable to an industrial or commercial concern which might create unfair competition under section 702 of the Act and § 309.2 of the regulations.

The requested financial assistance must not be available from other sources, on terms and conditions that would permit the accomplishment of the project. There must be reasonable assurance of ability to repay the loan and fulfill other obligation.

Each project must be approved by an agency of the State or political subdivision directly concerned with the economic development of the area(s) in which facilities are located, thereby insuring the project's benefit to the area's overall economic development.

#### ELIGIBLE PROJECT COSTS

The intent of this program is to finance the physical, financial and technological modernization (including pollution control) of eligible firms in the steel industry. EDA's modernization assistance is directed towards project costs in two major areas:

A. Modernization that will be reflected in improved profitability, including but not limited to, financing the following:

1. Production related improvements in plant, machinery and equipment, including the integrating of proven modern industrial technology into facilities which are obsolete or are ap-

proaching obsolescence. These improvements would be designed to lower unit costs, and to permit firms to re-establish prior levels of production on a profitable basis.

2. Product related capital and organizational improvements which enhance profitability by improving the quality of existing product(s) or by facilitating production of new product(s).

3. Financial efficiencies designed to provide solvency for a period of time sufficient to permit realization of profits on capital improvements thereby ensuring employee retention and continued operation of facilities during implementation of modernization plans.

4. Improvements in plant operations systems which will improve organizational efficiency and/or reduce overhead and thereby enhance profitability.

Applicants are cautioned that loan guarantees will not normally be available for installation of unproven technology. Technology new for the firm in question, or for the United States, is eligible for financing if it has been used and proven effective elsewhere. EDA is willing to consider scaling up of proven technology to volume levels contemplated by the firm.

B. Modernization which is required by law or regulations, but which is not directly reflected in improved profitability, including but not limited to the following:

1. Pollution control equipment.  
2. Health and safety related improvements.

In order for these kinds of costs to be eligible for this program, the firm must demonstrate that it cannot finance these costs from cash flow or normal credit sources without seriously affecting its viability and its ability to maintain employment.

#### LIMITATIONS ON EDA BUSINESS DEVELOPMENT ASSISTANCE

Loans guaranteed by EDA in connection with any single steel company project may not exceed \$100,000,000. The actual amount which will be available for any specific project will depend upon the funds available to EDA and the nature of the specific project.

EDA has a general rule which normally requires a job created or saved for each \$10,000 of the loan guaranteed. Recognizing the normally heavy investment required in the steel industry, EDA may raise this limitation on an individual basis.

Guarantees extended by EDA on loans may not exceed 90 percent of the amount owing on the obligation guaranteed.

Although the EDA legislation permits the maximum EDA financial assistance indicated above, each project

<sup>1</sup>See 13 CFR Parts 302, 303, 304 that delineate criteria for area eligibility.



is evaluated on an individual basis. Therefore, EDA's offer of financial assistance is tailored to a specific project and often is less than the maximum permitted by law.

EDA business development assistance is limited to the useful life of the fixed assets to be acquired, but cannot exceed 25 years.

EDA recognizes that its 90 percent guarantee substantially reduces the risk to a lender. Consequently, EDA requires that the interest charged by a lender on a 90 percent guaranteed loan be in close relationship to that charged to preferred customers; proportionately higher interest rates will ordinarily result in proportionately lower guarantees.

The terms and conditions of loans are negotiated substantially between borrower and bank and in accordance with normal lending practices.

#### EQUITY REQUIREMENTS

EDA expects all projects to be adequately supported in investment capital. The EDA legislation and regulations require that at least 15 percent of the total eligible project cost for projects must be in the form of equity or a subordinated loan, repayable in no shorter period of time and at no faster an amortization rate than the EDA loan.

#### THE APPLICATION

Project officers are available in OBD to assist applicants in developing the project and in preparing one application. Form ED-250 indexes the application and is used by the project officer to identify the items necessary for a complete application. Applicants should understand that information supplied to EDA may have to be made available to the public under the Freedom of Information Act unless an exemption under that Act applies and the applicant affirmatively asserts a valid claim of confidentiality under such exemption.

The application requirements are designed to provide EDA with basic information on the project. The information given should be in sufficient detail to enable EDA to evaluate the project. EDA's ability to reach a decision quickly on an application depends on the completeness and accuracy of information supplied.

#### ENVIRONMENTAL REQUIREMENTS

The project must comply with all Federal Environmental Acts and must meet all other applicable State and local environmental requirements. Applicants must realize that the environmental review may lead to EDA requiring: (1) a closer consideration of alternatives when adverse impacts are identified; (2) specific measures for mitigating adverse impacts; and/or (3) an Environmental Impact Statement.

The applicant must provide whatever information is necessary for EDA to evaluate the application. EDA expects applicants to have gathered sufficient information to enable EDA to make its decision.

#### FEASIBILITY STUDIES

EDA requires studies sufficient to enable it to make a reasonable judgment on the feasibility of the project in connection with all applications submitted under this program. In addition, EDA expects each applicant to evidence its commitment to the proposed project (before submitting an application for assistance) by undertaking at its own expense a preliminary analysis of the project's viability.

#### PROCEDURE

Because of the anticipated complexity of steel projects, preparation of the application will entail considerable time and expense for the applicant. Similarly, processing can also entail additional time and expense. Applications are processed as rapidly as possible. However, extension of financial assistance designed to create or retain permanent jobs requires careful study and review. The applicant's cooperation will enable EDA to act expeditiously.

EDA makes its own analysis of a project before making a decision on the merits. It may also seek advice from other government agencies that have expert knowledge in the field of the project.

Properly completed applications are essential. Applications should present the facts as clearly, succinctly, and completely as possible. Applicants should review their applications to make sure they have presented a full and fair picture of both the merits of the project and the problems that can be expected in accomplishing it.

EDA has designed a Flow Chart as the basis for the administration of steel projects. Following is a description and interpretation of the stages of the chart (Exhibit A).

##### I. Initial contact(s)

EDA will, with other agencies, determine the appropriateness of the firm's plans and their adherence to policy guidelines. The key element is the impact on workers and the preservation of long-term jobs. If EDA, at the time of the initial contact, is of the opinion that there will be a favorable impact on employment and that the firm's plans appear to qualify for the program, EDA will advise the firm of the general issues that will be covered by EDA's Preapplication Review. The result of a favorable initial contact will be EDA's request for a preliminary written submission by the firm. This submission should deal with general items of information and include a response to environmental issues which are likely to be raised at EDA's Preapplication Review.

#### EDA Preapplication Review (Project Selection)

II. EDA's Preapplication review will cover, generally, the suitability of the project for EDA participation based upon the firm's preliminary submissions in the areas of marketing, finance, engineering, management, and environment. The Review may also establish the need for specialized additional studies. The purpose of the Preapplication Review is to determine whether the proposed project meets the goals and intent of the Steel Program and whether a final application should be developed. Adjustments to the plan in order to make it acceptable to EDA may also be discussed. If a decision to develop an application is made, EDA will, at this time, so advise the firm.

#### III. Tendering Application

EDA will provide necessary application forms and advise the applicant of any necessary feasibility studies to be provided by the applicant to complete the application.

#### IV. Project Processing

EDA, with the support of other appropriate agencies, will analyze the total application. EDA is willing to rely a great extent on analysis made by financial institutions which have a substantial stake in the feasibility of the project. EDA's analysis will include:

**Marketing.**—Capacity of the market, structure and administration of firm's sales force and excess capacity reflected by economic impact on other producers on a near and long-term basis are considered.

**Financial.**—Analysis of financial pro formas, including cash flows; efficiencies in costs to be achieved (supported by feasibility studies); capital requirements; and quantitative models, are considered in evaluating repayment ability.

**Engineering.**—Analysis of efficiencies to be achieved with new equipment, capital costs and operational savings to be achieved are considered.

**Management.**—Depth and experience of the firm's key personnel and their ability as the dominant force in the organization to insure the firm's successful implementation of the proposal are considered.

**Raw material.**—Availability of necessary material including energy sources in considered.

**Environmental Review.**—Evaluation of project's compliance with all Federal Environmental Acts.

**Other legal and regulatory findings.**—Evaluation of project's compliance with Title VI of the Civil Rights Act of 1964, other provisions of the EDA Act, and other applicable Federal laws and regulations.

Concomitant with EDA's financial analysis will be the lender's analysis and structuring of its commitments on the project. EDA will, of necessity, have to work closely with lenders at this stage in understanding both parties' interest in the project and resolving the project's financial capabilities and lender's needs. At this time, EDA will propose a final version of the proposed offer of financial assistance (Guaranty Agreement). Because of the size of our guarantee and the recognition that several lenders may be involved in this area, it is expected that a number of meetings with lenders, attorneys, underwriters, and applicants may be required.

#### V. Decision

Once employment impact, financial analy-



sis, documented compliance with all legal requirements and other necessary ancillary studies have been reviewed, EDA will make its final determination of the viability of the project.

#### VI. Loan Closing

EDA will participate in the project loan closing with lender and other necessary parties.

#### TERMS OF EDA FINANCIAL ASSISTANCE

EDA requires guaranteed loans to be supported by collateral such as liens on fixed assets, assignment of leases, assignment of rentals, assignments of patents, assignment of inventories and receivables, corporate guarantees, and by such other collateral as may be appropriate to safeguard the Government's investment or position.

In addition, the offer of assistance requires that all financing for the project, including working capital, be firmly committed before EDA's assistance can become effective. EDA also generally requires that the operating company abide by certain limitations on its operations which are customary to commercial lenders, such as fixed asset and dividend limitations, maintenance of net working capital, and debt-to-equity ratios.

Each EDA project is handled on an individual basis. The EDA offer of assistance is tailored to the specific circumstances of the project, and terms and conditions are negotiated by EDA and the operating company during the processing of the application.

#### CONCLUSION

To preserve the intent of the President's initiative and the recommendations outlined in the Solomon Report, EDA will judiciously observe these guidelines in the processing of all loan guarantee applications. In exceptional circumstances, applicants may merit special consideration in respect to one or more of the guideline criteria; in these situations, deviation from such criteria may be considered where essential to insure the preservation of the intent of the Administration's steel program.

Dated: April 11, 1978.

ROBERT T. HALL,  
Assistant Secretary  
for Economic Development.

[FR Doc. 78-10334 Filed 4-17-78; 8:45 am]

#### [3510-25]

Industry and Trade Administration  
TELECOMMUNICATIONS EQUIPMENT  
TECHNICAL ADVISORY COMMITTEE

#### Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of Telecommunications Equipment Technical

Advisory Committee will be held on Thursday, May 4, 1978, at 10 a.m. in room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975, and March 16, 1977, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving: (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to telecommunications equipment, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has six parts:

#### GENERAL SESSION

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of March 23, 1978, meeting.
4. Report on recent technical developments and foreign availability in the Eastern Bloc since the last meeting.
5. Review of final draft of the 1977/78 Annual Report.

#### EXECUTIVE SESSION

6. Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on April 22, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because

the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Industry and Trade Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: a/c 202-377-4196.

The complete notice of determination to close meetings or portions thereof of the series of meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on May 25, 1977 (42 FR 26682).

Dated: April 13, 1978.

RAUER H. MEYER,  
Director, Office of Export Administration,  
Bureau of Trade Regulation, Department of Commerce.

[FR Doc. 78-10392 Filed 4-17-78; 8:45 am]

#### [3510-03]

#### Maritime Administration

[Docket No. S-600]

#### PARTICIPATION BY VESSEL BUILT WITH CDS IN THE CARRIAGE OF ALASKAN OIL IN THE DOMESTIC TRADE

Applications by Boston VLCC Tankers, Inc., and Clermont Shipping, Inc.

Notice is hereby given that applications have been filed by Boston VLCC Tankers, Inc., II (Boston II) and Clermont Shipping, Inc. (Clermont) for written permission under section 506 of the Merchant Marine Act, 1936, as amended, for the temporary employment of the SS *Massachusetts* in the Alaska-Panama Canal oil trade.

The *Massachusetts*, a 264,073 DWT tanker built with construction differential subsidy, is owned by Boston II and is under subtimecharter to Clermont. Clermont desires to relet the *Massachusetts* to Sohio Petroleum Co. (Sohio) for two time charter voyages from Valdez, Alaska, to Parita Bay, Republic of Panama, with options for



up to four additional voyages. In accordance with the provisions of section 506 of the Act and section 250.5 of the regulations described below, a vessel shall not participate in the trade for a period exceeding 6 months in any consecutive 12-month period. The vessel is needed by Sohio commencing approximately June 4-15, 1978.

Interested parties may inspect the applications in the Office of the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation who is a "competitor," as defined in section 250.2 of the regulations as set forth in part 250 of chapter II, title 46 of the Code of Federal Regulations published in the FEDERAL REGISTER issue of June 29, 1977 (42 FR 33035), and desires to protest such application should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received within 5 working days after the date of publication of this notice in the FEDERAL REGISTER. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed 3 working days to respond in a manner acceptable to the Assistant Secretary for Maritime Affairs. Within 5 working days after the due date for the applicant's response, the Assistant Secretary will advise the applicant, as well as those submitting protests of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Assistant Secretary will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidies (CDS).)

By Order of the Assistant Secretary for Maritime Affairs.

Dated: April 12, 1978.

ROBERT J. PATTON, Jr.,  
Assistant Secretary.

[FR Doc. 78-10339 Filed 4-17-78; 8:45 am]

## [3510-22]

### National Oceanic and Atmospheric Administration

#### MARINE MAMMALS

##### Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: (a) Name: Hubbs/Seaworld Research Institute, Dr. Wil-

liam Evans, Director; (b) Address: 1700 South Shores Road, San Diego, Calif. 92109.

2. Type of permit: Scientific Research.

3. Name and number of animals: Risso's dolphins (*Grampus griseus*), 7; pilot whale (*Globicephala macrorhynchus*), 7.

4. Type of take: To capture, radio tag and release five (5) each of the above named species and to maintain two (2) of each.

5. Location of activity: Florida and California coasts, *Grampus* may be imported from Japan.

6. Period of activity: 5 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 18, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Dated: April 12, 1978.

ROLAND F. SMITH,  
Acting Assistant Director for  
Fisheries Management, Na-  
tional Marine Fisheries Ser-  
vice.

[FR Doc. 78-10330 Filed 4-17-78; 8:45 am]

## [3510-12]

### WEATHER MODIFICATION ADVISORY BOARD

#### Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given of the eleventh meeting of the Weather Modification Advisory Board.

The Weather Modification Advisory Board will meet from 9 a.m. to 5 p.m. on May 11-12, 1978, in the Seminar Complex at the Sheraton-Biltmore Hotel, 817 West Peachtree Street, Atlanta, Ga.

The Board was established in January 1977 (42 FR 4512, January 25, 1977), to advise the Secretary of Commerce on matters of a national policy, a national research and development program, and other aspects of weather modification as outlined in the National Weather Modification Policy Act of 1976 (Pub. L. 94-490), enacted on October 13, 1976. The Board consists of 17 members, with a balanced representation selected from scientific, academic, commercial, consumer, legal, and environmental groups, who are appointed by the Secretary of Commerce.

The purpose of this meeting is to consider draft sections that have been prepared for use in the Board's Final Report. The sections deal with environmental assessment, economics, societal aspects, legal and regulatory matters, and international factors.

A short session on plans for future meetings and writing assignments will be held.

The agenda for the meeting is:

#### THURSDAY, MAY 11, 1978—SEMINAR COMPLEX—SHERATON-BILTMORE HOTEL

9 a.m.-12:30 p.m.—Discussion of draft statements to be considered for inclusion in the final report of the Board. Subjects include environmental assessment; economics; societal, legal, and regulatory aspects; and international factors.

12:30 p.m.—1:30 p.m.—Recess for lunch.

1:30 p.m.-5 p.m.—Continuation of discussions.

#### FRIDAY, MAY 12, 1978

9 a.m.-12 p.m.—Discussion of plans for preparing final report of the Board, of assignments for individual studies, and of meeting schedules. Continuation of review of draft statements.

12 noon-1 p.m.—Recess for lunch.

1 p.m.-5 p.m.—Continuation of discussions on draft statements.

5 p.m.—Adjournment.

The meeting will be open to the public and a period will be set aside at the discretion of the Chairman for oral comments or questions by the public which do not exceed 10 minutes each. More extensive questions or comments should be submitted in writing before May 10.



Other public statements regarding Board affairs may be submitted at any time before or after the meeting. Seating will be available for the public on a first-come, first served basis in the Seminar Complex of the Sheraton-Biltmore Hotel.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to Dr. Ronald L. Lavoie, Director, Science and Academic Affairs Office, National Oceanic and Atmospheric Administration, Rockville, Md. 20852, phone 301-443-8721.

Dated: April 13, 1978.

T. P. GLEITER,  
Assistant Administrator  
for Administration.

[FR Doc. 78-10416 Filed 4-17-78; 8:45 am]

[3810-70]

## DEPARTMENT OF DEFENSE

Defense Communications Agency

### PRIVACY ACT OF 1974

#### New Systems of Records

AGENCY: Defense Communications Agency (DCA).

ACTION: Notice of two new systems of records.

SUMMARY: The Defense Communications Agency proposes to add two new record systems to its system of records inventory subject to the Privacy Act of 1974. These two new systems are for internal agency management purposes and are applicable to personnel assigned to the agency.

DATES: These systems shall be effective as proposed without further notice in 30 days from the date of this notice unless comments are received on or before May 18, 1978, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the System Manager identified in the particular record system notice published below.

#### FOR FURTHER INFORMATION CONTACT:

Mr. C. H. Lucero, Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Va. 22204. Telephone 202-692-2770.

SUPPLEMENTARY INFORMATION: The Defense Communications Agency (DCA) systems of records inventory subject to the Privacy Act of 1974, Pub. L. 93-579 (5 U.S.C. 552a) have been published in the FEDERAL REGISTER of September 28, 1977, at 42 FR

51081. DCA now proposes to add two new record systems to its inventory. The agency has submitted a new system report for advance review on these systems on March 17, 1978, under the provisions of 5 U.S.C. 552a(o) of the Privacy Act and in accordance with the Office of Management and Budget (OMB) guidelines set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Washington Headquarters  
Services, Department  
of Defense.

APRIL 13, 1978.

KEUR.09

#### System name:

NONCOMBATANT Information  
Card, AEZ Form 6-106.

#### System location:

Management Support Division, Defense Communications Agency, European Area, (DCA-EUR), APO New York 09131.

#### Categories of individuals covered by the system:

(1) All legal dependents of U.S. Forces personnel; (2) U.S. civilian employees of DOD Agencies and their dependents; (3) Department of Defense or a military service department sponsored U.S. technical representatives; (4) bonafide members of households of U.S. Forces personnel and of persons in (2) and (3) above; (5) U.S. personnel who are special invitees possessing current Department of Defense or a military service department invitational travel orders; (6) dependents of U.S. personnel assigned to U.S. elements of any North Atlantic Treaty Organization military headquarters or agency when common facilities are used and that the Secretary of Defense has authorized to receive U.S. support; and (7) other U.S. nongovernmental, non-military individuals and agencies in overseas military commands for whom military logistical support is authorized in joint military regulations (e.g., USO, American Red Cross).

#### Categories of records in the system:

AEZ Form 6-106, Noncombatant Information Card. It contains information on the following:

(a) *Sponsor.* Name, grade, date arrived in theater, date of return from overseas; SSN; organization and duty section; occupation specialty; branch of service or agency; military post or base name and city location; building number; room number; duty phone; ZIP Code; and APO or FPO.

(b) *Noncombatant.* Local residence street number and name and city; area; building number; apartment

number; home phone; ZIP Code; date assigned; Continental U.S. residence street number and name or P.O. Box number; city; state or territory; and ZIP Code.

(c) *Vehicle.* Vehicle number(s) and make(s); year(s); and capacity.

(d) *Names of all noncombatants.* For each: Passport number; SSAN; relationship; month and year of birth; whether or not has an identification tag; immunization record; and if or if not a driver of vehicle.

(e) *Briefings.* (1) Briefing by supervisor to sponsor; warden to noncombatant; route reconnaissance; and non-combatant Evacuation Operations rehearsal. For each of the above items, dates information given; by whom given; frequency of review of items; date and signature of sponsor and supervisor for each of the items to authenticate that all above items reviewed as required.

#### Authority for maintenance of system:

Title 10, U.S.C., section 133(d) and DOD Directive 5100.5, Protection and Evacuation of U.S. Citizens and Certain Designated Aliens in Danger Areas Abroad (Short Title: Noncombatant Evacuation), enclosure 1, paragraph II D.3, October 11, 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Chief, Management Support Division, to determine preparedness of noncombatants for evacuation, if required.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

#### Storage:

Information is recorded on 8"x10 1/2" cardboard cards and filed in notebook binder.

#### Retrievability:

Information is retrieved manually by name.

#### Safeguards:

Records are filed in file cabinet and maintained in a restricted area which is accessible only to authorized personnel who are required to be in the area where records are kept.

#### Retention and disposal:

Records are not permanent. Records are updated as changes occur and destroyed on departure of the sponsor from DCA-Europe.

#### System manager and address:

Chief, Management Support Division, DCA-Europe, APO New York, 09131.

#### Notification Procedures:

Requests from individuals should be addressed to the Chief, Management



Support Division, DCA European Area, APO New York 09131. The full name of the requesting individual will be required to determine if the system contains a record of the requester. As proof of identity, the requester, if assigned to DCA European Area, must present a current DCA identification badge or current motor vehicle operator's license. If not assigned to the DCA European Area but still in the military service the requester must provide a current motor vehicle driver's license or Social Security Account Number. If no longer affiliated with the Department of Defense must provide Social Security Account Number.

#### Record access procedures:

Contact the Chief, Management Support Division, DCA European Area, APO New York 09131, for assistance.

#### Contesting records procedures:

The DCA rules for access to records for contesting contents and appealing initial determination by the individual concerned are contained in DCAI 210-225-2 or in 32 CFR part 287a.

#### Record source categories:

Information is furnished by the individual concerned; or from official records provided by personnel offices of the 1141st U.S. Air Force Special Activities Squadron; Headquarters, European Command, Army, Navy, Air Force, and Marine Corps Elements; Stuttgart Area Civilian Personnel Office; and the U.S. Finance and Accounting Office, Europe.

#### Systems exempted from certain provisions of the Act:

None.

#### KEUR.10

#### System name:

Personnel File.

#### System location:

Management Support Division, Defense Communications Agency, DCA European Area, APO New York 09131.

#### Categories of individuals covered by the system:

All military and civilian personnel assigned to Headquarters, DCA European Area.

#### Categories of records in the system:

Records consist of security clearance data (Air Force Form 47: Certificate of Eligibility and Record of Personnel Security Clearance, and DCA Form 548: Status of Clearance); record of requests for changes to assignment; job title and position (Air Force Form 2095: Assignment/Personnel Action, and Standard Form 52: Request for

Personnel Action); leave data; special orders published by the DCA European Area pertaining to additional duties; and sponsorship information.

#### Authority for maintenance of the system:

Title 10, U.S.C. 125 and DOD Directive 5105.19, Defense Communications Agency (DCA), October 8, 1974.

#### Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Used by the Chief, Management Support Division, to verify security clearance status; initiate personnel actions such as effectiveness reports, changes in position, title or assignment; record of additional duties, and related routine personnel and administrative matters.

#### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

##### Storage:

Paper records filed in a folder.

##### Retrievability:

Information is retrieved by name.

##### Safeguards:

Records are maintained in a safe accessible only to personnel authorized in the performance of their official duties.

##### Retention and disposal:

Records are maintained 1 year after departure of the individual from the DCA European Area and then destroyed.

##### System Manager(s) and address:

Chief, Management Support Division, DCA European Area, APO New York 09131.

##### Notification procedures:

Requests from individuals should be addressed to the Chief, Management Support Division, DCA European Area, APO New York 09131. The full name of the requesting individual will be required to determine if the system contains a record of the requester. As proof of identity, the requester, if assigned to DCA European Area, must present a current DCA identification badge or current motor vehicle operator's license. If not assigned to the DCA European Area but still in the military service the requester must provide a current motor vehicle driver's license or Social Security Account Number. If no longer affiliated with the Department of Defense must provide Social Security Account Number.

#### Record access procedures:

Contact the Chief, Management Support Division, DCA European Area, APO New York 09131, for assistance.

#### Contesting records procedures:

The Defense Communications Agency rules for access to records for contesting contents and appealing initial determination by the individual concerned are contained in DCAI 210-225-2, Personal Privacy and Rights of Individuals Regarding Their Personal Records, August 25, 1975, or in 32 CFR part 287a.

#### Record source categories:

Information is furnished by the individual concerned; or from official records provided by personnel offices of the 1141st U.S. Air Force Special Activities Squadron; Headquarters, European Command, Army, Navy, Air Force, and Marine Corps Elements; Stuttgart Area Civilian Personnel Office; and the U.S. Finance and Accounting Office, Europe.

#### Systems exempted from certain provisions of the Act:

None.

[FR Doc. 78-10408 Filed 4-17-78; 8:45 am]

#### [3810-70]

#### PRIVACY ACT OF 1974

#### New Systems of Records

AGENCY: Defense Nuclear Agency (DNA).

ACTION: Notice of new record system.

SUMMARY: The Defense Nuclear Agency proposes to add a new record system to its record system inventory subject to the Privacy Act of 1974. This new system is identified as HDNA 609-03, entitled: "Personnel Exposed to Radiation from Atmospheric Nuclear Tests." The record system notice is set forth below.

DATES: This system shall be effective as proposed without further notice in 30 days from the date of this notice unless comments are received on or before May 18, 1978, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the System Manager identified in the record system.

#### FOR FURTHER INFORMATION CONTACT:

Ms. Rosemary L. Harris, General Counsel, Defense Nuclear Agency, Washington, D.C. 20305, telephone 202-325-7681.

SUPPLEMENTARY INFORMATION: The Defense Nuclear Agency systems of records notices as prescribed by the Privacy Act of 1974, Pub. L. 93-579 (5 U.S.C. 552a) have been published in the FEDERAL REGISTER as follows:



FR Doc. 77-28255 (42 FR 51073), September 28, 1977.  
FR Doc. 78-4311 (43 FR 6829), February 16, 1978.

The agency has submitted a new system report on March 27, 1978 under the provisions of 5 U.S.C. 552a(o) of the Privacy Act and in accordance with the Office of Management and Budget (OMB) guidance set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975. A request for waiver of the 60 day advance notice requirement by OMB was granted on April 10, 1978.

MAURICE W. ROCHE,  
*Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.*

APRIL 13, 1978.

HDNA 609-03

**System name:**

Personnel Exposed to Radiation from Atmospheric Nuclear Tests.

**System location:**

Headquarters, Defense Nuclear Agency, Washington, D.C. 20305—main computer location.

**Categories of individuals covered by the system:**

All DOD and DOD affiliated personnel military and civilian, who participated in the United States Government atmospheric nuclear test programs in the Pacific and at the Nevada Test Site.

**Categories of records in the system:**

Personnel information consisting of name, rank, service number, social security number, last known or current address, dates of test participation, exposure data, and unit of assignment.

**Authority for maintenance of the system:**

10 U.S.C. 133, 5 U.S.C. § 301, and DOD directive 5105.31 (V)(E)(N).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Department of Defense components.—For the purpose of preparing histories of atmospheric nuclear test participation.

Defense Nuclear Agency contractors.—For the purpose of assisting DOD components in preparation of histories of atmospheric nuclear test participation and responding to the enquiries and concerns of individuals who may have participated in the test programs and/or their representatives.

National Research Council and the Center for Disease Control.—For the limited purpose of conducting epidemiological studies of the effects of ionizing radiation from the atmospheric

nuclear weapons tests on DOD participants in those tests.

Department of Energy. For the limited purpose of identifying AEC and AEC-contractor personnel exposed to ionizing radiation during nuclear testing; and for conducting epidemiological studies of radiation effects of individuals so identified.

Department of Transportation.—For the limited purpose of identifying DOT and DOT-affiliated personnel exposed to ionizing radiation during nuclear testing.

Veterans Administration.—For use by the VA in resolving claims of service-connected disability.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

**Storage:**

Paper records in file folders; computer magnetic tape disks and printouts in secure computer facility.

**Retrievability:**

Paper records filed in folders and computer magnetic tape and disk retrieved by SSN and name.

**Safeguards:**

Paper records are filed in folders stored in locked security safes. Magnetic tapes stored in vault in the computer area.

**Retention and disposal:**

Paper records are retained until information is transferred to magnetic tapes, then destroyed. Magnetic tapes and disks are retained indefinitely.

**System manager(s) and address:**

Director, Defense Nuclear Agency, Attn: Privacy Act Officer, Washington, D.C. 20305.

**Notification procedure:**

Information may be obtained from the SYSMANAGER.

**Record access procedures:**

Requests should be addressed to the SYSMANAGER.

**Contesting record procedures:**

Requests from individual should be addressed to the same address as stated in the notification section above.

**Record source categories:**

From DNA Form 10, searches of DOD records by other DOD components, and from individuals voluntarily contacting DNA by phone or mail.

**Systems exempted from certain provisions of the act:**

None.

[FR Doc. 78-10409 Filed 4-17-78; 8:45 am]

[3810-71]

Department of the Navy

**PRIVACY ACT OF 1974**

**Systems of Records: Deletion and Amendments**

AGENCY: Department of the Navy.

ACTION: Deletion and amendments of record system notices.

SUMMARY: The Department of the Navy proposes to delete one record system and amend two existing systems from its inventory of record systems subject to the Privacy Act of 1974.

DATES: These systems shall be deleted and amended as proposed without further notice in 30 days from the date of this notice unless comments are received on or before May 18, 1978 which would result in a contrary determination and require republication for further comments.

ADDRESS: Any public comments, including written data, views or arguments concerning these notices should be addressed to: Lt. Cmdr. Richard J. Simpson, Quality Management Branch Pers-3Y3, BUPERS, ARLEX, Washington, D.C. 20370.

**FOR FURTHER INFORMATION CONTACT:**

Capt F. J. LaMotte, USN, Director, Naval Records Mgmt & Admin, Services Division, OPNAV 09V1, Washington, D.C. 20350, Telephone (202) 697-2312.

SUPPLEMENTARY INFORMATION: The Navy notices for its systems of records inventory, subject to the Privacy Act of 1974 (5 U.S.C. 552a) P.L. 93-579, have been published in the FEDERAL REGISTER as follows:

FR Doc. 77-28255 (42 FR 51229) September 28, 1977.

FR Doc. 77-36226 (42 FR 64333) December 22, 1977.

FR Doc. 78-3002 (42 FR 5472) February 8, 1978.

The Navy submitted an altered system report on March 10, 1978 pursuant to 5 U.S.C. 552a(o) of the Privacy Act for the two amended systems. The specific changes to each system being amended is set forth below followed by publication of these systems in their entirety, as amended.

MAURICE W. ROCHE,  
*Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.*

APRIL 13, 1978.

**DELETION**

N00011 09B

System name: Reports of Disposition of Personal Money Allowances and Po-



sition Allowances. (43 FR 5472) February 8, 1978.

**Reason:** The requirement to establish and maintain this record system has been cancelled.

#### AMENDMENTS

##### N00022OFFMAUSTSYS

**System name:** Officer Master File Automated System (42 FR 51264) September 27, 1977.

**Safeguards:** Delete the entire entry and substitute "Within the computer center, controls have been established to disseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertent or unauthorized computer operators, programmers officer management, placement, and distributing personnel who are directed to respond to valid, official requests for data. These accesses are controlled and monitored by the Security System."

**Record Source Categories:** At the beginning of the entry change "Officers" to "Officials".

##### N00022ENLMAUSTSYS

**System name:** Enlisted Master File Automated System (42 FR 51261) September 27, 1977.

**Categories of records in the system:** In the third line of the paragraph delete the word "advancement" and add "promotions". In the fifth line add the word "programming", between "qualifications" and "and" the remainder of the paragraph will remain the same. Add "The" to the beginning of paragraph two, and in line three after "relating to the" add "Navy's military management program". Delete the remainder of the paragraph.

**Safeguards:** Delete the entire entry and substitute "Within the computer center, controls have been established to disseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertent or unauthorized disclosure will result in harm, embarrassment, inconvenience or unfairness to the individual, will be shredded. Computer files are kept in a secure, continuously manned area and are accessible only to authorized computer operators, programmers, enlisted management, placement, and distributing personnel who are directed to respond to valid, official requests for data. These accesses are controlled and monitored by the Security System."

**Retention and disposal:** Delete "Manpower and Personnel Management Information System Manual" and substitute the abbreviation "MAPMIS" (.....).

**Notification Procedures:** In line number five delete the word "enlisted", and in line number seven delete "the letter must" and substitute "request shall". In line number eight delete "name, rate" and substitute "rank" .....

**Record Source Categories:** In line two after "Defense" add "and Components thereof," .....

##### N00022OFFMAUSTSYS

#### System name:

Officer Master File Automated System

#### System location:

Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370; Personnel, Navy Department, Washington, D.C. 20370; Personnel Management Information Center, New Orleans, LA 70159; Naval Reserve Personnel Center, New Orleans, LA 70159.

#### Categories of individuals covered by the system:

All Naval Officers; commissioned, warrant, active, inactive; officer candidates, and Naval Reserve Officer Training Corps personnel.

#### Categories of records in the system:

Computer file contains data concerning officer assignment, planning, accounting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and Reserve Officer drill data. System also contains Activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill Reports and other personnel transaction documents necessary to maintain file accuracy and currency; and all computer file extracts, microform and printed report therefrom.

#### Authority for maintenance of the system:

Title 10 USC 5031, 5132 and 5141.

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, and administration of Navy officer personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the automated system of records.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's military manpower management program. The Attorney General of the United States or his authorized representatives in connection with litigation,

law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of Navy officer personnel and the operation of personnel affairs and functions.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and administration of Navy officer personnel and the operation of personnel affairs and functions. The Senate or the House of Representatives of the United States or any committee or subcommittee thereof, on matters within their jurisdiction requiring disclosure of the files or records of Navy officer personnel.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to an individual, organization, or governmental agency as necessary.

#### Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage:

Automated Records are stored on magnetic tapes, disks, drums and on punched cards. Printed reports and other paper documents supporting the system are stored in authorized personnel areas only.

#### Retrievability:

Automated records are retrieved by Social Security Account number.

#### Safeguards:

Within the computer center, controls have been established to disseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertent or unauthorized disclosure that would result in harm, embarrassment, inconvenience or unfairness to the individual, will be shredded. Computer files are kept in a secure, continuously manned area and are accessible only to authorized computer operators, programmers, officer management placement, and distributing personnel who are directed to respond to valid, official requests for data. These accesses are controlled and monitored by the Security System.



**Retention and disposal:**

Records are retained in accordance with MAPMIS Manual (periods range from 1 month to permanent).

**System manager(s) and address:**

Chief of Naval Personnel, Navy Department, Washington, DC 20370.

**Notification procedure:**

Active duty Navy Officer/Officer Candidates shall request by correspondence addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator) Navy Department, Washington, DC 20370. Naval Reserve and retired officers shall request by correspondence from Commanding Officer, Naval Reserve Personnel Center, New Orleans, LA 70159. Request shall contain full name, Social Security Account Number, rank, status, address and signature of the requestor.

**Record access procedures:**

The Agency's rules for access to records may be obtained from SYSMAN-AGER.

**Contesting record procedures:**

The Agency's rules for contesting contents and appealing initial determinations by the individuals concerned may be obtained from the SYSMAN-AGER.

**Record source categories:**

Officials and employees of the Department of the Navy, Department of Defense and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; official records of professional qualification; educational institutions.

**Systems exempted from certain provision of the act:**

None.

N00022ENLMAUSTSYS

**System name:**

Enlisted Master File Automated System

**System location:**

Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370; Personnel Management Information Center, New Orleans, LA 70159; Naval Reserve Personnel Center, New Orleans, LA 70159.

**Categories of individuals covered by the system:**

All Naval Enlisted personnel; active and inactive.

**Categories of records in the system:**

Computer file contains data concerning enlisted assignment, planning, ac-

counting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and Reserve Officer drill data. System also contains Activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill Reports and other personnel transaction documents necessary to maintain file accuracy and currency; and all computer file extracts, microform and printed report therefrom.

**Authority for maintenance of the system:**

Title 10 USC 5031, 5132 and 5141.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, and administration of Navy enlisted personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the automated system of records.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's military manpower management program.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision, and administration of Navy enlisted personnel and the operation of personnel affairs and functions.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and administration of Navy enlisted personnel and the operation of personnel affairs and functions. The Senate or the House of Representatives of the United States or any committee or subcommittee thereof, on matters within their jurisdiction requiring disclosure of the files or records of Navy enlisted personnel.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive order, or by treaty, personnel record information will be

disclosed to the individual, organization, or governmental agency as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage:

Automated Records are stored on magnetic tapes, disks, drums and on punched cards. Printed reports and other paper documents supporting the system are stored in authorized personnel areas only.

**Retrievability:**

Automated records are retrieved by Social Security Account number.

**Safeguards:**

Within the computer center, controls have been established to disseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertent or unauthorized disclosure that would result in harm, embarrassment, inconvenience or unfairness to the individual, will be shredded. Computer files are kept in a secure, continuously manned area and are accessible only to authorized computer operators, programmers, enlisted management, placement, and distributing personnel who are directed to respond to valid, official requests for data. These accesses are controlled and monitored by the Security System.

**Retention and disposal:**

Records are retained in accordance with MAPMIS Manual (periods range from 1 month to permanent).

**System manager(s) and address:**

Chief of Naval Personnel, Navy Department, Washington, DC 20370.

**Notification procedure:**

Requests by correspondence from active duty enlisted personnel shall be addressed to: Chief of Naval Personnel (Attn: Privacy Act Coordinator) Navy Department, Washington, DC 20370; requests by correspondence from inactive duty and reserve personnel shall be addressed to: Commanding Officer, Naval Reserve Personnel Center, New Orleans, LA 70159. Request shall contain full name, Social Security Account Number, rank, status, address and signature of the requestor.

**Record access procedures:**

The Agency's rules for access to records may be obtained from SYSMAN-AGER.

**Contesting record procedures:**

The Agency's rules for contesting contents and appealing initial determi-



nations by the individual concerned may be obtained from the SYSMAN-AGER.

#### Record Source Categories:

Officials and employees of the Department of the Navy, Department of Defense and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; official records of professional qualification; educational institutions.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 78-10410 Filed 4-17-78; 8:45 am]

[3128-01]

#### DEPARTMENT OF ENERGY

##### ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

Week of March 27, 1978 Through March 31, 1978

Notice is hereby given that during the period March 27, 1978 through March 31, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of

Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays.

MELVIN GOLDSTEIN,

Director,

Office of Hearings and Appeals.

APRIL 11, 1978.

#### PROPOSED DECISIONS AND ORDERS

Melvin Klotzman and Jess Pendleton d.b.a. Victoria Equipment and Supply Co., Victoria, Tex., Fee-4122, crude oil

Melvin Klotzman and Jess Pendleton d.b.a. Victoria Equipment and Supply Co. (Victoria), filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Victoria to retain the revenues which the firm realized on overcharges made in its sales of the crude oil produced from the Keeran Ranch "D" Lease. On March 27, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

W. N. McMurtry, Casper, Wyo., DXE-0615, crude oil

W. N. McMurtry filed an Application for Exception from the provisions of 10 CFR 212.73. The exception request, if granted, would result in an extension of exception relief previously granted to McMurtry and would permit McMurtry to continue to sell a

portion of the crude oil produced from the West Sage Creek Lease located in Park County, Wyo., at upper tier ceiling prices. On March 31, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Prater Co., Farmington, N. Mex., FEE-4470, refined petroleum products

Prater Co. filed an Application for Exception from the provisions of 6 CFR, Part 150, Subpart L and 10 CFR, Part 212, Subpart F. The exception request, if granted, would permit Prater to retain the revenues which the firm obtained during the period November 1, 1973 through August 31, 1975 by charging prices for motor gasoline and diesel fuel which exceeded the maximum prices permitted under the applicable regulations. On March 31, 1978 the DOE issued a Proposed Decision and Order which determined that Prater should be permitted to retain the revenues which it obtained by (i) passing through to its lessees the rental cost increases incurred from its lessors, and (ii) passing through the transportation cost increases which were charged to Prater by its supplier.

Whitco, Inc., Dallas, Tex., DXE-0856, motor gasoline

Whitco, Inc. filed a request for an extension of the exception relief which had been previously granted to the firm from the provisions of 10 CFR 211.25 (the supplier substitution rule). On March 31, 1978, the DOE issued a Proposed Decision and Order to Whitco which determined that the request be granted.

Yezbick Corp., Troy, Mich., DEE-0389, motor gasoline

The Yezbick Corp. filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would permit Yezbick to terminate its base period supplier/purchaser relationship with Texaco, Inc. On March 31, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

#### REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued Proposed Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	(County/State) location	Amount of price increase per gallon
Arkansas Louisiana Gas Co.....	DXE-0665.....	Bistineau.....	Webster Parish, La.....	\$0.0147
	DXE-0666.....	Waskom.....	Harrison, Tex.....	.0257
Delta Drilling Co.....	DXE-0882.....	Etexas.....	Smith, Tex.....	.0839
Estate of George H. Coates.....	DXE-0886.....	Jay Simmons.....	Starr, Tex.....	.08711
General Crude Oil Co.....	DXE-0687.....	Salt Creek.....	Kent, Tex.....	.05528
International Telephone & Telegraph Co.....	DXE-0921.....	Crescent.....	Logan, Okla.....	.06295
Marathon Oil Co.....	DXE-0551.....	Rock River.....	Carbon, Wyo.....	.5225
	DXE-0552.....	Welder.....	San Patricio, Tex.....	.1575
	DXE-0553.....	West Forelands.....	Cook Inlet, Alaska.....	.0343
	DXE-0554.....	West Sidney.....	Cheyenne, Nebr.....	.0575
Monsanto Co.....	DXE-0727.....	Adena.....	Morgan, Colo.....	.0962
	DXE-0728.....	Como.....	Hopkins, Tex.....	.0471
	DXE-0729.....	Diamond "M".....	Scurry, Tex.....	.0164
	DXE-0730.....	Dollar-hide.....	Andrews, Tex.....	.0250
	DXE-0731.....	Gillette.....	Campbell, Wyo.....	.0417



Company	Case No.	Plant	(County/State) location	Amount of price increase per gallon
	DXE-0732	Pledger	Brazoria, Tex.	Denied.
	DXE-0733	Spivey	Harper, Kan.	.0321
Northern Natural Gas Co.	DXE-0734	No. 1 and No. 2	Martin, Tex.	.02743
Signal Petroleum	DXE-0735	Lake Washington	Plaquemines Parish, La.	.0162
Standard Oil Co. (Indiana)	DXE-0644	Beaver Creek	Freemont, Wyo.	.0318
	DXE-0645	Burnell-North Pettus	Bee, Tex.	.0309
	DXE-0646	Calumet	Canadian, Okla.	.0056
	DXE-0647	Cotton Valley	Webster Parish, La.	.0191
	DXE-0648	Edgewood	Van Zandt, Tex.	.0275
	DXE-0649	Luby	Nueces, Tex.	.0356
	DXE-0650	Old Ocean	Brazoria, Tex.	.0179
	DXE-0651	Patterson	St. Mary's Parish, La.	.0067
	DXE-0652	South Gillock	Galveston, Tex.	.0210
	DXE-0653	South Pecan	Cameron Parish, La.	.0246
	DXE-0654	Thibodaux	La Fourche Parish, La.	.0296
	DXE-0655	Vermilion	Vermilion Parish, La.	.0206
	DXE-0656	West Bastian	Plaquemines Parish, La.	.0142
	DXE-0827	Elk Basin	Park, Wyo.	.0187
	DXE-0828	Levelland	Hockley, Tex.	.0134
	DXE-0829	Midland Farms	Andrews, Tex.	.0271
	DXE-0829	Monahans	Winkler, Tex.	.0428
	DXE-0831	North Cowden	Ector, Tex.	.0138
	DXE-0832	Peoria	Arapahoe, Colo.	.0206
	DXE-0833	Slaughter	Hockley, Tex.	.0089
	DXE-0834	South Manchester	Calcosieu Parish, La.	.0284
	DXE-0835	Toca	St. Bernard Parish, La.	.0050

[FR Doc. 78-10082 Filed 4-17-78; 8:45 am]

## [3128-01]

## CASES FILED WITH THE OFFICE OF HEARINGS AND APPEALS

Week of March 24, through March 31, 1978

Notice is hereby given that during the week of March 24, through March 31, 1978, the appeals and applications for exception or other relief listed in the appendix to this notice were filed

with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within 10 days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the

date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,  
Director, Office of  
Hearings and Appeals.

APRIL 11, 1978.

## APPENDIX.—List of cases received by the Office of Hearings and Appeals

[Week of Mar. 24 through Mar. 31, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 24, 1978	Arizona Fuels Corp., Washington, D.C. If granted: The DOE would review the entitlements exception relief granted to Arizona Fuels Corp. during its 1977 year in order to determine whether the level of relief accorded the firm was appropriate.	DEX-0056	Supplemental order.
Do	T. Mayfield, Tulsa, Okla. If granted: The Feb. 9, 1978, remedial order issued by DOE region VI would be rescinded and T. Mayfield would not be required to refund overcharges made in its sales of crude oil produced from the Harjo property.	DRA-0184	Appeal of remedial order.
March 27, 1978	Bailey Enterprises, Inc., Riverton, Wyo. If granted: Bailey Enterprises, Inc., would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0959	Exception to the reporting requirements.
Do	G.R. Nance Co., Inc., Los Angeles, Calif. If granted: G.R. Nance Co.'s Nance/Bilnn No. well located in Wilmington, Calif., would be classified as a stripper well property.	DEE-0957	Price exception (sec. 212.73).
Do	Major Oil Co., Stockton, Calif. If granted: Major Oil Co. would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0960	Exception to the reporting requirements.
Do	Parkland Chevron Service, Tacoma, Wash. If granted: Parkland Chevron Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0961	Do.
Do	PPG Industries, Inc., and Puerto Rico Olefins Co., Pittsburgh, Pa. If granted: PPG Industries, Inc. and Puerto Rico Olefins Co. would be permitted to import naphtha on a fee-exempt basis from May 1, 1978, through Apr. 30, 1979.	DPI-0006	Exception to the base fee requirements.
Do	Pronto Gas Co., Fort Worth, Tex. If granted: Pronto Gas Co., would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gal for its production of natural gas liquid products.	DEE-0964	Price exception (sec. 212.165).



## APPENDIX.—List of cases received by the Office of Hearings and Appeals—Continued

[Week of Mar. 24 through Mar. 31, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Do	Smith's Petroleum Marketing Co., Inc., West Plains, Mo. If granted: Smith's Petroleum Marketing Co., Inc., would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, West Plains Propane, Inc..	DEE-0956	Exception to change suppliers.
Mar. 28, 1978	Adams Oil Co., Inc., Dillwyn, Va. If granted: Adams Oil Co., Inc., would be permitted to retroactively increase its prices for motor gasoline above the maximum levels permitted under the mandatory petroleum price regulations.	DEE-0966	Price exception (sec. 212.93).
Do	Adams Oil Co., Inc., Dillwyn, VA. If granted: The Mar. 3, 1978, modified remedial order issued to the Adams Oil Co., Inc., would be stayed pending a final determination on the firm's appeal of that order..	DRS-0163	Stay request.
Do	Atlas Gas Co., Inc., Jacksonville, Fla. If Granted: Atlas Gas Co., Inc., would be granted an evidentiary hearing with respect to its pending objection to the March 14, 1978, proposed remedial order which was issued to the firm.	DRH-0020	Request for an evidentiary hearing.
Do	Bethel Park Gas & Wash, Inc., Bethel Park, Pa. If granted: Bethel Park Gas & Wash, Inc., would be supplied motor fuel by Exxon rather than its Texaco-branded distributor, Kehm Oil Co. of Oakdale, Pa.	DEE-0970	Exception to change suppliers.
Do	Chino's Chevron, Los Angeles, Calif. If granted: Chino's Chevron would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0962	Exception to the reporting requirements.
Mar. 29, 1978	Don's Oasis, Hayes, S. Dak., If granted: Don's Oasis would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0974	Do.
Do	Goyette's Service Station, Worcester, Mass., If granted: Goyette's Service Station would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0974	Do.
Do	Wayne's Store, Chassel, Mich., If granted: Wayne's Store would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0976	Do.
Mar. 30, 1978	Consumers Power Co., Jackson, Mich. If granted: Consumers Power Co. would be permitted to earn entitlements on imported residual fuel oil as an "eligible firm".	DEE-0978	Allocation exception(sec. 211.67).
Do	Romaco, Inc., Montgomery, Ala., If granted: The Sept. 2, 1977, special report order issued to Romaco, Inc., would be rescinded.	DSG-0015 and DES-0051	Request for special redress.
Do	United Independent Oil Co., Salem, Oreg., If granted: United Independent Oil Co. would receive a stay of its entitlement purchase obligations pending a final determination on its application for exception.	DES-0050	Stay request.
Do	Whitco, Inc., Dallas, Tex. If granted: Whitco, Inc., would receive a stay of the supplier substitution provisions of 10 CFR 211.65 as utilized by Sun Co., Inc.	DEX-0055	Supplemental order.
Mar. 28, 1978	Commercial Bottle Gas, Oxford, N.C. If granted: Commercial Bottle Gas would be granted an exception from the provisions of sec. 212.93 which would permit the recovery of the increased salary of its owner, Wm. C. Long.	DEE-0968	Price exception (sec. 212.93).
Do	DeMenno Resources, Los Angeles, Calif. If granted: DeMenno Resources would receive an exception from 10 CFR 211.67 with respect to its entitlement purchase obligations.	DEE-0965	Exception from the entitlements program.
Do	Petroleum, Inc., Los Angeles, Calif. If granted: ECO Petroleum, Inc., would receive an exception from 10 CFR 211.67 with respect to its entitlement purchase obligations.	DEE-0967	Do.
Do	Fill-Up Service Stations, Inc., Salem, Oreg. If granted: Fill-Up Service Stations, Inc., would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0973	Exception to the reporting requirements.
Do	International Retail Corp., Baltimore, Md. If granted: International Retail Corp. would be granted an evidentiary hearing with respect to its statement of objection in case No. FEE-4838.	DEH-0003	Request for an evidentiary hearing.
Do	Kenny's 24-Hour Service., Yankton, S. Dak., If granted: Kenney's 24-Hour Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0975	Exception to the reporting requirements.
Do	Milltown Skelgas, Inc., Milltown, Wis. If granted: Milltown Skelgas, Inc., would be permitted to increase its prices for propane above the maximum levels permitted under the mandatory petroleum price regulations.	DEE-0958	Price exception (sec. 212.93).
Do	Milltown Skelgas, Inc., Minneapolis, Minn. If granted: Milltown Skelgas, Inc., would be granted a motion for discovery with respect to the Feb. 27, 1978, proposed remedial order issued to the firm by DOE region V.	DRD-0009	Motion for discovery.



## APPENDIX.—List of cases received by the Office of Hearings and Appeals—Continued

[Week of Mar. 24 through Mar. 31, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Texaco, Inc., New Orleans, La. If granted: Texaco, Inc., would not be required to continue to supply Kirk's Service, Inc., with motor gasoline.	DEE-0969	Exception to change supplier/purchaser relationship.
Do.....	Wong's Service Center, Los Angeles, Calif. If granted: Wong's Service Center would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0963	Exception to the reporting requirements.
Mar. 29, 1978.....	Apco Oil Corp., Oklahoma City, Okla. If granted: Apco Oil Corp. would receive an exception from the DOE's mandatory petroleum allocation and price regulations with respect to its sale of 15 retail service stations to the Kerr-McGee Refining Corp.	DEE-0977	Allocation exception (pt. 211).
Do.....	Checker-Yellow Cab/Blue Jay Standard Service, Green Bay, Wis. If granted: Checker-Yellow Cab/Blue Jay Standard Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0971	Exception to the reporting requirements.

## NOTICES OF OBJECTION RECEIVED

[Week of Mar. 24 through Mar. 31, 1978]

Date	Name and location of applicant	Case No.
Mar. 27, 1978.....	Damson Oil Corp., Houston, Tex.....	DXE-0533
Do.....	Quest Oil Co., Denver, Colo.....	DEE-0074
Mar. 28, 1978.....	Smith's Bottled Gas, Bruceton Mills, W. Va.....	FEE-4846
Do.....	Superior Linen & Apparel Services, Inc., Cincinnati, Ohio.....	DEE-0203
Mar. 29, 1978.....	Texaco, Inc., Chicago, Ill.....	DXE-0495
Mar. 30, 1978.....	Little America Refining Co., Washington, D.C.....	DXE-0495

## PROPOSED REMEDIAL ORDERS, NOTICES OF OBJECTION RECEIVED

[Week of Mar. 24 through Mar. 31, 1978]

Date	Name and location of applicant	Case No.
Mar. 27, 1978.....	Botts Oil & Gas Development, Matton, Ill.....	DRO-0016
Do.....	Kingston Oil Supply Corp., New York, N.Y., proposed remedial order: Mar. 9, 1978.....	DRO-0017
Mar. 28, 1978.....	Atlas Gas Co., Inc., Jacksonville, Fla., proposed remedial order: Mar. 14, 1978.....	DRO-0020
Do.....	Jim Cox Oil Co., Wewoka, Okla.....	DRO-0019
Do.....	Pawnee Petroleum Co., Seminole, Okla., proposed remedial order: Mar. 14, 1978.....	DRO-0018

[FR Doc. 78-10081 Filed 4-17-78; 8:45 am]

[3128-01]

CANADIAN CRUDE OIL ALLOCATION  
PROGRAMAllocation Notice for the April 1 Through June  
30, 1978 Allocation Period

In accordance with the provisions of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR 214, the allocation notice specified in § 214.32 for the allocation period commencing April 1, 1978, is hereby published.

The issuance of Canadian crude oil rights for the April 1, 1978, allocation period to refiners and other firms is set forth in the Appendix to this notice.<sup>1</sup> Allocations are set forth separately for April and the months of May and June because the Economic Regulatory Administration (ERA) is considering action pursuant to 10 CFR 214.34 to designate the Koch Refining

<sup>1</sup>On February 8, 1978, the Economic Regulatory Administration (ERA) issued a final rule amending the allocation method for Canadian heavy crude oil set forth in 10 CFR 214.31(a)(3). See 43 FR 6205, February 14, 1978.

Co., Pine Bend, Minn., refinery and the Ashland Oil, Inc., St. Paul Park, Minn., refinery as second priority refineries effective May 1, 1978. (For further information, see Notice of Request for Comment, 43 FR 13,388, March 30, 1978.) However, the allocations set forth in the Appendix assume no change in these refineries' priority designation. If ERA does change the status of either or both of these refineries, a supplemental allocation notice for the months of May and June will be issued.

As to this allocation period, the Appendix lists: (1) the name of each re-



finer and other firm to which rights have been issued; (2) the base period volume<sup>2</sup> of Canadian crude oil for each first or second priority refinery; (3) the base period volume of Canadian light and heavy crude oil, respectively, for each first or second priority refinery; (4) the nominations to ERA for Canadian light and heavy crude oil, respectively, of each refiner or other firm; (5) the number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) the specific first or second priority refineries for which rights are applicable.

The issuance of Canadian crude oil rights is made pursuant to § 214.31, which provides that rights may be issued to refiners or other firms that own or control a first or second priority refinery based on the number of barrels of Canadian light and heavy crude oil, respectively, included in the refinery's volume of crude oil runs to stills or consumed or otherwise utilized by a facility during the base period, November 1, 1974, through October 31, 1975. These calculations have been made and are shown on a barrels per day basis.

The listing contained in the Appendix also reflects any adjustments made by ERA to base period volumes to compensate for reductions in volumes due to unusual or nonrecurring operating conditions or to reflect current operating conditions as provided by § 214.31(d).

Based on its review of the affidavits, supplemental affidavits and reports filed pursuant to subpart D of Part 214, and other information available to the agency, ERA has designated each refinery or other facility listed in the Appendix as a first or second priority refinery as defined in § 214.21. If a refinery or other facility has not been designated as a priority refinery by ERA, such refinery or other facility is not entitled to process or otherwise consume Canadian crude oil subject to allocation under the program.

As provided by § 214.31(e), in the allocation period commencing April 1, 1978, each refinery or other firm which has been issued Canadian crude oil rights for light and heavy crude oil, respectively, is entitled to process, consume or otherwise utilize in the priority refinery or refineries specified in the Appendix to this notice a number of barrels of Canadian light and heavy crude oil, respectively, subject to allocation under Part 214, equal to the

<sup>2</sup>Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis.

number of rights specified in the Appendix.

The Canadian National Energy Board (NEB) has advised ERA that the total volumes of Canadian light and heavy crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the three-month allocation period commencing April 1, 1978 will be as follows: The average export level for Canadian light crude oil will be 55,000 barrels per day (B/D) for April, May, and June. The average export level for Canadian heavy crude oil will be 132,000 B/D for April, 102,000 B/D for May, and 95,000 B/D for June. For purposes of determining allocations of Canadian heavy crude oil for the months of May and June, it has been assumed that the average export level will be 98,557 B/D for these two months. Any change in the export levels for Canadian light crude oil, including condensate, and Canadian heavy crude oil anticipated for this allocation period will be reflected in revised allocations that will be issued in a supplemental allocation notice or notices.

The NEB has formally advised ERA of the following operational constraints with respect to the export of Canadian light crude oil for the allocation period:

50 B/D of light crude oil through the Union Oil pipeline from the Dragon field in Canada to the Thunderbird refinery (second priority) at Cut Bank, Mont.

10,000 B/D of condensate to be exported from Sarnia, Ontario.

To the extent possible, ERA has given effect to these operational constraints in the allocations set forth in the Appendix. However, ERA has received nominations for only 2,000 B/D of the 10,000 B/D of condensate which must be exported from Sarnia. Accordingly, the allocations set forth in the Appendix for Canadian light crude oil total 47,000 B/D (55,000 B/D less 8,000 B/D of condensate for which nominations have not been received).

#### ALLOCATION OF CANADIAN LIGHT CRUDE OIL

The authorized export level for Canadian light crude oil for this allocation period is 55,000 B/D. The adjusted base period volumes of Canadian light crude oil for all first priority refineries nominating for light crude oil totals 136,678 B/D. Accordingly, with the exception of allocations of light crude oil required by operational constraints, no allocations of light crude oil are shown for second priority refineries. The export level of light crude oil, as adjusted to reflect the operational constraints, was allocated among first priority refineries nominating for light crude oil on a pro rata

basis in the following manner. First, an allocation factor of 0.328875<sup>3</sup> was applied to each first priority refinery's adjusted base period volume of light crude oil. Second, the resulting allocation for Consumers Power was reduced to conform to its nomination for light crude oil for its Marysville facility. Third, the allocation factor was recomputed<sup>4</sup> to reflect this adjustment and was reapplied to each first priority refinery's (excluding Consumers Power's Marysville facility) adjusted base period volume of light crude oil to arrive at the final allocations.

#### ALLOCATION OF CANADIAN HEAVY CRUDE OIL

The authorized export level for Canadian heavy crude oil for April is 132,000 B/D. First priority refineries nominating for heavy crude oil have been allocated a total of 116,383 B/D of Canadian heavy crude oil, which was calculated by combining their respective base period volumes of Canadian light and heavy crude oil or their nominations for heavy crude oil, whichever was less, and subtracting their allocations of light crude oil. In no case do the allocations of heavy crude oil to first priority refineries exceed their nominations for heavy crude oil.

The remaining supply of Canadian heavy crude oil for April, 15,617 B/D, was allocated among second priority refineries nominating for heavy crude oil on a pro rata basis by applying an allocation factor of 0.814191<sup>5</sup> to each second priority refinery's base period volume of heavy crude oil to arrive at the final allocations for heavy crude oil.

The authorized export level for Canadian heavy crude oil for May is 102,000 B/D and for June 95,000 B/D, with an average export level for the two months of 98,557 B/D. The total amount of heavy Canadian crude oil available in May and June was allocated among first priority refineries in the following manner. First, heavy

<sup>3</sup>0.328875=Adjusted export level for Canadian light crude oil (55,000 B/D less 10,000 B/D condensate exported for Sarnia, less 50 B/D to Thunderbird refinery=44,950 B/D), divided by sum of adjusted base period volumes of Canadian light crude oil for first priority refineries nominating for Canadian light crude oil (136,678 B/D).

<sup>4</sup>The factor as recomputed is 0.397268=Adjusted export level for light crude oil (44,950 B/D, less allocation to Consumers Power Marysville facility (1,500 B/D)=43,450 B/D, divided by sum of first priority refineries' (excluding Consumers Power) adjusted base period volumes of light crude oil (109,372 B/D).

<sup>5</sup>0.814191=Export level of Canadian heavy crude oil available to second priority refineries (15,617 B/D, divided by base period volume of Canadian heavy crude oil of second priority refineries nominating for heavy crude oil (19,181 B/D).



crude oil was allocated to first priority refineries on the basis of their respective base period volumes of heavy crude oil. Second, the remaining supply of heavy crude oil was then allocated among first priority refineries on a pro rata basis by applying an allocation factor of 0.374427<sup>6</sup> to each refinery's base period volume of light and heavy crude oil, as adjusted to reflect the allocations of heavy crude oil and light crude oil already made. Third, the allocation for Murphy's refinery at Superior, Wisconsin, was reduced to reflect Murphy's nomination for heavy crude oil. Fourth, the allocation factor was recomputed<sup>7</sup> to reflect

<sup>6</sup>0.374427=Remaining supply of Canadian heavy crude oil (98,557 B/D, less 78,867 B/D allocated to first priority refineries in the first step=19,690 B/D), divided by sum of first priority refineries' total base period volume of heavy crude oil, less previous allocations of light and heavy crude oil (52,587 B/D).

<sup>7</sup>The factor as recomputed is 0.422536=Heavy crude oil remaining after steps one through three (19,690 B/D less additional allocations to Murphy (2,628 B/

this adjustment and was reapplied to the remaining first priority refineries' adjusted base period volumes of Canadian crude oil to arrive at the final allocations for heavy crude oil.

On or prior to the thirtieth day preceding each allocation period, each refiner or other firm that owns or controls a first priority refinery shall file with ERA the supplemental affidavit specified in § 214.41(b) to confirm the continued validity of the statements and representations contained in the previously filed affidavit or affidavits, upon which the designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the thirtieth day preceding each allocation period, provided, however, that the information as to estimated nominations specified in § 214.41(d)(1)(i) is not required to be reported.

D)=17,062 B/D), divided by sum of remaining first priority refineries' total base period volumes of light and heavy crude oil, less allocations of light and heavy crude oil in previous steps (40,380 B/D)

Within 30 days following the close of each three-month allocation period, each refiner or other firm that owns or controls a priority refinery shall file the periodic report specified in § 214.41(d)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills of or consumed or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Part 214) for the allocation period.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 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 30 days from the publication of this Notice.

Issued in Washington, D.C. on April 10, 1978.

DAVID J. BARDIN,  
Administrator, Economic  
Regulatory Administration.



## APPENDIX

## CANADIAN ALLOCATION PROGRAM

RIGHTS - April 1, 1978 to June 30, 1978  
(Barrels per Day)

Priority	Refiner/Refinery	Base Period Volumes				Nominations			Allocation		
		Total Canadian Runs	Canadian		Canadian Heavy Crude Oil	Light	Heavy		April		May-June
			Light Crude Oil	Heavy Crude Oil					Light	Heavy	
II	AMOCO	26,751	25,560	1,191	0	0	0	0	0	0	0
II	Whiting, Ind.	2,991	2,991	0	0	0	0	0	0	0	0
II	Casper, Wyo.	8,995	8,995	0	0	0	0	0	0	0	0
II	Mandan, N.D.	317	317	0	0	0	0	0	0	0	0
II	Sugar Creek, Mo.										
II	ARCO	34,225	34,225	0	0	0	0	0	0	0	0
II	Cherry Point, Wash.										
II	ASHLAND	36,752	32,033	4,719	0	4,719	0	0	0	2/	0
II	Buffalo, N.Y.	2,198	33	2,165	0	2,165	0	0	0	2/	0
II	Findlay, Ohio	14,707 1/	13,127 1/	1,580 1/	31,700	34,000	5,215	34,000 2/	5,215	19,460 3/	0
I	St. Paul Park, Minn.										
II	DOW CHEMICAL, U.S.A.	2,767	2,767	0	0	0	0	0	0	0	0
II	Bay City, Mich.										
II	CLARK	18,764	18,764	0	0	0	0	0	0	0	0
II	Blue Island, Ill.										
I	CONSUMERS POWER	13,872	13,872	0	0	0	0	0	0	0	0
I	Essexville, Mich.	27,306	27,306	0	1,500	0	0	1,500	0	1,500	0
I	Marquette, Mich.										
I	CONTINENTAL	25,994	25,994	0	25,994	0	0	0	10,326	0	0
II	Billings, Mont.	4,639	4,639	0	4,638	0	0	0	0	0	0
II	Denver, Colo.	1,188	1,188	0	1,188	0	0	0	0	0	0
II	Poncha City, Ok.	20,651	20,651	0	20,651	0	0	8,204	0	8,204	0
I	Wrenshall, Minn.										



## NOTICES

16377

Priority	Refiner/Refinery	Base Period Volumes				Nominations			Allocation		
		Total Canadian Runs	Canadian Light Crude Oil		Canadian Heavy Crude Oil	Light	Heavy	April Light	Heavy	May-June Light	Heavy
II	CRA	318	318	0	0	0	0	0	0	0	0
II	Coffeyville, Kan.	173	173	0	0	0	0	0	0	0	0
II	Phillipsburg, Kan.	401	401	0	0	0	0	0	0	0	0
II	Scottsbluff, Neb.										
II	CRYSTAL	1,104	1,104	0	0	0	0	0	0	0	0
II	Carson City, Mich.										
II	ENERGY COOPERATIVE	10,804	10,267	537		0	0	0	0	0	0
II	East Chicago, Ind.										
I	EXXON	15,908	15,908	0		16,000	0	6,320	0	6,320	0
I	Billings, Mont.										
I	FARMERS UNION	13,439	13,439	0		13,500	0	5,339	0	5,339	0
I	Laurel, Mont.										
II	GLADIEUX	774	774	0		0	0	0	0	0	0
II	Fort Wayne, Ind.										
II	GULF	13,253	13,253	0		0	0	0	0	0	0
II	Toledo, Ohio										
II	HUSKY	4,865	4,865	0		0	0	0	0	0	0
II	Cheyenne, Wyo.	806	806	0		0	0	0	0	0	0
II	Cody, Wyo.										
I	KOCH	44,383 1/	3,396 1/	40,987 1/		0	95,000	0	74,383	0	71,097 3/
I	Pine Bend, Minn.										
I	LAKE SUPERIOR D.P.	125	125	0		0	0	0	0	0	0
I	Ashland, Wisc.										
II	LAKETON	141	10	131		0	0	0	0	0	0
II	Laketon, Ind.										
II	LAKESIDE	1,240	1,240	0		0	0	0	0	0	0
II	Kalamazoo, Mich.										
II	LITTLE AMERICA	2,248	2,248	0		0	0	0	0	0	0
II	Casper, Wyo.										



## NOTICES

Priority	Refiner/Refinery	Base Period Volumes			Nominations			Allocation		
		Total Canadian Runs	Canadian Light Crude Oil		Light	Heavy	Canadian Heavy Crude Oil	April		May-June
								Light	Heavy	
II	MARATHON Detroit, Mich.	10,301	10,159	142	25,044	0	0	0	0	0
II	MOBIL Buffalo, N.Y.	24,995	24,995	0	0	4,314	0	0	0	0
II	Ferndale, Wash.	45,444	45,444	0	0	7,844	0	0	0	0
II	Joliet, Ill.	14,606	2,132	12,474	0	12,842	0	10,156	0	0
I	MURPHY Superior, Wisc.	25,625	20,253	5,372	16,000	8,000	8,046	8,000	8,046	8,000
II	NCRA McPherson, Kan.	836	836	0	0	0	0	0	0	0
II	PESTER REFINING CO. El Dorado, Kan.	196	196	0	0	0	0	0	0	0
II	PASCO Sinclair, Wyo.	709	709	0	0	0	0	0	0	0
II	PHILLIPS Great Falls, Mont. Kansas City, Kan.	1,222 3,352	1,222 3,105	0 247	2,500 0	0 0	0 0	0 0	0 0	0 0
II	ROCK ISLAND Indianapolis, Ind.	1,063	1,063	0	0	0	0	0	0	0
II	SHELL Anacortes, Wash. Wood River, Ill.	55,919 8,673	55,919 8,673	0 0	0 0	0 0	0 0	0 0	0 0	0 0
II	SUN Toledo, Ohio	16,427	16,427	0	0	0	0	0	0	0
II	SOHIO Toledo, Ohio	29,182	29,182	0	0	0	0	0	0	0
II	TENNECO Chalmette, La.	1,767	1,767	0	0	0	0	0	0	0



## NOTICES

Priority	Refiner/Refinery	Base Period Volume			Nominations			Allocation			
		Total Canadian Runs	Canadian Light Crude Oil	Canadian Heavy Crude Oil	Light	Heavy	April		May-June		
							Light	Heavy	Light	Heavy	
	TEXACO										
II	Anacortes, Wash.	41,229	41,229	0	60,000	0	0	0	0	0	0
II	Casper, Wyo.	1,380	1,380	0	4,500	0	0	0	0	0	0
II	Lockport, Ill.	1,244	1,244	0	26,000	0	0	0	0	0	0
	THE REFINERY CORP.										
II	Commerce City, Colo.	174	174	0	0	0	0	0	0	0	0
	THUNDERB'RD										
II	Cut Bank, Mont.	554	554	0	50 4/	0	50 4/	0	50 4/	0	0
	TOTAL PETROLEUM										
II	Alma, Mich.	9,727	3,020	6,707	0	8,000	0	5,461	0	0	0
	TEXAS AMERICAN										
II	West Branch, Mich.	2,011	2,011	0	0	0	0	0	0	0	0
	UNION OIL OF CALIF										
II	Lemont, Ill.	11,711	11,711	0	10,000	20,000	0	0	0	0	0
	UNITED REFINING										
II	Warren, Pa.	9,917	9,789	128	2,000 4/	0	2,000 4/	0	2,000 4/	0	0
	WYOMING REFINING CO.										
II	New Castle, Wyo.	676	676	0	0	0	0	0	0	0	0
	TOTAL PRIORITY I	202,010	154,071	47,939	125,345	137,000	44,950	116,383	44,950	98,557	98,557
	TOTAL PRIORITY II	469,029	440,588	28,441	135,920	53,000	2,050	15,617	2,050	0	0
	TOTAL I&II	671,039	594,659	76,380	261,265	190,000	47,000	132,000	47,000	98,557	98,557

- 1/ Adjusted.  
 2/ Requested limit of 34,000 B/D on heavy crude oil allocation for three refineries.  
 3/ Adjustments to base period volumes not given effect in allocation of Canadian heavy crude oil.  
 4/ Operational constraint.

[FR Doc. 78-10080 Filed 4-17-78; 8:45 am]



[3128-01]

## FUEL OIL MARKETING ADVISORY COMMITTEE

## Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notices is hereby given that the Fuel Oil Marketing Advisory Committee will meet on Friday, May 5, 1978, 10 a.m., at the Le Pavillon Hotel, 833 Poydras Street, New Orleans, La.

The Committee was established to provide the Secretary of Energy with expert and technical advice concerning the marketing of fuel oil as it relates to the development and implementation of policies and programs by the Department of Energy.

The agenda for the meeting is as follows:

1. Old Business.
2. Middle Distillate Monitoring Subcommittee Report.
3. Discussion of Fuel Oil White Paper.
4. Summer Fill.
5. Gasoline Tilt.
6. Marketing Strategy (pull outs).
7. New Business (items for discussion at next meeting).
8. Remarks From Floor (10 minute rule).

The Middle Distillate Monitoring Subcommittee of the Fuel Oil Marketing Advisory Committee will meet Thursday, May 4, 1978, at the above mentioned hotel at 10 a.m.

The agenda for the subcommittee meeting is as follows:

1. Evidentiary Hearing Format.
2. Comprehensive Marketing Study.
3. DOE Data and Analysis.
4. Heating Oil White Paper.

The meetings are open to the public. The Chairman of the Committee or subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee or subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management, 202-566-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning these meetings may be obtained from the Advisory Committee Management Office.

Transcripts of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE Federal Building, 12th and Pennsylvania

Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcripts from the reporter.

Issued at Washington, D.C., on April 13, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

[FR Doc. 78-10480 Filed 4-17-78; 8:45 am]

[3128-01]

[ERA Docket No. 78-002-NG]

## NORTHERN NATURAL GAS CO.

Application To Import Synthetic Natural Gas  
Into the United States From Canada

AGENCY: Department of Energy,  
Economic Regulatory Administration.

ACTION: Notice of receipt of application and invitation to submit petitions to intervene in the proceeding.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application under section 3 of the Natural Gas Act from Northern Natural Gas Co. (Northern) to import synthetic natural gas (SNG) from Canada. Northern proposes to purchase the SNG from Petrosar Limited, Corunna, Ontario, who will deliver the gas to Union Gas Limited of Canada. In turn, Northern would accept delivery of the gas by displacement in Minnesota from Great Lakes Gas Transmission Co. Petitions to intervene are invited.

DATES: Petitions to intervene: May 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, 2000 M Street, NW., (Room 6318), Washington, D.C. 20461, telephone: 202-254-9730.

Mr. Barry Smoler, Office of General Counsel, 12th and Pennsylvania Ave., N.W. (Room 5116), Washington, D.C. 20461, telephone: 202-566-9380.

## SUPPLEMENTARY INFORMATION:

## A. BACKGROUND

On March 17, 1978, Northern Natural Gas Co. (Northern), 2223 Dodge Street, Omaha, Nebr., filed in ERA Docket No. 78-002-NG an application pursuant to section 3 of the Natural Gas Act, and Parts 153 and 157 of the Regulations under the Natural Gas Act, requesting authorization to import SNG, by displacement, from Canada to the United States as more fully set forth in the application on file with the ERA. Northern's applica-

tion is open to public inspection in the Public Docket Room at 2000 M Street, NW., Washington, D.C., Room No. B-120, between the hours of 1:00 p.m. to 5:00 p.m., Monday through Friday, except for Federal holidays.

Specifically, Northern proposes to import and to receive and transport in its system up to 75,000 Mcf per day of natural gas during the period November 1 through March 31 (winter period) of each year for a period of five years commencing in November 1978. Northern states that it has contracted with Union Gas Limited of Chatham, Ontario, Canada (Union) to purchase a volume of gas which will equate to the aggregate British thermal unit (Btu) content of the SNG Union has contracted for and will receive from Petrosar Limited (Petrosar) at Corunna, Ontario, Canada. Northern alleges the annual volume of SNG to be purchased and imported will not exceed 10 Bcf of 1,000 Btu equivalent gas.

Northern states in its petition that deliveries by Union to it will be accomplished by displacement from volumes of gas which Great Lakes Gas Transmission Co. (Great Lakes) would otherwise transport and deliver to TransCanada Pipe Line Limited (TransCanada) at the Michigan-Ontario border near St. Clair, Mich., for further redelivery and sale to Union. Great Lakes will deliver such volumes by displacement to Northern through existing points of interconnection between the facilities of Northern and Great Lakes near Carlton and Grand Rapids, Minn., and Wakefield, Mich.

Northern further states that between April 1 and November 1 of each year, Union will store, by displacement, for Northern's account, volumes of SNG received from Petrosar. On days during the winter period when nomination by Northern exceeds the Petrosar plant production for such day, the balance of the nominated volumes of gas will be deemed to have been withdrawn from storage by Union from volumes stored for Northern's account.

Northern proposes to pay Union for the purchase and storage of SNG in accordance with a schedule further defined in the application.

Northern states there will not be any charge by either Great Lakes or TransCanada for the delivery of gas by displacement to Northern.

The ERA is not, at this time, asking for comments on the petition or for petitions for a hearing, preferring to wait until supplemental filings, related to the instant application, have been filed and ERA has made the determination that Northern's petition is sufficiently complete to elicit reasoned arguments. At that time the ERA will set a filing date for intervenors desiring to be heard or to make any protest



with reference to said application. The ERA is at this time inviting petitions for intervention to be filed with the Economic Regulatory Administration, Room 6318, 2000 M Street, Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8) and the Regulations under the Natural Gas Act (18 CFR 157.10). Such petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., May 10, 1978, and are for the purpose of establishing an official service list.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened therein must file a petition to intervene in accordance with the above mentioned rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the ERA by section 3 of the Natural Gas Act and the rules of practices and procedure, a formal hearing will not be held on this application if no petition to intervene is filed within the time required, or if the ERA on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. However, if during the appropriate comment period a motion for such hearing is timely filed by an intervenor and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required, further notice of such hearing will be duly given.

Issued in Washington, D.C., April 12, 1978.

BARTON R. HOUSE,  
Assistant Administrator, Fuels  
Regulation, Economic Regula-  
tory Administration.

[FR Doc. 78-10403 Filed 4-17-78; 8:45 am]

#### [6740-02]

Federal Energy Regulatory Commission

[Docket No. RP78-49]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed Changes in FERC Gas Tariff

APRIL 10, 1978.

Take notice that on March 24, 1978, Alabama-Tennessee Natural Gas Co. (Applicant), P.O. Box 918, Florence, Ala. 35630, tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheets:

Twentieth-Fifth Revised Sheet No. 3-A, Superseding Twenty-Fourth Revised Sheet No. 3-A.

Second Revised Sheet No. 5, Superseding Third Substitute First Revised Sheet No. 5.

Second Revised Sheet No. 6, Superseding Substitute First Revised Sheet No. 6.

Second Revised Sheet No. 11, Superseding Third Substitute First Revised Sheet No. 11.

First Revised Sheet No. 13-B, Superseding Substitute Original Sheet No. 13-B.

Second Revised Sheet No. 14, Superseding Third Substitute First Revised Sheet No. 14.

Third Revised Sheet No. 36-F, Superseding Substitute Second Revised Sheet No. 36-F.

These revised sheets are proposed to become effective April 25, 1978.

The proposed charges would increase revenues from jurisdictional sales and service by \$1,109,845.98 based upon the 12-month period ending December 31, 1977, as adjusted. The Applicant states that the increased rates are required to provide additional revenues sufficient to permit it to recover its jurisdictional cost of service based upon the 12 months ended December 31, 1977, as adjusted for known and measurable changes through September 30, 1978. Applicant states that the rates are required for recovery of fixed costs over the reduced volumes of gas available for sale and to provide an increase in operation and maintenance expenses, other than purchased gas, of more than \$380,000 between 1974 and 1977, and which are expected to increase by another \$212,000 per year by September 30, 1978.

Applicant states that total volumes of natural gas available for sale under existing conditions, which are expected to continue for the foreseeable future and decline thereafter, are 23,600,494 Mcf, compared to a total of 27,205,832 Mcf sold during the twelve months ended December 31, 1977. Of these volumes, 12,714,612 Mcf are available to be sold for resale, compared to 13,009,888 Mcf sold during the twelve months ended December 31, 1977. The depreciation rate is proposed to be increased from 4.0 percent to 5.75 percent and the rate of return to be increased from 9.86 percent to 13.65 percent.

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on

file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10341 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. AR70-1]

AREA RATE PROCEEDING (PERMIAN BASIN  
AREA II)

Proposed Plan of Refund

APRIL 10, 1978.

Take notice that Transwestern Pipeline Co. on September 12, 1977, filed a proposed plan of refund of supplier refunds received pursuant to the Commission's order issued April 12, 1977 in Docket No. AR70-1. Transwestern proposes to flow-through the refunds applicable to gas purchased prior to July 1, 1972 to its CDQ customers in accordance with the Stipulation and Agreement approved by Commission order issued November 24, 1970 in docket Nos. RP69-27, *et al.* Refunds applicable to gas purchased on July 1, 1972 and thereafter would be flowed-through to its jurisdictional customers in accordance with the Purchase Gas Cost Adjustment provision set forth in section 19 (Sheets 72 through 76) of the General Terms and Conditions of its FPC Gas Tariff, Second Revised Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol St., NE., Washington, D.C. 20426, in accordance section 1.8 & 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10342 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-281]

CENTRAL LOUISIANA ELECTRIC CO.

Filing

APRIL 11, 1978.

Take notice that on March 28, 1978, Central Louisiana Electric Co. (CLECO) tendered for filing a letter agreement with the City of Natchi-



toches, La. (City), dated February 16, 1978, which provides for the sale by CLECO to the City of substitute energy.

CLECO states that the substitute energy is scheduled surplus power and energy to be provided from its generating units which are larger and more efficient than those of the City. CLECO further states that the City will arrange with its fuel supplier for delivery to CLECO of fuel required for generating of substitute energy by CLECO will conserve approximately 452,000 MMBTU of fuel annually.

CLECO proposes an effective date of March 1, 1978, and therefore requests waiver of the Commission's notice requirements.

According to CLECO copies of this filing were served upon the City and upon the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10343 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. RP78-20]

#### COLUMBIA GAS TRANSMISSION CORP.

##### Proposed Changes in FERC Gas Tariff

APRIL 11, 1978.

Take notice that Columbia Gas Transmission Corp. (Columbia), on March 30, 1978 tendered for filing the following sheet to its FERC Gas Tariff, Original Volume No. 1, to be effective April 30, 1978:

[Forty-second Revised Sheet No. 16]

Columbia states that Forty-second Revised Sheet No. 16 is being filed pursuant to the Commission's order issued December 30, 1977 at Docket No. RP78-20, to provide for the recovery in its rates until June 1, 1978, subject to refund, a revenue deficiency attributable only to the purchase of revaporized LNG from Columbia LNG. The initial deliveries of revaporized LNG are anticipated to commence on April 30, 1978.

Copies of this filing were served upon the Company's jurisdictional customers, interested state commissions and to each of the parties set forth on the official service list in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10344 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. RP77-140]

#### CONSOLIDATED GAS SUPPLY CORP.

##### Proposed Changes in FERC Gas Tariff

APRIL 10, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on April 4, 1978, tendered for filing Second Substitute Original Sheet No. 16 to its FERC Gas Tariff, Third Revised Volume No. 1. The tariff sheet is proposed to become effective, subject to refund, on April 1, 1978. Consolidated proposed that the rates shown on Substitute Original Sheet No. 16 be approved in lieu of the rates filed September 30, 1977, which were suspended until April 1, 1978.

Consolidated stated that Second Substitute Original Sheet No. 16 was filed to comply with the Commission's order of October 31, 1977, as amended February 1, 1978, specifically Ordering Paragraph (C), and, with the Commission's order rejecting without prejudice Consolidated's February 22, 1978 filing in Docket No. RP77-140.

The proposed rates shown on Second Substitute Original Sheet No. 16 reflect an annual decrease of \$4.5 million in revenues from the revenues that would have been generated from the underlying rates in Docket No. RP77-7 shown on Twenty-Fifth Revised Sheet Nos. 8 and 9 for sales and storage service.

Consolidated also tendered for filing Alternate Second Substitute Original Sheet No. 16 to its FERC Gas Tariff,

Third Revised Volume No. 1 for the same effective date. The alternate sheet reflects base rates in accordance with the terms of the Stipulation and Agreement filed November 28, 1977 and now pending before the Commission.

Further Consolidated tendered for filing concurrently Substitute Original Sheet No. 51 to its FERC Gas Tariff, Third Revised Volume No. 1. The substitute sheet reflects a minor change in the definition of Total Heating Value contained in the General Terms and Conditions of Consolidated's tariff.

Consolidated also filed a Motion to Make Effective its FERC Gas Tariff, Third Revised Volume No. 1, on April 1, 1978.

Consolidated requests a waiver of any other of the Commission's Rules and Regulations as may be required.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR sections 1.8 and 1.10). All such petitions or protests should be filed on or before April 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10345 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. RP72-157 (PGA78-8)]

#### CONSOLIDATED GAS SUPPLY CORP.

##### Proposed Changes in Rates and Charges

APRIL 10, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated), pursuant to section 4 of the Natural Gas Act and section 154.63 of the Commission's Regulations thereunder, tendered for filing on March 31, 1978, proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 to become effective April 30, 1978.

The proposed rate changes would increase Consolidated's revenue from jurisdictional sales and services by \$61,588,592 based on the twelve months ended December 31, 1977, ad-



justed for known and measurable changes through March 31, 1978. The rates reflect the costs associated with the purchase of liquefied natural gas (LNG) not previously reflected in Consolidated's effective rates and other changes in cost related to gas supply. There have been no material changes in the company's facilities, sales volumes and cost of service other than cost of purchased gas since its prior rate increase in Docket No. RP77-140.

Consolidated has filed alternative rates, one reflecting cost classification, cost allocation, rate design and zoning methods in accordance with Opinion No. 819, now before the Commission on applications for rehearing, and the Commission's order of October 31, 1977 in Docket No. RP77-140, and the other reflecting the resolution of those issues in a Stipulation and Agreement filed by Consolidated on November 28, 1977, which also is pending Commission action. Consolidated states that it will make effective the rates based upon the Stipulation and Agreement if that is approved by the Commission and that if the Stipulation and Agreement is not approved it intends to make effective rates which conform to a final Commission order on rehearing of Opinion No. 819.

Consolidated states that this filing reflects only increases relating to the cost of purchased gas and reflects no material change in facilities, sales volumes and cost of service other than cost of purchased gas and requests that it either be considered as a part of Docket No. RP77-140 or be consolidated with that docket.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10346 Filed 4-17-78; 8:45 am]

# [6740-02]

[Docket No. RP72-157]

## CONSOLIDATED GAS SUPPLY CORP.

### Proposed Changes in FERC Gas Tariff

APRIL 10, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated), on March 31, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes, reflected on Second Revised Sheet No. 16, to be effective May 1, 1978 represent Consolidated's semi-annual PGA adjustment.

Consolidated has reflected rate changes from producer suppliers and an average surcharge credit of (0.69 cent) per dekatherm. Consolidated proposed no R. D. & D. adjustment.

Consolidated has also included in its filing Alternate Second Revised Sheet No. 16 which reflects the terms of the Stipulation and Agreement filed November 28, 1977 and now pending before the Commission.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be deemed necessary by the Commission.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 73-10347 Filed 4-17-78; 8:45 am]

# [6740-02]

[Docket Nos. RP75-114, et al.]

## EAST TENNESSEE NATURAL GAS CO.

### Report of Flow Through of Refunds

APRIL 10, 1978.

Take notice that on December 8, 1977, East Tennessee Natural Gas Co. (East Tennessee), tendered for filing a Report of Flow Through of Refunds made pursuant to the Settlement

Agreement dated June 28, 1976, in Docket Nos. RP75-114, et al., approved by the Commission's order of October 13, 1976.

East Tennessee states that on October 24, 1977, it received a refund from Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), representing the refund payable to East Tennessee resulting from the Commission's Opinion Nos. 769 and 769-A in Docket No. RP73-113. East Tennessee states that the Settlement Agreement in Docket Nos. RP75-114, et al. requires that East Tennessee flow through the refund received from Tennessee within 45 days of receipt. East Tennessee further states that the report of refunds shows the principal, interest thereon and total amount of refund flowed through to East Tennessee's jurisdictional customers.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10348 Filed 4-17-78; 8:45 am]

# [6740-02]

[Docket No. RP78-12]

## EAST TENNESSEE NATURAL GAS CO.

### Filing of Revised Tariff Sheet

APRIL 11, 1978.

Take notice that on March 31, 1978, East Tennessee Natural Gas Co. (East Tennessee), tendered for filing Twenty-Fifth Revised Sheet No. 4 to Sixth Revised Volume No. 1 of its FERC Gas Tariff, to be effective May 1, 1978.

East Tennessee states that the sole purpose of this tariff sheet is to revise the rates proposed in East Tennessee's October 31, 1977, section 4 rate filing,



which rates were suspended to May 1, 1978, in Docket No. RP78-12. The revised tariff sheet reflects the current cost of purchased gas reflected in East Tennessee's PGA filings of September 30, 1977, October 31, 1977 and November 15, 1977 in Docket Nos. RP71-15 et al. resulting from changes in the rates of its supplier, Tennessee Gas Pipeline Co., a division of Tenneco Inc.

East Tennessee states that copies of the filing have been mailed to all affected customers, the regulatory commissions of each state in which any such customer distributes gas, and the parties in Docket No. RP78-12.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10349 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-282]

#### FLORIDA POWER & LIGHT CO.

##### Filing

APRIL 11, 1978.

Take notice that on March 29, 1978, Florida Power & Light Co. (FPL or Company), tendered for filing an unexecuted Service Agreement and Exhibit A to its FERC Electric Tariff for service from the Company to the Fort Pierce Utilities Authority. FPL states that under this Service Agreement and Exhibit A, the Company will make available to Fort Pierce 33MW of firm power, and associated energy, under its Rate Schedule PR, for the period March 27, 1978 through May 31, 1978.

FPL has requested waiver of the notice requirement of section 35.3 of the Commission's regulations in order to permit the proposed Service Agreement and Exhibit A to become effective on March 27, 1978, the date on which service commenced. FPL states that it cannot estimate the revenues

which it will receive under this rate schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10350 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-289]

#### GREEN MOUNTAIN POWER CORP.

##### Filing

APRIL 11, 1978.

Take notice that on April 6, 1978, Green Mountain Power Corp. (GMP), tendered for filing an initial rate schedule pertaining to the sale of generation from GMP's No. 5 gas turbine plant, located in Berlin, Vt., to the Central Vermont Public Service Corp. (CVPS). GMP states that the generation contract provides that CVPS will purchase 25 MW of capacity and related energy from the aforementioned plant during the month of April 1978. GMP further states that by separate contract, included in the rate filing, GMP will provide transmission services to CVPS.

GMP requests an effective date of April 1, 1978, and therefore requests waiver of the Commission's notice requirements.

According to GMP, copies of this filing have been sent to the Vermont Public Service Board and the aforementioned electric system.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party

must file a petition to intervene. Copies of this application are on file with the commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10351 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. ES78-28]

#### GULF STATES UTILITIES CO.

##### Application

APRIL 11, 1978.

Take notice that on March 30, 1978, Gulf States Utilities Co. ("Applicant") filed an application with the Federal Energy Regulatory Commission seeking an order pursuant to section 204 of the Federal Power Act that (i) the Applicant will not be involved in the issue of any security or the assumption of any obligation or liability as a guarantor, endorser, surety or otherwise in respect of any security of another person within the meaning of section 204, as a result of establishment of an independent trust to purchase, own, and store a steam turbine generator and related equipment and to thereafter sell such equipment to the Applicant, or alternatively (ii) approval of the transaction is granted by the Commission under section 204 if and to the extent that the transaction falls within the coverage of such Section.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Tex., and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the city of Baton Rouge, La. and vicinity.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10352 Filed 4-17-78; 8:45 am]



[6740-02]

[Docket No. RI78-17]

McCulloch Oil and Gas Corp.

Petition for Special Relief

APRIL 11, 1978.

Take notice that McCulloch Oil and Gas Corp. (McCulloch), Suite 1500, 10880 Wilshire Boulevard, Los Angeles, Calif. 90024, filed, on November 30, 1977, a petition for special relief pursuant to 18 CFR § 2.76 in connection with the sale of gas to Northern Natural Gas Co. (Northern).

McCulloch requests a base rate of \$1.44 per Mcf plus BTU adjustments, tax reimbursement and a quarterly increase of one cent per Mcf commencing January 1, 1977, for the Berryman No. 1-35 well located in section 35, Township 19 North, Range 23 West, in Ellis County, Okla. McCulloch's share of this gas, obtained by a successful reentry operation, is the subject of McCulloch's Application for a Certificate of Public Convenience and Necessity in Docket No. CI77-406. The well was originally drilled in early 1971 to the Houston formation at a depth of approximately 15,000 feet. The reentry operation was to the Morrow formation at approximately 11,500 feet.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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 party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10353 Filed 4-17-78; 8:45 am]

[6740-02]

[Docket No. CP75-278, et al.]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Issuance of Supplement to the Department of the Interior's Final Environmental Impact Statement for the ANG Coal Gasification Co. North Dakota Project

Notice is hereby given that on April 17, 1978, the staff of the Federal Energy Regulatory Commission (FERC) issued a Supplement to the Department of the Interior's Final Environmental Impact Statement for the

ANG Coal Gasification Company North Dakota Project, pursuant to the requirements of the National Environmental Policy Act of 1969 and section 2.82(b) of the Commission's General Policy and Interpretations (18 CFR 2.82(b)).

To fulfill the requirements of section 2.82(b), the FERC staff intended to adopt the Department of the Interior's (Interior) Final Environmental Impact Statement (FEIS) in lieu of preparing a separate EIS. However, because the Interior FEIS did not adequately discuss the environmental impact of and alternatives to certain facilities jurisdictional under the Natural Gas Act, it was deemed necessary for the FERC staff to prepare a supplemental environmental assessment of these facilities. This assessment, and those parts of the Interior FEIS adopted by the FERC staff, will be incorporated into the record developed in the FERC proceedings in Docket No. CP75-278, et al.<sup>1</sup>

Interior's FEIS addressed a proposal by ANG Coal Gasification Co. (ANGCGC), et al., to construct and operate a coal gasification complex with attendant water intake, railroad, and mining facilities; approximately 365 miles of new 20-inch diameter synthetic natural gas (SNG) pipeline to be installed on existing railroad rights-of-way (with a few minor exceptions); and two new 7,600-horsepower (hp) SNG compressor stations.

The supplement to the FEIS concerns applications filed by Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) and ANCGC (Docket No. CP75-278),<sup>2</sup> PGC Coal Gasification Co. (PGC) and Natural Gas Pipeline Co. of America (Docket No. CP77-556), and Great Lakes Gas Transmission Co. (Docket No. CP75-283) which relate directly or indirectly to a proposal, pursuant to section 7 of the Natural Gas Act, for the sale by ANCGC and PGC to Michigan Wisconsin and Natural Gas Pipeline Co. of America of SNG produced from coal commingled with natural gas, and for the construction and operation by Great Lakes Gas Transmission Co. (Great Lakes) and Michigan Wisconsin of pipeline and compressor facilities to enable the receipt and transport of such gas. The facilities for which Great Lakes is seeking authorization include an interconnection between a proposed 20-inch diameter SNG pipeline and Great Lakes' existing 36-inch diameter pipeline system near the Thief River Falls Compressor Station in Minnesota; con-

struction of 217.3 miles of new 36-inch diameter pipeline looping in eight sections in Minnesota, Wisconsin, and Michigan; utilization of 39.5 miles of existing 36-inch diameter pipeline looping in Minnesota; and modification of six compressor stations in Minnesota, Wisconsin, and Michigan. Facilities required by Michigan Wisconsin include 27.7 miles of new 30-inch diameter pipeline looping in two sections in Michigan and Wisconsin, addition of one 12,000-hp compressor unit at the existing Mountain Compressor Station in Oconto County, Wisconsin, and addition of one 3,500-hp compressor unit at the existing Kewaskum Compressor Station in Sheboygan County, Wisconsin. The Supplement describes this proposal and alternatives to it and identifies and evaluates the environmental impact.

This supplement has been sent to persons who previously received copies of the original FEIS and to those who are parties to this proceeding. It has also been placed in the public files of the Commission and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and at its regional office located at 230 South Dearborn Street, Chicago, Ill. 60604. Copies of the supplement are available in limited quantities from the FERC's Office of Public Information, Washington, D.C. 20426.

Persons who have not intervened but who wish to present testimony and to argue environmental positions in this proceeding must comply with sections 2.80 and 2.82 (d) and (e) of the Commission's General Policy and Interpretations and section 1.8 of the Commission's Rules of Practice and Procedure.

KENNETH F. PLUMB,  
Secretary.

FEDERAL POWER COMMISSION—ORDER 415-C  
(Issued December 18, 1972)

STATEMENT OF GENERAL POLICY TO IMPLEMENT PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969  
§ 2.80 Detailed Environmental Statement.

(a) It shall be the general policy of the Federal Power Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (Act) in its regulation under the Federal Power Act and the Natural Gas Act. The National Environmental Policy Act of 1969 requires, among other things, all Federal agencies to include a detailed environmental statement in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) Therefore, in compliance with the National Environmental Policy Act of 1969 the Commission staff shall make a detailed environmental statement when the regulatory action taken by us under the Federal Power Act and Natural Gas Act will have a signifi-

<sup>1</sup> Those portions of the Interior FEIS not adopted by the FERC staff and the reasons they were not adopted were the subject of a Notice published on Wednesday, January 25, 1978 (43 FR 3540).

<sup>2</sup> ANCGC was replaced as coapplicant by ANR Gasification Properties Company on May 9, 1977.



cant environmental impact. A "detailed statement" prepared in compliance with the requirements of §§ 2.81 through 2.82 of this Part shall fully develop the five factors listed hereinafter in the context of such considerations as the proposed activity's direct and indirect effect on the air and water environment of the project or natural gas pipeline facility; on the land, air, and water biota; on established park and recreational areas; and on sites of natural, historic, and scenic values and resources of the area. The statement shall discuss the extent of the conformity of the proposed activity with all applicable environmental standards. The statement shall also fully deal with alternative courses of action to the proposal and, to the maximum extent practicable, the environmental effects of each alternative. Further, it shall specifically discuss plans for future development related to the application under consideration.

The above factors are listed to merely illustrate the kinds of values that must be considered in the statement. In no respect is this listing to be construed as covering all relevant factors.

The five factors which must be specifically discussed in the detailed statement are:

- (1) The environmental impact of the proposed action;
- (2) Any adverse environmental effects which cannot be avoided should the proposal be implemented;
- (3) Alternatives to the proposed action;
- (4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
- (5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(c)(i) To the maximum extent practicable no final administrative action is to be taken sooner than ninety days after a draft environmental statement has been circulated for comment or thirty days after the final text of an environmental statement has been made available to the Council on Environmental Quality and the public.

(c)(ii) Upon a finding that it is necessary and appropriate in the public interest, the Commission may dispense with any time period specified in §§ 2.80-2.82.

#### § 2.82 Compliance with the National Environmental Policy Act of 1969 Under the Natural Gas Act.

(d) In the case of each contested application, the applicant, staff, and all interveners taking a position on environmental matters shall offer evidence for the record in support of their environmental position. The applicant and all such interveners shall specify any differences with the staff's position, and shall include, among other relevant factors, a discussion of their position in the context of the factors enumerated in § 2.80.

(e) In the case of each contested application, the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters must specifically analyze and evaluate the evidence in the light of environmental criteria enumerated in § 2.80. Furthermore, the Initial Decision of the Presiding Administrative Law Judge in such cases, and the final order of the Commission dealing with the application on the merits in all cases, shall include an evaluation of the environmental factors enumerated in § 2.80 and the views

and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section.

#### FEDERAL POWER COMMISSION RULES OF PRACTICE AND PROCEDURE

##### 18 CFR 1.8 INTERVENTION

"(a) Initiation of intervention. Participation in a proceeding as an intervenor may be initiated as follows:

(1) By the filing of a notice of intervention by a State Commission, including any regulatory body of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy, or natural gas, as the case may be, to consumers within the intervening State or municipality.

(2) By order of the Commission upon petition to intervene.

(b) Who may petition. A petition to intervene may be filed by any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. Such right or interest may be:

(1) A right conferred by statute of the United States;

(2) An interest which may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be bound by the Commission's action in the proceeding (the following may have such an interest; consumers served by the applicant, defendant, or respondent; holders of securities of the applicant, defendant, or respondent; and competitors of the applicant, defendant, or respondent).

(3) Any other interest of such nature that petitioner's participation may be in the public interest.

(c) Form and contents of petitions. Petitions to intervene shall set out clearly and concisely the facts from which the nature of the petitioner's alleged right or interest can be determined, the grounds of the proposed intervention, and the position of the petitioner in the proceeding, so as fully and completely to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding, and citing by appropriate reference the statutory provisions or other authority relied on: Provided, that where the purpose of the proposed intervention is to obtain an allocation of natural gas for sale and distribution by a person or municipality engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public, the petition shall comply with the requirements of Part 156 of this chapter (i.e., Regulations Under the Natural Gas Act). Such petitions shall in other respects comply with the requirements of §§ 1.15 to 1.17, inclusive.

(d) Filing and service of petitions. Petitions to intervene and notices of intervention may be filed at any time following the filing of a notice of rate or tariff change, or of an application, petition, complaint, or other document seeking Commission action, but in no event later than the date fixed for the filing of petitions to intervene in any order or notice with respect to the proceedings issued by the Commission or its Secretary, unless, in extraordinary circumstances

for good cause shown, the Commission authorizes a late filing. Service shall be made as provided in § 1.17. Where a person has been permitted to intervene notwithstanding his failure to file his petition within the time prescribed in this paragraph, the Commission or officer designated to preside may where the circumstances warrant, permit the waiver of the requirements of § 1.26(c)(5) with respect to copies of exhibits for such intervenor.

(e) Answers to petitions. Any party to the proceeding or staff counsel may file an answer to a petition to intervene, and in default thereof, may be deemed to have waived any objection to the granting of such petition. If made, answers shall be filed within 10 days after the date of service of the petition, but not later than 5 days prior to the date set for the commencement of the hearing, if any, unless for cause the Commission with or without motion shall prescribe a different time. They shall in all other respects conform to the requirements of §§ 1.15 to 1.17, inclusive.

(f) Notice and action on petitions.

(1) Notice and service. Petitions to intervene, when tendered to the Commission for filing, shall show service thereof upon all participants to the proceeding in conformity with § 1.17(b).

(b) Action on petitions. As soon as practicable after the expiration of the time for filing answers to such petitions or default thereof, as provided in paragraph (e) of this section, the Commission will grant or deny such petition in whole or in part or may, if found to be appropriate, authorize limited participation. No petitions to intervene may be filed or will be acted upon during a hearing unless permitted by the Commission after opportunity for all parties to object thereto. Only to avoid detriment to the public interest will any presiding officer tentatively permit participation in a hearing in advance of, and then only subject to, the granting by the Commission of a petition to intervene.

(g) Limitation in hearings. Where there are two or more interveners having substantially like interests and positions, the Commission or presiding officer may, in order to expedite the hearing, arrange appropriate limitations on the number of attorneys who will be permitted to cross-examine and make and argue motions and objections on behalf of such interveners."

[FR Doc. 78-10380 Filed 4-17-78; 8:45 am]

[6740-02]

[Docket No. ER78-238]

#### MID-CONTINENT AREA POWER POOL

##### Mid-Continent Area Power Pool Agreement

APRIL 11, 1978.

Take notice that the Mid-Continent Area Power Pool (Mid-Continent) on March 20, 1978, tendered for filing revisions in Service Schedules "B," "H," and "I," of the Mid-Continent Area Power Pool Agreement to become effective May 1, 1978.

Mid-Continent indicates that the filing provides for revisions in the Demand Rate of Service Schedule B, Seasonal Participation Power Interchange Service, the Demand Rate of



Service Schedule H, Peaking Power Interchange Service, and the Demand Rate of Service Schedule I, Short Term Power Interchange Service.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10354 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-275]

#### MONTANA POWER CO.

##### Compliance Filing

APRIL 11, 1978.

Take notice that on March 27, 1978, The Montana Power Co. (Company) tendered for filing in compliance with the Federal Power Commission's order of May 6, 1977, in Docket No. ER76-848, a summary of sales made under the Company's FPC Electric Tariff M-1 during February 1978, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10355 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. RP76-64; PGA No. 78-1]

#### MOUNTAIN FUEL SUPPLY CO.

Tariff Sheet Filing Effective April 1, 1978

APRIL 10, 1978.

Take notice that on March 24, 1978, Mountain Fuel Supply Co., pursuant to § 154.63 of the Commission's Regulations under the Natural Gas Act, filed Second Substitute Fifth Revised Sheet No. 3-A to its FPC Gas Tariff Original Volume No. 1. Mountain Fuel states that the second revision was made to reflect the changes caused by the adoption of the Exhibit A Format, established in Order No. 452 issued April 14, 1972, as requested by the Commission secretary in the letter of deficiency dated March 10, 1978. Mountain Fuel further states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment provision authorized by the Commission's order issued February 27, 1976 in Docket No. RP76-64. More specifically the tariff sheet reflects a net rate increase over that currently being collected of 1.354 cents/Mcf (X-4) and 10.584 cents/Mcf (X-5) and are to be effective April 1, 1978.

Any person desiring to be heard and to make any protest with reference to said filing should on or before April 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. Mountain Fuel Supply Company's tariff filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10356 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-286]

#### NEW BEDFORD GAS AND EDISON LIGHT CO.

##### Filing of Unit Power Sale Rate Schedule

APRIL 11, 1978.

Take notice that on April 4, 1978, New Bedford Gas and Edison Light Co. (New Bedford) filed a rate schedule governing the sale by New Bedford of a portion of its entitlement to capacity

and related energy produced by Canal Electric Co.'s Unit No. 2 (the Unit). Said filing was made pursuant to § 35.12 of the regulations under the Federal Power Act.

New Bedford indicates that by the provisions of the tendered rate schedule, New Bedford proposes to sell to the Electric Light Department of the Town of Braintree, Mass. (Braintree) 4.4521 percent of the Net Capability of the Unit (as defined at Article III of the tendered rate schedule) plus the energy related thereto for a sixty-day period beginning March 2, 1978. New Bedford further indicates that in addition, Braintree retains the option of extending the term of the tendered rate schedule at its discretion for a maximum of thirty additional days.

New Bedford has requested the Commission to waive its notice requirements pursuant to § 35.11 of its Regulations and to permit said rate schedule to become effective as proposed on March 2, 1978 on the grounds that Braintree expressed interest in purchasing capacity and the energy related thereto from New Bedford as late as March 1, 1978, rendering a timely filing impossible.

A copy of this filing has been served upon Braintree, according to New Bedford.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10357 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. CP77-193]

#### NORTHERN NATURAL GAS CO.

##### Amendment to Application

APRIL 11, 1978.

Take notice that on April 4, 1978, Northern Natural Gas Co. (Northern), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP77-193 and amendment to its application filed February 7, 1977, pursuant to Section 7(c) of the Natural Gas Act. Said application seeks authorization to devel-



op and operate the Cunningham Gas Storage Field in Pratt and Kingman Counties, Kans., all as more fully set forth in the application on file with the Commission and open to public inspection.

Northern proposes to inject 15 Bcf of gas into the field as authorized by temporary certification and withdraw 1 Bcf of gas during the 1978-79 heating season to act as a testing period for later full operation. To transport such volumes from the field to Northern's main line, Northern proposes to install a 720 HP compressor unit at the Macksville Station and to operate said compressor until April 1, 1979. In addition, Northern will install a dehydration unit on the same temporary basis. Project cost is estimated at \$498,650.00, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by 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 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10358 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-288]

#### NORTHERN STATES POWER CO.

Transmission and Interchange Service Agreement With Missouri Basin Municipal Power Agency

APRIL 11, 1978.

Take notice that Northern States Power Co. (Company), on April 4, 1978, tendered for filing a Transmission and Interchange Service Agreement, dated March 28, 1978, with Missouri Basin Municipal Power Agency.

The Agreement provides for Economy Energy transactions between the parties.

Waiver of the Commission's notice requirements is requested to allow for an effective date of May 1, 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10359 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. RP78-50]

#### NORTHWEST PIPELINE CORP.

Proposed Changes in FERC Gas Tariff

APRIL 11, 1978.

Take notice that Northwest Pipeline Corp. ("Northwest") tendered for filing, on March 31, 1978, a proposed general rate increase applicable to rate schedules contained in its FERC Gas Tariff, Volume No. 1. The proposed rate increase would increase revenues for jurisdictional sales and service by \$32,621,067 annually based upon the twelve-month period ending December 31, 1977, as adjusted. Northwest also proposes to increase its rates for transportation services rendered under rate schedules contained in Volume No. 2 of its FERC Gas Tariff. Northwest has requested that the increased rates be made effective on May 1, 1978.

Northwest states that the requested rate increase is to recover its jurisdictional cost of service for the twelve

months ended December 31, 1977, as adjusted for changes through September 30, 1978. Northwest claims that the principal reasons for the requested increase are:

(a) Increased cost associated with expansion of the Clay Basin Storage Project;

(b) Increased costs associated with expansion of gas supply and other facilities;

(c) Increased operation and maintenance expenses and taxes;

(d) Increase in rate of return to 11.26% in order to compensate for high cost of capital;

(e) Decreased sales volumes.

Copies of the filing were served on the Company's jurisdictional customers and affected state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1978. Protests will be considered by the Commission in determining the action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10360 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-268]

#### OKLAHOMA GAS & ELECTRIC CO.

Filing

APRIL 11, 1978.

Take notice that Oklahoma Gas & Electric Co. (Oklahoma) on March 24, 1978, tendered for filing in accordance with the provisions of paragraph 1.1 of the Settlement Agreement, accepted by the Commission by letter order dated March 16, 1978, FERC Electric Tariff, 1st Revised Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken,



but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10361 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-287]

#### OTTER TAIL POWER CO.

#### Upper Mississippi Valley Power Pool Agreement

APRIL 11, 1978.

Take notice that the Otter Tail Power Co. (Otter Tail) on April 3, 1978, tendered for filing revisions in Service Schedules "B", "H", and "I", of its Upper Mississippi Valley Power Pool Agreement which are proposed to become effective May 1, 1978. Waiver of the Commission's notice requirements is requested.

Otter Tail indicates that the filing provides for revisions in the Demand Rate of Service Schedule "B", Seasonal Participation Power Interchange Service, the Demand Rate of Service Schedule "H", Peaking Power Interchange Service, and the Demand Rate of Service Schedule "I", Short-Term Power Interchange Service.

According to Otter Tail the filing has been served upon the appropriate state regulatory agencies in states that the Upper Mississippi Valley Power Pool is providing service.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 24, 1978. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10362 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Project No. 2833]

#### P.U.D. No. 1 of Lewis County

#### Application for Preliminary Permit

Take notice that on January 9, 1978, Public Utility District No. 1 of Lewis County, Washington (correspondence to: Merle D. Johnston, Manager P.U.D. No. 1 of Lewis County, P.O. Box 330, Chehalis, Washington 98532, and J. V. Williamson, Partner, R. W. Beck and Associates, 200 Tower Building, Seattle, Washington 98101) filed an application for a preliminary permit with the Federal Energy Regulatory Commission for the proposed Cowlitz Falls Hydroelectric Project, FERC No. 2833, to be located on the Cowlitz River in Lewis County, Washington.

The proposed project would consist of a concrete gravity dam, with the power intake and 60,000 kW powerhouse an integral part of the dam, located approximately 1.1 miles downstream of the confluence of the Cowlitz and Cispus Rivers. The dam would impound a reservoir to approximately elevation 872 feet and would provide approximately 7,000 acre-feet of usable storage. A 1,130-foot long slurry trench cut-off located in a right bank saddle approximately 1,800 feet downstream of the dam would be used to control reservoir seepage from the ancient river channel to the north.

The Applicant proposes to utilize the power output of the project to serve the loads of its distribution system and to serve, temporarily, the loads of other utility systems and industries in the area which are in need of additional power supply.

A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examination to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for license.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of this proceeding were specifically transferred to the FERC.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10363 Filed 4-17-78; 8:45 am]

#### [6740-02]

[Docket No. RP77-20; PGA 78-21]

#### RATON NATURAL GAS CO.

#### Change in Rates

APRIL 10, 1978.

Take notice that Raton Natural Gas Co. (Raton), on March 17, 1978 tendered for filing, proposed changes in its FPC Gas Tariff, Volume No. 1, consisting of Seventeenth Revised Sheet No. 3a. The change in rates is for Jurisdictional Gas Service. The proposed effective date is April 1, 1978.

Raton states that the instant notice of change in rates is occasioned solely by increase in the cost of gas purchased from Colorado Interstate Gas Co. (CIG). The tracking of CIG Gas Cost Increase results in increased rates to \$1.40 per MCF Demand and 116.58¢ per MCF Commodity. The Annual revenue increase, by reason of the tracking, amounts to \$13,065.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.



Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10364 Filed 4-17-78; 8:45 am]

# [6740-02]

[Docket No. SP78-6]

SINCLAIR OIL CORP.

Request for Change in Carrier Status

APRIL 11, 1978.

Take notice that on January 31, 1978, Sinclair Oil Corp. requested that the Federal Energy Regulatory Commission (FERC) relieve its subsidiary, Sinclair Pipeline Co. (Sinclair), from certain reporting and filing requirements mandated by the Interstate Commerce Act (the Act).

Sinclair states that its wholly-owned subsidiary has not been a common carrier for some time and that no other refiner is so situated geographically as to have or request any use of Sinclair's pipeline system.

Sinclair seeks relief from (1) the tariff filing requirements of section 6 of the Act; (2) the reporting requirements of section 19a of the Act; and (3) the reporting requirements of section 20 of the Act. Sinclair asserts FERC has authority to grant such relief based on the statutes involved and on *United States v. Champlin Refining Co.*, 341 U.S. 290 (1950).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 40 and 70 of the Interstate Commerce Commission's rules of practice (49 CFR 1100.40, 1100.70). All such petitions or protests should be filed on or before April 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10365 Filed 4-17-78; 8:45 am]

# [6740-02]

[Docket No. RP77-32; PGA No. 78-1a]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

APRIL 11, 1978.

Take notice that, on April 1, 1978, South Georgia Natural Gas Co. (South Georgia) tendered for filing Substitute Sixth Revised Sheet No. 4 to First Revised Volume No. 1 of its FPC Gas Tariff. The proposed changes would decrease South Georgia's Jurisdictional rates \$180,654.

South Georgia States that the instant rate decrease filing is pursuant to the Commission's Order issued January 5, 1978 in Docket No. RP77-32 (PGA No. 78-1) and reflects amended rates filed by South Georgia's pipeline supplier, Southern Natural Gas Co. (Southern), which became effective January 2, 1978 by order of the Commission issued March 17, 1978.

South Georgia is making this filing pursuant to section 14 (Purchased Gas Adjustment) of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. Therefore, South Georgia requests this proposed decrease to be made effective January 2, 1978, the effective date of Southern's decreased rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10366 Filed 4-17-78; 8:45 am]

# [6740-02]

[Docket No. RI78-41]

SUN OIL CO.

Petition for Special Relief

APRIL 11, 1978.

Take notice that on March 21, 1978, Sun Oil Co. (Sun), II North Park East, Suite 800, Dallas, Tex. 75231 filed a petition for special relief in the above-captioned docket pursuant to section 2.76 of the Commission's rules of general policy and Interpretations for the sale of gas to Panhandle Eastern Pipe-

line Co. (Panhandle) from the Stambaugh, Well No. 1, South Hopewell Field, Stafford County, Kans.

Sun is currently collecting 29.3398 per Mcf at 14.65 psia and is requesting authority to collect a total rate of \$2.4579 per Mcf at 14.65 psia. No additional work is being planned. Sun states that it is submitting this petition to avoid the premature plugging and abandonment of the well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 3, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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 party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10367 Filed 4-17-78; 8:45 am]

# [6740-02]

[Docket No. CP78-218]

UNITED GAS PIPE LINE CO.

Application

APRIL 11, 1978.

Take notice that on March 7, 1978, United Gas Pipe Line Co. (Applicant), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP78-218 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon transportation service rendered Elizabethtown Gas Co. (Elizabethtown), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of February 11, 1977, issued in Docket No. CP76-532, Applicant was authorized to transport up to 750 Mcf of natural gas per day for Elizabethtown, which gas is produced and delivered to Applicant for the account of Elizabethtown by National Exploration Co. (National) at a point on Applicant's 6-inch Boggy Creek-Huntsville Line in Anderson County, Tex., and which Applicant redelivers to Transcontinental Gas Pipe Line Corp. (Transco) for the account of Elizabethtown at mutually agreeable points of interconnection between the systems of Applicant and Transco. Transco, in turn, redelivers said gas to Elizabethtown pursuant to authority



issued at Docket No. CP77-35, it is said.

Applicant indicates that on or about January 10, 1978, Elizabethtown informed Applicant that it had lost its gas supply in the Boggy Creek Field, and wished to cancel its gas transportation agreement with Applicant in accordance with the terms thereof.

It is stated that on January 25, 1978, National filed an application in Docket No. CI78-364 requesting permission to abandon the sale of gas to Elizabethtown, citing the depletion of the reserves dedicated to its contract with Elizabethtown.

Consequently, Applicant requests approval herein to abandon the transportation service it is presently authorized to render to Elizabethtown. Applicant requests that the Commission issue its order herein only after it has issued an order to National permitting the abandonment of the sale of gas to Elizabethtown. Upon receipt of appropriate authorization, Applicant would cancel its Rate Schedule X-77, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to

appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10368 Filed 4-17-78; 8:45 am]

[3128-01]

Western Area Power Administration

CENTRAL VALLEY PROJECT (CVP)

Supplemental Proceedings for Public Participation in Power Rate Adjustments for CVP, California

AGENCY: Western Area Power Administration (WAPA), Department of Energy.

ACTION: Notice of Supplemental Proceedings for Public Participation in Power Rate Adjustment for the CVP.

SUMMARY: On September 16, 1977, a notice that a tentative rate adjustment was being considered was published in the FEDERAL REGISTER (42 FR 46619). The notice said that the final rate would be determined by the Department of Energy following a 6-month period of public comment and further review and that the final rate would become effective with the first full billing period beginning on or after May 1, 1978. In accordance with adopted procedures (40 FR 34431), public information and comment forums were held in Sacramento, Calif., on the tentative rate adjustment. At those forums, CVP customers said, among other things, that there was not sufficient time in the schedule to allow them to analyze the alternatives and to develop comments on the rate proposal. As a result of those comments, the procedures were modified to permit interim rates (43 FR 31 and 43 FR 12076). The interim rates established on March 20, 1978, by the Economic Regulatory Administration, provide additional revenues for the project but not enough to cover annual expenses. In order to satisfy the project repayment requirements, it is desirable to act as expeditiously as possible to complete the rate adjustment action that was started in September 1977. This notice of supplemental procedures initiates further action. Essentially, the supplemental procedures provide for an additional information forum, written comments on the tentative rate proposal, rebuttal comments, and a comment forum. Following review of information gathered in the course of the initial and the supplemental proceedings, a decision will be made on proposed rates. Comments will be allowed on the proposed decision and will be considered before a final decision is made.

DATES: A supplemental information forum will be held on April 27, 1978, in

Sacramento, Calif. Written comments on the tentative rate adjustment announced in September 1977 may be submitted on or before June 30, 1978. Written rebuttal comments may be submitted on or before August 16, 1978. A supplemental comment forum will be held in Sacramento, Calif., commencing on September 6, 1978. Written summaries of positions are due September 25, 1978.

ADDRESSES: Three copies of written comments shall be mailed to each of the following: Area Manager, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, Calif. 95825; Administrator, Western Area Power Administration, P.O. Box 25007, Denver, Colo. 80225; Assistant Secretary for Resource Applications, Department of Energy, Washington, D.C. 20461.

In addition, a copy should also be submitted to each person who submitted initial comments or who advises the Area Manager by June 1, 1978, of his intent to submit supplemental comments. Forums will be held at the Federal Building, 2800 Cottage Way, Sacramento, Calif.

FOR FURTHER INFORMATION CONTACT:

Clark L. Rose, Western Area Power Administration, Department of Energy, 18th and C Streets NW, Room 7611, Washington, D.C. 20240, 202-343-4640.

Gordon R. Estes, Acting Area Manager, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, Calif. 95825, 916-484-4251.

SUPPLEMENTARY INFORMATION: Pursuant to section 302(a)(1) of the Department of Energy Organization Act (Pub. L. 95-91), the authority to establish rates for power previously marketed by the Bureau of Reclamation, Department of the Interior, was transferred to and vested in the Secretary of Energy on October 1, 1977. By Delegation Order No. 0204-4, effective October 1, 1977, the Secretary of Energy delegated the authority to establish final rates to the Administrator of the Economic Regulatory Administration.

On September 13, 1977, in accordance with the "Procedures or Public Participation in General Adjustments in Power Rates," 40 FR 34431 (August 14, 1975), the Department of the Interior announced that it was proposing a rate adjustment for the CVP. Interested persons were invited to, and many did, participate in the three public information forums that were held in Sacramento, Calif., during October and November 1977, on the CVP tentative rate adjustment. Several persons spoke at the 2-day public comment forum in Sacramento on November 30 and December 1, 1977.



The initial consultation and comment period was originally scheduled to end in mid-December; however, certain customers asked for more time to submit comments on the tentative rate proposal. In order to accommodate their request and to help defray the continuing large operating deficits of the CVP which adversely affect the public's interest, the Department of Energy adopted interim rates as discussed below. Revised procedures to permit the setting of interim rates for power marketed by WAPA were published in the *FEDERAL REGISTER* on March 23, 1978 (43 FR 12076). In accordance with those procedures, interim rates have been set for the CVP that will increase annual project revenue by about \$20 million or to about two-thirds of the estimated annual revenue needed to cover current CVP costs. The decision on interim rates was published in the *FEDERAL REGISTER* on March 24, 1978 (34 FR 12361).

The tentative rate adjustment, under consideration, proposed a demand charge of \$2/kW/month that is calculated to repay power investment with interest and one-half of the assisted irrigation investment. The remaining assisted irrigation investment and all of the operating costs would be recovered through the energy charge. Two alternative energy charges are under consideration: (1) A dual energy charge based on assigning half of the purchased power costs to meet the contractual commitments developed from and including withdrawable amounts and the other half to meet contractual commitments to serve the "load growth" of seven customers after 1967, or (2) a single energy charge based on assigning purchased power costs equally to all customers. Under the first alternative, the "project" energy charge would be about 4.4 mills/kWh, and the "growth" energy charge would be about 21 mills. Under the second alternative, the energy charge to all customers would be about 8.3 mills.

Under the first alternative, the cost of power to customers with fixed and withdrawable commitments, including the Sacramento Municipal Utility District, city of Santa Clara, irrigation districts, Federal and State agencies, would increase about 100 percent, and there would be an increase ranging from 200 to 300 percent to the "load growth" customers. The "load growth" customers are the cities of Biggs, Gridley, Palo Alto, Redding, and Roseville, the Plumas-Sierra Rural Electric Cooperative, Inc., and the Shasta Dam Area Public Utility District. For the second alternative, the increased cost to all customers would average 180 percent.

In addition to providing an additional information forum and more time for preparation of comments on the

tentative rate proposal, the supplemental procedures provide for both written and oral rebuttal comments. Provision for rebuttal comments is necessary in this rate adjustment proceeding because of the existence of groups of customers with conflicting interests.

#### SUPPLEMENTAL PROCEEDINGS

1. *Authority.* These procedures are issued pursuant to the Reclamation Act of 1902, as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), and by acts specifically applicable to the CVP; the Department of Energy Organization Act, Pub. L. 95-91; and the WAPA procedures published in the March 23, 1978, *FEDERAL REGISTER* (43 FR 12076).

2. *Definitions.* a. "Assistant Secretary" refers to the Assistant Secretary for Resource Applications or any person acting in such capacity.

b. "Departmental" refers to all personnel and components of the Department of Energy except the Economic Regulatory Administration.

c. "Party" refers to any person who submitted initial comments, supplemental comments, or rebuttal comments either orally at a forum or in writing.

3. *Supplemental information forum.* An additional information forum will be held in Sacramento, Calif., commencing at 9:30 a.m. on April 27, 1978, for the purpose of providing information relative to the tentative rate adjustment and supplemental proceedings.

4. *Supplemental consultation and comment period.* On or before June 30, 1978, interested persons may submit written comments on the tentative rate adjustment that was announced on September 13, 1977, by mailing or delivering three copies to the Department at each of the addresses listed above. In addition, a copy shall be mailed to each person who filed written initial comments or who advised the Area Manager, Sacramento, Calif., by June 1, 1978, of his intention to submit supplemental comments.

5. *Rebuttal comments.* Rebuttal comments may be submitted on or before August 15, 1978, in the same manner as the comments submitted under paragraph 4.

6. *Supplemental public comment forum.* A supplemental public comment forum will be held at the WAPA office in Sacramento, Calif., commencing September 6, 1978, for the purpose of allowing all parties to present oral comments and to be questioned concerning their oral and written comments. The forum will be conducted by a chairman who will be responsible for orderly forum procedures. Repre-

sentatives of each party shall be available for questioning as a panel. Departmental representatives will be present, and they and the chairman may also question the parties' representatives. To assist the chairman in scheduling the questioning, parties interested in questioning other parties shall submit, to the Area Manager, Sacramento, Calif., on or before September 1, 1978, a preliminary list of the names of the parties they wish to question and the subjects of the questioning and shall mail a copy of that list to all other parties. Additional questioning will be permitted if time permits. A transcript of the forum will be made, and copies of the transcript and of all documents introduced will be available on request for a fee. Following the forum, parties may summarize their positions by written comments to the above addresses by September 25, 1978.

7. *Proposed decision.* Following departmental review of the information and comments gathered in the course of the initial and supplemental proceedings, the Assistant Secretary will announce his decision on the proposed rate adjustment. The announcement will explain the basis for the decision and will include an explanation responding to the major comments, criticism, and alternatives offered during the comment period.

8. *Review period.* All parties will be given at least 30 days to submit written comments on the proposed decision to the Administrator of the Economic Regulatory Administration, and an opportunity for oral presentation of views, data, and arguments will be afforded upon request.

9. *Final decision on rate adjustment.* Following review of the oral and further written comments, the Economic Regulatory Administration will announce the final decision on the rate adjustment and the effective date of the adjusted rates. The announcement will explain the basis for the decision and will include an explanation responding to the major comments, criticism, and alternatives offered during the review period. The effective date shall be not less than 60 days after the announcement.

10. *Implementation of rate adjustment.* The final rate adjustment may be higher or lower than the interim rate for any customer. If it is higher, it shall take effect prospectively for such customer. If it is lower, WAPA shall refund the overpayment retroactively with interest computed at an annual rate of 7 percent. At the option of the customer, the refund will be granted in cash, subject to the availability of appropriations, or in the form of a credit against subsequent monthly bills.

11. *Procedural rulings.* Prior to making the decision referred to in



paragraph 7, the Assistant Secretary may postpone any procedural date or make other procedural changes for good cause shown at the request of any party or on his own motion. Subsequent to the Assistant Secretary's decision of paragraph 7, the Economic Regulatory Administration may similarly act.

Issued in Washington, D.C., April 12, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

[FR Doc. 78-10375 Filed 4-17-78; 8:45 am]

[6560-01]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 881-8]

### CONCRETE PRODUCTS INDUSTRY

#### Availability of Guidance Development Document and Economic Impact Analysis

The Environmental Protection Agency (EPA) is hereby announcing that a document entitled "Guidance Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Concrete Products Point Source Category" has been prepared and is available for public review and comment and for use as technical guidance in pollution abatement and control.

This guidance development document sets forth information collected about the concrete products industry and summarizes available effluent data and applicable treatment processes.

In addition to the technical guidance development document, the Agency has developed an economic impact analysis of this category. This analysis is set forth in a document entitled "Guidance Economic Impact Analysis for the Concrete Products Industries."

Interested persons may participate (comment on these guidance documents) by submitting written comments to the Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the guidance development document and economic analysis document are solicited. In the event comments are in the nature of criticism as to the adequacy of data which are available or which may be relied upon by the Agency, comments should identify and if possible provide any additional data which may be appropriate.

#### FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Environmental  
Protection Agency, 401 M Street

SW., Washington, D.C. 20460, WH-552, 202-426-2560.

A copy of all public comments 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. A copy of the guidance development document and a copy of the economic study referred to above and certain supplementary materials supporting the study will be maintained at this location for public review and copying. The EPA information regulation 40 CFR, Part 2 provides that a reasonable fee may be charged for copying. Additionally, a small number of copies of both documents are available for public distribution and can be obtained by addressing requests to the Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

All comments received on or before September 1, 1978 will be considered.

Dated: March 30, 1978.

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

[FR Doc. 78-103387 Filed 4-17-78; 8:45 am]

[6560-01]

[FRL 88-41]

### APPLICABILITY OF CLEAN AIR ACT TO MODIFICATION OF EXXON CORP.'S PLATFORM HONDO

#### Determination

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination of applicability.

SUMMARY: It is the determination of the Environmental Protection Agency (EPA) that Exxon Corp.'s proposed installation of an Offshore Storage and Treatment facility on the Outer Continental Shelf off the coast of Santa Barbara County, Calif., will constitute a modification of Exxon's platform Hondo. It is the further determination of EPA that this modification is subject to review under the new source review and prevention of significant deterioration provisions of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.) and EPA's implementing regulations (40 CFR 52.233 and 52.270).

#### FOR FURTHER INFORMATION CONTACT:

William Pierce, Chief, Permits  
Branch, Enforcement Division,  
Region IX, 215 Fremont Street, San  
Francisco, Calif. 94105, 415-556-3450.

#### SUPPLEMENTARY INFORMATION:

##### PRELIMINARY STATEMENT

This decision marks the first time that EPA has sought to apply the provisions of the Clean Air Act and the regulations promulgated thereunder to activities on the Outer Continental Shelf. In the past there has been uncertainty as to the applicability of these laws on the Outer Continental Shelf, and it is with respect to the Exxon Hondo facility that the legal questions have first been systematically addressed.

Because this is a question of first impression, and because the decision as to the Exxon Hondo facility is based on a determination of national scope and effect, the decision is being made by the Administrator. It is my intent that the same legal principles will be applied to all future activities on the Outer Continental Shelf. In the future, decisions as to the applicability of the requirements discussed below to facilities on the Outer Continental Shelf will be made by the EPA Regional Administrators, as are other routine applicability determinations.

#### DESCRIPTION OF PROJECT

In 1968, several oil companies including Exxon Corp. obtained oil exploration and production leases for 17 tracts located on the Federal Outer Continental Shelf in the northwest portion of the Santa Barbara Channel. These leases were consolidated into the Santa Ynez Unit with Exxon Corp. named as the unit operator. The first tract to be developed in the Santa Ynez Unit is the Hondo field. Initial production from the Hondo field is expected to be 30,000 bbl/day of oil and 30 MMSCF/day of natural gas.

The development plan submitted in 1971 by Exxon to the U.S. Geological Survey proposed two alternatives for development of the Hondo field. Under both alternatives, Exxon proposed to construct a platform for exploration and production which is referred to as platform Hondo. Exxon, however, developed alternative plans for storage and treatment of the oil produced by platform Hondo. Under the "onshore" alternative, it was proposed that the oil would be sent to shore for treatment and storage via pipeline until it could be loaded onto tankers from a terminal facility anchored within State waters. An "offshore" alternative was proposed by Exxon in case the necessary permits and approvals for the "onshore" alternative could not be obtained. Under the "offshore" alternative, Exxon proposed to construct an offshore storage and treatment (OS&T) facility which would be anchored near platform Hondo beyond the 3 mile limit of State jurisdiction. The transfer of oil to tankers would occur from the OS&T under the offshore alternative.

Exxon's development plan for the Hondo field was approved by the Department of Interior in August 1974 after preparation and circulation of a



lently Environmental Impact Statement. Subsequently, Exxon was unable to obtain approval for the onshore alternative from the Coastal Commission of the State of California on terms which were acceptable to Exxon. Exxon abandoned its attempts to receive a permit from the State of California for its onshore facility in March 1976. Exxon then sought approval from the Department of Interior for the offshore alternative which approval was obtained in July 1976. Fabrication of platform Hondo occurred at a shipyard near San Francisco. The platform was then towed from San Francisco Bay to the Santa Barbara channel where it was set in position. Installation of platform Hondo was completed in June 1976.

Production and support facilities on the platform will perform the major functions of oil and gas separation, gas compression and dehydration, and produced-water injection. Oil/water emulsion from the production separators flows into surge tanks from which it will be metered and transferred by electric motor driven pumps to the OS&T via a submarine pipeline. A portion of the gas which has been compressed and dehydrated will be used for gas lift and for fuel on both the platform and the OS&T. For an interim period, excess gas will be reinjected into the reservoir.

The OS&T facility is a converted tanker with processing equipment mounted on its deck. It will be moored to a Single Anchor Leg Mooring System (SALM) approximately 3.2 miles from shore, just outside State jurisdiction. The OS&T will provide equipment for crude oil dehydration and sweetening, water treating and power generation both for Platform Hondo and for the OS&T. In addition, the OS&T will store the treated crude oil until it can be transferred to a tanker for transport to refineries.

On the OS&T, free water will first be removed from the oil/water emulsion. Then the emulsion will be heated and electrostatically treated to break the tight emulsion. The dehydrated crude oil will then go to a crude stabilization system where hydrogen sulfide will be stripped out. The resulting sweet crude oil be cooled and stored in the OS&T cargo tanks.

Produced water from the crude oil dehydration process will flow to a series of tanks and vessels equipped with skimming devices to remove oil and suspended solids. Oil that is collected will go to a rerun tank for reprocessing. The water will be filtered and returned to the Hondo platform for injection into a subsurface formation.

Natural gas will flow from the platform to the OS&T through a separate subsea pipeline. The gas will be sweetened and used for fuel gas and for gas

blanketing of various tanks and processing equipment. Electric power for the OS&T and supplemental power for the Hondo platform will be supplied by gas-fired turbine generators on the OS&T. Power will be transferred to the platform via a subsea power cable.

An ocean-going tug-barge is planned for transport of oil from the OS&T to marine terminals for delivery to refineries. Other vessels may also be used in this service to supplement the primary shuttle vessel. At a daily oil rate of 30,000 barrels per day, an average per day, an average of 5.2 loads per month will be required. It is anticipated that 50 more wells may be drilled from two subsea production facilities in the early 1980's and that peak field production may total 60,000 bbl/day of oil and 60 MMSCF per day of gas.

#### LEGISLATIVE BACKGROUND

In 1970, Congress adopted extensive amendments to the Clean Air Act (Pub. L. 91-604) in order to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare. Section 109 of the amendments directed the Administrator of EPA to promulgate national ambient air quality standards for any air pollutant which the Administrator determined has an adverse effect on public health and welfare and for which air quality criteria had been established. Pursuant to this authority, the Administrator promulgated national primary ambient air quality standards at levels necessary to protect public health for sulfur dioxide (SO<sub>2</sub>), particulate matter (PM), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), hydrocarbons (HC), and photochemical oxidants (40 CFR part 50). The Administrator also promulgated national secondary ambient air quality standards for these pollutants at levels necessary to protect public welfare (40 CFR part 50).

Under the Clean Air Act, the various states have the primary responsibility for attaining and maintaining the national ambient air quality standards. Section 110 of the Clean Air Act requires each State to adopt a State Implementation Plan (SIP) containing emission limitations and such other measures as necessary to insure attainment and maintenance of the national standards as expeditiously as practicable but in no case later than 3 years from the date of plan approval by the Administrator (42 U.S.C. 7410). The Administrator of EPA is required by section 110(b) to promulgate substitute regulations if the State fails to submit an implementation plan or if portions of the plan are inadequate to attain and maintain national ambient standards. Pursuant to this authority, the Administrator has promulgated regulations for California which will

assure prevention of significant deterioration (PSD) of air quality (40 CFR 52.270) and which will require review of new and modified stationary sources of air pollution for specific air quality control regions (40 CFR 52.233).

#### PREVENTION OF SIGNIFICANT DETERIORATION

In August 1977, Congress adopted comprehensive amendments to the Clean Air Act which substantially strengthened provisions governing prevention of significant deterioration of air quality and new source review for non-attainment areas. (Pub. L. 95-95). Section 165 of the Act regarding prevention of significant deterioration specifies that no major emitting facility may be constructed in any area after date of enactment of the 1977 amendments unless a permit has been issued for the proposed facility in accordance with the requirements of section 165 (42 U.S.C. 7474). The term "major emitting facility" is defined by section 169(d) of the act as a stationary source of air pollutants within specified categories of sources, including petroleum storage and transfer facilities with a capacity exceeding three hundred thousand barrels, which emit, or have the potential to emit, one hundred tons per year or more of any air pollutant. (42 U.S.C. 7479(d)). In addition to specific source categories, section 169(d) provides that the term "major emitting facility" also includes any source with the potential to emit two hundred and fifty tons per year or more of any air pollutant (42 U.S.C. 7479(d)). On November 3, 1977, EPA published proposed regulations for the purpose of implementing the permit requirements of section 165 (42 FR 57479). Under EPA's proposed regulations, the new pre-construction review requirements of section 165(a) would be applicable to any new or modified major stationary source subject to EPA's existing prevention of significant deterioration regulations and which has not obtained a PSD permit pursuant to those regulations prior to March 1, 1978.

EPA's existing PSD regulations, promulgated on December 5, 1974 (39 FR 42510), prohibit construction of a new stationary source without a PSD permit where the new source is in one of 19 specified categories (40 CFR 52.21). A modification to a stationary source is subject to review under EPA's present PSD regulations only where there will be a net increase in emissions of sulfur dioxide or particulate matter. Pursuant to section 168, these regulations will remain in effect until EPA promulgates final revisions to the proposed PSD regulations published on November 3, 1977.

#### NEW SOURCE REVIEW

On June 18, 1973, EPA promulgated requirements for State implementa-



tion plans regarding review of new and modified stationary sources of air pollution (40 CFR 51.18, 38 FR 15836). Subsequently, EPA disapproved the new source review provisions of California's State implementation plan for several air pollution control districts and promulgated substitute regulations applicable to construction of new and modified stationary sources within those districts (40 CFR 52.233). Section 52.233(f) provides in part that no owner or operator of a new or modified stationary source may commence construction within the Santa Barbara County Air Pollution Control District or Ventura County Air Pollution Control District without obtaining approval from the Administrator of EPA. Approval may be granted by EPA only where the owner or operator of the source demonstrates that the source will be operated without violating the State implementation plan and will not prevent or interfere with attainment or maintenance of any national standard.

On December 21, 1976, EPA promulgated an Interpretative Ruling prescribing procedures for implementation of the new source review rules in nonattainment areas (41 FR 55524). The Interpretative Ruling prohibits construction of a "major source" or "major modification" in a nonattainment area, or which would impact a nonattainment area, without a permit specifying stringent requirements. A "major source" is defined by the Interpretative Ruling to cover any structure, building, facility, installation, or operation (or combination thereof) for which the allowable emission rate of particulate matter, sulfur oxides, nitrogen oxides, or non-methane hydrocarbons is 100 tons or more per year, or for which the allowable emission rate of carbon monoxide is 1,000 tons per year or more. The Interpretative Ruling also applies to a "major modification" which is defined as a modification to an existing source which increases the allowable emission rate of particulate matter, sulfur oxides, nitrogen oxides, or non-methane hydrocarbons by 100 tons per year or more or increases allowable emissions of carbon monoxide by 1,000 tons per year or more.

The principal requirements imposed by the Interpretative Ruling on a new source which would exacerbate an existing violation of a National Ambient Air Quality Standard are: (1) that the new source or major modification will meet an emission limitation which specifies the lowest achievable emission rate for the particular type of source; (2) that all existing sources owned by the applicant located in the air quality control region are in compliance with all requirements of the State implementation plan; (3) that emission reductions from existing

sources in the area of the proposed source are required such that total emissions from the existing and proposed source are sufficiently less than total allowable emissions from existing sources under the state implementation plan so as to represent reasonable progress toward attainment of national ambient air quality standards; and (4) that emission offsets will provide a positive net air quality benefit in the affected area. These requirements were established by EPA in order to assure that construction of major sources and major modifications would not further aggravate air quality in nonattainment areas but would result in reasonable progress toward attainment of the applicable national ambient air quality standards.

Congress expressly ratified this approach by enacting section 129 of the Clean Air Act Amendments of 1977 (Pub. L. 95-95). That section provides that EPA's Interpretative Ruling shall apply, with a minor change regarding the appropriate baseline for emission offsets, in nonattainment areas until July 1, 1979, when the more stringent permit requirements of section 173 (42 U.S.C. 7503) will become applicable in nonattainment areas.

Pursuant to section 107(d) of the Clean Air Act Amendments of 1977 (42 U.S.C. 7407(d)), EPA promulgated a list of attainment and nonattainment areas (43 FR 8962, March 3, 1978). This list was developed from submissions by the various states and is to be used in implementing the prevention of significant deterioration and new source review provisions of the Act. Santa Barbara County and Ventura County are in the South Central Coast Air Basin. All of Santa Barbara County and Ventura County are officially classified as nonattainment areas for photochemical oxidants. The air quality maintenance area (AQMA) of Santa Barbara County is classified as a nonattainment area for total suspended particulate matter (TSP) and carbon monoxide (CO). A portion of the Santa Barbara non-AQMA and the southern portion of Ventura County are also classified as nonattainment areas for TSP. Ventura County is classified as an attainment area for SO<sub>x</sub>. Except for these areas and these pollutants, Santa Barbara and Ventura Counties are designated as areas which cannot be classified on the basis of existing data for TSP, SO<sub>x</sub>, CO, and NO<sub>x</sub>. Orange County and portions of Los Angeles, Riverside, and San Bernardino Counties are within the South Coast Air Basin. This air basin is officially classified as a nonattainment area for photochemical oxidants, CO, NO<sub>x</sub> and TSP. In addition, the portion of Los Angeles County within the South Coast Air Basin is classified as nonattainment for SO<sub>x</sub>. Orange County and the portions of Riverside

and San Bernardino Counties within the basin are listed as attainment areas for SO<sub>x</sub>.

#### ESTIMATED EMISSIONS FROM EXXON'S FACILITIES

EPA's initial estimates of air pollutant emissions from Exxon's platform Hondo and the proposed associated offshore oil storage and treating facility (OS&T) were based on information supplied by Exxon in a letter dated October 1, 1976. Subsequently, Exxon submitted additional information on several occasions to either replace or supplement information in their original submittal. This subsequent information has been considered in EPA's updated emission estimates.

Emission sources located on Exxon's platform Hondo can be classified into three general categories, based on the frequency at which they can be expected to emit pollutants: (1) continuous, (2) intermittent, or (3) unscheduled. For the initial level of Hondo development (30,000 BBL/D oil, 30 MM CF/D natural gas) continuous sources will include three (3) 800 KW gas fired turbine generators, one (1) 1.0 MM BTU/hr gas fired stack pilot and fugitive hydrocarbon sources including hydrocarbon pumps and valves and 3-200 BBL fixed roof diesel storage tanks. Intermittent sources of emissions include two (2) emergency firewater pumps, each of which will be operated approximately fifteen (15) minutes per week for test purposes, tank filling emissions from the diesel storage tanks and two (2) diesel engine crane engines. Unscheduled emissions, which were not considered in EPA's emission estimates would occur from the flare stack as a result of a compressor malfunction. Information regarding additional emission sources on the platform for peak Hondo production (60,000 BBL/D oil, 60 MM CF/D gas) and the resultant emissions has not been submitted to EPA.

Exxon submitted estimates of annual average emissions from initial phase production at platform Hondo in their October 1, 1976, letter to EPA. These estimates included 2.62 lbs/hr (11.5 T/yr) total hydrocarbons, 6.98 lbs/hr (30.6 T/yr) SO<sub>x</sub>, 10.54 lbs/hr (46.2 T/yr) NO<sub>x</sub>, and 0.08 lbs/hr (0.4 T/yr) particulate matter. Assuming that annual emissions would double for the ultimate production scenario of 60,000 BBL/D oil, 60 MM CF/D gas, the emissions would be expected to be 23 T/yr of total hydrocarbons, 61 T/yr of SO<sub>x</sub>, 92 T/yr NO<sub>x</sub> and 0.8 T/yr particulate matter. Assuming the emission rates listed above, Exxon's platform Hondo by itself would not be considered a "major source" (100 T/yr) as defined by EPA's Interpretative Ruling.

Emission sources associated with the proposed OS&T can also be classified



TABLE II.—Atmospheric emissions (from Exxon OS&amp;T (60,000 bbl/d in pounds per hour (tons per year))—Continued

	NOx	Hydrocarbons	CO	Particulates	SOx
Continuous emissions					
25,000 hp turbine generator	110 (482)	2.34 (10.2)	11.7 (51.2)	0.7 (3.1)	2.4 (10.3)
Flare stack pilot	.1 (.42)	.006 (.028)	.016 (.069)	.011 (.050)	.011 (.047)
Total continuous emissions	111 (488)	2.35 (10.2)	11.7 (51.3)	.71 (3.2)	367 (1,610)
Intermittent emissions					
Shuttle vessel	46 (11.8)	1,483 (646)	19 (4.8)		4.9 (1.24)
Acid gas incinerator	.78 (.34)				320 (140)
800 kW generator	4.6 (1.2)	.38 (.01)	1.1 (.027)	.35 (.01)	3.6 (.094)
Firewater pump	3.1 (.08)	.25 (.006)	.67 (.017)	.22 (.0057)	.20 (.0053)
Total maximum hourly emission	165	1,486	32.5	1.3	696
Total annual emissions	(500)	(656)	(56.1)	(3.2)	(1,751)

The data listed in Tables I and II establish that the operation of the OS&T will result in emissions greater than 100 tons per year for hydrocarbons (even accepting Exxon's calculations, which assume the application of some control systems), nitrogen oxides and sulfur oxides. The OS&T will thus be a "major source" for those pollutants for purposes of new source review. Since emissions of those pollutants will be greater than 250 tons per year, the OS&T will also be a major emitting facility for purposes of prevention of significant deterioration.

EPA's estimates of emissions from the proposed OS&T for the initial and final phases of production are included in Table I and Table II, respectively.

Information submitted by Exxon on January 20, 1978, indicates minor changes to EPA's estimates but these changes have not been incorporated as of this date because they have not been substantiated.

On January 20, Exxon presented information on a vapor balance system which is being studied as a possible means of controlling hydrocarbon emission during loading of the shuttle tanker and which would purportedly significantly reduce SO<sub>x</sub> emissions from the acid gas incinerator. The impact of such a system has not been considered in EPA's estimates of emissions because Exxon has stated that the balance line has not been fully developed. It is not known, therefore,

driven emergency firewater pumps to run once a week to insure operability and operation and loading of the crude oil shuttle tanker. Estimated emissions from the operation of the OS&T at a production rate of 30,000 bbl/day are listed in Table I while estimated emissions at a production rate of 60,000 bbl/day are listed in Table II:

TABLE I.—Atmospheric emissions from Exxon OS&amp;T (30,000 bbl/d)

[From data supplied by Exxon in pounds per hour (tons per year)]

	NOx	Hydrocarbons	CO	Particulates	SOx
Continuous emissions					
Acid gas incinerator	0.6 (2.6)				247 (1,080)
25,000 hp turbine generator	93 (407)	12.3 (54)	61.6 (270)	0.53 (2.3)	1.8 (7.8)
Flare stack pilot	.1 (.42)	.006 (.028)	.016 (.069)	.011 (.050)	.011 (.047)
Total continuous emissions	94 (410)	12.3 (54)	61.6 (270)	.54 (2.35)	249 (1,088)
Intermittent emissions					
Shuttle vessel	46 (5.9)	1,483 (323)	19 (2.4)		4.9 (.82)
Acid gas incinerator	.78 (.17)				320 (70)
800 kW generator	4.6 (1.2)	.38 (.01)	1.1 (.027)	.35 (.01)	3.6 (.094)
Firewater	3.1 (.08)	.25 (.006)	.67 (.017)	.22 (.0057)	.20 (.0053)
Total maximum hourly emission	148	1,496	82	1.1	579
Total annual emissions	(416)	(377)	(272)	(3.37)	(1,159)

TABLE II.—Atmospheric emissions (from Exxon OS&amp;T (60,000 bbl/d in pounds per hour (tons per year))

	NOx	Hydrocarbons	CO	Particulates	SOx
Continuous emissions					
Acid gas incinerator	1.2 (5.2)				365 (1,600)



whether Exxon will be able to install the vapor balance system in the future. It is clear, however, that the vapor system will not be installed until after the OS&T has begun operation.

#### APPLICABILITY OF CLEAN AIR ACT TO OUTER CONTINENTAL SHELF

Although the Clean Air Act is not expressly applicable to facilities located on the Outer Continental Shelf, EPA has determined that the new source review and prevention of significant deterioration provisions of the Clean Air Act are applicable to sources located on the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act, 43 U.S.C. 1331, et seq. Section 1333(a)(1), of the OCS Lands Act provides that the laws of the United States are applicable to fixed structures located on the Outer Continental Shelf:

The Constitution and laws and civil and political jurisdiction of the United States are extended to the subsoil and seabed of the Outer Continental Shelf and to all artificial islands and fixed structures which may be erected thereon for the purpose of exploring for, developing, removing, and transporting resources therefrom, to the same extent as if the Outer Continental Shelf were an area of exclusive Federal Jurisdiction located within a State: *Provided, however, That mineral leases on the Outer Continental Shelf shall be maintained or issued only under the provisions of this subchapter.*

Clearly, the Clean Air Act is a law of the United States within the meaning of the OCS Lands Act. Although the OCS Lands Act was enacted several years before the Clean Air Act, the legislative history of the OCS Lands Act reveals that Congress intended to extend the whole law of the United States to the seabed of the OCS and fixed structures located thereon.

The basic goals of the Clean Air Act are the attainment and maintenance of the national ambient air quality standards and the prevention of significant air quality deterioration. Air quality must be assured "within the entire geographic area" comprising each State (§107(a)) through the submission of SIP's by States under section 110(a) (or the promulgation of SIP's by EPA under section 110(c)).

SIP's are the basic mechanisms for protecting air quality in the United States; it would therefore be meaningless to "extend" the Clean Air Act to OCS structures without also extending SIP's. However, because the act is concerned only with protecting air quality over the United States, SIP's should not be extended to a structure which is so far from shore that its emissions could not impact on the U.S. air quality. EPA should therefore determine whether a structure could impact on U.S. air quality before applying a SIP requirement.

Fine questions as to whether a State-submitted SIP provision is

"State" or "Federal" law are irrelevant. The OCS Lands Act provides:

To the extent that they are applicable and not inconsistent with this subchapter or with other Federal laws and regulations of the Secretary now in effect or hereafter adopted, the civil and criminal laws of each adjacent state, now in effect or hereafter adopted, amended, or repealed are declared to be the law of the United States for that portion of the subsoil and seabed of the Outer Continental Shelf, and artificial islands and fixed structures erected thereon, which would be within the area of the State if its boundaries were extended seaward to the outer margin of the Outer Continental Shelf, and the President shall determine and publish in the FEDERAL REGISTER such projected lines extending seaward and defining each such area. All of such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to the Outer Continental Shelf.

In view of sections 1333(a) (1) and (2) of the OCS Lands Act, the Clean Air Act and the State Implementation Plans promulgated thereunder apply to all activities on the Outer Continental Shelf that can have an adverse effect on air quality over the United States.

EPA has determined, moreover, that application of the applicable State implementation plan to exploration and production facilities located on the Outer Continental Shelf is necessary to assure that national ambient air quality standards can be achieved in those areas presently classified as non-attainment areas. Unless regulated, emissions of air pollutants from sources located on the Outer Continental Shelf will adversely impact air quality in such areas by adding additional pollutants to areas where air quality is presently worse than national ambient air quality standards. This problem is particularly severe with respect to emissions of hydrocarbons which are the precursors of photochemical oxidants.

Similarly, where the air quality in on-shore areas adjacent to Outer Continental Shelf areas is better than the National Ambient Standards, it is necessary that the provisions of the Clean Air Act and applicable State implementation plans relating to Prevention of Significant Deterioration apply as well. Unless the emissions from off-shore facilities that may impact these areas are controlled, the objectives of the Clean Air Act will not be achieved.

#### APPLICABILITY OF THE CLEAN AIR ACT TO THE HONDO FACILITY

Among the principal pollutants that will be emitted by the Exxon Hondo facility are hydrocarbons, the precursors of photochemical oxidants. Photochemical oxidants are created principally by the oxidation of hydrocarbons when exposed to sunlight. Since photochemical oxidants or their pre-

cursors can be transported long distances, the focus of regulatory action has been, and must be, on areas where the hydrocarbons originate, not necessarily on areas where the photochemical oxidant levels are measured. Since hydrocarbons are oxidant precursors and because hydrocarbon emissions from the proposed project are anticipated to impact air quality in the South Coast and South Central Coast Air Basins, hydrocarbon emissions will interfere with attainment of the national ambient air quality standards for photochemical oxidants in those areas. Application of the Clean Air Act to facilities located on the Outer Continental Shelf is thus necessary to prevent frustration of the purposes of the Clean Air Act where emissions from those facilities will impact air quality within California.

Since it is believed that emissions from Exxon's operations in the Santa Barbara channel will have an adverse impact upon air quality within Santa Barbara, Ventura, and Los Angeles counties, EPA has determined that the new source review and prevention of significant deterioration provisions of the California State implementation plan should be applied to Exxon's facilities. Since EPA has not yet approved new source review rules or regulations for prevention of significant deterioration for Santa Barbara or Ventura Air Pollution Control Districts, EPA has determined that the new source review and PSD regulations promulgated by EPA for those districts are applicable to Exxon's operations on the Outer Continental Shelf.

Under the new source review requirements of the California State implementation plan, no owner or operator shall commence construction or modification of a stationary source within the Santa Barbara or Ventura Air Pollution Control Districts without obtaining approval from the Administrator of EPA (40 CFR 52.233(f)). Although platform Hondo and Exxon's OS&T will be located on the Outer Continental Shelf beyond the boundaries of those districts, EPA has determined that the new source review requirements are applicable to Exxon's facilities since section 1333(a)(1) of the OCS Lands Act provides that the law of the United States is applicable to fixed structures located on the Outer Continental Shelf "to the same extent as if the Outer Continental Shelf were an area of exclusive Federal jurisdiction located within a State."

For similar reasons EPA has determined that the preconstruction review requirements of EPA's PSD regulations are applicable to the construction or modification of fixed structures on the Outer Continental Shelf. The provisions of EPA's PSD regula-



tions applicable to the Santa Barbara Air Pollution Control District are thus applicable to facilities located on the Outer Continental Shelf adjacent to Santa Barbara county (40 CFR 52.270).

It should be noted that EPA's determination regarding Exxon's planned modification of platform Hondo to incorporate an offshore storage and treatment facility is a matter of first impression. EPA did not assert jurisdiction under the Clean Air Act regarding the initial construction and installation of platform Hondo in 1976 because of uncertainty regarding EPA's authority and because it was believed that emissions of air pollutants from platform Hondo itself would not be significant. Subsequent to the installation of platform Hondo, EPA determined that it has authority under the OCS Lands Act to extend application of the Clean Air Act to facilities located on the Outer Continental Shelf where necessary to assure attainment of national ambient air quality standards. Since the available data indicates that the installation of Exxon's OS&T will result in significant emissions of hydrocarbons, sulfur dioxide, nitrogen dioxide, and carbon monoxide, EPA has concluded that jurisdiction under the Clean Air Act should be asserted regarding this modification of platform Hondo even though jurisdiction was not asserted regarding the initial construction of platform Hondo.

Since the available data indicates that emissions of hydrocarbons, sulfur dioxide, and nitrogen dioxide from the operation of Exxon's OS&T will be greater than 100 tons per year, EPA has determined that the installation of the OS&T will be a major modification to platform Hondo and thus subject to the preconstruction review requirements of the new source review rules for nonattainment areas. In addition, the installation of Exxon's OS&T will be a modification subject to preconstruction review under section 165 of the Clean Air Act and EPA's regulations regarding prevention of significant deterioration since emissions of HC, NOx and SO<sub>x</sub> will be greater than 250 tons per year.

For purposes of new source review in nonattainment areas, the Interpretative Ruling defines the term "major modification" to include a modification to any structure, building, facility, installation, or operation (or combination thereof) which increases the allowable emission rate of any criteria pollutant by 100 tons per year except carbon monoxide which requires an increase of 1,000 tons per year (41 FR 55528, December 21, 1976). The term "modification" is defined by section 111(a)(4) of the Act to include "any physical change in, or change in the method of operation of a stationary

source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted" (42 U.S.C. 7411(a)(4)). This definition is applicable to both new source review and prevention of significant deterioration regulations.

Information available to EPA indicates that the installation of Exxon's planned OS&T will involve several physical changes to platform Hondo in order to permit the transfer of oil through a submarine pipeline from the platform to the OS&T. The installation of the OS&T will also constitute a change in the method of operation of platform Hondo which will result in an increase in emissions as the platform converts from the exploration phase of the project to production. Although the development plan for the Santa Ynez Unit contemplated possible use of an OS&T under the "offshore" alternative, this does not exempt the OS&T from the preconstruction review requirements of the new source review and PSD regulations. Under those regulations and sections 165 and 169 of the Clean Air Act, review is required for any source which has not commenced physical on-site construction or which has not entered into binding agreements or contractual obligations for physical on-site construction prior to the effective date of the regulations. Since the information submitted to EPA by Exxon indicates that physical on-site construction of the OS&T has not yet begun, installation of the OS&T is subject to review.

#### RESPONSE TO COMMENTS

During the past year EPA has been in contact with Exxon, the California Air Resources Board, Santa Barbara and Ventura Air Pollution Control Districts, and other entities regarding the application of the Clean Air Act to facilities located on the Outer Continental Shelf. These groups have made various comments regarding EPA's proposed approach which will now be addressed.

Exxon has pointed out in its comments to EPA that EPA has never previously asserted jurisdiction under the Clean Air Act with respect to facilities located on the Outer Continental Shelf despite the fact that hundreds of exploration and production platforms are located on the OCS. As discussed previously, EPA has not asserted jurisdiction in the past over facilities located on the OCS because of uncertainty regarding its authority to subject such facilities to regulation under the Clean Air Act. EPA has subsequently determined that the provisions of the Clean Air Act are applicable to facilities located on the OCS by virtue of section 1333(a) of the OCS Lands Act. In addition, EPA has deter-

mined that it is necessary to assert jurisdiction at this time over platform Hondo and the proposed OS&T because it is anticipated that Exxon's operation of the OS&T will have a significant impact upon air quality in Santa Barbara, Ventura, and Los Angeles counties. Since those areas are presently classified as non-attainment areas for several pollutants, EPA determined that emissions from Exxon's operations should be regulated in order to prevent further deterioration of air quality in those areas despite the fact that EPA has not previously asserted jurisdiction under the Clean Air Act over facilities located on the OCS.

The comments submitted by Exxon also assert that the application of the Clean Air Act to its facilities on the OCS would be inconsistent with its development and production rights as a lessee of the Santa Ynez tract. The acquisition of a leasehold interest, however, does not exempt the lessee from reasonable regulation. It is only where regulation amounts to a taking of the lessee's property rights without compensation that regulation becomes unconstitutional. This principal was affirmed by the U.S. Court of Appeals for the Ninth Circuit in *Gulf Oil Corporation v. Morton*, 493 F. 2d 141 (1974) and *Union Oil Company v. Morton*, 512 F. 2d 743 (1975). In those cases, the Ninth Circuit concluded that the Secretary of Interior had authority to subject oil leases in the Santa Barbara channel to reasonable environmental regulations as long as the regulation did not have the effect of cancelling the leases. Since regulation of Exxon's facilities on the OCS under the Clean Air Act is intended only to control emissions of air pollutants and not intended to prohibit development of the Santa Ynez Unit, such regulation is not inconsistent with Exxon's vested rights under its lease.

In addition, Exxon contends that EPA does not have authority to regulate facilities located on the OCS since the OCS Lands Act confers exclusive authority upon the Secretary of Interior to administer OCS leases. EPA, however, does not intend to interfere with the administration of OCS leasing by the Secretary of Interior. More importantly, section 1333(a)(2) of the OCS Lands Act provides that applicable State laws "shall be administered and enforced by the appropriate officers and courts of the United States." Since the new source review and PSD regulations applicable to Santa Barbara and Ventura Air Pollution Control Districts are administered by EPA, it is apparent that the Administrator of EPA is the appropriate officer of the United States to administer and enforce the applicable provisions of the California State implementa-



tion plan. It is equally apparent that the Secretary of Interior would not be the appropriate official to administer the provisions of the Clean Air Act on the OCS since the Secretary does not presently have any responsibility for administration of the Clean Air Act.

Finally, Exxon asserts that the regulations of the Santa Barbara Air Pollution Control District are not State law and cannot, therefore, be extended to the Outer Continental Shelf. In response, EPA does not intend to apply the new source review regulations adopted by the Santa Barbara Air Pollution Control District to facilities located on the OCS until those regulations have been approved as part of the California State implementation plan. When approved by EPA as part of the State implementation plan, those regulations will become enforceable as the laws of the United States pursuant to sections 110 and 113 of the Clean Air Act (42 U.S.C. 7410 and 7413). Moreover, Exxon is incorrect in its assertion that the regulations adopted by an air pollution control district are not State law. In fact, the California Supreme Court determined precisely this question in its decision in *Orange County Air Pollution Control District v. Public Utilities Commission*, 4 C. 3d 945, 95 Cal. Rptr. 17 (1971), holding that air pollution control districts are public agencies of the State. Thus, regulations adopted by the Santa Barbara Air Pollution Control District are State law for purposes of the OCS Lands Act.

In this regard, both the California Air Resources Board and the Santa Barbara Air Pollution Control District have asserted in discussions with EPA that the Santa Barbara APCD new source review regulation should be applied to the OCS even though the regulation is not part of the approved California State implementation plan. While it is true that section 1333(a)(2) of the OCS Lands Act provides that applicable State laws shall be considered to be the law of the United States for that portion of the OCS adjacent to the State, the legislative history of the OCS Lands Act indicates that State laws are applicable only where there are gaps in relevant Federal law. There are no gaps, however, in the new source review requirements of the California State implementation plan since the substitute new source review regulations promulgated by EPA for the Santa Barbara APCD are presently in effect (40 CFR 52.233(f)). For this reason, EPA does not believe that it is appropriate to apply the new source review rule adopted by the Santa Barbara APCD to facilities located on the OCS until the rule becomes part of the approved State implementation plan for California. It should be noted, however, that EPA will continue to be the appropriate

agency to administer and enforce the provisions of the Santa Barbara new source review rule on the OCS after it becomes part of the California SIP.

#### CONCLUSION

For the foregoing reasons, EPA has determined that the installation of Exxon's Offshore Storage and Treatment facility is subject to preconstruction review under EPA's new source review and prevention of significant deterioration regulations as a major modification to platform Honda. Pursuant to the provisions of those regulations, Exxon Corp. must obtain the approval of the Administrator prior to the commencement of on-site construction of the OS&T. Commencement of on-site construction of the OS&T without such approval will be a violation of the Clean Air Act and may subject Exxon Corp. to enforcement pursuant to section 113 of the Act (42 U.S.C. 7413). Exxon may, however, continue with off-site fabrication of the OS&T prior to receiving approval to construct from EPA.

Dated: April 13, 1978.

BARBARA BLUM,  
Acting Administrator.

[FR Doc. 78-10464 Filed 4-17-78; 8:45 am]

[6560-01]

[OPP-50366; FRL 883-8]

#### ISSUANCE OF EXPERIMENTAL USE PERMITS

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are 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. 100-EUP-55. Ciba-Geigy Corp., Greensboro, N.C. 27409. This experimental use permit allows the use of 2,400 pounds of the insecticide O-(4-Bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate on cotton to evaluate control of cotton bollworms, tobacco budworms, heliothis virescens, and cotton boll weevils. A total of 400 acres is involved; the program is authorized only in the States of Arkansas, California, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas. The experimental use permit is effective from August 1, 1978 to August 1, 1979. The experimental use permit is being issued with the limitation that all treated cottonseed will be destroyed or used for seed purposes only. Treated cottonseed may not be used for food, feed or oil purposes.

No. 100-EUP-58. Ciba-Geigy Corp., Greensboro, N.C. 27409. This experimental use permit allows the use of a formulation of 200 pounds of the herbicide metolachlor and 160 pounds of the herbicide atrazine on corn to evaluate control of various weeds. A total of 100 acres is involved; the program is authorized only in the 48 contiguous states. The experimental use permit is effective from March 1, 1978 to March 1, 1979. Per-

manent tolerances for residues of the active ingredient in or on corn have been established (40 CFR 180.368 and 180.220).

No. 4090-EUP-21. Gulf Oil Co., Merriam, Kans. 66202. This experimental use permit allows the use of the remaining supply of approximately 88.8 pounds of the herbicide 2-(1,3,3-trimethylureido)-1,3,4-thiadiazole-5-N,N-dimethyl sulfonamide on non-crop areas to evaluate control of general vegetation; this use was authorized in a previous experimental use permit. A total of 18.5 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Georgia, Illinois, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, and Washington. The experimental use permit is effective from March 2, 1978 to March 2, 1979.

No. 707-EUP-83. Rohm & Haas Co., Philadelphia, Pa. 19105. This experimental use permit allows the use of 3,072 pounds of the herbicide 2-chloro-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl) benzene on soybeans to evaluate control of various weeds. A total of 8,850 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, and Wisconsin. The experimental use permit is effective from June 4, 1978 to June 4, 1979. A temporary tolerance for the active ingredient in or on soybeans has been established.

No. 275-EUP-20. Abbott Laboratories, North Chicago, Ill. 60064. This experimental use permit allows the use of 876 pounds of the fungicide *Hirsutella thompsonii* Fisher on citrus, blueberries and turf to evaluate control of citrus rust mites, blueberry bud mites and Bermuda turf mites. A total of 24 acres is involved; the program is authorized only in the States of Florida, North Carolina, and Texas. The experimental use permit is effective from February 24, 1978 to February 24, 1979. A temporary exemption from the requirement of a tolerance for residues of the spores of *Hirsutella thompsonii* when used as a mycoacaricide on citrus and small fruits has been established.

No. 27586-EUP-15. U.S. Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250. This experimental use permit allows the use of 20,000 baits attached to the center of traps which will disperse a total of 7 pounds of the synthetic pheromones 2-cubebene, 4-methyl-3-heptanol and 2-multistriatin in an effort to reduce populations of in-flight beetles and bring about a corresponding reduction in beetle-vectored cases of Dutch elm disease. The program is authorized only in the States of California, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Massachusetts, Michigan, Minnesota, New York, North Carolina, Rhode Island, South Carolina, Virginia, and Wisconsin. The experimental use permit is effective from March 2, 1978 to March 2, 1979.

Interested parties wishing to review the experimental use permits 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 permits may be made conveniently available for review purposes. These files 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: April 11, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 78-10437 Filed 4-17-78; 8:45 am]

# [6560-01]

[PF98; FRL 884-31]

## PESTICIDE AND FOOD ADDITIVE PETITIONS

### Filing

Pursuant to the provisions of sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following petitions have been submitted to the Agency for consideration.

PP 8F2057. Agricultural Division, Ciba-Geigy Corp., P.O. Box 11422, Greensboro, N.C. 27409. Proposes that 40 CFR 180 be amended by the establishment of a tolerance for residues of the insecticide O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate and its metabolites converted to 4-bromo-2-chlorophenol and calculated as O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate in or on the raw agricultural commodities cottonseed at 3 parts per million (ppm); meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm; eggs and milk at 0.01 ppm. Proposed analytical method for determining residues is by gas chromatographic procedure using an electron capture detector. PM16 (202/755-9315).

PP 8F2067. Diamond Shamrock Corp., 1100 Superior Avenue, Cleveland, Ohio 44114. Proposes that 40 CFR 180.275 be amended by the establishment of a tolerance for the combined residues of the fungicide 2,4,5,6-tetrachloroisophthalonitrile and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodities banana and plantain with a tolerance limitation of 0.5 part per million (ppm) of combined residues with no more than 0.05 ppm of combined residues in the edible pulp of banana and plantain fruit. The proposed analytical method for determining residues is by gas liquid chromatography. PM21 (202/426-2456).

FAP8H5177. Agricultural Division, Ciba-Geigy Corp. Proposes that 21 CFR 561 be amended by the establishment of a regulation permitting the use of the insecticide O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate and its metabolites converted to 4-bromo-2-chlorophenol and calculated as O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate in cottonseed hulls with a tolerance limitation of 6.0 ppm

and soapstock at 9 ppm from application of the insecticide to growing cotton. PM16 (202/755-9315).

Interested persons are invited to submit written comments on these petitions to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401 East Tower, 401 M Street SW., Washington, D.C. 20460. Inquiries concerning these petitions may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 11, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 78-10433 Filed 4-17-78; 8:45 am]

# [6560-01]

[PF-91A FRL 884-61]

## PESTICIDE PROGRAMS

### Filing of Pesticide Petition; Correction

In FR Doc. 78-5111 appearing at page 8029 in the issue of February 27, 1978, delete that portion of the first sentence, first paragraph, commencing with line 14 which reads "cottonseed hulls at 0.1 part per million and soapstock from cottonseed oil refining at 0.6 part per million."

Dated: April 11, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 78-10432 Filed 4-17-78; 8:45 am]

# [6560-01]

[PF-96 FRL 884-41]

## PESTICIDE PROGRAMS

### Filing of Food Additive Petition

Inter-Regional Project 4 (IR-4) for the States of Idaho, Indiana, Oregon, Washington, Wisconsin, and the U.S. Department of Agriculture, has submitted a petition (FAP 8H5181) to the Environmental Protection Agency (EPA) which proposes that 21 CFR 193.331 be amended by establishing a regulation permitting the use of the herbicide paraquat (1,1'-dimethyl-4,4'-

bipyridinium ion) derived from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation) in or on spent peppermint hay and spent spearmint hay with a tolerance limitation of 3.0 parts per million (ppm) for residues. Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-579), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Inquiries concerning this petition may be directed to Special Registration Branch, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-755-2563. Written comments should bear a notation indicating the petition number "FAP 8H5181". Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 11, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 78-10434 Filed 4-17-78; 8:45 am]

# [6560-01]

[OPP-33000/539; FRL 884-21]

## RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

### Data to be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents,



EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington, D.C. 20460. In the case of applications subject to the Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, are being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data and wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, or (d) wishes to assert confidential status under Section 10 for his data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315  
PM 21 and 22—202/426-2454  
PM 24—202/755-2196  
PM 31—202/426-2635  
PM 33—202/755-9041  
PM 15, 16, and 17—202/426-9425  
PM 23—202/755-1397  
PM 25—202/426-2632

PM 32—202/426-9486  
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed by June 19, 1978. EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made by May 18, 1978. Registration will be delayed pending resolution of section 10 claims.

Dated: April 11, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

#### APPLICATIONS RECEIVED (OPP—33000/539)

EPA Reg. No. 52-23. West Chemical Products, Inc., 42-16 West Street, Long Island City, N.Y. 11101. WESCOL. Active Ingredients: Petroleum Neutral Oils, 40.0%; Soap, 20.0%; Petroleum Phenols, 17.0%; O-benzyl-p-chlorophenol, 7.5%; Isopropanol, 2.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32

EPA Reg. No. 100-437. Ciba-Geigy, Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409. PRINCEP 80W. Active Ingredients: Simazine: 2-chloro-4,6-bis (ethylamino)-s-triazine, 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM24

EPA Reg. No. 100-526. Ciba-Geigy. PRINCEP 4L. Active Ingredients: Simazine: 2-chloro-4,6-bis (ethylamino)-s-triazine, 41.9%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM24

EPA File Symbol 100-LOT. Ciba-Geigy. DUAL 8E. Active Ingredients: Metolachlor: 2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl), 86.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 100-LOI. Ciba-Geigy. CURACRON TECHNICAL. Active Ingredients: O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate 88.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA File Symbol 100-LOO. Ciba-Geigy. CURACRON 6E INSECTICIDE. Active Ingredients: O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate 59.8%. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA File Symbol 168-LNI. Wasatch Chemical Division, P.O. Box 6219, 1979 South 7th West, Salt Lake City, Utah 84106. WASCO BRAND CHLORDANE 75% SPRAY. Active Ingredients: Technical Chlordane 75.00%; Petroleum Hydrocarbons 19.80%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 438-AU. State Chemical Co., P.O. Drawer No. 310, Amarillo Tex. 79105. ALGAECIDE CONCENTRATE. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 438-AL. State Chemical Co. STACO-CIDE COOLING TOWER ALGICIDE. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 438-AA. State Chemical Co. ALGAECIDE 15 W. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 675-37. National Laboratories, Lehn & Fink Industrial Products Division of Sterling Drug, Inc., 225 Summitt Ave., Montvale, N.J. 07645. NEW LF-10 HOSPITAL DISINFECTANT CONCENTRATE. Active Ingredients: Potassium o-benzyl-p-chlorophenolate 9.4%; Isopropyl alcohol 4.2%; Sodium dodecylbenzene sulfonate 3.9%; Potassium O-phenylphenolate 2.9%; Tetrasodium ethylenediamine tetraacetate 2.4%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM32

EPA Reg. No. 984-57. Whitmoyer Laboratories, Inc., 1 Gibraltar Plaza, Horsham, Pa. 19044. WHITMOYER LARO. Active Ingredients: Soap 10%; Isopropanol 12.7%; O-benzyl-p-chlorophenolate 7%; o-phenylphenolate 6%; tetrasodium ethylene-diamine tetraacetate 1.5%; p-tertiary amylphenolate 1.0%; 38.2%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Formulation change. PM32

EPA File Symbol 1325-ON. Weil Chemical Co., Inc., 219 Scott St., Memphis, Tenn. 38112. A.W.T. ALGAECIDE. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 2125-TU. Science Products Co., Inc., 5801 N. Tripp Ave., Chicago, Ill. 60646. SCIENCE CLOVER MITE & RED SPIDER SPRAY (PUMP-TYPE). Active Ingredients: 1,1-bis(chlorophenyl)-2,2,2-trichloroethanol 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA Reg. No. 2724-227. Zoecon Industries, 12200 Denton Dr., Dallas, Tex. 75234. SPECIAL GOLDEN MALRIN SUGAR BAIT. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.125%; (Z)-9-Tricosene 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA File Symbol 4000-TN. Southern Chemical Products Co., P.O. Box 205, Macon, Ga. 31201. CHERRY DISINFECTANT BOWL CLEANER. Active Ingredients: Hydrogen Chloride 9.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 4000-TR. Southern Chemical Products Co. P&M DISINFECTANT CLEANER. Active Ingredients: Hydrogen Chloride 9.4%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 4816-LUU. Fairfield American Corp., 3932 Salt Rd., Medina, N.Y. 14103. SYNTHRIN HOUSE AND GARDEN INSECTICIDE 0.25%. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropane-carboxylate 0.250%; Related com-



pounds 0.034%; Aromatic Petroleum Hydrocarbons 0.032%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 9143-8. Chemscope Corp., 3200 East Randol Mill Rd., Arlington, Tex. 76011. HOSPITAL SPRAY TUBERCULOCIDAL DISINFECTANT DEODORANT. Active Ingredients: Orthophenylphenol 0.08%; Para-tertiary-aminophenol 0.02%; Ethyl Alcohol 53.46%; Essential Oils 0.44%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32

EPA Reg. No. 9143-20. Chemscope Corp., LEMON SCENTED SURFACE DISINFECTANT. Active Ingredients: Orthophenylphenol 0.08%; Parateritaryaminophenol 0.02%; Ethyl Alcohol 43.46%; Essential Oil 0.20%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32

EPA Reg. No. 9143-41. Chemscope Corp., HOSPITAL SURFACE DISINFECTANT ROOM DEODORIZER. Active Ingredients: Orthophenylphenol 0.08%; parateritaryaminophenol 0.02%; Ethyl Alcohol 53.46%; Essential oils 0.44%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32

EPA Reg. No. 9143-46. Chemscope Corp., PERSONAL PROTECTIVE EQUIPMENT SANITIZER. Active Ingredients: Orthophenylphenol 0.08%; Parateritaryaminophenol 0.02%; Ethyl Alcohol 53.46%; Essential Oil 0.20%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32

EPA Reg. No. 9143-48. Chemscope Corp., ORANGE SCENTED SURFACE DISINFECTANT. Active Ingredients: Orthophenylphenol 0.08%; Para-tertiary-aminophenol 0.02%; Ethyl Alcohol 53.46%; Essential Oils 1.00%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32

EPA File Symbol 9594-RL. International Chemical Corp., P.O. Box 15318, Sacramento, Calif. 95813. SAFE-N-SOFT. Active Ingredients: Octyl decyl dimethyl ammonium chloride 15.0%; Dioctyl dimethyl ammonium chloride 7.5%; Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

[FR Doc. 78-10435 Filed 4-17-78; 8:45 am]

[6560-01]

[OPP-33000/534; FRL 884-1]

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(FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the regulations governing the registration and registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

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Dated: April 11, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

## APPLICATIONS RECEIVED (OPP-33000/534)

EPA File Symbol 1023-AN. Upjohn Company, 7171 Portage Rd., Kalamazoo, Mich. 49001. ENIDE 90W, DIPHENAMID. Active Ingredients: Diphenamid (N,N-Dimethyl-2,2-diphenylacetamide) 90% W/W. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 4-ELU. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville, N.Y. 13495. BONIDE CRO-X. Active Ingredients: 3,5-Dimethyl-4-(methylthio) phenol methylcarbamate 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 100-437. CIBA-GEIGY, Agricultural Div., P.O. Box 11422, Greensboro, N.C. 27409. AQUAZINE. Active Ingredients: Simazine: 2-chloro-4,6-bis (ethylamino)-s-triazine 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM24

EPA Reg. No. 100-523. CIBA-GEIGY, Agricultural Div., P.O. Box 11422, Greensboro, N.C. 27409. TOLBAN 4E. Active Ingredients: Profluralin: N-(cyclopropylmethyl)-a,a,a-trifluoro-2,6-dinitro-N-propyl-p-toluidine 43.6%. Related compounds 1.9%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM24

EPA Reg. No. 100-583. CIBA-GEIGY, Agricultural Div., P.O. Box 11422, Greensboro, N.C. 27409. DUAL 6E HERBICIDE. Active Ingredients: Metolachlor: 2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl) acetamide 68.5%. Method of



Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM24

EPA Reg. No. 201-382. Shell Chemical Co., A Div. of Shell Oil Co., Agricultural Chemicals, San Ramon, Calif. 94583. **BLADEX 80 WETTABLE POWDER**. Active Ingredients: 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM25

EPA Reg. No. 239-186. Chevron Chemical Co., 940 Hensley St., Richmond, Calif. 94804. **ORTHO PARAQUAT CL**. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 239-2186. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond, Calif. 94804. **ORTHO PARAQUAT CL**. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use; Revised offer to pay statement submitted. PM25

EPA Reg. No. 239-2186. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond, Calif. 94804. **ORTHO PARAQUAT CL**. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use; Revised offer to pay statement submitted. PM25

EPA Reg. No. 239-2186. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond, Calif. 94804. **ORTHO PARAQUAT CL**. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 239-2257. Chevron Chemical Co., Ortho Div., San Francisco, Calif. 94119; Richmond, Calif. 94804. **ORTHO CITRUS INSECT SPRAY**. Active Ingredients: Ethion 10%, Petroleum Oil 75%. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA Reg. No. 270-REO. Farnam Cos., Inc., 6847 N. 16th St., Omaha, Nebr. 68112. **LUREM II, TRICOLURE, FLY ATTRACTANT**. Active Ingredients: Z-9 Tricosene 0.048%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA File Symbol 278-LU. Miami Products & Chemical Co., P.O. Box 486, Dayton, Ohio 45403. **SANYGEN CONCENTRATED ALGAECIDE**. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 299-ENU. C. J. Martin Co., 606 W. Main St., Nacogdoches, Tex. 75961. **DIPEL DUST, BACILLUS THURINGIENSIS**. Active Ingredients: *Bacillus thuringiensis*, Berliner, 320 International units of potency per mg. (0.15 billion International Units per pound). Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 352-317. E. I. Du Pont de Nemours & Co., (Inc.), Biochemicals Dept., Wilmington, Del. 19898. **SINBAR WEED KILLER**. Active Ingredient: Terbacil [3-

tert-butyl-5-chloro-6-methyluracil] 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 352-342. E. I. Du Pont de Nemours & Co., (Inc.), Biochemicals Dept., Wilmington, Del. 19898. **LANNATE INSECTICIDE FOR USE ON ASPARGUS**. Active Ingredient: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added pests. PM12

EPA Reg. No. 352-370. E. I. Du Pont de Nemours & Co., (Inc.), Biochemicals Dept., Wilmington, Del. 19898. **LANNATE L INSECTICIDE FOR USE ON ASPARGUS**. Active Ingredient: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added pests. PM12

EPA Reg. No. 352-382. E. I. Du Pont de Nemours & Co., (Inc.), Biochemicals Dept., Wilmington, Del. 19898. **LEXONE 4L METRIBUZIN WEED KILLER**. Active Ingredient: 4-Amino-6-(1,1-dimethyl-3-(methylthio)-1,2,4-triazin-5(4H)-one) 42.8%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA File Symbol 352-GH. E. I. Du Pont de Nemours & Co., (Inc.), Biochemicals Dept., Wilmington, Del. 19898. **DU PONT "VELPAR" DRY FLOWABLE WEED KILLER**. Active Ingredient: 3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1H,3H)-dione 60%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 359-AIU. Rhodia Inc., Agricultural Div., PO Box 125, Monmouth Junction, N.J. 08852. **RHODIA IPRIDONE TECHNICAL**. Active Ingredient: [3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinonecarboxamide] 95.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM21

EPA File Symbol 359-AIL. Rhodia Inc., Agricultural Div., PO Box 125, Monmouth Junction, N.J. 08852. **CHIPCO 28019**. Active Ingredient: [3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinonecarboxamide] 50.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA Reg. No. 400-107. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd. Bethany, Conn. 06525. **VITAVAX**. Active Ingredient: Carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) 34.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM21

EPA Reg. No. 400-116. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd. Bethany, Conn. 06525. **VITAVAX-R**. Active Ingredients: Carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) 17.0%; Thiram (tetramethylthiuram disulfide) 17.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added pest; Revised offer to pay statement. PM21

EPA Reg. No. 421-37. James Varley & Sons, Inc., Pharmaceutical Div., 1200 Switzer Ave., St. Louis, Mo. 63147. **QUIET PLEASE DISINFECTANT, DEODORANT**. Active Ingredients: 4-chloro-2-cyclopentylphenol 0.13%, p-tertiary-amyphenol 0.03%, isopropyl alcohol 58.32%. Method of Support: Application proceeds under 2(a) of interim policy. PM 32.

EPA Reg. No. 432-505. S. B. Penick & Co., 1050 Wall St. West., Lyndhurst, N.J. 07071. 24.3% SBP-1382-2 E.C. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 24.30%, related compounds 3.30%, aromatic petroleum hydrocarbons 66.40%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 506-RGA. O. E. Linck Co., Div. Walco Linck Corp., Clifton, N.J. 07015. **ANTCHEK ANT TRAP**. Active Ingredient: 2-(1-methylethoxy)phenol methylcarbamate .250%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New offer to pay statement submitted. PM12

EPA File Symbol 506-RGT. O. E. Linck Co., Div. Walco-Linck Corp., Clifton, N.J. 07015. **TAT ANT TRAP**. Active Ingredient: 2-(1-methylethoxy)phenol methylcarbamate .250%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New offer to pay statement submitted. PM12

EPA File Symbol 506-RGI. O. E. Linck Co., Div. Walco-Linck Corp., Clifton, N.J. 07015. **E-Z ANT TRAP**. Active Ingredient: 2-(1-methylethoxy)phenol methylcarbamate .250%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New offer to pay statement submitted. PM12

EPA Reg. No. 524-308. Monsanto Co., 800 N. Lindbergh Ave., St. Louis, Mo. 63166. **ROUNDUP**. Active Ingredient: Isopropylamine salt of Glyphosate 41.0%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM25

EPA Reg. No. 524-308. Monsanto Co., 800 N. Lindbergh Ave., St. Louis, Mo. 63166. **ROUNDUP**. Active Ingredient: Isopropylamine salt of Glyphosate 41.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA File Symbol 541-EAL. Puritan/Churchill Chemical Co., 916 Ashby St., NW., Atlanta, Ga. 30318. **PURITAN #6790**. Active Ingredients: Isopropanol 13.65%, para-tertiary-amyphenol 7.35%, ortho-Phenylphenol 2.91%, Tetrasodium ethylene diamine tetraacetate 2.85%, Triethanolamine dodecylbenzenesulfonate 2.70%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 618-ON. Merck & Co., Inc., Box 2000, Rahway, N.J. 07065. **ARBOTECT 20-R**. Active Ingredients: 2-(4-thiazolyl)benzimidazole hypophosphite 26.6% (equivalent to 20% 2-(4-thiazolyl)benzimidazole). Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA File Symbol 707-RGG. Rohm & Haas Co., Independence Mall Philadelphia, Pa. **KATHON WT 1.5**. Active Ingredients: 5-Chloro-2-methyl-4-isothiazolin-3-one 1.15%, 2-Methyl-4-isothiazolin-3-one 0.35%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR DOC. 78-10436 Filed 4-17-78; 8:45 am]



[6560-01]

[PP 7G1998/T147; FRL 883-51]

HIRSUTELLA THOMPSONII

## Establishment of a Temporary Exemption From Requirement of a Tolerance

Abbott Laboratories, 14th Street and Sheridan Road, North Chicago, Ill. 60064, submitted a pesticide petition (PP 7G1998) to the Environmental Protection Agency (EPA). This petition requested that a temporary exemption from the requirement of a tolerance be established for residues of the mycocaricide *Hirsutella thompsonii* in or on the raw agricultural commodities citrus and small fruits.

This temporary exemption from the requirement of a tolerance will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit that was issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

An evaluation of the scientific data reported and other relevant material showed that the requested temporary tolerance exemption would protect the public health. The temporary tolerance exemption has been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Abbott Laboratories must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance exemption expires February 24, 1979. Residues remaining in or on citrus and small fruits after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance exemption. This temporary tolerance exemption may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Special Registrations Branch, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M Street SW., Washington, D.C. 20460, 202-755-4851.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: April 7, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 78-10441 Filed 4-17-78; 8:45 am]

[6560-01]

[PP 6G1839/T146; FRL 883-41]

METHYL 2-[4-(2,4'-DICHLOROPHENOXY)-PHENOXY] PROPANOATE

## Renewal of a Temporary Tolerance

On February 4, 1977, the Environmental Protection Agency (EPA) announced (42 FR 6885) the establishment of a temporary tolerance for combined residues of the herbicide 2-[4-(2,4'-dichlorophenoxy)phenoxy] propanoate and its metabolite methyl 2-[4-(2,4'-dichlorophenoxy)phenoxy] propionic acid (determined as the herbicide) in or on the raw agricultural commodity soybeans (beans only) at 0.05 part per million (ppm). This tolerance was established (42 FR 6885) in response to a pesticide petition (PP 6G1839) submitted by American Hoechst Corp., Agricultural Chemicals Division, Route 202-206, North Somerville, N.J. 08876. This tolerance expired January 31, 1978.

American Hoechst Corp. requested a one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permit that was renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been renewed on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. American Hoechst Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires February 23, 1979. Residues not in

excess of 0.05 ppm remaining in or on soybeans after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to the Special Registrations Branch, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M Street SW., Washington, D.C. 20460, 202-755-4851.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: April 7, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 78-10440 Filed 4-17-78; 8:45 am]

[6560-01]

[PP3G1359/T144; FRL 883-21]

SODIUM AZIDE

## Renewal of Temporary Tolerances

On May 12, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 19376) that in response to a pesticide petition (PP 3G1359) submitted to the Agency by PPG Industries, Inc., Chemical Division, One Gateway Center, Pittsburgh, Pa. 15222, temporary tolerances were established for residues of the fungicide sodium azide (expressed as the azide ion (N<sub>3</sub>)) in or on the raw agricultural commodities peanuts and peanut hulls at 0.1 part per million (ppm). These temporary tolerances expired May 4, 1977.

PPG Industries, Inc., requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that was renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:



1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. PPG Industries, Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire February 23, 1979. Residues not in excess of 0.1 ppm remaining in or on peanuts and peanut hulls after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Special Registrations Branch, Registration Division (WH567), Office of Pesticide Programs, Room 315, East Tower, 401 M Street SW., Washington, D.C. 20460, 202-755-4851.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: April 7, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 78-10438 Filed 4-17-78; 8:45 am]

#### [6560-01]

[PP 561581/T145; FRL 883-31]

#### 2-CHLORO-1-(3-ETHOXY-4-NITROPHENOXY)-4-(TRIFLUOROMETHYL)BENZENE

##### Extension of Temporary Tolerances

On June 22, 1977, the Environmental Protection Agency (EPA) gave notice (42 FR 31643) that in response to a pesticide petition (PP 5G1581) submitted to the Agency by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, temporary tolerances were established for combined residues of the herbicide 2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodities corn and soybeans at 0.05 part per million (ppm). These temporary tolerances are scheduled to expire June 4, 1978.

Rohm & Haas Co. requested a one-year extension of these temporary to-

lerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that was extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated, and it was determined that an extension of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been extended on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm & Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire June 4, 1979. Residues not in excess of 0.05 ppm remaining in or on corn and soybeans after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Special Registrations Branch, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M Street SW., Washington, D.C. 20460, 202-755-4851.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: April 7, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 78-10439 Filed 4-17-78; 8:45 am]

#### [6560-01]

[PP 4G1501/T90; FRL 883-61]

#### TRIFLURALIN

##### Renewal of a Temporary Tolerance

On February 2, 1976, the Environmental Protection Agency (EPA) gave

notice (41 FR 4852) that in response to a pesticide petition (PP4G1501) submitted to the Agency by Elanco Products Co., division of Eli Lilly & Co., P.O. Box 1750, Indianapolis, Ind. 46206, a temporary tolerance was established for residues of the herbicide trifluralin (alpha, alpha, alpha-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) in or on the raw agricultural commodity asparagus at 0.05 part per million (ppm). Both this temporary tolerance and the experimental use permit expired January 13, 1977.

Elanco Products Co. has requested a one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permit that is being renewed concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material have been evaluated. A nitrosamine compound, which is a suspect carcinogen, appears in the formulation as an impurity. However, no residues of the compound are present at detectable levels in the raw agricultural commodity. Thus, it has been determined that a renewal of the temporary tolerance will protect the public health. Therefore, the temporary tolerance is renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Elanco Products Co., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 11, 1979.

Residues not in excess of 0.05 ppm remaining in or on asparagus after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)



Dated: April 11, 1978.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 78-10442 Filed 4-17-78; 8:45 am]

[6712-01]

# FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-453]

## COMMON CARRIER SERVICES INFORMATION

### International and Satellite Radio Applications Accepted for Filing

APRIL 3, 1978.

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, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1). Effective March 6, 1978, all applications accepted for filing will be assigned call signs. However these assignments are for administrative purposes only and do not in any way prejudice Commission actions.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WILLIAM J. TRICARICO,  
Secretary.

### SATELLITE COMMUNICATIONS SERVICES

- WI-440-DSE-TC-78 Fox Cities Communications, Inc., Appleton, Wis. (KF37). Application for consent of transfer of control of this station from Fox Cities Communications, Inc., to American Television & Communications Corp.
- AL-441-DSE-TC-78 Birmingham Cable Communications, Inc., Birmingham, Ala. (WG28). Application for consent of transfer of control of this station from Birmingham Cable Communications, Inc., to American Television & Communications Corp.
- OK-442-DSE-TC-78 Norman Cable TV, Inc., Norman, Okla. (KF43). Application for consent of transfer of control of this station from Norman Cable TV, Inc., to American Television & Communications Corp.
- LA-443-DSE-TC-78 Caddo-Bossier Cablevision, Inc., Shreveport, La. (KD51). Application for consent of transfer of control of this station from Caddo-Bossier Cablevision, Inc., to American Television & Communications Corp.
- 444-DSE-TC-78 American Cablevision of Carolina, Inc. The following stations have applications for consent of transfer of control from American Cablevision of Carolina, Inc., to American Television & Communications Corporation: WB89-Savannah, Ga.; WG23-Reading, Pa.; WG32-Greensboro, N.C.; WG60-Raleigh, N.C.; WG86-Charlotte, N.C.
- 447-DSE-AL-(11)-78 American Television & Communications Corp. (old). The fol-

lowing stations have applications for consent of assignments of licensees from: American Television & Communications Corp. (old), to American Television & Communications Corp. (new): KG23-El Dorado, Ark.; KD47-San Diego, Calif.; WB71-Winter Park, Fla.; WD53-Marion, Ind.; WF88-Terre Haute, Ind.; KD80-W. Monroe, La.; WG40-Tawas, Mich.; WB46-Jackson, Miss.; WG66-Lexington, Tenn.; WB88-Charleston, W. Va.; and KF51-Beloit, Wis.

30077-C3-P/L-78 The Offshore Telephone Co. (developmental). Authority to construct temporary fixed international high frequency radio telephone service stations to be located on temporary fixed platforms in the Atlantic area known as the Baltimore Canyon. Operating frequencies: 1690.0KHz, 6A3B, 1696.0KHz, 6A3B, 2243.5KHz, 3A3B, 2458.0KHz, 6A3B, 3158.0KHz, 6A3B, and 3170.0KHz, 6A3B. Emissions.

30078-C3-P-78 The Offshore Telephone Co., Pleasantville, N.J. Authority to construct a new central office international high frequency radio telephone service stations located at this location. Lat. 39°24'46" N., Long. 74°31'23" W. Operating frequencies and emissions are: 1690.0KHz, 6A3B, 3158.0KHz, 6A3B, and 3170.0KHz, 6A3B.

12-DSS-LA-78 Comsat General Corp. Authority to launch the third COMSTAR domestic satellite (KA28) and place it in orbit at 131.8° west longitude and to relocate the first COMSTAR domestic satellite (KS26) to 127.5° west longitude from 128° west longitude.

000382-DSE-P/L-78, KG75, American Television and Communications Corp. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Englewood, Arapahoe, Colo. 39°34'19" N. Lat., 104°51'35" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 5 meters, Scientific Atlanta model 8008B.

000437-DSE-P/L-78, KG94, Theta Cable of California. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Santa Monica, Los Angeles, Calif. 34°1'53" N. Lat. 118°27'49" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 4.5 meters, Andrew Corp. model ESA5-4HP.

000435-DSE-P/L-78, KG96, Caprock Cable Television Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Crosbyton, Crosby, Tex. 33°39'43" N. Lat. 101°14'40" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 6 meters, USTC model Sat/Flec-2.

000449-DSE-P/L-78, KG98, Sisseton Cable TV. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Sisseton, Roberts, S. Dak. 45°39'2" N. Lat., 97°8'50" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 5 meters, Scientific Atlanta model 8008B.

000457-DSE-P/L-78, KG99 La Junta Associates. Application for authority to construct and operate new Earth station. Ser-

vice: Domestic fixed satellite. Class of station: Fixed Earth station. Location: La Junta, Otero, Colo. 37°57'56" N. Lat., 103°32'48" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 4.5 meters, Andrew model ESA5-4HP.

000458-DSE-P/L-78, KH20, The Christian Broadcasting Network, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Dallas, Dallas, Tex. 32°35'02" N. Lat., 96°58'17" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW, 00DBW. Antennas: 10 meters, Scientific Atlanta model 8002B. This is a major application within the meaning of sec. 1.1305 of the rules on environmental processing.

000461-DSE-P/L-78, KH21, WY-DAK, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Edgemont, Fall River, S. Dak. 43°17'53" N. Lat., 103°50'11" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 4.5 meters, Hughes model ESA5-4HP.

000439-DSE-P/L-78, WH21, Elizabeth City Video, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Elizabeth City, Pasquotank, N.C. 36°18'30" N. Lat., 176°15'40" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 5 meters, Scientific Atlanta model 8008B.

000438-DSE-P/L-78, WH22, Valley Antenna Systems, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Piqua, Miami, Ohio 40°7'46" N. Lat., 84°14'45" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 5 meters, Scientific Atlanta model 8008B.

000456-DSE-P-78, WH23, The Christian Broadcasting Network, Inc. Application for authority to construct Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Boston, Suffolk, Mass. 42°18'10" N. Lat., 71°13'5" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 10 meters, Scientific Atlanta model 80083. This is a major application within the meaning of sec. 1.1305 of the rules on environmental processing.

000459-DSE-P/L-78, WH24, American Television and Communications Corp. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Henderson, Chester, Tenn. 35°26'32" N. Lat., 88°39'27" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 5 meters, Scientific Atlanta model 8008B.

000456-DSE-P-78, WH23, The Christian Broadcasting Network, Inc. Application for authority to construct Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Atlanta, De Kalb, Ga. 33°48'25" N. Lat., 84°20'28" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 10 meters, Scientific Atlanta model 8003-1. This is a major application within the meaning of sec. 1.1305 of the rules on environmental processing.



000436-DSE-P/L-78, KG95, American Television and Communications Corp. Application for authority to construct Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Cannon City, Fremont, Colo. 38°25'07" N. Lat., 105°11'08" W. Long. Particulars of Operation: 3700.000-4200.000 MHz, 36000F9, Emission. Antennas: 5 meter antenna, Scientific Atlanta model 8008.

[FR Doc. 78-10400 Filed 4-17-78; 8:45 am]

# [6720-01]

## FEDERAL HOME LOAN BANK BOARD

[H. C. No. 243]

### SUNWOOD CORP.

Receipt of Application for Permission To Acquire Control of Loveland Savings & Loan Association, Loveland, Colo.

APRIL 13, 1978.

Notice is hereby given that the Federal Savings & Loan Insurance Corp. has received an application from the Sunwood Corp. for approval of acquisition of control of Loveland Savings & Loan Association, Loveland, Colo., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), as § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of shares of at least 80 percent of the permanent stock of Loveland Savings & Loan Association by means of a cash tender offer. Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 18, 1978.

RONALD A. SNIDER,  
Assistant Secretary,

Federal Home Loan Bank Board.

[FR Doc. 78-10405 Filed 4-17-78; 8:45 am]

# [6720-01]

[H. C. No. 244]

### TRANSWESTERN UNITED CORP.

Receipt of Application for Permission To Acquire Control of Home Savings Association, Odessa, Tex.

APRIL 13, 1978.

Notice is hereby given that the Federal Savings & Loan Insurance Corp. has received an application from Transwestern United Corp. for approval of acquisition of control of Home Savings Association, Odessa, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding

Companies, said acquisition to be effected through the purchase of shares of the capital stock of Home Savings Association for cash. Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 18, 1978.

RONALD A. SNIDER,  
Assistant Secretary,

Federal Home Loan Bank Board.

[FR Doc. 78-10406 Filed 4-17-78; 8:45 am]

# [6720-01]

[H. C. No. 242]

### WESTERN FINANCIAL CORP.

Receipt of Application for Permission To Acquire Control of Western Savings Association, Pratt, Kans., and Larned Savings & Loan Association, Larned, Kans.

APRIL 13, 1978.

Notice is hereby given that the Federal Savings & Loan Insurance Corp. has received an application from Western Financial Corp. for approval of acquisition of control of Western Savings Association, Pratt, Kans. ("Western"), and Larned Savings & Loan Association, Larned, Kans. ("Larned"), both insured institutions, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisitions to be effected through an exchange of shares and cash purchase from Western's reserve Stockholders and a purchase of all of the guaranty stock of Larned. Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 18, 1978.

RONALD A. SNIDER,  
Assistant Secretary,

Federal Home Loan Bank Board.

[FR Doc. 78-10407 Filed 4-17-78; 8:45 am]

# [1505-01]

## FEDERAL MARITIME COMMISSION

### JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreements, Filed

#### Correction

In FR Doc. 7-9576 appearing at page 15189 in the issue for Tuesday, April 11, 1978, on page 15189, in the third column, in the 11th line, the date "May 17, 1978" should be changed to "May 1, 1978".

# [1610-01]

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

#### Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on April 11, 1978 (NRC), and April 12, 1978 (CAB). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB and NRC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before May 8, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

#### CIVIL AERONAUTICS BOARD

The CAB requests clearance of a new, single-time request to be sent to certificated air carriers seeking information regarding the average number of flight attendants assigned in scheduled service to the first class and coach compartments of each aircraft type by entity and the average cost for each entity of complimentary food and refreshment for a first class, coach and nonscheduled passenger. The CAB states that collection of this type of information is authorized by section 407 of the Federal Aviation Act and that the information will be used in developing unit rates for the Board's standardized costing methodologies. The CAB estimates respondents will number approximately 36 and that reporting time will average 30 minutes per response.

#### NUCLEAR REGULATORY COMMISSION

The NRC requests an extension without change clearance of 10 CFR part 140, Financial Protection Requirements and Indemnity Agreements, sections 140.6, 140.15(a), 140.15(b), 140.17, 140.20(c), and 140.21 containing reporting requirements.



Section 140.6 requires that licensees submit a report to NRC in the event of property damage or bodily injury occurring as a result of NRC-licensed activities. Section 140.15(a) requires those licensees who choose to maintain financial protection in the form of liability insurance required pursuant to section 170b of the Atomic Energy Act of 1954, as amended, to submit to NRC proof of their financial protection. Section 140.15(b) requires proof of financial protection for those licensees who choose to maintain financial protection in the form of the licensee's own resources pursuant to section 170b of the Atomic Energy Act of 1954, as amended, to be submitted to NRC. Section 140.17 requires that licensees submit to NRC proof that insurers are legally authorized to issue liability policies and that, upon expiration of such policies, licensees shall inform NRC of renewal of such policies. Section 140.20(c) specifies that licensees who indicate that they will not be paying retrospective premium assessments immediately submit their financial statements to NRC. Section 140.21 requires licensees to submit to NRC copies of any one of several financial devices to guarantee a licensee's payment of a retrospective premium assessment. The NRC estimates that respondents will number approximately 80 and that reporting time will average 10 hours per response for section 140.6; 1 hour per response for section 140.15(a); and 10 hours per response for section 140.21. To date, no licensee has chosen the alternatives provided by sections 140.15(b) and 140.20(c). NRC states that the provisions of section 140.17 would only become operable if and when a new insurance carrier enters the market.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

[FR Doc. 78-10424 Filed 4-17-78; 8:45 am]

[4110-89]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistant Secretary for Education

### COMMENTS ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Center for Education Statistics, and the U.S. Office of Education have proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to

comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before May 18, 1978, and should be addressed to Administrator, National Center for Education Statistics, Attn: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: April 13, 1978.

MARIE D. ELDRIDGE,  
Administrator, National Center  
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### DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity.—Institutional Characteristics of Colleges and Universities: 1978-79.

2. Agency/bureau/office.—National Center for Education Statistics.

3. Agency form number.—NCES 2300-1.

4. Legislative authority for this activity.—" \* \* \* The (National) Center (for Education Statistics) shall \* \* \* collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States \* \* \* " (Sec. 501(a) of Pub. L. 93-380; sec. 406(g) of the General Education Provisions Act, 20 U.S.C. 1221 e-1.)

5. Voluntary/obligatory nature of response.—Voluntary.

6. How information collected will be used.—The information will be used for policy planning and analysis by the whole education community, leading to further research and development. Information pertaining to the accreditation status of institutions and programs is utilized by both private and governmental agencies.

7. Data acquisition plan.—(a) Method of collection: Mail; (b) time of collection: Spring 1978; (c) frequency: Annually.

8. Respondents.—(a) Type: Colleges and Universities; (b) number: 3,277; (c) estimated average man-hours per respondent: 0.5.

9. Information to be collected.—This survey will collect data from institutions of

higher education in the United States and its outlying areas. These data include name, address, telephone number, identification of parent institution or system (if applicable), enrollment, county and congressional district locations, FICE identification code, entity number, data established, accreditations (national, professional, and other), control or religious affiliation, sex of student body, calendar system, highest level of offering, types of programs offered, date postsecondary and college work first offered, date first degrees or completion awards granted, summer and evening sessions offering courses creditable towards associate, baccalaureate, and postbaccalaureate degrees, minimum requirements for admission, chief administration officers, manpower code, and basic student charges.

### DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title.—Higher Education General Information Survey XIII: Earned Degrees and Other Formal Awards Conferred Between July 1, 1977, and June 30, 1978.

2. Agency/bureau/office.—National Center for Education Statistics/Division of Postsecondary and Vocational Education Statistics/University and College Surveys and Studies Branch.

3. Agency form number.—NCES Form 2300-2.1.

4. Legislative authority for this activity.—" \* \* \* The (National) Center (for Education Statistics) shall \* \* \* collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States \* \* \* " (Section 501(a) of Pub. L. 93-380; section 406(g) of the General Education Provisions Act, 20 U.S.C. 1221 e-1.)

5. Voluntary/obligatory nature of response.—Voluntary.

6. How information collected will be used.—These data are the only data concerned with manpower resultants of higher education that are collected and reported annually by the Center. They are needed on an annual basis for the development of the annual projections of earned degrees by the Statistical Information Branch of NCES. These projections are used in particular by the Department of Labor in preparing its annual projections of labor supply, and by the Congressional Research Service, in preparing information for the Congress, to be used by the members of Congress in assessing the changing and developing needs of our Nation with respect to higher education. The data also are used by State legislatures and by State agencies of higher education in their assessment of the needs of their States with respect to higher education.

National, regional, and State associations of higher education also use these data in assessing the changing and developing needs for higher education.

Guidance counselors in high schools, colleges, and universities use this information in advising students with respect to specific institutions where they might continue their formal studies in particular discipline divisions and specialties. Counselors in two-year community and junior colleges especially find this information very useful.

Personnel directors in government, business, and industry use this information to help them meet the requirements of Executive Order 11246, respecting the development and implementation of Affirmative



Action Plans and the Equal Opportunity Program for Women.

7. Data acquisition plan.—(a) Method of collection: Mail; (b) time of collection: Fall 1978; (c) frequency of collection: Annually.

8. Respondents.—(a) Type: Colleges and Universities; (b) number: 3,130; (c) estimated man-hours per respondent: 1.5.

9. Information to be collected.—The number of degrees and other formal awards conferred by colleges and universities, by level of degree, by discipline divisions and specialties, and by sex, for individual institutions of higher education.

#### DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity.—Fall Enrollment and Compliance Report of Institutions of Higher Education, 1978 survey.

2. Agency/bureau/office.—National Center for Education Statistics/Division of Postsecondary and Vocational Education Statistics/University and College Surveys and Studies Branch.

3. Agency form number.—NCES 2300-2.3.

Public Law	Program	Data required
Public Law 89-329, title IV C	College work study program.	Total full-time enrollment in higher education including proprietary schools. Total estimated high school graduates, related children under 18 in families less than \$3,000 p.a.
Public Law 89-329 as amended by Public Law 92-318 title IV—A, subpt. 3.	State incentive grants.	Total enrollment in higher institutions including proprietary schools.
Public Law 89-329, title IV, pt. E.	Direct loans to students.	Total full-time enrollment in higher education including proprietary schools.
Public Law 89-329 as amended by Public Law 92-318, sec. 601(b) equipment and remodeling, sec. 601(c) TV equipment and remodeling.	Equipment and remodeling.	F.T. & F.T.E. of degree-credit and non-degree-credit enrollment excluding proprietary schools in HEL.
Public Law 89-329 as amended by Public Law 92-318, title IV, pt. A, subpt. 2.	Supplemental educational opportunity grants, initial year awards.	Total full-time and full-time-equivalent degree-credit and non-degree-credit enrollment in institutions of higher education and full-time and full-time-equivalent enrollment in proprietary schools.
Public Law 89-329, title X, pt. A-2.	Community colleges and occupational education; establishment and expansion of community colleges.	Population 18 and over as of Apr. 1, 1970.
Public Law 89-329 as amended by H. E. Act, title I pt. A.	Community services and continuing education.	Total resident population.

2. Fall Enrollment data are also used to provide full and complete statistics on the condition of education in the United States, not only in their absolute form as standards of measurement and comparison, and in making projections, but also in combination with other educational variables to calculate indices and perform other analyses. In addition, these enrollment data are used by other Federal agencies, by Congress, by State education agencies, by institutions of higher education, by private education associations and organizations, by market and other research firms and individuals, and by students.

3. The race/ethnic and field of study data grouped by the various enrollment categories are used by the Office for Civil Rights to insure that institutions of higher education in the United States eligible to receive

4. Legislative authority for this activity.—“\* \* \* The (National) Center (for Education Statistics) shall \* \* \* collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States \* \* \*” (Sec. 501(a) of Pub. L. 93-380; sec. 406(g) of the General Education Provisions Act, 20 U.S.C. 1221 e-1.) The execution of Pub. L. 89-329, as amended requires the use of college enrollment data in making formula allotments in college work-study programs, state incentive grants, direct loans to students, equipment and remodeling, and others.

5. Voluntary/obligatory nature of response.—Mandatory: For those institutions subject to the requirements of title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972; voluntary for all other institutions.

6. How information collected will be used.—1. The execution of Pub. L. 89-329, as amended, requires the making of formula allotments based upon the data collected from the Fall Enrollment Survey. More specifically the formula allotment programs using higher education survey data are:

9. Information to be collected.—Numbers of students enrolled in institutions of higher education by sex, and by level of enrollment, and by race, and by field of study.

#### DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity.—Survey of Salaries, Tenure, and Fringe Benefits of Full-Time Instructional Faculty in Institutions of Higher Education, 1978-79.

2. Agency form number.—NCES 2300-3.

3. Agency/bureau/office.—National Center for Education Statistics.

4. Legislative authority for this activity.—“\* \* \* the (National) Center (for Education Statistics) shall \* \* \* collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States \* \* \*” (Sec. 501(c) of Pub. L. 93-380; sec. 406(g) of the General Education Provisions Act, 20 U.S.C. 1221e-1.)

5. Voluntary/obligatory nature of response.—Voluntary.

6. How information to be collected will be used.—Data are used by: (1) State agencies to make comparisons between States; (2) institutions to make comparisons between institutions and in the preparation of budget requests; (3) faculty unions and institutions in salary negotiations; (4) national associations to evaluate the changes in the Consumer Price Index; (5) Bureau of Labor Statistics in making projections of salary levels for faculty; (6) researchers developing price indexes, and other analytical tools, for post-secondary education.

7. Data acquisition plan.—(a) Method of collection: Mail; (b) time of collection: October 1978/January 1979; (c) frequency: Annually.

8. Respondents.—(a) Type: Colleges and Universities; (b) number: 3,100; (c) estimated average man-hours per respondent: 8.0 hours.

9. Information to be collected.—Number of full time faculty, by salary level, by occupational category; average salaries and fringe benefits paid to full time faculty in institutions of higher education.

#### DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity.—Higher Education General Information Survey of Financial Statistics of Institution of Higher Education for Fiscal Year Ending 1978.

2. Agency/bureau/office.—National Center for Education Statistics/University and College Surveys and Studies Branch.

3. Agency form number.—NCES 2300-4.

4. Legislative authority for this activity.—“\* \* \* the (National) Center (for Education Statistics) shall \* \* \* collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States \* \* \*” (Sec. 501(c) of Pub. L. 93-380; sec. 406(g) of the General Education Provisions Act, 20 U.S.C. 1221e-1.)

7. Data acquisition plan.—(a) Method of collection: Mail; (b) time of collection: October-December 1978; (c) frequency: Annually.

8. Respondents.—(a) Type: Colleges and universities; (b) number: 3,130; (c) estimated average man-hours per respondent: 2.0 hours.



5. Voluntary/obligatory nature of response.—Voluntary.

6. How information to be collected will be used.—The ways in which the data are used include the following: (1) State and regional agencies to make comparisons between States; (2) institutions to make comparisons between institutions, to prepare budget requests, and to evaluate resource management; (3) the U.S. Bureau of the Census to report on State and local governments' finances; (4) the Boston Company to report on the performance of college and university endowments; (5) the U.S. Bureau of Economic Analysis to study the size, growth, and indebtedness of physical plant; (6) education associations, researchers, and individuals to assess the financial condition of institutions, to develop price indexes, and other analytical tools.

7. Data acquisition plan.—(a) Method of collection: Mail; (b) time of collection: October 1978/March 1979; (c) frequency: Annually.

8. Respondents.—(a) Type: Colleges and Universities; (b) number: 3,100; (c) estimated average man-hour per respondent: 2.0 hours.

9. Information to be collected.—(a) Current funds revenues by source; (b) current funds expenditures by function; (c) physical plant assets by type of asset; (d) indebtedness on physical plant by balance and transaction; (e) details of endowment assets by balance and transaction; (f) statement of changes in fund balances by type of fund; (g) additional data needed by the U.S. Bureau of the Census on the following: (1) revenues and expenditures items; (2) debt outstanding, issued, and retired; and (3) cash and security holdings by type of asset.

#### DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity.—Survey of Adult and Continuing Education Activities in Colleges and Universities, 1977-78.

2. Agency/bureau/office.—National Center for Education Statistics.

3. Agency form number.—NCES 2300-8.

4. Legislative authority for this activity.—“\* \* \* The (National) Center (for Education Statistics) shall \* \* \* collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States \* \* \*” (Sec. 501(a) of Pub. L. 93-380; 20 U.S.C. 1221e-1.)

5. Voluntary/obligatory nature of the response.—Voluntary.

6. How information to be collected will be used.—Information collected from colleges and universities in the sample will be used to develop national estimates on the number of institutions offering adult and continuing education activities, on the number of registrations in those activities, the types of courses or activities involved, and how institutions administer and staff these programs. Taken in conjunction with information from prior surveys in this series, the data will be used to provide a clearer picture of trends in this field. Post-secondary education planners will use the data to develop better programs to serve adult, part-time learners.

7. Data acquisition plan.—(a) Method of collection: Mail; (b) time of collection: June-September 1978; (c) frequency: Biannually.

8. Respondents.—(a) Type: Colleges and universities; (b) number: 500; (c) estimated average man-hours per respondent: 2 hours.

9. Information to be collected.—(a) Extent to which colleges and universities offer adult and continuing education activities; (b) identification of units on the campus responsible for this activity; (c) number of registrations in adult and continuing education programs; (d) sources of teachers for these activities; (e) subjects or types of activities involved; (f) provisions for special services for the elderly.

#### DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activities.—Application for State Capacity-Building Grants (to improve statistical activities in State Education Agencies).

2. Agency/bureau/office.—National Center for Education Statistics.

3. Agency form number.—NCES 2413.

4. Legislative authority for this activity.—The Center shall “assist State and local educational agencies in improving and automating their statistical and data collection activities” (Pub. L. 93-380, sec. 501(a)). “In order to carry out the objectives of the Center, the Assistant Secretary is authorized, either directly or by grant or contract, to carry out the purposes set forth in subsection (b), and for that purpose the Assistant Secretary is authorized to make grants to, and contracts with public and private institutions, agencies, organizations, and individuals.” (Pub. L. 93-380, sec. 501(a)).

5. Voluntary/obligatory nature of response.—Required to obtain benefits.

6. How information to be collected will be used.—The information collected will be used to rate and rank the applications, and to determine the amount of the grant awards.

7. Data acquisition plan.—(a) Method of collection: Mail; (b) time of collection: Summer 1978; (c) frequency: Annually.

8. Respondents.—(a) Type: State Educational Agencies; (b) number: Maximum of 57; (c) estimated average number manhours to complete: 40 hours.

9. Information to be collected.—A State Education agency that wishes to apply for a capacity-building grant is required to submit the following information: (a) General information: This includes such items as name and address of State agency, title and telephone number of authorized agency representatives, and descriptive name of the proposed project; (b) budget data: The application should include a budget request broken out by the following object class categories: personnel fringe benefits, travel, equipment, supplies, purchased services, other direct charges, and indirect charges; (c) program narrative: This narrative need not be lengthy; it is suggested that about 10 to 15 typewritten pages could adequately provide the following information:

(1) A brief description of the current statistical activities of the State education agency. (“Statistical activities” are those activities concerned with collecting, processing, analyzing or reporting statistical data on education.); (2) a brief description of how the project will be incorporated into the organizational structure of the State education agency; (3) a detailed description of the proposed project, including the overall objectives to be achieved, activities and procedures, management plan (e.g. time schedule, quarterly milestones), project staff and long-term benefits of the project.

(d) Assurances: The applicant agency must provide assurances that it will comply with the regulations, policies, guidelines and requirements that relate to the application, acceptance and use of Federal funds.

#### DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity.—Annual Program Plan under part B of the Education of the Handicapped Act as amended by Pub. L. 94-142.

2. Agency/bureau/office.—Department of Health, Education, and Welfare/U.S. Office of Education/Bureau of Education for the Handicapped/Division of Assistance to States.

3. Agency form number.—OE 9055.

4. Legislative authority for this activity.—Section 612 (20 U.S.C. 1412) and 613 (20 U.S.C. 1413) of Pub. L. 94-142 constitute the basis of authority for this activity. These sections are quoted below in their entirety. Section 612 addresses the conditions of eligibility a State must meet in order to qualify for assistance and Section 613 deals with State Plan requirements. Section 612: “\* \* \* In order to qualify for assistance under this part in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met:

“(1) The State has in effect a policy that assures all handicapped children the right to a free appropriate public education.

“(2) The State has developed a plan pursuant to section 613(b) in effect prior to the date of the enactment of the Education for All Handicapped Children Act of 1975 and submitted not later than August 21, 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that—

“(A) There is established: (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal;

“(B) A free appropriate public education will be available for all handicapped children between the ages of 3 and 18 within the State not later September 1, 1978, and for all handicapped children between the ages of 3 and 21 within the State not later than September 1, 1980, except that, with respect to handicapped children aged 3 to 5 and aged 18 to 21, inclusive, the requirements of this clause shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State;

“(C) All children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

“(D) Policies and procedures are established in accordance with detailed criteria prescribed under section 617(c); and

“(E) The amendment to the plan submitted by the State required by this section



shall be available to parents, guardians, and other members of the general public at least 30 days prior to the date of submission of the amendment to the Commissioner.

"(3) The State has established priorities for providing a free appropriate public education to all handicapped children, which priorities shall meet the timetables set forth in clause (B) of paragraph (2) of this section, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education, and has made adequate progress in meeting the timetables set forth in clause (B) of paragraph (2) of this section.

"(4) Each local educational agency in the State will maintain records of the individualized education program for each handicapped child, and such program shall be established, reviewed, and revised as provided in section 614(a)(5).

"(5) The State has established: (A) procedural safeguards as required by section 615, (B) procedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, and (C) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

"(6) The State educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for handicapped children within the State, including all such programs administered by any other State or local agency, will be under the general supervision of the persons responsible for educational programs for handicapped children in the State educational agency and shall meet education standards of the State educational agency.

"(7) The State shall assure that: (A) in carrying out the requirements of this section procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children, and (B) there are public hearings, adequate notice of such hearings, and an opportunity for comment available to the general public prior to adoption of the policies, programs, and procedures required pursuant to the provisions of this section and section 613 \* \* \* (20 U.S.C. 1412). Section 613: "Sec. 613(a) Any State meeting the eligibility requirements set forth in section 612 and desiring to participate in the program under this part shall submit to the Commissioner, through its State educational agency, a State plan at such time, in such manner,

and containing or accompanied by such information, as he deems necessary. Each such plan shall—

"(1) Set forth policies and procedures designed to assure that funds paid to the State under this part will be expended in accordance with the provisions of this part, with particular attention given to the provisions of sections 611(b), 611(c), 611(d), 612(2), and 612(3);

"(2) Provide that programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including section 121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241c-2), section 305(b)(8) of such Act (20 U.S.C. 844a(b)(8)) or its successor authority, and section 122(a)(4)(B) of the Vocational Education Act of 1963 (20 U.S.C. 1262(a)(4)(B)), under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the law governing such Federal programs;

"(3) Set forth, consistent with the purposes of this Act, a description of programs and procedures for: (A) The development and implementation of a comprehensive system of personnel development which shall include the inservice training of general and special educational instructional and support personnel, detailed procedures to assure that all personnel necessary to carry out the purposes of this Act are appropriately and adequately prepared and trained, and effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and (B) adopting, where appropriate, promising educational practices and materials development through such projects;

"(4) Set forth policies and procedures to assure—

"(A) That to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under this part by providing for such children special education and related services; and

"(B) That: (i) handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized educational program as required by this part) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all handicapped children within such State, and (ii) in all such instances the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies;

"(5) Set forth policies and procedures which assure that the State shall seek to re-

cover any funds made available under this part for services to any child who is determined to be erroneously classified as eligible to be counted under section 611(a) or section 611(d);

"(6) Provide satisfactory assurance that the control of funds provided under this part and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

"(7) Provide for: (a) making such reports in such form and containing such information as the Commissioner may require to carry out his functions under this part, and (B) keeping such records and affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part;

"(8) Provide procedures to assure that final action with respect to any application submitted by a local educational agency or an intermediate educational unit shall not be taken without first affording the local educational agency or intermediate educational unit involved reasonable notice and opportunity for a hearing;

"(9) Provide satisfactory assurance that Federal funds made available under this part: (a) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case to supplant such State and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the Commissioner may waive in part the requirement of this clause if he concurs with the evidence provided by the State;

"(10) Provide, consistent with procedures prescribed pursuant to section 617(a)(2), satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies and intermediate educational units;

"(11) Provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children (including evaluation of individualized education programs), in accordance with such criteria that the Commissioner shall prescribe pursuant to section 617; and

"(12) Provide that the State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents, or guardians of handicapped children, State and local education officials, and administrators of programs for handicapped children, which: (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this part, and (C) assists the State in developing and reporting such data and evaluations as may assist the Commissioner in the performance of his responsibilities under section 618.



"(b) Whenever a State educational agency provides free appropriate public education for handicapped children, or provides direct services to such children, such State educational agency shall include as part of the State plan required by subsection (a) of this section, such additional assurances not specified in such subsection (a) as are contained in section 614(a), except that funds available for the provision of such education or services may be expended without regard to the provisions relating to excess costs in section 614(a).

"(c) The Commission shall approve any State plan and any modification thereof which—

"(1) Is submitted by a State eligible in accordance with section 612; and

"(2) Meets the requirements of subsection (a) and subsection (b). The Commissioner shall disapprove any State plan which does not meet the requirements of the preceding sentence, but shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State (20 U.S.C. 1413).

5. Voluntary/obligatory nature of response.—Required to obtain benefits.

6. How information to be collected will be used.—Program management. The annual program plan is the application submitted to the Commissioner of Education from each State and outlying area desiring to receive grants under part B of the Education for All Handicapped Children Act of 1975. In the FY 1979 Annual Program Plan, States are permitted to include a section in their submission statement incorporating by reference items which were covered in the FY 1978 Annual Program Plan under part B. States are required to submit certifications, narrative descriptions of State policies and procedures needed for the implementation of Pub. L. 94-142 which were not covered in the FY 1978 Annual Program Plan, and statistical data.

The certifications by State educational agency officers authorized to submit the plan and by the State Attorney General show: (1) The plan has been adopted by the SEA; (2) that the plan will be the basis for operation and administration of the activities to be carried out in that State as required under part B of Pub. L. 94-142; (3) that the SEA has authority under State law to submit the plan and to administer or to supervise the administration of the plan; and (4) that all plan provisions are consistent with State law.

The information will be used as the basis for determining: (1) Compliance during site visits, (2) grant eligibility for each State, and (3) the kind of technical assistance that may be needed. The information will also be used to identify State and national needs facilities and services required to meet the full appropriate public education goal for handicapped children. (Pub. L. 94-142, sec. 618) and to "provide to the appropriate committees of each House of Congress and to the general public . . . programmatic information . . ." (Pub. L. 94-142, sec. 618(b)(1)). In summary, the information collected will be primarily used for determination of grant award, compliance enforcement, accountability to the Commissioner and technical assistance requirements.

7. Data acquisition plan.—(a) Method of collection: By mail; (b) time of collection: Spring; (c) frequency: Annually.

8. Respondents.—(a) Type: State educational agencies; (b) number: 57; (c) estimated average man-hours per respondent: 70 hours.

Information to be collected.—The information required to qualify for title VI, part B funding will be collected from the State educational agencies in the form of a submission statement, narrative descriptions of new procedures, and statistical information. The submission statement includes a section which gives the State the option of incorporating by reference items which appeared in the FY 1978 Annual Program Plan. The following sections may be incorporated by reference: The Submission Statement, the Right to Education Policy Statement, the Full Educational Policy Goal Statement, the Policy on Priorities, the Child Identification Policies and Procedures, the Individualized Education Program Policy, the Procedural Safeguards, the Least Restrictive Environment Procedures, the Protection in Evaluation Procedures, the procedures covering the Participation of Private School Children, the section covering Placement in Private School, the section covering the Recovery of Funds for Misclassified Children, the section covering the Hearing on LEA Applications, and the section on Annual Evaluation. If the policies and procedures stated in these items are still in effect, they may be incorporated into the Fiscal Year 1979 Annual Program Plan by referring to the pages where these requirements appear in the Fiscal Year 1978 Annual Program Plan.

The narrative portion of the FY 1979 Annual Program Plan will consist of the additions and changes to policies and procedures submitted to the Office of Education in the FY 1978 Annual Program Plan. The items submitted in this portion of the Annual Program Plan will vary from State to State. Additional information substantiating the State's efforts in implementing the requirements of Pub. L. 94-142 focus on: Public Participation Procedures, procedures for the review of an Individualized Education Program, Procedural Safeguards, Protection in Evaluation Procedures, procedures for a Comprehensive System of Personnel Development, procedures for the Participation of Private School Children, Monitoring Procedures, procedures to insure that the requirements regarding the Use of Funds are implemented, assurance that the requirements regarding Nondiscrimination and Employment of Handicapped Individuals are implemented, and procedures which assure that the requirements concerning Direct Services by the State Educational Agency are implemented.

The data information section of the FY 1979 Annual Program Plan consists of seven data tables. Three of these tables can be incorporated by reference from the FY 1978 Annual Program Plan: The Detailed Timetable, the State Personnel Summary of Projected Number of Personnel Needed to Meet the Full Educational Opportunities Goal During the 1977-78 School Year, and the State Personnel Summary of Projected Number of Personnel Needed to Meet the full Educational Opportunities Goal During the 1978-79 School Year. The remaining four tables require such data as: (1) The number of personnel employed during the 1977-78 school year by disability category, (2) the number of handicapped children within each disability receiving a free appropriate public education and the number of handicapped children who need and are not receiving a free appropriate public education, (3) the number of handicapped children within each ability who are participating in regular education programs and the

number who have been placed in separate classes or facilities, and (4) the number and types of personnel who will receive inservice training. The optional columns which were included in the FY 1978 data table covering the Least Restrictive Environment have been deleted (sec. 618(b)(1)(A-F)).

[FR Doc. 78-10411 Filed 4-17-78; 8:45 am]

#### [4110-86]

##### Center for Disease Control

#### IMMUNIZATION PRACTICES ADVISORY COMMITTEE

##### Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: May 11-12, 1978.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Ga. 30333.

Time: 8:30 a.m.

Type of meeting: Open.

Contact person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2118, Center for Disease Control, 1600 Clifton Road NE., Atlanta, Ga. 30333, phone 404-633-3311, extension 3701, FTS: 236-3701.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will continue its review of existing recommendations on vaccines of public health importance and proceed with their updating.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 11, 1978.

WILLIAM H. FOGEL,  
Director, Center for  
Disease Control.

[FR Doc. 78-10572 Filed 4-17-78; 8:45 am]

#### [4110-02]

##### Office of Education

#### ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

##### Public Meeting of the National

AGENCY: National Advisory Council on Equality of Educational Opportunity.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda of the forthcoming



meeting of the National Advisory Council on Equality of Educational Opportunity. It also describes the functions of the National Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C., Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

**DATE AND PLACE OF MEETING:** May 19-20, 1978, Washington, D.C.

**ADDRESS:** Hyatt Regency, 400 New Jersey Avenue NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:**

Rosemarie Maynez, Administrative Assistant, NACEEO, 1325 G Street NW., Suite 710, Washington, D.C. 20005, phone 202-724-0221.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII, as amended by Pub. L. 93-380 and Pub. L. 94-482). The Council is established to: (1) advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting, which is open to the public, will convene at 9:30 a.m. until 4:30 p.m. on Friday, May 19, 1978, and reconvene at 9:30 a.m. until 12 noon on Saturday, May 20, 1978. The meeting will be held to review the first draft of NACEEO's final report to the Assistant Secretary, discuss and take action on pending recommendations for fiscal year 1978, and present awards for service. A program delegate from the U.S. Office of Education, Equal Education Opportunity division, will also be in attendance and will give the Council an update on program activities.

Requests for oral presentations by the public before the Council must be submitted in writing to the Executive Director of NACEEO, Mr. Leo A. Lorenzo, and should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Following the presentation, the statement in writing shall be submitted to the Executive Director.

In the event that the tentative agenda is completed prior to the projected time, the Chairman will adjourn the meeting.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street

NW., Suite 710, Washington, D.C. 20005, and are available for public inspection.

Signed at Washington, D.C., on April 12, 1978.

LEO A. LORENZO,  
Executive Director.

[FR Doc. 78-10422 Filed 4-17-78; 8:45 am]

[4110-03]

Food and Drug Administration

[Docket No. 78N-0072]

# FOOD CHEMICALS CODEX MONOGRAPHS

## Opportunity for Public Comment on Revisions

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** This document announces an opportunity for public comment on pending changes in "Food Chemicals Codex," an agency-recognized compilation of specifications for substances used as food ingredients. Certain additions, changes, and corrections of the monographs are being prepared by the National Academy of Sciences/National Research Council (NAS/NRC) Subcommittee on Codex Specifications for publication in the third supplement of "Food Chemicals Codex," 2d Ed.

**DATE:** Comments by June 19, 1978. (The NAS/NRC Subcommittee on Codex Specifications advises that comments not received within this time period cannot be considered for the third supplement but will be considered for later editions.)

**ADDRESS:** Written comments to the Subcommittee on Codex Specifications, National Academy of Sciences (JH-224), 2101 Constitution Avenue NW., Washington, D.C. 20418.

**FOR FURTHER INFORMATION CONTACT:**

Durward F. Dodgen, Subcommittee on Codex Specifications, National Academy of Sciences (JH-224), 2101 Constitution Avenue NW., Washington, D.C. 20418, 202-389-6537, or Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

**SUPPLEMENTARY INFORMATION:** The Food and Drug Administration (FDA) provides research grants to the NAS/NRC to support preparation of "Food Chemicals Codex," a compilation of specifications for substances used as food ingredients.

The first edition of the "Food Chemicals Codex" (April 1966) was given FDA recognition by means of a

letter from the Commissioner of Food and Drugs. The letter stated in part:

The FDA will regard the specifications in "Food Chemicals Codex" as defining an appropriate food grade within the meaning of section 121.101(b)(3) (now § 182.1(b)(3)) and section 121.1000(a)(2) (now § 172.5(a)(2)) of the food additives regulations, subject to the following qualification: this endorsement is not construed to exempt any food chemical appearing in the "Food Chemicals Codex" from compliance with requirements of Acts of Congress or with regulations and rulings issued by the Food and Drug Administration under authority of such Acts.

Subsequently, "Food Chemicals Codex" was officially recognized by FDA when the definitions and procedural and interpretive regulations under § 170.30 (21 CFR 170.30), relating to eligibility of substances for classification as generally recognized as safe (GRAS), were revised and published in the FEDERAL REGISTER of June 25, 1971 (36 FR 12092).

The Commissioner now gives notice that the NAS/NRC Subcommittee on Codex Specifications is preparing to revise specifications for publication in the third supplement to the "Food Chemicals Codex," 2d Ed. The changes will be comprised of additions and corrections pertaining to specifications for food ingredients covered by the "Food Chemicals Codex," 2d Ed. and two supplements (1974 and 1975) issued to date.

The NAS/NRC Subcommittee on Codex Specifications invites comments and suggestions by all interested parties on the following substances proposed for revision:

Agar  
Alginate acid  
Ammonium alginate  
Ammonium chloride  
Ammonium saccharin  
Angelica seed oil  
Butadiene-styrene 75/25 rubber  
Butadiene-styrene 50/50 rubber  
Calcium alginate  
Calcium chloride  
Calcium oxide  
Calcium phosphate, dibasic  
Calcium phosphate, monobasic  
Calcium phosphate, tribasic  
Calcium pyrophosphate  
Calcium saccharin  
Calcium silicate  
Calcium sulfate  
Carmel  
Carmine  
Carrageenan  
Cellulose, powder  
Citric acid  
Diacyl tartaric acid esters of mono- and diglycerides  
Diatomaceous silica  
Enzyme preparations  
Ferric pyrophosphate  
Ferrous gluconate  
Fumaric acid  
Gibberellic acid  
Glycerin  
Iron, electrolytic  
Kaolin  
Kelp  
Lactic acid



L-Lysine monohydrochloride  
Magnesium phosphate, tribasic  
Magnesium silicate  
Malic acid  
Manganese gluconate  
DL-Methionine  
L-Methionine  
Monosodium L-glutamate  
Niacinamide  
Peppermint oil  
Potassium alginate  
Potassium hydroxide  
L-Proline  
Propylene glycol  
Propylene glycol alginate  
Pyridoxine hydrochloride  
Riboflavin  
Saccharin  
Silicon dioxide  
Sodium acid pyrophosphate  
Sodium alginate  
Sodium aluminum phosphate, acidic  
Sodium chloride  
Sodium hydroxide  
Sodium metaphosphate  
Sodium saccharin  
Sodium sulfate  
Sodium tartrate  
Sodium tripolyphosphate  
Sorbitol  
Sorbitol solution  
Tartaric acid  
Tocopherols  
L-Tyrosine  
Xanthan gum  
Zinc sulfate

In addition to changes in existing specifications, the NAS/NRC Subcommittee on Codex Specifications proposes to add new monographs on specifications for the following ingredients:

Cuminic aldehyde  
Eucalyptol  
Eugenyl acetate  
Lemon oil, distilled  
Lime oil, expressed  
Marjoram oil, sweet  
Mentha arvensis oil, dementholized  
Orange oil, distilled  
Parsley herb oil  
Sulfur dioxide  
Xylitol

Interested persons may obtain copies of proposed new monographs or proposed changes in existing specifications for the food ingredients listed above by writing: Subcommittee on Codex Specifications, National Academy of Sciences (JH-224), 2101 Constitution Avenue NW., Washington, D.C. 20418.

Copies of the proposed new monographs or proposed changes are also available for review at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Six copies of written comments regarding this notice are to be submitted to the National Academy of Sciences at the address listed above. The National Academy of Sciences will forward copies of each comment to the Hearing Clerk, Food and Drug Administration to be placed under Docket No. 78N-0072 for public view.

Dated: April 10, 1978.

WILLIAM F. RANDOLPH,  
*Acting Associate  
Commissioner for Compliance.*  
[FR Doc. 78-10333 Filed 4-17-78; 8:45 am]

[4110-03]

#### GASTROINTESTINAL DRUGS ADVISORY COMMITTEE

##### Reestablishment

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the reestablishment of the Gastrointestinal Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on March 3, 1980, unless the Secretary formally determines that continuance is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Officer (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

Dated: April 10, 1978.

WILLIAM F. RANDOLPH,  
*Acting Associate  
Commissioner for Compliance.*  
[FR Doc. 78-10028 Filed 4-17-78; 8:45 am]

[4110-03]

#### OBSTETRICS AND GYNECOLOGY ADVISORY COMMITTEE

##### Reestablishment

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the reestablishment of the Obstetrics and Gynecology Advisory Committee by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on March 23, 1980, unless the Secretary formally determines that continuance is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Officer (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

Dated: April 10, 1978.

WILLIAM F. RANDOLPH,  
*Acting Associate  
Commissioner for Compliance.*  
[FR Doc. 78-10027 Filed 4-17-78; 8:45 am]

[4110-03]

#### CONSUMER CONCERNS

##### Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming District Consumer Ad Hoc Meeting to be chaired by the Philadelphia District Director of the Food and Drug Administration.

DATE: The meeting will be held Wednesday, April 26, 1978, at 2 p.m.

ADDRESS: The meeting will be held at the U.S. Customhouse, 2d and Chestnut Sts., Philadelphia, Pa. 19106.

FOR FURTHER INFORMATION CONTACT:

Judith O. Guinan, Consumer Affairs Officer (HFR-3145), Food and Drug Administration, U.S. Customhouse, 2d and Chestnut Sts., Philadelphia, Pa. 19106, 215-597-0837.

SUPPLEMENTARY INFORMATION: At this meeting, the Philadelphia District Director of the Food and Drug Administration will be available to listen to consumer concerns about major consumer protection issues and FDA's regulation of consumer products such as foods, drug, and cosmetics.

Dated: April 14, 1978.

WILLIAM F. RANDOLPH,  
*Acting Associate Commissioner  
for Compliance.*  
[FR Doc. 10653 Filed 4-17-78; 10:19 am]

[4110-03]

#### CONSUMER PARTICIPATION

##### Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming consumer representative ad hoc meeting to be



chaired by the Commissioner of Food and Drugs.

**DATE:** The meeting will be at 1:30 p.m., Wednesday, May 3, 1978.

**ADDRESS:** The meeting will be held at the Food and Drug Administration Building, FOB-8, Room 1409, 200 C St. SW., Washington, D.C. 20204.

**FOR FURTHER INFORMATION CONTACT:**

Alexander Grant, Office of Consumer Programs (HFG-1), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1547.

**SUPPLEMENTARY INFORMATION:** The purposes of the meeting are to exchange information between officials of the Food and Drug Administration (FDA) and consumer representatives, to provide an opportunity for consumer representatives to present their views directly to the Commissioner and the top managers of FDA, to seek solutions to any problems identified during the meeting, and to give the agency an opportunity to discuss and communicate vital health and policy issues with the concerned public.

Dated: April 14, 1978.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 78-10652 Filed 4-17-78; 10:20 am]

**[4110-84]**

**Health Services Administration**

**ADVISORY COMMITTEE**

**Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1978:

**Name:** Interagency Committee on Emergency Medical Services.

**Date and time:** May 17, 1978, 9 a.m.

**Place:** Conference Rooms G & H, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857; open for entire meeting.

**Purpose:** The Committee coordinates and provides for the communication and exchange of information among all Federal programs and activities relating to emergency medical programs and makes recommendations to the Secretary respecting the administration of grants and contracts under Title XII, including making regulations for the emergency medical services systems program.

**Agenda:** The items include: Discussion of the Kansas City meeting on EMS training; modification to Ambulance Specifications; training programs for emergency vehicle oper-

ations; coordination of EMT training; Health Systems Agency areas; disaster plans at airports; training of airline stewards; air ambulances; role of EMS in the Indian Health Service; role of Federal/Regional Council-OMB; and future meeting dates. Review of the House Investigating Committee report and presentation of new DOT films.

The meeting is open to the public for observation. Anyone wishing to attend, obtain the roster of members, minutes of meeting, or other relevant information should contact Mr. Lee Shuck, Division of Emergency Medical Services, Bureau of Medical Services, Suite 11-64D, 6525 Belcrest Road, Hyattsville, Md. 20782, telephone 301-436-6284. Public seating is limited to forty (40). Please contact at least 72 hours before the meeting.

Agenda items are subject to change as priorities dictate.

Dated: April 6, 1978.

WILLIAM H. ASPDEN, JR.,  
Associate Administrator  
for Management.

[FR Doc. 78-10397 Filed 4-17-78; 8:45 am]

**[4110-08]**

**National Institutes of Health**

**ALLERGY AND CLINICAL IMMUNOLOGY  
RESEARCH COMMITTEE**

**Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Allergy and Clinical Immunology Research Committee, National Institute of Allergy and Infectious Diseases on June 15-16, 1978, at the National Institutes of Health, Westwood Building, Room 740, Bethesda, Md.

This meeting will be open to the public from 9 a.m. to 10:30 a.m. on June 15 to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public from 10:30 a.m. until recess on June 15, and from 9 a.m. to adjournment on June 16 for the review, discussion, and evaluation of individual grant applications. These applications, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, Building 31, Room 7A32, National Institutes of Health, Bethesda, Md. 20014, telephone 301-496-5717, will provide summaries of the meeting, and rosters of the Committee members.

Dr. John F. Finerty, Acting Executive Secretary, Allergy and Clinical Immunology Research Committee, NIAID, NIH, Westwood Building, Room 704, telephone 301-496-7688, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: April 10, 1978.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 78-10048 Filed 4-17-78; 8:45 am]

**[4110-08]**

**NATIONAL LIBRARY OF MEDICINE, BOARD OF  
REGENTS**

**Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on May 25-26, 1978, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Md., and the meeting of the Extramural Programs Subcommittee of the Board of Regents on the preceding day, May 24, 1978, from 9 a.m. to 5 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public all day on May 25 and from 9 to 11 a.m. on May 26, for administrative reports and program and operation discussions. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4), 552b(c)(6), title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the entire meeting of the Subcommittee on May 24 will be closed to the public, and the regular Board meeting on May 26 will be closed from 11 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Md. 20014, telephone 301-496-6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13-879—National Institutes of Health.)



Dated: April 6, 1978.

SUZANNE L. FREMEAU,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 78-10046 Filed 4-17-78; 8:45 am]

#### [4110-08]

##### CELLULAR AND MOLECULAR BASIS OF DISEASE REVIEW COMMITTEE

###### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, June 19-20, 1978, National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Md.

This meeting will be open to the public on June 19, 1978, from 9 a.m. to 9:30 a.m. for background information and discussion of issues relevant to the Cellular and Molecular Basis of Disease Program of the National Institute of General Medical Sciences. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on June 19, 1978, from 9:30 a.m. to 5 p.m. and on June 20, 1978, from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, National Institutes of Health, Room 9A05, Westwood Building, Bethesda, Md. 20014, telephone 301-496-7301, will provide a summary of the meeting and a roster of committee members.

Dr. Lee Van Lenten, Executive Secretary, CMBD Review Committee, NIGMS, National Institutes of Health, Room 907, Westwood Building, Bethesda, Md. 20014 telephone 301-496-7621, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, General Medical Sciences.)

Dated: April 10, 1978.

SUZANNE L. FREMEAU,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 78-10049 Filed 4-17-78; 8:45 am]

#### [4110-08]

##### DEVELOPMENT OF A NATIONAL RESEARCH STRATEGY FOR NEUROLOGICAL AND COMMUNICATIVE DISORDERS

###### Public Forum

Notice is hereby given of the Public Forum to be conducted by the National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, on May 11-12, 1978, at the Dulles Marriott, Chantilly, Va. 20241.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. subject to space available. The purpose of the meeting is to hear testimony from interested individuals and organizations from the public concerned with the mission and programs of the Institute. Persons or organizations who wish to appear shall file a written statement or detailed summary of remarks with the Institute before 5 p.m. on May 5, 1978. The time allotted to each participant will be determined by the Institute based upon the number of individuals who request an opportunity to make presentations and with due consideration for reflecting the views of the wide range of individuals and organizations immediately concerned with the Institute's mission and programs.

Requests to appear should be sent to Dr. George C. Murray, Director, Office of Program Planning and Evaluation, NINCDS, Building 31, Room 8A-03, Bethesda, Md. 20014, 301-496-9271. Dr. Murray will also provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852.)

Dated: April 10, 1978.

SUZANNE L. FREMEAU,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 78-10042 Filed 4-17-78; 8:45 am]

#### [4110-08]

##### NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

###### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, May 24, 25, and 26, 1978, in Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public on May 24 from 1:30 p.m. until recess, and on May 25 from 9 a.m. until recess, to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4) and

552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on May 24 from 9 a.m. until 1:30 p.m., and on May 26 from 9 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Md., telephone 301-496-5717, will provide summaries of the meetings and rosters of the Council members.

Dr. William I. Gay, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone 301-496-7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health.)

Dated: April 6, 1978.

SUZANNE L. FREMEAU,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 78-10045 Filed 4-17-78; 8:45 am]

#### [4110-08]

##### NATIONAL ADVISORY COUNCIL ON AGING

###### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on May 23-24, 1978, in Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Md.

The meeting will be open to the public from 9 a.m. until 11:30 a.m. on May 23, and again from 9 a.m. until adjournment on May 24. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 23 from 11:30 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Suzanna Porter, Council Secretary, National Institute on Aging, Building 31, Room 5C-07, National In-



stitutes of Health, Bethesda, Md, Area Code 301-496-5345, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: April 6, 1978.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 78-10044 Filed 4-17-78; 8:45 am]

#### [4110-08]

##### NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCES COUNCIL

###### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, May 22, 23, 1978, in Conference Room 7, Building 31-C, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public on May 22, 1978, from 9 a.m. to approximately 12 noon to discuss program policies and issues, recent legislation, interagency activities, program planning and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 22, 1978, from 1 p.m. to adjournment on May 23, 1978, for the review, discussion and evaluation of individual grant applications.

Leota B. Staff, Committee Management Officer, NIEHS, Westwood Building, Room 340, Bethesda, Md. 20014, 301-496-7483, will provide summaries of the meeting and rosters of Council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, N.C. 27709, 919-755-4015, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.872, 13.873, 13.874, 13.875, National Institutes of Health.)

Dated: April 6, 1978.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 78-10043 Filed 4-17-78; 8:45 am]

#### [4110-08]

##### NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

###### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, June 2-3, 1978, Building 31, Conference Room 6.

This meeting will be open to the public on June 2, 1978, from 9 a.m. to 1 p.m. for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on June 2, 1978, from 1 p.m. to 5 p.m. and on June 3, 1978, from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A05, Westwood Building, Bethesda, Md. 20014, Telephone: 301-496-7301 will provide a summary of the meeting and a roster of council members.

Dr. Ruth L. Krischstein, Executive Secretary, NAGMS Council, National Institutes of Health, Building 31, Room 4A52, Bethesda, Md. 20014, Telephone: 301-946-5231 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13-859, 13-860, 13-861, 13-862, 13-863, National Institutes of Health.)

Dated: April 10, 1978.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 78-10047 Filed 4-17-78; 8:45 am]

#### [4110-08]

##### TRANSPLANTATION BIOLOGY AND IMMUNOLOGY COMMITTEE

###### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Transplantation Biology and Immunology Committee, National Institute of Allergy and Infectious Diseases on June 26-27, 1978, at the National Institutes of Health, Building 31C, Conference Room 8, Bethesda, Md.

This meeting will be open to the public from 9:00 a.m. until 10:30 a.m. on June 26 to discuss program policies

and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public from 10:30 a.m. until recess on June 26 and from 9:00 a.m. to adjournment on June 27 for the review, discussion, and evaluation of individual grant applications. These applications, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, Building 31, Room 7A32, National Institutes of Health, Bethesda, Md. 20014, telephone 301-496-5717, will provide summaries of the meeting, and rosters of the Committee members.

Dr. John F. Finerty, Acting Executive Secretary, Transplantation Biology and Immunology Committee, NIAID, NIH, Westwood Building, Room 704, telephone 301-496-7688 will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: April 10, 1978.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 78-10050 Filed 4-17-78; 8:45 am]

#### [4110-08]

##### REPORT ON BIOASSAY OF 2,4-DIAMINOANISOLE SULFATE FOR POSSIBLE CARCINOGENICITY

###### Availability

2,4-Diaminoanisole sulfate (CAS 615-05-4) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

**Summary.**—A bioassay of technical-grade 2,4-diaminoanisole sulfate for possible carcinogenicity was conducted using Fischer 344 rats and B6C3F1 mice. 2,4-Diaminoanisole sulfate was administered in the feed at either of two concentrations, to groups of 50 male and 50 female animals of each species. The time-weighted average dietary concentrations used in the chronic bioassay were 0.12 percent for the low dose rats and 0.5 percent for the high dose rats. The dietary concentrations used for low and high dose mice were 0.12 and 0.24 percent, re-



spectively. After a 78-week period of chemical administration, observation of the rats continued for an additional 29 weeks and observation of the mice continued for an additional 19 weeks. For each species, 49 or 50 animals of each sex were placed on test as controls.

In both species, adequate numbers of animals in all groups survived long enough to be at risk from late-developing tumors.

Under the conditions of this bioassay, technical-grade 2,4-diaminobenzene sulfate was carcinogenic to both sexes of both species. In Fischer 344 rats dietary administration of the chemical induced increased incidences of malignant tumors of the skin and its associated glands and malignant thyroid tumors in each sex. In B6C3F1 mice, dietary administration of 2,4-diaminobenzene sulfate induced thyroid tumors in each sex.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research).

Dated: April 10, 1978.

DONALD S. FREDRICKSON,  
Director,

National Institutes of Health.

[FR Doc. 78-10026 Filed 4-17-78; 8:45 am]

[4110-03]

#### Public Health Service

#### FOOD AND DRUG ADMINISTRATION

#### Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (35 FR 3685-92, February 25, 1970, as amended most recently at 42 FR 58450, November 9, 1977) is amended to reflect the complete reorganization of the Office of the Commissioner (OC), Food and Drug Administration, as initiated by the Commissioner of Food and Drugs. All statements and most titles of the existing Office have been modified. The Office of the Commissioner includes the following components: Office of Planning and Evaluation, Office of Public Affairs, Office of Legislative Affairs, Office of Policy Coordination, Office of Regulatory Affairs, Office of Health Affairs, and the Office of Management and Operations. Several functions have been transferred out of the Office of the Commissioner and they include the Government-wide Medical Products

Quality Assurance Program (to the Executive Director of Regional Operations), the consumer safety statistics Studies (to the Bureau of Radiological Health), and the Medically Oriented Data System (to the Bureau of Medical Devices). Numerous functional statements within the Bureau reference OC components and have been modified to reflect the OC reorganization.

#### Section HF-B, Organization and Functions, is amended as follows:

1. Under Food and Drug Administration (HF), delete paragraphs (a) Office of the Commissioner (HFA) through (j) Office of Professional and Consumer Programs (HFAC) and insert the following paragraphs:

(a) Office of the Commissioner (HFA). The Commissioner and the Deputy Commissioner are responsible for the efficient and effective implementation of Food and Drug Administration's (FDA) mission.

(b) Office of Planning and Evaluation (HFAA). Advises and assists the Commissioner and other key officials concerning the performance of FDA resource planning, development, and evaluation activities.

Develops program and planning strategy through analysis and evaluation of issues affecting policies and program performance.

Develops, installs, and monitors the Agencywide planning system including the five-year plan, strategic plan, and functional plans.

Conducts operations research, economic, and special studies as a basis for forecasting trends, needs, and major problems requiring solutions, and provides assistance and consultation in these areas to operating units.

Evaluates impact of external factors on FDA programs, including industry economics, consumer expectations, and protective legislation. As necessary, recommends new programs or changes in existing programs and program priorities.

Develops FDA evaluation programs and systems to evaluate overall FDA program accomplishments against objectives and priorities, recommending changes as necessary.

Evaluates impact of FDA programs on consumer protection.

Manages the operation of the Agencywide Evaluation Review Board.

Coordinates the evaluation reviews of FDA by external groups.

(c) Office of Public Affairs (HFAB). Advises and assists the Commissioner and other key officials on all public affairs programs directed to the public.

Plans, develops, implements, and monitors policy and programs on all Agency media relations; acts as the focal point for disseminating news on FDA activities.

Plans, develops, implements, and monitors consumer information and education programs conducted through the media, FDA's nationwide network of consumer affairs officers, and other communications sources.

Plans, develops, and produces Agency publications and graphic arts materials and provides policy clearance for all such materials.

Compiles, develops, and publishes Agency periodicals including the FDA Consumer, FDA Today, the FDA Drug Bulletin, the FDA New Drug Approval List, the FDA Enforcement Report, and the FDA Public Calendar.

Coordinates FDA implementation of the Freedom of Information (FOI) Act and the

Privacy Act. Processes requests for information under FOI. Executes FOI denial authority for the Agency.

Maintains liaison for the Agency with the PHS Office of Public Affairs and Office of the Assistant Secretary for Public Affairs, HEW.

(d) Office of Legislative Affairs (HFAD). Advises and assists the Commissioner and other key officials concerning legislative needs and pending congressional legislation and oversight activities which affect FDA.

Serves as the focal point for overall legislative liaison activities within FDA and between FDA, the Department, PHS, other agencies, and, in consultation and/or coordination with Office of the Assistant Secretary for Legislation (OASL), Members of Congress on issues concerned with the development, enactment, amendment, and extension of all legislation which may affect FDA and its activities.

Analyzes the overall legislative needs of FDA; drafts or develops legislative proposals; drafts the specifications and justifications for such proposed legislation.

Prepares and clears FDA position papers and Departmental reports on proposed legislation for approval of the Commissioner.

Advises, in consultation and/or coordination with the OASL, Members of Congress, congressional committees, and their staffs of Agency actions, proposed policies, or other initiatives.

Provides explanations of the requirements of the various laws and regulations administered by FDA and the historical background and/or rationale for these requirements.

Assists, in consultation and/or coordination with the OSLA, Members of Congress by providing scientific or technical explanations for Agency actions or policies.

Directs or coordinates the preparation of testimony for presentation to congressional committees; monitors hearings and congressional activities affecting FDA; distributes legislative materials.

Directs or coordinates the preparation of data requested by congressional investigative committees.

Provides a central FDA control for correspondence referred by the White House, the Department, and PHS; and controls and processes congressional and other correspondence.

(e) Office of Policy Coordination (HFAE). Advises and assists the Commissioner and other key officials concerning information that may affect current or proposed FDA policies.

Develops and maintains management information necessary to establish and monitor Agency priorities.

Monitors policy formulation activities of interest to the Commissioner.

Directs the resolution of policy issues involving more than one component of the Office of the Commissioner.

Coordinates review and analysis of policy documents directed to the Commissioner for adequacy of clearances and other elements of completed staff work.

Insures that FDA bureaus and staff offices are informed of and given opportunity to comment on proposed actions or decisions affecting their responsibilities.

Coordinates the implementation planning for new or important policies, and monitors the progress of such efforts.

Provides correspondence control for the Commissioner; provides central control for and processes all Agency public correspondence.



(f) *Office of Regulatory Affairs (HFA4)*. Advises and assists the Commissioner and other key officials on regulations and compliance-oriented matters which impact on policy development and execution and long-range program goals.

Coordinates, interprets, and evaluates the Agency's overall compliance efforts. As necessary, establishes compliance policy or recommends policy to the Commissioner. Stimulates an awareness within FDA of the need for prompt and positive action to secure compliance by regulated industries. Works to assure an effective and uniform balance between voluntary and regulatory compliance and FDA responsiveness to consumer needs. Acts as liaison with other Federal agencies on FDA compliance matters and coordinates Agencywide voluntary compliance and industry information activities.

Directs and coordinates the regulation-making activities of the Agency, including preparation of FEDERAL REGISTER material, in coordination with the Regulations Management Unit of the PHS and Departmental Executive Secretariat, and with the Deputy General Counsel for Regulatory Review.

Evaluates and coordinates all proposed legal actions to ascertain compliance with regulatory policy and enforcement objectives. Directs and coordinates with Executive Director of Regional Operations (EDRO), bureaus, and HEW General Counsel, new or novel cases which may be precedent-setting. Resolves appeals when compliance actions are refused by EDRO, the bureaus, or General Counsel.

Coordinates development of new or novel Agencywide compliance programs such as bio-research monitoring activities. Monitors compliance activities to assure uniform application of compliance policy; serves as liaison with other Federal agencies and outside organizations relating to such Agencywide activities.

Coordinates international aspects of FDA compliance programs and acts as liaison with the Department of State, other nations, international groups, and foreign firms. Coordinates and evaluates international travel plans, including the Annual International Travel Plan for the Commissioner's approval.

(g) *Office of Health Affairs (HFA5)*. Advises and assists the Commissioner and other key officials on health affairs which impact on policy, direction, and long-range program goals.

Develops Agency policy and guidelines concerning medical and scientific extramural research, training, and fellowship activities; provides for the continuing appraisal of these activities.

Evaluates the adequacy of medical and scientific resources available to the Agency.

Evaluates medical and scientific research results originating from other Government agencies and private institutions for potential Agency use.

Develops and implements professional education policy and programs designed to promote understanding of, and support for, Agency efforts in the protection of public health.

Provides Agency policy development and direction on environmental impact matters. Promotes international scientific collaboration through P.L. 480 and other related statutes.

(h) *Office of Management and Operations (HFA7)*. Advises and assists the Commissioner and other key officials on all phases of management inherent in the operations of FDA.

Directs the effective utilization of all management resources and the implementation of operating programs by coordinating the funding, manpower, facilities, and equipment resources of the Agency.

Assures that the conduct of Agency administrative and financial management activities including budget, finance, personnel, organization, methods, grants and contracts, procurement and property, records, and similar support activities, effectively supports program operations.

Develops policy and procedures necessary to maintain the integrity of trade secrets and other privileged information submitted by industry to FDA; formulates Agencywide security policy and investigates and recommends action concerning security problems.

Develops data systems policy, procedures and standards necessary to coordinate all FDA information and data retrieval systems and ADP equipment; operates FDA's central computer facility; provides systems analysis and programming services.

Provides a focal point for committee management activities within FDA.

Processes the public response to proposed FDA rulemaking.

Coordinates the preparation of international travel plans, including the Annual International Travel Plan for the Commissioner's approval.

(h-1) *Division of Financial Management (HFA74)*. Plans, directs, and coordinates a comprehensive financial management program for FDA encompassing the areas of budget analysis, formulation and execution, fiscal accounting, voucher audit, and financial reporting. Provides staff assistance in justifying budgets through executive and congressional echelons. After appropriation, develops an orderly expenditure plan.

Develops apportionment plans and issues allotments for expenditures.

Makes periodic reports regarding the status of FDA's financial management.

Develops financial inputs for the Agency 5-year program and financial plans.

(h-2) *Division of Management Services (HFA75)*. Provides leadership and guidance to Headquarters staff offices, Headquarters operating activities, and field activities for all management services programs, including: Procurement, personal property management and accountability, real property management, space management and utilization, construction and engineering services, communications, graphic arts, printing and reproduction, microform management, and mail and files.

Develops and conducts management programs in directives management, reports and forms management, records and correspondence management, and other management areas as assigned.

Responsible for maintaining effective liaison with the Government Printing Office, and for the centralized clearance and coordination of all printing and publication services.

Coordinates the development of Agencywide policies and procedures for such services; plans, executes, evaluates, and adjusts efforts in these activities.

(h-3) *Division of Management Systems and Policy (HFA76)*. Provides leadership and direction in the effective and efficient use of Agency resources; provides Agencywide consulting services in organization and operations analysis and in the analysis, design, implementation, and maintenance of operating systems and procedures.

Provides central FDA control for delegations of authority and maintains control

files of delegations to and within the Agency.

Conducts Agencywide organization, management, and industrial engineering studies; designs and recommends systems and procedures; develops and recommends policy to implement study conclusions.

Provides computer systems analysis and application programming services for the staff offices of the Commissioner and data base management services for the Agency.

Receives, examines, evaluates, and processes all documents and correspondence required or permitted in Agency administrative rulemaking procedures; distributes this material to appropriate Agency components.

(h-4) *Division of Personnel Management (HFA77)*. Provides personnel management advice and assistance to the Commissioner and to FDA managers within its servicing area, including advice to headquarters officials on their management responsibilities for FDA field installations.

Participates in the development of Agency goals and operating plans related to personnel management.

Provides, within its servicing area, personnel management and personnel administration services, including employment, recruitment, compensation and classification, upward mobility, labor relations, and employee relations.

Develops Agencywide programs on executive and career development, manpower planning and utilization, safety management and occupational health, and as designated under Departmental guidelines provides service in these areas throughout the Agency.

Represents the FDA in personnel management matters with the Public Health Service (PHS), the Department of Health, Education, and Welfare (HEW), the Civil Service Commission (CSC), other Government agencies, professional societies, and colleges and universities.

Prepares staff studies and recommendations to Agency management on personnel needs and problems.

Identifies the need for personnel policies and programs to PHS and collaborates with PHS, as appropriate, in the development of such policies and programs.

Develops and implements operating procedures and interprets policies to the extent necessary to meet the special needs of FDA in the application of PHS, HEW, CSC and other Government agency regulations.

Identifies the need for and directs the formulation of FDA policies and procedures concerning conflicts of interest and employee associations with regulated industries, decides conflict of interest issues, and reviews outside activities of FDA employees.

(h-5) *Parklawn Computer Center (HFA79)*. Operates and manages the central computer facility in the Parklawn complex performing fee-for-service functions to contracting PHS agencies and providing services to other Federal components as requested.

Develops operational data systems and policy and procedures relating to the provision of technical support to the scientific and administrative information and data retrieval systems supported by the Parklawn Computer Center; makes revisions to systems as necessary when hardware, software, and Agency or program changes occur.

Develops short- and long-range ADP plans to make the best possible use of resources and to consider new ADP systems methodologies.

Reviews and makes recommendations on hardware, software, and service procure-



ment requests by serviced agencies to assure equipment compatibility and conformance with the ADP plan in conjunction with established HEW and PHS policies and procedures.

Provides technical support to the PHS nationwide data communications network.

Develops and implements a program to evaluate central ADP resource utilization.

Consults with other Federal agency components and private sector organizations to be aware of current ADP developments.

(i) *Office of the Director (HFA791)*. Provides leadership and direction to assure the efficient and effective performance of the Parklawn Computer Center.

(ii) *Division of Computing Services (HFA795)*. Serves as the initial point of contact for program managers and current and prospective users of professional and technical services provided by the Center.

Provides assistance, short-term problem solving, and technical consultation to users, upon request, in achieving system objectives and in employing new technological developments; assists in system simulation activities and in providing information on systems software and operations.

Operates and manages the central computer facility, on a fee-for-service basis and the PHS nationwide data communications network; recommends the acquisition of additional resources as required to operate the Center.

Develops and administers the fee-for-service accounting and billing system whereby serviced agencies are charged for computer resources utilized.

Develops standards and methodologies for the design and testing of new systems or the improvement of existing systems.

Compares computer performance to existing standards when major changes are made to configurations and operating systems.

Prepares documentation consisting of documents and records which describe all aspects of systems development and operations.

Establishes the Center ADP training policies and initiates the development and conduct of in-house training programs.

Maintains an inventory of all supplies including training manuals, technical publications, and computer procedures and programs required by Center users.

(iii) *Division of Systems and Network Management (HFA796)*. Develops and maintains the internal operation architecture of the Center computers and the PHS nationwide data communications network; provides communications network systems support; coordinates the development of long-range plans for remote systems use of the central computer facility.

Provides services and technical assistance regarding software and hardware configuration design and interfaces with application systems. Researches and develops improved data processing functions; develops expertise in complex systems in keeping with the state-of-the-art.

Adapts and modifies programming languages and specialized automated data processing telecommunications systems.

Designs teleprocessing systems integrated with multiple computers to provide nationwide communications networks.

Assists Agency and Center analysts to integrate their systems into the Parklawn computing environment.

Prepares documentation consisting of documents and records which describe all aspects of systems development and operations.

Develops and implements a performance evaluation program to evaluate the use of equipment and the processing of application systems using such techniques as hardware monitors, software monitors, and real-time on-line performance profile generators.

Consults on and coordinates the Parklawn Computer Center network and system plans with PHS managers.

(iv) *Division of Advanced Applications Development (HFA797)*. Develops advanced management and scientific application systems. Researches and analyzes program needs; develops systems plans and secures Agency approval; designs application systems; formulates work statements for systems implementations.

Acts as a central resource for PHS-wide systems. Provides systems maintenance support and technical assistance, including programming support in the development of advanced and general purpose computer applications.

Conducts studies in determining the feasibility and compatibility of proposed advanced application systems; reviews hardware and software changes to determine the impact on applications systems developed and maintained by the Center.

Designs, programs, tests, implements, and documents application systems; performs followup evaluations of system operations.

Evaluates and implements applications using data base systems; provides expertise in data base software and selected programming languages including but not limited to COBOL, PL/I, MARK IV, and CCA-204.

Maintains liaison with other organizations concerning developmental techniques and advanced application procedures.

(h-6) *Division of Contracts and Grants Management (HFA78)*. Provides leadership, direction, and staff advisory services for the FDA negotiated contracts and grants management programs. Coordinates activities of FDA bureaus and offices to insure proper development of grants and contracts program requirements.

Plans, develops, and coordinates the issuance of FDA-wide negotiated contracting policies and procedures.

Participates with the Office of Health Affairs in the development of FDA policy concerning the use of research grants and grants funds. Serves as the Agency focal point for developing, coordinating, and implementing FDA policies and procedures pertaining to grants management; serves as the primary point of liaison with the management staff of grantee institutions for the general interpretation of grants management policies.

Directs and coordinates all administrative functions associated with grants management after technical review and approval are complete. Directs and conducts negotiations with grantee institutions.

Executes all negotiated contracts and grants awards.

Analyzes, evaluates, and reports selected statistical and financial data pertaining to the grants and contracts program.

Maintains liaison with the PHS Office of Management and the Office of the Assistant Secretary for Management and Budget on contracts and grants management policy and procedural and operating matters. Serves as FDA focal point for the processing of audit reports and for liaison with the HEW Audit Agency.

Provides price/cost analysis and related services for contracts and grants.

2. Revise paragraph (k) Bureau of Foods (HFF) statements by deleting

statements for the Division of Industry Programs (HFFK), Division of Chemical Technology (HFFM), and the Division of Consumer Studies (HFFQ) and substituting the following:

(k-3-iii) *Division of Industry Programs (HFFK)*. Promotes a better understanding in the food and cosmetic industries of the requirements and objectives of the laws and regulations enforced by FDA. Encourages compliance by the regulated industries.

Plans and conducts national seminars, symposia, and conferences on specific industry compliance problems and on consumer educational activities in conjunction with the OC.

Assists field activities, upon request, in planning and conducting workshops and seminars for the food industry on current Good Manufacturing Practices and on various problem areas.

Prepares and distributes, with the prior clearance of OC, informational, instructional, and motivational materials designed to promote industry compliance and to educate the consumer.

Monitors the implementation of industry quality assurance programs designed to prevent compliance failures and develops plans and programs to help industry improve quality control capabilities.

Coordinates the recruitment of food processing companies for participation in cooperative quality control programs.

Plans and monitors the implementation of programs designed to achieve greater involvement by State regulatory agencies in maintaining surveillance over the food industry; promotes, in coordination with EDRO, State adoption of model regulations and model ordinances and codes regulating food industry.

(k-5-ii) *Division of Chemical Technology (HFFM)*. Originates, plans, and conducts research into the industrial practices of chemical processing and chemical uses in regard to the disposition, behavior, and fate of industrial chemicals, byproducts, and process wastes and pollutants in the environment.

Assesses and investigates the nature and magnitude of chemicals and chemical wastes in the environment and the factors which influence the uptake and persistence of these contaminants in foods and in other parts of the ecosystem which contribute to the human organism.

Maintains a complete registry of chemical manufacturing and processing information.

Recommends and assists in the development of regulatory and research programs associated with indirect chemical contaminants which may concentrate in foods.

Prepares environmental impact statements on Bureau actions and regulations which may have a significant effect on the environment in conjunction with the Office of Commissioner. Reviews, environmental impact statements prepared by other FDA components and other Government agencies which may impact on Bureau areas of responsibility.

(k-6-i) *Division of Consumer Studies (HFFQ)*. Participates in the establishment of policies and development of new regulations by providing data on consumer exposure to, experience with, and expectations of, Bureau-regulated products.

Develops base line data on consumer food requirements, demands, and factors that motivate consumer food preferences; studies



and provides information on health effects of changing food intake patterns.

Evaluates data and maintains a food composition data bank on nutritional, chemical, and metabolic studies performed by the Bureau, other Government agencies, academic institutions, and industry.

Develops regulations for nutritional-related labeling and keeps Bureau management familiar with food analogs and novel foods and their properties, nutrient contents, and marketing methods; studies organoleptic properties of foods to determine if correlations can be established among these properties and the stability, nutrient retention, and quality of various foods.

Maintains liaison with consumer organizations and groups interested in food and nutrition education, in conjunction with the Office of the Commissioner.

3. Revise paragraph (1) Bureau of Drugs (HFG) statements by deleting the statements for the Bureau of Drugs (HFG), Division of Over-the-Counter (OTC) Drug Evaluation (HFG3), and the Division of Poison Control (HFG7) and substituting the following:

(1) *Bureau of Drugs (HFG)*. Develops FDA policy with regard to the safety, effectiveness, and labeling of all drugs for human use.

Reviews and evaluates new drug applications (NDA's) and notices of claimed investigational exemption for new drugs (IND's). Develops and implements standards for the safety and effectiveness of all over-the-counter (OTC) drugs.

Monitors the quality of marketed drugs through product testing surveillance, and compliance programs.

Develops and promulgates guidelines on current Good Manufacturing Practices for use by the drug industry.

Develops and disseminates information and educational material dealing with drugs to the medical community and the public, in coordination with the Office of the Commissioner.

Conducts research and develops scientific standards on the composition, quality, safety, and efficacy of human drugs.

Collects and evaluates information on the effects and use trends of marketed drugs.

Monitors prescription drug advertising and promotional labeling to assure their accuracy and integrity.

Analyzes data on accidental poisonings; disseminates toxicity and treatment information on household products and medicines.

Evaluates applications for operation of methadone treatment centers and other activities using methadone or other drugs.

Directs the FDA antibiotic and insulin certification program.

(1-2-1) *Division of OTC Drug Evaluation (HFG3)*. Identifies and classifies over-the-counter (OTC) drugs into categories for review by appropriate panels; coordinates the collection of safety and effectiveness data on drugs to be reviewed.

Coordinates the establishment of, and provides technical and clerical support to, OTC advisory panels which make recommendations on standards for OTC drugs.

Coordinates the establishment of, and provides technical and clerical support to, OTC advisory panels which make recommendations on standards for OTC drugs.

Receives, controls, and screens all OTC drug submissions including protocols; noti-

fies sponsor of inadequate or deficient data; schedules and participates in industry/agency conferences.

Notifies Bureau components of OTC panel recommendations; obtains concurrence for final OTC recommendations from respective reviewing Bureau components.

Provides information regarding OTC advisory panel activities; assists in preparing official summary minutes, information memoranda, panel reports, and drug monographs.

Recommends Bureau actions based on OTC advisory panel evaluations.

Coordinates the development of each proposed, tentative final, and final drug monograph; provides technical assistance to the Associate Director for Compliance as required in implementing final drug monographs.

Develops and implements, in coordination with the Office of the Commissioner, consumer and professional educational programs including formal presentations relating to the OTC drug program; participates in Agency sponsored OTC drug consumer education programs.

(1-3-11) *Division of Poison Control (HFG7)*. Promotes the establishment of and provides technical support to State and local governments in the creation and maintenance of poison control centers. Furnishes information to such centers concerning the treatment of toxic, hazardous, and caustic substances that may be ingested.

Collects, evaluates, and disseminates clinical and statistical data concerning the toxic effects of drugs, chemicals, and hazardous household substances on humans and animals.

Evaluates reports on injuries and fatalities resulting from accidental ingestion of household substances, medicines, and other chemicals; identifies cases of special interest and pursues further field investigations.

Analyzes data to determine products causing injuries to children and recommends, within FDA and to the Consumer Product Safety Commission, those drugs and substances requiring child-resistant packaging or special precautionary labeling as required by Federal legislation.

Conducts and supports research on treatment of ingested toxic substances, on product modifications considered necessary to reduce their injury-producing characteristics, and on prevention techniques.

Provides medical support in developing warning and first aid statements for hazardous and potentially hazardous substances.

Develops and implements, in coordination with the Office of the Commissioner, education and information programs designed to reduce accidental poisonings.

4. Revise paragraph (p) by deleting statements for the Bureau of Medical Devices (HFM) and Office of the Director (HFM1) and substituting the following:

(p) *Bureau of Medical Devices (HFM)*. Develops policy and priorities regarding FDA programs relating to the safety, efficacy, and labeling of medical devices for human use.

Develops and recommends regulations and changes to FDA legislative authority necessary to protect the public health.

Reviews and evaluates medical device pre-market approval applications (PMAA), product development protocols (PDP), and exemption requests for investigational devices (IDE).

Evaluates the safety, efficacy, and labeling of medical devices and recommends

their classification into regulatory categories.

Develops and/or coordinates the development, promulgation, and enforcement of safety and efficacy standards for appropriate categories of medical devices and Good Manufacturing Practice (GMP) regulations for manufacturers.

Develops, plans, and evaluates FDA surveillance and compliance programs for medical devices.

Provides assistance to the field in handling legal actions on medical device matters, as requested.

Provides technical and other nonfinancial assistance to small manufacturers of medical devices.

Develops and coordinates an Agencywide system for the collection of medical data from hospitals, clinics, and other reporting units.

Provides assistance to and coordinates activities of all FDA advisory panels and committees mandated by the Medical Device Amendments of 1976.

Plans, conducts, and coordinates research and testing activities relating to medical devices.

Collects and evaluates data on significant hazards to the public health which may be caused by the use of medical devices.

Develops and disseminates medical device educational materials in conjunction with the Office of the Commissioner.

(p-1) *Office of the Director (HFM1)*. Provides leadership, direction, evaluation, and coordination of the total activities of the Bureau.

Provides advice to the Commissioner and other FDA officials on policy matters concerning medical device activities.

Recommends changes in legislative authority to the Office of the Commissioner.

Develops, operates, and maintains an Agencywide Medically Oriented Data System which provides both early warning and trend data based on FDA requirements.

5. Revise paragraph (q) National Center for Toxicological Research (HFT) by deleting the statements for the Division of Facilities Engineering and Maintenance (FHTE) and substituting the following:

(q-10) *Division of Facilities Engineering and Maintenance (FHTE)*. Operates and maintains all environmental support systems, plants, buildings, and equipment required to support Center programs.

Prepares, in coordination with the Office of Management and Operations, long- and short-range program plans for facilities requirements.

Develops renovation and improvement projects for the annual Agency work plan.

Develops and implements a preventative maintenance program for the Center with technical assistance and guidance from the Office of Management and Operations.

6. Revise paragraph (s) by deleting statements for the Bureau of Radiological Health (HFH) and the Office of the Director (HFH1) and substituting the following:

(s) *Bureau of Radiological Health (HFH)*. Develops and carries out a national program designed to control unnecessary exposures of man to, and assure the safe and efficacious use of, potentially hazardous ionizing and nonionizing radiation.

Conducts an electronic product radiation control program, including the development



and administration of performance standards.

Plans, coordinates, and evaluates surveillance and compliance programs relating to radiation exposure.

Plans, conducts, and supports research on the health effects of radiation exposure through contracts and grants; provides institutional support through training grants.

Develops criteria, recommendations, and standards relative to radiation use and exposure. Develops and promotes improved procedures, techniques, and users' qualifications for reducing unnecessary radiation exposure. Provides technical and scientific support, including training, to other bureaus within FDA and to other agencies having radiological health responsibilities.

Participates in development of model codes and recommendations for guidance of industry and national, State, and local radiation-control and standard-setting agencies in order to optimize radiation control practices.

Maintains appropriate liaison with other Federal, State, and international agencies, with industry, and with consumer and professional organizations.

Serves as the coordinating and consulting point for Agencywide consumer safety statistical information.

(s-1) *Office of the Director (HFH1)*. Provides leadership and direction for and evaluation, and coordination of the total activities of the Bureau. Provides advice and consultation to the Commissioner and other FDA officials on policy matters concerning radiological health activities.

Recommends to the Office of the Commissioner changed or additional legislative authority.

Maintains liaison with other FDA components, other Federal, State and international agencies, industry, and consumer and professional organizations.

Directs the Bureau administrative management, program planning, and policy formulation services.

Coordinates and provides consultation for Agencywide efforts for consumer safety statistics.

7. Delete paragraph (x) statements for the Executive Director of Regional Operations (HFR) and its components in their entirety and substituting the following:

(x) *Executive Director of Regional Operations (HFR)*. Executes direct line authority over all FDA field operations; develops, issues, approves, or clears proposals and instructions affecting field activities; serves as the central point within FDA through which Headquarters offices obtain field support services.

Provides direction and counsel to Regional Food and Drug Directors in the implementation of policies and operational guidelines which form the framework for management of FDA field activities.

Establishes FDA's field compliance and enforcement posture, based on Agency policy.

Develops and/or recommends to the Commissioner policy, programs, and plans for activities between FDA and State and local agencies; administers the Agency's overall Federal-State program and policy; coordinates the program aspects of FDA contracts with State and local counterpart agencies.

Serves as the FDA focal point for activities relating to the Federal medical products quality assurance program and maintains li-

aison with other Government agencies procuring medical supplies; issues final administrative approval for quality assurance of specific products/firms.

Evaluates the overall management and capabilities of FDA's field organization; initiates action to improve the management of field activities and coordinates the formulation and management of career development plans.

Implements nationwide information storage and retrieval systems for data originating in the field offices.

Develops and/or recommends to the Commissioner policy, programs, and plans for applied research which relates to FDA enforcement problems and which will be conducted by field installations; coordinates such research efforts with concerned bureaus and the Office of Health Affairs.

Directs and coordinates FDA emergency preparedness and civil defense programs.

Provides other FDA components with laboratory support in various highly specialized areas.

Recommends priorities for all field construction, repair, improvement, and renovation and recommends short- and long-range field facility utilization plans.

(x-1) *Office of the Executive Director of Regional Operations (HFRD)*. Directs and manages FDA field operations.

Directs the equal employment opportunity and career development and training programs for all EDRO Headquarters and field personnel.

Directs consumer affairs and information programs implemented by EDRO.

Directs and coordinates all management services and programs for EDRO headquarters and the field.

Directs and coordinates Federal-State relations programs as Agency focal point for this activity.

Serves as the FDA focal point for activities relating to the Federal Medical Products Quality Assurance Program and maintains liaison with other Government agencies procuring medical supplies; issues final administrative approval for quality assurance of specific products/firms; directs and coordinates field support.

(x-1-1) *Office of Resource Planning and Management (HFRDA)*. Coordinates development of overall long- and short-range operational program plans and proposes field manpower allocations for their accomplishment.

Analyzes and, in conjunction with field visits, evaluates field performance data and overall accomplishments and develops guidance material for field use in program planning and budgeting.

Establishes, in conjunction with other FDA Headquarters components, data requirements for FDA compliance programs and other management requirements; manages the field program information data retrieval systems.

Participates in the development and implementation of training programs for field personnel in the areas of quality control of management information systems, statistics, and computer utilization.

Serves as focal point for the development and implementation of program oriented management information systems for FDA field operations; designs and implements systems to utilize field data in coordination with the Office of Management and Operations; coordinates, develops, and maintains man-

uals for field management information systems.

(x-2) *Division of Federal-State Relations (HFRG)*. Provides an Agency focal point for all FDA programmatic and operational relationships with counterpart State and local officials to assure a cohesive and uniform Agency policy.

Provides overall Agency leadership and guidance in the development, coordination, and evaluation of the FDA Federal-State program.

Makes recommendations to the Executive Director on matters regarding FDA Federal-State program policy.

Serves as the day-to-day FDA liaison with organizations of Federal, State, and local officials whose interests corresponds to those of FDA.

Directs a program of State Management Conferences with key State officials and FDA field components.

Develops and implements a wide range of training and educational activities and information systems for personnel in State and local counterpart agencies.

Serves as the Agency focal point for coordination of the programmatic aspects of all FDA contracts and grants with State and local counterpart agencies.

(x-3) *Division of Field Science and Technology (HFRH)*. Advises the Executive Director concerning the management of FDA's overall field scientific resources (including national experts) to assure their coordinated, efficient, and effective use; provides coordination between field and bureau scientific programs.

Represents the Executive Director in top level scientific policy and program matters.

Identifies goals and objectives for field scientific activities; develops policies and procedures as they relate to these activities; coordinates and develops manuals on field laboratory operating and technical procedures.

Develops control procedures for field laboratory operations and evaluates the adequacy and effectiveness of field scientific activities through onsite visits.

Manages the field laboratory research programs; identifies the need for, develops, tests, evaluates, and/or arranges for the adoption of new field equipment, techniques, and methodology.

Participates in the determination of long- and short-range field scientific facility needs.

Coordinates research on the applicability of new, complex, scientific instruments for field analyses; designs instrument systems.

Participates in the formulation and evaluation of training and career development plans for field scientists.

Designs, implements, and updates systems to forecast technological changes and trends so that adequate lead time is provided to develop necessary future capabilities.

Analyzes and designs computer-based systems for EDRO Headquarters and field components, especially in the areas of laboratory automation and operations research, to provide for automatic data acquisition, analysis, and process control.

Develops and maintains liaison with outstanding scientists to assure the most effective use of FDA field scientific resources.

Develops and/or reviews the scientific and technical aspects of environmental impact statements.

Coordinates the development and audits the implementation of safety programs in field laboratories.

(x-4) *Division of Field Investigations (HFRJ)*. Serves as FDA focal point for



Headquarters/field investigational and inspectional operations (including the use of national experts); develops and recommends related policy and procedures; coordinates these activities with other Federal organizations through interagency agreements.

Develops and/or reviews procedures for investigating and evaluating industry compliance with laws and regulations administered by FDA; coordinates, develops, and maintains manuals on investigational and inspectional procedures.

Serves as the Agency focal point for coordination of field epidemiological investigations of disease/injury outbreaks.

Develops and, through onsite visits, implements programs to assure the consistency and adequacy of field investigational and inspectional practices.

Directs and coordinates field activities in support of product recalls.

Manages the FDA foreign inspection program.

Directs and coordinates FDA emergency preparedness and civil defense programs.

Provides technical input for EDRO's quality assurance program as it pertains to assuring the consistency and adequacy of field investigational and inspectional operations.

Participates in the design and implementation of investigational and inspectional training programs and career development programs for field inspectors and related personnel.

Manages and coordinates field acquisition and utilization of major investigational and inspectional equipment.

(X-5) *Division of Field Regulatory Guidance (HFRK). Provides coordinative direction for the field compliance activities; serves as focal point for Headquarters/field operational relations on compliance problems and provides counsel to the field on compliance matters and to other countries concerned with the Agency National Import Program.*

Represents the field compliance activities in high level planning conferences and advises on the effects of altering compliance program objectives, procedures, or emphasis.

Reviews all FDA compliance programs and assures that compliance programs are reviewed and cleared by all concerned ERDO organizational components; manages and monitors this clearance process.

Approves and coordinates input into field guidance materials including Compliance Programs, Compliance Policy Guides, Administrative Guidelines, and the Regulatory Procedures Manual, assuring compatibility of issuances and procedures in FDA.

Provides technical input for EDRO's quality assurance programs as it pertains to assuring the consistency and adequacy of compliance and regulatory activities.

Develops or participates in the development of regulatory procedures to implement new legislation or Agency policy decisions.

Promotes and coordinates the development and implementation of agreements between FDA and foreign authorities which should enhance compliance with FDA regulations by foreign groups exporting FDA-regulated products into this country.

Coordinates, in conjunction with the Office of Regulatory Affairs, FDA's provision of information and training to foreign government and industry personnel.

Identifies with field managers the need for formal and informal compliance training programs for field personnel.

Provides regulatory guidance for and operational management of casework to

insure timely, coordinated input from FDA Headquarters and the field.

8. Revise Section HF-C Order of Succession to read as follows:

SECTION HF-C *Order of Succession.* During the absence or disability of the commissioner, or in the event of a vacancy in that position, the first official listed below who is available shall act as Commissioner:

- (1) (a) Deputy Commissioner.
- (b) Associate Commissioner for Regulatory Affairs.
- (c) Associate Commissioner for Health Affairs.
- (d) Associate Commissioner for Policy Coordination.
- (e) Associate Commissioner for Management and Operations.
- (f) Associate Commissioner for Planning and Evaluation.
- (g) Associate Commissioner for Legislative Affairs.
- (h) Associate Commissioner for Public Affairs.
- (2) For a planned period of absence, the Commissioner may specify a different order of succession.

Dated: April 10, 1978.

JOSEPH A. CALIFANO, JR.,  
Secretary.

[FR Doc. 78-10369 Filed 4-17-78; 8:45 am]

#### [4110-03]

#### LEAD-BASED PAINT POISONING PREVENTION ACT

##### Delegations of Authority

This notice states that the Department of Health, Education, and Welfare, has made a delegation and certain redelegations of authority under the Lead-Based Paint Poisoning Prevention Act, as amended by Pub. L. 94-317 (42 U.S.C. 4801, et seq.), as stated below. The delegation and redelegations supersede the previous grants of these authorities. Pending issuance of further redelegations, all previous redelegations based on the authorities vested in the Secretary of Health, Education, and Welfare under the Act remain in effect.

1. First is the delegation of authority from the Secretary of Health, Education, and Welfare, to the Assistant Secretary for Health, to exercise all functions vested in the Secretary under the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801, et seq.), as amended, including the authority to issue regulations implementing section 401(a) of the Act. Excluded from the delegation was the authority to issue regulations implementing other provisions of the Act and the authority under Section 505(a) of the Act to establish an advisory board and select members of the advisory board. All authority delegated may be redelegated.

2. Second is the redelegation by the Assistant Secretary for Health to the Deputy Assistant Secretary for

Health—Programs of all the authorities delegated by the Secretary to the Assistant Secretary for Health under the Lead-Based Paint Poisoning Prevention Act, as amended by Pub. L. 94-317 (42 U.S.C. 4801, et seq.). All authorities delegated may be redelegated.

3. Third is the redelegation by the Deputy Assistant Secretary for Health—Programs to the Commissioner of Food and Drugs of authority to exercise the functions vested in the Secretary of Health, Education, and Welfare, under section 401(a) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831(a)), as amended, which relate to the prohibition of the application of lead-based paint to cooking, drinking, and eating utensils. All authority delegated may be redelegated.

The delegation and redelegations were effective as follows: Delegation by the Secretary—March 13, 1978; Redelegation by the Assistant Secretary for Health—March 14, 1978; and Redelegation by the Deputy Assistant Secretary for Health—Programs—March 15, 1978.

Dated: April 10, 1978.

LEONARD D. SCHAEFFER,  
Assistant Secretary for  
Management and Budget.

[FR Doc. 78-10371 Filed 4-17-78; 8:45 am]

#### [1505-01]

#### CUMULATIVE LIST OF QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

##### Correction

In FR Doc. 78-9062, appearing at page 14908 in the issue of Friday, April 7, 1978, the eighth line of the second column on page 14913 should read, "[Operationally qualified—November 11, 1975.]"

#### [4110-85]

##### Office of the Secretary

#### ASSISTANT SECRETARY FOR HEALTH ET AL.; EMERGENCY MEDICAL SERVICES SYSTEMS

##### Delegation of Authority

Notice is hereby given that the following delegations and redelegations of authority have been made regarding Emergency Medical Services Systems under Title XII of the Public Health Service Act, as amended by Pub. L. 94-573, the Emergency Medical Services Amendments of 1976, and related authorities under sections 13,



15, and 16 of Pub. L. 94-573. Unless otherwise noted, the citations below refer to sections of the Public Health Service Act, as amended by Pub. L. 94-573.

1. Delegation by the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health, with authority to redelegate, of the authorities vested in the Secretary of Health, Education, and Welfare under:

(a) Title XII of the Public Health Service Act, as amended by Pub. L. 94-573, (42 U.S.C. 300d et seq.), excluding the authority concerning the Interagency Committee on Emergency Medical Services under section 1209 (42 U.S.C. 300d-8); to promulgate regulations; and to submit reports to Congress or to a congressional committee. This delegation includes the authority to perform the functions under section 1208(c) (42 U.S.C. 300d-7(c)) which are to be performed by the specified administrative unit through the Interagency Committee on Emergency Medical Services;

(b) Section 13 of Pub. L. 94-573 providing for "Expenses of Administration," excluding the authority to submit a report to the appropriate committee of Congress;

(c) Section 15 of Pub. L. 94-573 providing for "Transfer of Equipment"; and

(d) Section 16 of Pub. L. 94-573 providing for a "Uniform Patient Reporting System."

2. Delegation by the Assistant Secretary for Health to the Regional Health Administrators, with authority to redelegate of the authorities under:

(a) Section 1202 of the Public Health Service Act (42 U.S.C. 300d-1) providing for grants and contracts for feasibility studies and planning of emergency medical services systems;

(b) Section 1203 of the Public Health Service Act (42 U.S.C. 300d-2) providing for grants and contracts for establishing and initial operation of emergency medical services systems;

(c) Section 1204 of the Public Health Service Act (42 U.S.C. 300d-3) providing for grants and contracts for expansion and improvement of emergency medical services systems; and

(d) Section 1206 of the Public Health Service Act (42 U.S.C. 300d-5) providing for general provisions respecting grants and contracts awarded under sections 1202, 1203, and 1204 of the Public Health Service Act.

These authorities are to be exercised within their respective jurisdictions.

3. Delegation by the Assistant Secretary for Health to the Administrator, Health Resources Administration, with authority to redelegate, of the authorities under:

(a) Section 1205 of the Public Health Service Act (42 U.S.C. 300d-4) providing for grants and contracts for the support of research in emergency

medical techniques, methods, devices, and delivery of emergency medical services; and

(b) Section 1206 of the Public Health Service Act (42 U.S.C. 300d-5) providing for general provisions respecting grants and contracts awarded under Section 1205 of the Public Health Service Act.

4. Delegation by the Assistant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate; of the authorities under:

(a) Section 1208 of the Public Health Service Act (42 U.S.C. 300d-7) providing for the administration of the program of grants and contracts authorized by Part A, Title XII of the Public Health Service Act, (except for grants and contracts under section 1205). Included in this authority are the functions under section 1208(c) which are to be performed by the administrative unit through the Interagency Committee on Emergency Medical Services;

(b) Section 1210 of the Public Health Service Act (42 U.S.C. 300d-9) providing for the preparation of the annual report;

(c) Section 1221 of the Public Health Service Act (42 U.S.C. 300d-21) providing for the programs relating to burn injuries;

(d) Section 13 of Pub. L. 94-573 providing for the expenses of administration and the preparation of the required report, excluding the submission of the required report to the appropriate congressional committee;

(e) Section 15 of Pub. L. 94-573 providing for the transfer of the Emergency Medical Services' equipment; and

(f) Section 16 of Pub. L. 94-573 providing for a uniform patient reporting system.

The May 24, 1974 delegation by the Secretary of Health, Education, and Welfare (39 FR 22445) to the Assistant Secretary for Health of authority under the Emergency Medical Services Systems Act of 1973 (Pub. L. 93-154), including authorities under Title XII of the Public Health Service Act has been superseded. Also superseded is the May 29, 1974 delegation of authority for Emergency Medical Services Systems by the Assistant Secretary for Health (39 FR 22445) to the Regional Health Administrators; the Administrator, Health Resources Administration; and the Administrator, Health Services Administration.

Previous delegations and redelegations of authority made pursuant to the May 24, 1974 delegation by the Secretary of Health, Education, and Welfare may continue in effect for no more than 90 days from the effective date of this delegation by the Secre-

tary, provided they are consistent with this delegation.

The above authorities were effective on February 6, 1978.

Dated: April 8, 1978.

LEONARD D. SCHAEFFER,  
Assistant Secretary for  
Management and Budget.

(FR Doc. 78-10372 Filed 4-17-78; 8:45 am)

#### [4110-12]

#### SOCIAL SECURITY ADMINISTRATION

##### Statement of Organization, Functions and Delegations of Authority

Part S (formerly Part 4) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). Sections SP.10 and SP.20 of the SSA Statement (42 FR 16517-30) describe the Mission, Organization and Functions for SSA's Office of Program Operations (OPO). Sections SP.10 H.4. and SP.20 H.4. of the OPO Statement are hereby modified and expanded to reflect the reorganization of the Office of the Assistant Bureau Director, Disability Operations in OPO's Bureau of Disability Insurance. This additional material reads as follows:

Sec. SP.10 Office of Program Operations—(Organization).

H. Bureau of Disability Insurance (SPT).

4. Office of the Assistant Bureau Director, Disability Operations (SPT5) which consists of the:

(a) Immediate Office of the Assistant Bureau Director (SPT5);

(b) Process Divisions (SPT59-SPT5D);

(c) Division of Support Services (SPT5E);

(d) Division of Operations Analysis (SPT58);

(e) Court Case Staff (SPT5G).

Sec. SP.20 Office of Program Operations—(Functions).

H. The Bureau of Disability Insurance (SPT).

4. The Office of the Assistant Bureau Director, Disability Operations (SPT5) administers the review and authorization of claims under the disability insurance, supplementary security income and black lung programs; certification of benefit payments; and maintenance of beneficiary rolls. It directs the review and reconsideration of State agency disability determinations, and negotiates issues with State agencies relating to the quality of their disability determinations and their conformance with BDI requirements. The Office directs BDI's reconsideration activities, maintains a program for response to public and congressional correspondence, analyzes appellate decisions for BDI operational implications, and develops and



makes recommendations on disability determinations in litigation. The Office included the following major components, whose functions are as indicated:

a. *The Immediate Office of the Assistant Bureau Director (SPT5)* which provides executive-level leadership and direction to the Office of the Assistant Bureau Director, Disability Operations and its components.

b. *Process Division (SPT59-SPT5D)*

1. Reviews initial determinations of disability and reconsidered determinations of disability made by State agencies; and approves or reverses such State agency determinations in accordance with authority granted by the Social Security Act as amended; makes determinations of disability and reconsiders disability cases excluded from State agency jurisdiction. Reviews decisions of Administrative Law Judges and the Appeals Council in SSA's Bureau of Hearings and Appeals to assess impact upon the BDI claims determination process.

2. Provides guidance to State agencies to assure conformity in initial, reconsideration, and continuing disability determinations; negotiates issues arising from the Division's review of State agency determinations and coordinates the Division's operations with other SSA components, State agencies, and the Railroad Retirement Board as appropriate.

3. Reviews district office determinations of nondisability factors for entitlement or eligibility to primary or auxiliary benefits and authorizes allowance or disallowance; reconsiders those cases contested for issues other than the existence of disability.

4. Adjusts, suspends and terminates benefits, and prepares benefit payment data for introduction into the computer system; processes all actions to maintain beneficiary payment roles; recovers or waives amounts incorrectly paid to beneficiaries; prepares and releases award certificates, denial letters and other claims related notices, and maintains BDI's files of claims folders. Assures timely association of claims related materials with the folders.

5. Examines disability cases to determine whether a review of continuing entitlement is necessary; reviews State agency disability determinations in cases involving issues of continuing eligibility, and receives and processes representative payee accounting reports.

6. Prepares replies to inquiries regarding individual case situations and BDI program related matters which are received from beneficiaries, their representatives, members of Congress, professional groups, social welfare organizations, and the general public and insures expeditious processing of actions where inquiries have been received that indicate claimant hardship.

c. *Division of Support Services (SPT5E)*

1. Coordinates all BDI computer operations with the Bureau of Data Processing; analyzes and receives computer programs and exceptions which relate to the disability payment systems; maintains accounting controls using ADP techniques, manual and other methods and assures by sample audit that magnetic tape records reflect actual authorized payment actions.

2. Processes incoming and outgoing mail, receives and deposits overpayment refunds and supplementary medical insurance premiums, maintains BDI dormant claims files, and prepares systems management information and quality control reports.

3. Oversees the operation of the BDI Case Control System, identifies case control problems and coordinates folder location activities with central office components, State agencies and district offices regarding overdue cases.

4. Coordinates the Division's operations with other SSA components, State agencies, the Department of Treasury and the United States Postal Service, as appropriate.

d. *The Division of Operations Analysis (SPT58)*

1. Studies, analyzes and evaluates current and proposed operational practices of the Office of the Assistant Bureau Director, Disability Operations (OABD, DO) and advises Bureau executive staff on operating conditions, problems and corrective actions.

2. Plans, directs and carries out operational analyses of OABD, DO workflow; the operation of the BDI Case Control System; and present or proposed changes in operating techniques, methods and procedures, work alignments and/or time schedules.

3. Provides operational leadership in implementing modular case processing and coordinates activities among OABD, DO components and operating modules.

4. Reviews and evaluates disability policies and procedures for operational impact and feasibility and maintains necessary liaison on such matters with other BDI and SSA components.

e. *Court Case Staff (SPT5G)*

1. Prepares Statements of Facts for use by the Office of the General Counsel in preparing the Government's briefs to the courts. Evaluates adverse disability court case decisions, and makes recommendations on the advisability of appealing these decisions.

2. Coordinates Staff activities with the Bureau of Hearings and Appeals, the Office of Program Operations, other SSA components, and the Office of the General Counsel as appropriate.

Dated: April 10, 1978.

LEONARD D. SCHAEFFER,  
Assistant Secretary for  
Management and Budget.

[FR Doc. 78-10370 Filed 4-17-78; 8:45 am]

#### [4110-12]

##### UNDER SECRETARY

##### Statement of Organizations, Functions, and Delegations of Authority; Order of Succession

This notice amends Part A, Chapter AA, of the statement of Organizations, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, (39 FR 30066, August 20, 1974 and 39 FR 32172, September 5, 1974) to reflect a new order of succession prescribed by the Secretary. The present Section AA.10B *Order of Succession* is obsolete. The revised section reads as follows:

SECTION AA.10B. *Order of Succession.* (1) The Under Secretary acts as Secretary during the absence or disability of the Secretary.

(2) During the absence or disability of the Secretary and Under Secretary, the Secre-

tary or Under Secretary will designate the official who will act as Secretary.

Dated: April 10, 1978.

LEONARD D. SCHAEFFER,  
Assistant Secretary for  
Management and Budget.

[FR Doc. 78-10373 Filed 4-17-78; 8:45 am]

#### [4110-35]

##### Health Care Financing Administration

##### CHLORDIAZEPOXIDE HCl

##### Delay in Effective Date for Final Maximum Allowable Cost Determinations

On February 24, 1978, notice of the Final Maximum Allowable Cost (MAC) Determinations for Chlordiazepoxide HCl was published in the FEDERAL REGISTER (43 FR 7714), to be effective on April 10, 1978. On April 7, 1978, the Department was preliminarily enjoined from implementing or enforcing the MAC determinations on chlordiazepoxide HCl until a decision is reached on the merits in *Hoffman-LaRoche v. Caltano*, Civil No. 78-0467, in the United States District Court for the District of Columbia.

Dated: April 14, 1978.

PETER J. RODLER,  
Acting Executive Secretary,  
Pharmaceutical Reimbursement Board.

[FR Doc. 78-10668 Filed 4-17-78; 11:15 am]

#### [4210-01]

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Office of the Secretary

[Docket No. N-78-865]

##### TASK FORCE ON HOUSING COSTS

##### Meetings

AGENCY: Department of Housing and Urban Development.

ACTION: Notice is given of the third and fourth meetings of the entire Task Force on Housing Costs, whose functions were published at 42 FR 42383.

SUMMARY: The third meeting of the full Task Force will be held on May 3, 1978. The fourth and final meeting of the full Task Force will be held on May 24, 1978. The Task Force will convene for each meeting at 9:30 a.m. of the meeting date in the Departmental Conference Room, 10th Floor, Room 10233, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Each meeting will be open to the public.



**SUPPLEMENTARY INFORMATION:** The purpose of and agenda for each meeting may include, but are not limited to, the following:

1. Discussion of, and action upon draft written materials prepared by the Task Force Staff that contain housing cost problem analyses, findings and proposed recommendations for cost-reducing actions developed by the Task Force on Housing Costs. These materials are in the form of a proposed Final Report.
2. Testimony, if any, from members of the general public.
3. Discussion of other issues and ideas not previously considered.
4. Review of the minutes of the last Task Force and committee meetings.
5. Consideration of other Task Force business.

**ADDRESS:** Task Force on Housing Costs, Staff Chairman Edward J. Cachine, Room 7110, U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

**FOR FURTHER INFORMATION CONTACT:**

Edward J. Cachine, 202-755-7362 (substantive inquiries), Thomas Bacon, 202-755-5277 (press inquiries), or Donald K. McLain, 202-755-5333.

Issued at Washington, D.C., April 13, 1978.

WILLIAM J. WHITE,  
Chairman, Task Force  
on Housing Costs.

[FR Doc. 78-10430 Filed 4-17-78; 8:45 am]

**[4310-02]**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**INDIAN TRIBES PERFORMING LAW ENFORCEMENT FUNCTIONS**

**Determination—Amendment**

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

Section 601(d), title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, places responsibility on the Secretary of the Interior to determine those Indian tribes which perform law enforcement functions. The listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) identified all eligible Indian tribes and the specific law enforcement functions they have responsibility to exercise. Determinations and certifications concerning Indian tribes not listed are made on an individual basis upon application by such tribes. The Secre-

tary's authority to make such determinations was delegated to the Assistant Secretary—Indian Affairs by 230 DM 1.

It has been determined by the Assistant Secretary—Indian Affairs that the Muckleshoot Tribe of Indians in the State of Washington has responsibility to perform the six functions listed below.

Therefore, the listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) is further amended by adding the entry for the Muckleshoot Tribe in the State of Washington to read as follows:

Tribal Entities Recognized By Federal Gov't And Listed By State	To Employ Tribal Police	To Establish Tribal Court	To Adopt Tribal Law And Order Code	To Undertake Correction Functions	To Undertake Adult And Juvenile Delinquency Programs	To Undertake Crime Prevention And Rehabilitation Program
Washington: Muckleshoot	X	X	X	X	X	X

FORREST J. GERARD,  
Assistant Secretary—  
Indian Affairs.

[FR Doc. 73-10336 Filed 4-17-78; 8:45 am]

**[4310-84]**

**Bureau of Land Management**

[W-62943]

**WYOMING**

**Application**

APRIL 6, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah filed an application for a right-of-way to construct a 6% inch and 8% inch O.D. pipeline as an addition to its proposed gathering system for the purpose of transporting natural gas across the following described public lands:

**SIXTH PRINCIPAL MERIDIAN, WYOMING**

- T. 23 N., R. 111 W.,  
Sec. 7, Lots 17 and 23;  
Sec. 18, Lots 11, 12, 13, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$   
and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 23 N., R. 112 W.,  
Sec. 1, Lots 8, 9, 15, 16, E $\frac{1}{2}$ SW $\frac{1}{4}$  and  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$  and  
NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 24 N., R. 112 W.,  
Sec. 36, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The 8% inch pipeline begins in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 36, T. 24 N., R.

112 W., Lincoln County, Wyo. and reduces into the 6% inch pipeline in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, T. 23 N., R. 111 W., and ends in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 28, T. 23 N., R. 111 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, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc. 78-10337 Filed 4-17-78; 8:45 am]

**[4310-70]**

**DISTRICT MANAGERS; NEVADA**

**Redelegation of Authority**

APRIL 10, 1978.

Pursuant to Redelegation of Authority granted under Bureau Order 701 dated July 23, 1964, as amended in Section 1.2(h), authority is redelegated to District Managers in Nevada as follows:

District Managers may enter into cooperative agreements with heads of local governments and their agencies, local organizations and individuals within the District Manager's area of Jurisdiction.

Cooperative agreements with other Federal Agencies may not be entered into which contemplate the exchange of funds in payment for supplies or services to be rendered. Such agreements constitute Interagency Agreements or Memorandums of Understanding, and must be referred to the State Director for Economy Act determination.

This order becomes effective May 1, 1978, and revokes previous delegation published March 16, 1978 (43 FR 10980).

E. I. ROWLAND,  
State Director, Nevada.

[FR Doc. 78-10393 Filed 4-17-78; 8:45 am]



[4310-84]

[W-63228]

## WYOMING

## Application

APRIL 7, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo. has filed an application for a right-of-way to construct a 4½ inch O. D. pipeline for the purpose of transporting natural gas across the following described public lands:

## SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 95 W.,  
Sec. 36, N½SE¼.

The pipeline will transport natural gas produced from the West Wamsutter No. 1-36 well in the SE¼ of section 36, T. 20 N., R. 95 W., to an existing Wamsutter F32 natural gas pipeline in the SW¼ of section 31, T. 20 N., R. 94 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.

HAROLD G. STINCHCOMB,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc. 78-10391 Filed 4-17-78; 8:45 am]

[1505-01]

## LIST OF RESTRICTED JOINT BIDDERS

## Republication

NOTE.—FR Doc. 78-9781 appeared on page 15500 in the issue of Thursday, April 13, 1978. For the convenience of the reader the document is being republished in its entirety.

Pursuant to the authority vested in the Director of the Bureau of Land Management by the provisions of 43 CFR 3302.3-2(a), the following companies shall be restricted from bidding jointly with any other company on this same list at Outer Continental Shelf oil and gas lease sales held during the bidding periods of May 1, 1978, through October 31, 1978:

Amoco Production Company  
BP Alaska Exploration Inc.  
Chevron U.S.A. Inc.

Exxon Corporation  
Gulf Oil Corporation  
Mobil Oil Corporation  
Shell Oil Company  
Standard Oil Company of California  
Texaco Inc.

GEORGE L. TURCOTT,  
Acting Director,  
Bureau of Land Management.

[FR Doc. 78-9781 Filed 4-12-78; 8:45 am]

[4310-03]

## Heritage Conservation and Recreation Service

## NATIONAL REGISTER OF HISTORIC PLACES

## Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before April 7, 1978. Pursuant to § 60.13(a) of 36 CFR part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by April 28, 1978.

WILLIAM J. MURTAGH,  
Keeper of the National Register.

## ALABAMA

## Talladega County

Talladega, *Silk Stocking District*, roughly bounded by Coffee, 2nd, McMillan, and Court Sts.

## ALASKA

## Fairbanks Division

Fairbanks, *Wickersham House*, Alaskaland.

## COLORADO

## Larimer County

Fort Collins, *Baker House*, 304-304½ E. Collins St.

## GEORGIA

## Baldwin County

Milledgeville, *Central Building, State Lunatic Asylum*, Broad St.

## Hancock County

Devereux vicinity, *Pearson, Stephen Edward, House*, SE of Devereux on Pearson Chapel Rd.  
Sparta vicinity, *Rockby*, NE of Sparta off GA 16.

## Johnson County

Wrightsville, *Grice Inn*, E. Elm St.

## Richmond County

Augusta, *Augusta Cotton Exchange Building*, Reynolds St.

## Thomas County

Metcalf, *Metcalf Historic District*, roughly bounded by Magnolia, Hancock, Louis, and Williams Sts.

## INDIANA

## Tippecanoe County

Lafayette, *St. John's Episcopal Church*, 315 N. 6th St.

## MAINE

## Androscoggin County

Lewiston, *Lord, James C., House*, 497 Main St.

## Sagadahoc County

Bath, *Hyde Mansion*, 616 High St.

## MARYLAND

## Baltimore County

Glen Arm vicinity, *Ravenhurst*, 12915 Dulaney Valley Rd.

## Frederick County

Urbana vicinity, *Fat Ozen*, N of Urbana on MD 355.

## Prince Georges County

Bladensburg, *Hilleary, William, House*, 4703 Annapolis Rd.

## Washington County

Hagerstown, *Old Washington County Library Building*, 21 Summit Ave.

## MASSACHUSETTS

## Barnstable County

Chatham, *Half Way House*, off Andrew Hardings Lane.  
Provincetown, *Hawthorne Class Studio*, off Miller Hill Rd.

## Berkshire County

Sheffield, *Old Covered Bridge*, Covered Bridge Lane.

## Bristol County

Attleboro, *Blackinton Houses and Park*, N. Main St.  
Attleboro, *Capron House*, 42 North Ave.  
North Swansea, *Martin House and Farm*, 22 Stoney Hill Rd.

## Essex County

North Andover, *North Andover Center Historic District*, roughly bounded by Osgood, Pleasant, Stevens, Johnson and Andover Sts., and Wood Lane.  
West Newbury, *Newell Farm*, 243 Main St.

## Middlesex County

Arlington, *Locke, Capt. Benjamin House*, 21 Appleton St.

## Norfolk County

Braintree, *Thayer Public Library*, 2 John F. Kennedy Memorial Dr.  
Brookline, *Longwood Historic District*, roughly bounded by Chapel, St. Marys, Monmouth, and Kent Sts.

## Plymouth County

Duxbury vicinity, *First Parish Church*, SW of Duxbury at Tremont and Depot Sts.  
Duxbury vicinity, *Standish, Alexander House*, 341 Standish St.



**MISSISSIPPI****Adams County**

Natchez vicinity, *Lansdowne*, N of Natchez on Pine Ridge Rd.

**NEW HAMPSHIRE****Cheshire County**

Swansey vicinity, *Sauyers Crossing Covered Bridge*, N of Swansey off NH 32.  
Westport, *State Covered Bridge*, off NH 10.

**Hillsborough County**

Nashua, *Stark, George, House*, 22 Concord St.

**Rockingham County**

Newmarket, *Stone School*, Granite St.

**Sullivan County**

Cornish Mills, *Dingleton Hill Covered Bridge*, off NH 12A.  
Cornish Mills vicinity, *Trinity Church*, W of Cornish Mills on NH 12A.  
Plainfield vicinity, *Blow-Me-Down Covered Bridge*, S of Plainfield off NH 12A.

**NEW YORK****New York County**

New York, *Soho Historic District*, roughly bounded by W. Broadway, Houston, Crosby, and Canal Sts.

**PENNSYLVANIA****Somerset County**

Meyersdale vicinity, *Bollman, W., & Company Bridge*, 1.5 mi. (2.4 km) N of Meyersdale on U.S. 219.

**Union County**

Lewisburg, *Packwood House-American Hotel*, 10 Market St.

**TENNESSEE****Monroe County**

Vonore vicinity, *Chota and Tanasi Cherokee Village Sites*, SE of Vonore (boundary revision).  
Vonore vicinity, *Icehouse Bottom Site*, E of Vonore.  
Vonore vicinity, *Mialoquo Site*, N of Vonore.  
Vonore vicinity, *Tomotley Site*, SE of Vonore.

**UTAH****Garfield County**

Panguitch vicinity, *Bryce Canyon Airport Hangar*, SE of Panguitch off UT 12.

**WEST VIRGINIA****Ritchie County**

Pennsboro, *Old Stone House*, 310 W. Myles Ave.

**WISCONSIN****Door County**

Gills Rock vicinity, *Pilot Island Light*, Porte des Morts Passage.

[FR Doc. 78-9902 Filed 4-17-78 8:45 am]

[7020-02]

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-391]

**CERTAIN LUGGAGE PRODUCTS****Order Granting Complainant's Motion To Amend in Part and Denying Taiwanese Respondents' Motion To Strike The Complaint**

On March 6, 1978, Complainant Airway Industries, Inc. (hereinafter Airway) moved to amend the complaint herein.<sup>1</sup> This party seeks to add allegations regarding a Canadian industrial design registration based on the U.S. design patent at issue in this investigation. Additionally, Airway seeks to join three foreign respondents and one domestic respondent to this investigation. The Taiwanese respondents filed their opposition to this motion on March 17, 1978, and included a counter motion to strike the complaint.<sup>2</sup> The Taiwanese argued that Airway should not be permitted to add this Canadian patent to the pleadings as to do so would relieve Complainant of its original burden under Commission's rule 210.20(a)(8)(D) to list foreign patents in the complaint as originally filed and would further prejudice the Taiwanese in preparing for hearing. These moving respondents claim additional prejudice in preparing for the temporary exclusion order (TEO) hearing that commenced on February 21, 1978. The Commission's Investigative Attorney responded to these motions supporting complainant's amendment request and opposing the motion to strike.

Both the Taiwanese respondents and the investigative attorney received copies of the Canadian patent, Industrial Design Registration No. 41056, prior to the commencement of the hearing. The existence of this patent was established on the record through cross-examination by the counsel for the Taiwanese respondents. The presence of the evidence concerning the Canadian patent in the record appears to be of no great moment to either case as presented at the TEO hearing. The Taiwanese respondents have not met their burden to establish prejudice resulting from the late disclosure of the Canadian industrial design registration. Certainly the rules do require a complainant to list foreign patents prior to institution. However, in this instance Complainant is correcting the record and no severe side effects have befallen the other parties. Accordingly, the Presiding Officer finds that amendment of the complaint to conform to the evidence pursuant to rule 210.22 is appropriate. The issue of the Canadian design

patent registration was not raised by the pleadings nor the investigative notice, but this issue is reasonably within the scope of the pleadings and was considered during the taking of evidence by consent of the parties. In accordance with rule 210.22, this amendment to the complaint is being treated in all respects as if it had been raised in the pleadings and notice and shall be effective with respect to all parties as all have at least impliedly consented through no objection or non-appearance.

The issue of joining four additional respondents as moved by Complainant will be severed from this motion and treated by the Presiding Officer at a later date due to the possible Protective Order violations involved in the manner in which their joinder was proposed.

For reasons cited above, namely the non-prejudicial nature of amending the complaint to comply with the rules and conform to the evidence, the Presiding Officer will deny the motion to strike the complaint.

Accordingly, it is hereby ordered, That:

1. Complainant Airway Industries, Inc.'s motion to amend the complaint (Motion docket No. 39-9) is granted in part to conform to the evidence by including as paragraph 5A the allegation that:

Airway filed an Application for a patent similar and corresponding to U.S. Letters Patent Des. 242,181 in Canada on September 11, 1975, under Serial No. 11-09-75-2. Application Serial No. 11-09-75-2 and Application Serial No. 11-09-75-4 also filed on September 11, 1975, were later cognated into Canadian Application 11-09-75-3, pursuant to requirement of the Canadian examiner. The three consolidated Applications issued as a single Industrial Design Registration No. 41056 on August 16, 1976.

and further,

2. The motion by the Taiwanese respondents to strike the complaint (Motion docket No. 39-11) is denied; and further,

3. Respondents' alternative motions for an extension of temporary relief discovery and a postponement of the issuance of the recommended determination were effectively denied by the issuance of such recommended determination on March 24, 1978. Respondents failed to demonstrate in their moving papers any prejudice to their case by the failure of the complainant to disclose its Canadian patent prior to approximately the date of the pre-hearing conference on February 16, 1978.

4. The Secretary shall serve a copy of this Order upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: April 12, 1978.

JUDGE DONALD K. DUVALL,  
Presiding Officer.

[FR Doc. 78-10428 Filed 4-17-78; 8:45 am]

<sup>1</sup> Motion docket No. 39-9.

<sup>2</sup> Motion docket No. 39-11.



[7020-02]

[Investigation No. 337-TA-3]

## DOXYCYCLINE

## Order Regarding Lark and Ankerfarm

It has been alleged by the complainant that two Italian pharmaceutical firms, Lark, S.p.A., and Ankerfarm, S.p.A., are manufacturers of doxycycline who have taken certain steps to secure the right to export this drug to the United States. No party is seeking to join them as respondents in this investigation at this time. Nonetheless, the presently active parties and the undersigned Presiding Officer deem it appropriate that these foreign entities be given specific notice of this investigation in order that they might take whatever action is necessary to protect their potential interest here.

Therefore, it is hereby ordered, That the Secretary of this Commission shall serve the attached letter of notification upon both the Lark and Ankerfarm entities, along with a copy of the amended complaint, the recommended determination regarding such amendment, this order, section 337, the rules of practice and procedure of this Commission, and the FEDERAL REGISTER notice of reactivation.

Further, the Secretary shall serve a copy of this order and the letter of notification upon all parties of record.

Issued: April 12, 1978.

JUDGE DONALD K. DUVALL,  
Presiding Officer.

[FR Doc. 73-10429 Filed 4-17-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-40]

## MONUMENTAL WOOD WINDOWS

Order Canceling Temporary Exclusion Order  
Hearing and Setting Hearing Schedule

On April 7, 1978, Complainant Wrand Industries, Inc., requested to cancel the temporary exclusion order hearing set for April 24, 1978, and to waive their right to temporary relief in this proceeding. Complainant cited inadequate preparation for the hearing despite good faith efforts by all parties. Documents sought by the Complainant could not be assembled in a timely fashion because of the overseas location and language translation problems involved.

Accordingly, the Presiding Officer cancels the previously announced schedule for the temporary exclusion order hearing in this matter.

It is further ordered, That the parties shall be ready to proceed with the hearing on Complainant's permanent relief request at 10 a.m. on August 22, 1978, or as soon thereafter as possible, continuing daily until completed, on at least 48 hours advance oral notice.

The hearing will be held in Room 610, Bicentennial Building, 600 E Street NW., Washington, D.C.

It is further ordered, That no discovery shall be obtained after July 27, 1978. Service of prehearing conference statements by Complainant shall be completed on or before August 3, 1978, and by Respondents and Staff on or before August 10, 1978. Notice is hereby given that the prehearing conference will be held at 2 p.m. on August 17, 1978, in the Hearing Room of the Administrative Law Judge, Room 610, Bicentennial Building, 600 E Street NW., Washington, D.C.

The Secretary shall serve a copy of this Order upon all parties of record, and shall publish this Order in the FEDERAL REGISTER.

Issued: April 11, 1978.

JUDGE DONALD K. DUVALL,  
Presiding Officer.

[FR Doc. 78-10427 Filed 4-17-78; 8:45 am]

[7020-02]

[AA1921-178]

POLYVINYL CHLORIDE SHEET AND FILM FROM  
THE REPUBLIC OF CHINA

## Determination of Injury or Likelihood Thereof

On January 12, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that polyvinyl chloride sheet and film from the Republic of China, with the exception of polyvinyl chloride sheet and film produced by China Gulf Plastics Corp. and Ocean Plastics Co., Ltd., are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on January 19, 1978, the Commission instituted investigation No. AA1921-178 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of the public hearing held in connection therewith was published in the FEDERAL REGISTER on January 24, 1978 (43 FR 3319). On March 2, 1978, a public hearing was held in Washington, D.C., at which all persons who requested the opportunity were permitted to appear by counsel or in person.

On the basis of its investigation, the Commission has determined (Commissioner Ablondi dissenting) that an industry in the United States is being or is likely to be injured<sup>1</sup> by reason of

<sup>1</sup>Chairman Minchew and Vice Chairman Parker determined that an industry in the

the importation of polyvinyl chloride sheet and film from the Republic of China that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties and information adduced at the hearings as well as information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

STATEMENT OF REASONS FOR THE AFFIRMATIVE  
DETERMINATION OF VICE CHAIRMAN JOSEPH  
O. PARKER AND COMMISSIONERS GEORGE M.  
MOORE AND CATHERINE BEDELL<sup>2</sup>

After receiving advice from the Department of the Treasury on January 12, 1978, that polyvinyl chloride (PVC) sheet and film from the Republic of China (Taiwan), with the exception of PVC sheet and film produced by China Gulf Plastic Corp. and Ocean Plastics Corp., Ltd., are being, or are likely to be, sold in the United States at less than fair value (LTFV), the U.S. International Trade Commission instituted investigation No. AA1921-178 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established,<sup>3</sup> by reason of the importation of such merchandise into the United States. As set forth in the Commission's notice of investigation (43 FR 3319) for the purposes of its determination of sales at LTFV, Treasury defined PVC sheet and film as, "unsupported, flexible, calendared polyvinyl chloride sheet, film and strips over 6 inches in width and over 18 inches in length and at least 0.002 inches, but not over 0.020 inches in thickness."

After considering the information supplied by the Department of the Treasury and developed during the Commission's investigation, we determine that an industry in the United States is likely to be injured<sup>4</sup> by reason of the importation of polyvinyl chloride sheet and film from Taiwan which the Secretary of the Treasury has determined are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

For purposes of our determination, we considered the domestic industry to consist of the facilities devoted to the production of unsupported, flexible, calendared PVC sheet and film (unsupported PVC sheet and film). These products (2 to 20 mils in thickness found by Treasury to be sold at LTFV) are not generally competitive with other kinds

United States is likely to be injured; Commissioner Alberger determined that an industry in the United States is being injured; Commissioners Moore and Bedell determined that an industry in the United States is being, or is likely to be, injured.

<sup>2</sup>Chairman Daniel Minchew concurs in the result.

<sup>3</sup>Prevention of establishment is not an issue in this investigation will not be discussed further.

<sup>4</sup>Commissioners Moore and Bedell consider the information developed during the course of the investigation and discussed in these views as supporting a finding that the relevant domestic industry is being or is likely to be injured by reason of the subject LTFV imports.



of PVC sheet and film, such as extruded PVC sheet and film. There are approximately 30 domestic producers of these products; five firms have discontinued production during the past 6 years.

Treasury's investigation of imports of PVC sheet and film from Taiwan covered the period October 1, 1976, through March 31, 1977, and was limited to the products manufactured by four companies supplying more than 90 percent of U.S. imports from Taiwan during the period of Treasury's investigation.<sup>\*</sup> Treasury made comparisons on 80 percent of the exports of these four companies, and, on the basis of these comparisons, one company was excluded from Treasury's determination since the margins were stated by Treasury to be "de minimis." Treasury also excluded a second company from its determination on the basis of minimal margins and the receipt of formal assurances that the producer would make no further sales at LTFV. Margins ranging from 2.1 to 46.7 percent were found on 36 percent of the sales by Nan Ya Plastics Corp. and from 2.1 to 40.1 percent on 97.7 percent of the sales by Cathay Plastic Industry Co., Ltd. The weighted average margins of Nan Ya and Cathay were 4.4 percent and 10.7 percent, respectively. No findings were made with respect to other, smaller Taiwanese exporters, but they were not excluded from the LTFV determination.

From 1975 to 1977, imports from all sources increased from 55 million pounds to 91 million pounds. In the same period, imports of unsupported PVC sheet and film from Taiwan increased from 13.8 million to 28.1 million pounds. The two firms selling at LTFV supplied the bulk of imports from Taiwan. During 1975-77, imports from Cathay and Nan Ya increased as a share of apparent domestic consumption from approximately 3 to 4 percent. Since both these firms exported less than 20 percent of their annual production of unsupported PVC sheet and film to the United States in 1976 and 1977, both firms have the potential of further increasing their penetration of the U.S. market in the future with LTFV pricing.

The Commission's investigation disclosed that there is significant underselling of domestically produced unsupported PVC sheet and film with the greatest margin of underselling by imports from the two Taiwanese firms found to be selling at LTFV. These sales clearly tend to suppress U.S. prices. Comparisons made between U.S. producers' prices and those of the two firms Treasury found to have sold PVC sheet and film at LTFV indicate that the prices of these imports have consistently been approximately 25 percent below those of comparable domestic articles. Data gathered during the Commission's investigation indicate that imports of unsupported PVC sheet and film from other foreign producers are also underselling the domestic product, although not by as much as imports from the firms found to have sold at LTFV. If LTFV imports continue to enter in increasing quantities at lower prices, they are likely to have a price-competitive effect on imports from these other sources, making it increasingly difficult for the domestic industry to price its products in accordance with its costs and to meet import competition.

Data gathered during the Commission's investigation show that U.S. producers operated their facilities for the production of

unsupported PVC sheet and film at approximately 73 percent of capacity in 1973 and 1974. Capacity utilization declined sharply in 1975 before recovering in 1976 and 1977, but still has not returned to 1973 and 1974 levels. Of the 120 calenders for making unsupported PVC sheet and film in the domestic industry at the end of 1977, at least 15 units were idle.

Notwithstanding a 38 percent increase in apparent domestic consumption of unsupported PVC sheet and film from 1975 to 1977, there have been no appreciable increases in employment in the domestic industry. The employment data obtained during the Commission's investigation show that employment and man-hours worked in the PVC sheet and film industry remained essentially the same during the period 1975-77.

Data submitted to the Commission indicate that, although the domestic industry operated profitably during 1974-77, profits fluctuated. The data show that net operating profit, which had increased in 1976 over 1975, fell back to the 1975 levels in 1977. Individual company data reveal that there are wide variations in the profit levels of the firms in the industry, making some significantly more vulnerable to injury from increased sales of imports sold at LTFV.

Thus, the Commission's investigation revealed that imports of unsupported PVC sheet and film which Treasury has determined are being sold at LTFV are increasing in actual terms and as a share of apparent domestic consumption. While apparent domestic consumption is increasing, there is underutilization of capacity in the domestic industry and employment has not increased. Profit has fluctuated and the profitability of firms in the industry varies, with some firms more vulnerable to injury from increasing LTFV imports. In view of the demonstrated willingness of the two firms to sell at LTFV, their apparent ability to increase their penetration of the U.S. market, and the conditions in the domestic industry, we have determined that the domestic industry is likely to be injured by reason of LTFV sales of the subject merchandise if they are permitted to continue.

#### STATEMENT OF REASONS FOR THE AFFIRMATIVE DETERMINATION OF COMMISSIONER BILL ALBERGER

In order for the U.S. International Trade Commission (Commission) to find in the affirmative in an investigation under the Anti-dumping Act, 1921, as amended (19 U.S.C. 160(a)), it is necessary to find that an industry in the United States is being or is likely to be injured, or is prevented from being established,<sup>\*</sup> and the injury or likelihood thereof must be by reason of imports at less than fair value (LTFV).

#### DETERMINATION

On the basis of the information developed in this investigation, I determine that an industry in the United States is being injured by reason of the importation of polyvinyl chloride (PVC) sheet and film from the Republic of China which is being, or is likely to be, sold at LTFV.

<sup>\*</sup>Prevention of the establishment of an industry is not an issue in this investigation and will not be discussed further.

#### THE IMPORTED ARTICLE AND THE DOMESTIC INDUSTRY

I believe the relevant domestic industry consists of the facilities devoted to the production of unsupported, flexible, calendered PVC sheet and film, the products found to be sold at LTFV by the Department of the Treasury. These products are not generally competitive with extruded PVC sheet and film. There are about 32 domestic producers of flexible, calendered, PVC sheet and film. Five firms have discontinued production during the past 6 years.

#### LTFV SALES

The Department of the Treasury (Treasury) investigation on PVC sheet and film from the Republic of China covered sales made during the period October 1, 1976, through March 31, 1977, the investigation was limited to four manufacturers who together accounted for more than 90 percent of all Taiwanese-made PVC sheet and film sold for export to the United States. They are Cathay Plastic Industry Co., Nan Ya Plastics Corp., China Gulf Plastics Corp., and Ocean Plastics Co., Ltd. Fair Value comparisons were made on approximately 80 percent of sales to the United States by these manufacturers.

Treasury found the margin on Ocean Plastics' sales to be de minimis, and the margin on China Gulf's sales to be minimal, and after receiving price assurances from the latter, excluded both from the LTFV finding. The weighted average margins on sales by Cathay and Nan Ya were 10.7 and 4.4 percent respectively.

#### THE QUESTION OF INJURY OR LIKELIHOOD THEREOF BY REASON OF LTFV SALES

**Imports and market share.**—Imports from firms found to be selling at LTFV have increased steadily over the past 4 years, nearly doubling from 1975 to 1977. The share of the market held by such imports increased from approximately 3 to 4 percent from 1975 to 1977.

**Capacity utilization.**—Utilization of U.S. producer's capacity has fluctuated widely in the last 5 years, from 73 percent in 1973 down to 48 percent in 1975, and back up to 61 percent in 1976 and 1977.

**Production and shipments.**—Production was at record high levels in 1973 and 1974, declined sharply in 1975, and has recovered somewhat in 1976 and 1977, but remains below 1974 levels. Shipments followed a similar pattern.

**Employment.**—The average number of production and related workers engaged solely in the production of flexible, calendered PVC sheet and film declined by approximately 10 percent from 1973 to 1975 and has remained steady since then.

**Profit and loss experience.**—The aggregate net operating profits for firms accounting for approximately 75 percent of total domestic shipments fell 60 percent from 1974 to 1977. From 1976 to 1977, the drop was 43 percent. The ratio of net operating profit to net sales dropped from 14.4 percent in 1974 to 5.2 percent in 1977.

**Prices.**—From 1975 through 1977, domestic producers' prices increased slightly, by 7 percent. During this period, the Taiwanese suppliers found to be selling at LTFV priced their products approximately 25 percent below the prices of domestic products and increased their prices by only 1.4 percent from 1975-77. This margin of underselling effectively precluded U.S. producers from price rises to keep up with rising costs. PVC

<sup>\*</sup> See 43 FR 2254.



resin, the basic raw material for PVC sheet and film, increased by 10-15 percent during this period.

**Lost sales.**—The Commission staff was able to verify two actual cases of lost sales, amounting to 412,000 pounds. Many purchasers of general purpose PVC films indicated they purchase their film requirements primarily on a price basis.

**Likelihood of injury.**—Having found present injury in this case, I believe it is unnecessary to address likelihood of injury.

#### CONCLUSION

From the above considerations, I believe that the U.S. industry producing PVC sheet and film is being injured by reason of the importation of this product from the Republic of China. While some indicators such as production, shipments, and employment do not, in my judgment reflect strongly either positively or negatively, there is strong evidence of price suppression and weakening profits, and verification of lost sales.

#### STATEMENT OF REASONS FOR THE NEGATIVE DETERMINATION OF COMMISSIONER ITALO H. ABLONDI

On January 12, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that polyvinyl chloride sheet and film (PVC) from the Republic of China (Taiwan), with the exception of that merchandise produced by China Gulf Plastic Corp. and Ocean Plastics Co., Ltd., are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on January 19, 1978, the Commission instituted investigation No. AA1921-178 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Before the Commission may find in the affirmative in this investigation, it is necessary that the following two conditions be met:

(1) An industry in the United States is being or is likely to be injured, or is prevented from being established, and

(2) The requisite injury or likelihood of injury must be by reason of the importation into the United States of the merchandise which Treasury has determined is being, or is likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

#### DETERMINATION

On the basis of the information developed in the investigation, I have determined that an industry in the United States is not being and is not likely to be injured by reason of the importation of polyvinyl chloride sheet and film from Taiwan which is being, or is likely to be, sold at LTFV.

#### THE DOMESTIC INDUSTRY

In this investigation I consider the relevant industry to consist of the facilities in the United States used in the production of unsupported, flexible, calendared PVC sheet and film—the articles which the Depart-

ment of the Treasury found to be sold at LTFV. There are approximately 32 U.S. producers of this sheet and film.

#### NO INJURY OR LIKELIHOOD OF INJURY BY REASON OF LTFV IMPORTS

Evidence developed during the investigation clearly demonstrates that any injury that might have been sustained by the domestic industry is not by reason of LTFV imports from Taiwan. The sharp drop in U.S. production, producers' shipments, and apparent consumption of PVC sheet and film that occurred between 1973-74, when U.S. producers operated at record high levels, and recession year 1975 can be attributed to such economic considerations as the shortage of PVC resins and plasticizers which resulted from the oil embargo; unusually large price increases for these raw materials (the price of PVC resins almost doubled between late 1973 and 1975), and inordinately high inventories which U.S. consumers of PVC sheet and film accumulated in 1974 because of threatened shortage of supply. When the U.S. economy softened in recession year 1975 and major markets for PVC sheet and film such as automobiles and furniture were particularly depressed, the demand for PVC sheet film declined precipitously. The decline was not affected by imports from Taiwan, which remained small and relatively insignificant throughout 1973-75.

Both the complainants and the respondents to this proceeding have advised that the great bulk of the LTFV imports have consisted of economy-grade PVC sheet and film, which generally range between 2 mils and 6 mils in thickness. Ample testimony was revealed that during periods of tight supply, U.S. producers do not solicit orders for this product since it is a low-profit item, and during periods of normal supply many U.S. producers do not quote reasonable lead-times for it; thus, consumers have found it necessary to seek alternate suppliers for this important material. Other imports from Taiwan consist of double-polished clear PVC sheet and film, which also appears not to be available in an acceptable quality from domestic producers. Rather than displacing U.S. production and injuring U.S. producers, imports from Taiwan complement U.S. production by supplying certain economy-grade and double-polished clear items that are not readily available from domestic sources.

The Commission contacted 24 firms to which the domestic producers alleged that they had lost sales of PVC sheet and film totaling 28 million pounds to LTFV imports from Taiwan. Only two lost sales totaling less than 0.5 million pounds were confirmed. Further evidence of the lack of a causal link between any injury that the domestic industry may have experienced and LTFV imports is the limited extent to which such imports have penetrated the U.S. market. Such imports, most of which complement rather than compete with U.S. production, never exceeded 3 percent of apparent U.S. consumption in any year during 1973-77.

The Taiwanese supplier of LTFV imports which has the largest capacity to produce PVC sheet and film has recently built a PVC resin plant in Puerto Rico, and has advised that it will also build a three-calendar PVC sheet and film plant in the United States. The other Taiwanese supplier of LTFV imports has only a limited capacity to increase its exports to the United States. It is unlikely that future imports from these

two suppliers will increase. This, coupled with the fact that from 1975 to 1977, U.S. production of PVC sheet and film increased by 33 percent, producers' shipments increased by 33 percent, and consumption increased by 38 percent, with further increases anticipated for 1978, negates any likelihood of injury to the domestic industry. I have therefore made a negative determination in this investigation.

By Order of the Commission.

Issued: April 13, 1978.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-10426 Filed 4-17-78; 8:45 am]

[4510-30]

#### DEPARTMENT OF LABOR

Employment and Training Administration

[ETA/OPER Solicitation 7805]

#### GRANT AWARDS FOR RESEARCH ON HISPANIC AMERICAN LABOR MARKET PROBLEMS AND ISSUES

##### Special Grants Announcement

The U.S. Department of Labor, Employment and Training Administration, Office of Policy, Evaluation and Research, announces that it will provide funding for a limited number of grant awards—ranging from \$25,000 to \$100,000—to support and advance research on a variety of significant topic areas concerned with Hispanic American employment and training experiences, problems, and policy issues.

Proposals may be submitted by colleges, universities, and public or private nonprofit organizations on behalf of members of their faculty or staff. The deadline for submission of proposals is June 28, 1978. Grant guidelines are expected to become available on April 21, 1978, and may be obtained by writing to:

U.S. Department of Labor/ETA, Central Procurement Staff, Attn: ETA/OPER Solicitation 7805, 601 D Street NW., Room 9432, Washington, D.C. 20213.

Please furnish two self-addressed gummed labels with request.

ARVON W. JORDAN,  
Acting Chief,  
Central Procurement Staff.

APRIL 12, 1978.

[FR Doc. 78-10404 Filed 4-17-78; 8:45 am]

[4510-30]

#### U.S. EMPLOYMENT SERVICE

Temporary Alien Labor Certification Program:  
1978 Adverse Effect Wage Rates

AGENCY: U.S. Employment Service, Employment and Training Administration, Labor.



## ACTION: Notice.

**SUMMARY:** The Administrator, U.S. Employment Service, announces, pursuant to 20 CFR 655.207(b), the 1978 adverse effect wage rates, that is, the minimum wage rates which the Department has determined must be offered and paid by the employers of temporary alien agricultural workers. Adverse effect wage rates are established and set to prevent the employment of these aliens from having an adverse effect on the wages of U.S. workers who are similarly employed.

**EFFECTIVE DATE:** April 18, 1978.

## FOR FURTHER INFORMATION CONTACT:

Aaron Bodin, Chief, Division of Labor Certification, Office of Technical Services, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Room 8410, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213. Telephone: 202-376-6295.

## SUPPLEMENTARY INFORMATION:

The Department of Labor regulations for the certification of aliens for temporary employment in the United States in agriculture and logging require that the Administrator, U.S. Employment Service, shall cause a notice to be published in the FEDERAL REGISTER annually announcing adverse effect wage rates for agricultural workers in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New York, Maryland, Virginia, and West Virginia, and for sugar cane workers in Florida. 20 CFR 655.207(b); 43 FR 10317 (March 10, 1978). Formerly, the adverse effect wage rates for these States were published in regulation form in 20 CFR 602.10b(a)(1) (1977).

On August 9, 1977, the Department of Labor published the 1977 adverse effect wage rates for the temporary employment of aliens in agricultural occupations, 42 FR 40192-40193. Based upon 1976-77 wage data supplied to the Department of Labor by the U.S. Department of Agriculture, and upon the methodology published in the FEDERAL REGISTER at 41 FR 25018 (June 22, 1976), at 42 FR 40192 (August 9, 1977), and at 43 FR 10310 (March 10, 1978), the Department has calculated the 1978 adverse effect wage rates. The methodology is the same as that used for determining past years' adverse effect wage rates. The Department of Labor has determined that the methodology can be used to construct adverse effect wage rates in a way that is reasonable, cost effective, and geared as much as possible to the reality of agricultural crops, areas, and existing wage factors. The 1978 adverse effect wage rates, along with the 1977 adverse effect wage rates and the

percentage increases in the various rates over the year, are published in the table below. The 1978 rates are effective on April 18, 1978.

Adverse effect wage rates

State	1977 rates <sup>1</sup>	1978 rates <sup>2</sup>	Percent-age change
Connecticut .....	\$2.75	\$2.81	+2.1
Maine .....	2.84	2.90	+2.1
Massachusetts .....	2.70	2.76	+2.1
New Hampshire .....	2.97	3.03	+2.1
Rhode Island .....	2.72	2.78	+2.1
Vermont .....	2.93	2.99	+2.1
New York .....	2.70	2.82	+4.4
Maryland .....	2.43	2.80	+15.2
Virginia .....	2.63	2.71	+3.2
West Virginia .....	2.74	2.81	+2.5
Florida (sugar cane only) .....	3.23	3.48	+7.8

<sup>1</sup>42 FR 40193 (Aug. 9, 1977).

<sup>2</sup>Based upon 1976-77 USDA wage data and the formula published at 42 FR 40192-40193 (Aug. 9, 1977) and 43 FR 10310 (Mar. 10, 1978).

Signed at Washington, D.C., this 7th day of April 1978.

WILLIAM B. LEWIS,

Administrator

U.S. Employment Service.

[FR Doc. 78-10328 Filed 4-17-78; 8:45 am]

## [6820-35]

## LEGAL SERVICES CORPORATION

## GRANTS AND CONTRACTS

APRIL 12, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly \* \* \* such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Texas Rural Legal Assistance in McAllen, Tex. to serve Karnes and Wilson counties.

2. East Texas Legal Services in Nacogdoches, Tex. to serve Titus county.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colo. 80202.

THOMAS EHRLICH,  
President.

[FR Doc. 78-10402 Filed 4-17-78; 8:45 am]

## [7590-01]

## NUCLEAR REGULATORY COMMISSION

## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE INDIAN POINT NUCLEAR GENERATING STATION, UNIT NO. 3

## Meeting; Changes and Correction

The notice of the April 24, 1978 meeting of the ACRS Subcommittee on the Indian Point Nuclear Generating Station, Unit No. 3, published in the FEDERAL REGISTER on Friday, April 7, 1978, is changed and corrected as follows:

1. The first paragraph is changed to read in part, " \* \* \* to review the request of the Consolidated Edison Company and the Port Authority of the State of New York (PASNY) \* \* \* "

2. The agenda is corrected to read: "Monday, April 24, 1978."

3. The second paragraph of the agenda is changed to read in part: " \* \* \* with representatives of the NRC Staff, the Port Authority of the State of New York (PASNY), and their consultants, pertinent to this review."

All other items regarding this meeting remain the same as stated in cited notice.

Dated: April 12, 1978.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 78-10383 Filed 4-17-78; 8:45 am]

## [7590-01]

[Docket Nos. 50-329, 50-330]

## CONSUMERS POWER CO., (MIDLAND PLANT, UNITS 1 AND 2)

## Order Canceling Prehearing Conference

APRIL 11, 1978.

The Commission issued an Order on April 10, 1978, requesting the parties to state their views by April 24, 1978, as to what issues remain, if any, for further consideration at future hearings. Please take notice that Board's Order of March 9, 1978, scheduling a prehearing conference in Chicago, Ill., on April 20-21, 1978, has been canceled.

Dated at Bethesda, Md., this 11th day of April 1978.

It is so ordered.

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER,  
Chairman.

[FR Doc. 78-10384 Filed 4-17-78; 8:45 am]



## [7590-01]

[Docket No. 50-321]

## GEORGIA POWER CO., ET AL.

## Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR-57 issued to Georgia Power Co., Oglethorpe Electric Membership Corp., Municipal Electric Association of Georgia, and city of Dalton, Ga., which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Ga. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to: (1) Permit operation of the facility during Cycle 3 with up to 168 improved two water rod 8x8R reload fuel bundles, designed and fabricated by the General Electric Co. (GE) and having an average enrichment of 2.65 wt/% U-235, and (2) revise the maximum average planar linear heat generation rates (MAPLHGR's) as determined by the reevaluation of the ECCS performance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Notice of proposed issuance of amendment to facility operating license in connection with this action was published in the FEDERAL REGISTER on December 28, 1977 (42 FR 64749). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 26, 1977, as supplemented December 1, 1977, January 3, January 5, February 22, and March 8 and 16, 1978, (2) Amendment No. 52 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Appling County Public Library,

Parker Street, Baxley, Ga. 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 11th day of April 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-10385 Filed 4-17-78; 8:45 am]

## [7590-01]

[Docket No. 50-315]

INDIANA & MICHIGAN ELECTRIC CO. AND  
INDIANA & MICHIGAN POWER CO.

## Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-58, issued to Indiana & Michigan Electric Co. and Indiana & Michigan Power Co. (the licensees), which revised the Technical Specifications for operation of the Donald C. Cook Nuclear Plant, Unit No. 1 (the facility), located in Berrien County, Mich. The amendment is effective as of the date of its issuance.

The amendment revises paragraph 4.7.8.1.3 of the Technical Specifications to provide a one-time extension in the functional test interval for the hydraulic snubbers for Donald C. Cook, Unit No. 1, until the next shutdown to cold conditions but in no case beyond the refueling outage scheduled to start about April 23, 1978.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 23, 1978,

as supplemented by letter dated March 13, 1978, (2) Amendment No. 24 to License No. DPR-58, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. 49085. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 24th day of March 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-10386 Filed 4-17-78; 8:45 am]

## [7590-01]

[Docket No. 50-298]

## NEBRASKA PUBLIC POWER DISTRICT

## Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the Licensee), which revised the Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebr. The amendment is effective as of the date of issuance.

The amendment involves changes to the Technical Specifications dealing with Limiting Conditions of Operation and Surveillance Requirements for undervoltage protection relays and associated equipment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in con-



nection with issuance of this amendment.

For further detail with respect to this action, see: (1) The application for amendment dated July 18, 1977, (2) Amendment No. 43 to License No. DPR-46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Auburn Public Library, 118 15th Street, Auburn, Nebr. 68305. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 11th day of April 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc. 73-10387 Filed 4-17-78; 8:45 am]

#### [7590-01]

##### REGULATORY GUIDE

###### Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 12, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 12, "Code Case Acceptability—ASME Section III Materials," list those code cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. These two guides were revised to update the listings of acceptable code cases and to reflect public comment and additional staff review.

Comments and suggestions in connection with: (1) items for inclusion in guides currently being developed, or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 11th day of April 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development.

[FR Doc. 78-10389 Filed 4-17-78; 8:45 am]

#### [7590-01]

[Docket No. 50-206]

##### SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

###### Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Provisional Operating License No. DPR-13, issued to Southern California Edison Co. and San Diego Gas & Electric Co. (the licensee), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (SO-1), the facility, located in San Diego County, Calif. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications to reflect the addition of safety related shock suppressors (snubbers) during the Cycle 6 refueling outage and to add provisions for surveillance of safety related mechanical snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment

will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated November 1, 1977 (Proposed Change No. 65), (2) Amendment No. 33 to License No. DPR-13, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, Calif. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 7th day of April 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-10388 Filed 4-17-78; 8:45 am]

#### [7590-01]

##### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SITING EVALUATION SUBCOMMITTEE

###### Meeting

The ACRS Siting Evaluation Subcommittee will hold a meeting on May 3, 1978 in Room 1130, 1717 H St. NW., Washington, D.C. 20555 to discuss with the NRC staff the consequence model CRAC and its use in risk assessment of reactor sites. (The CRAC model is used to calculate offsite consequences from potential reactor accidents involving large atmospheric releases of radioactive materials.)

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:



WEDNESDAY, MAY 3, 1978

1:30 P.M. UNTIL THE CONCLUSION OF  
BUSINESS

The subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full committee.

At the conclusion of the executive session, the subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, and their consultants.

The subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full committee.

In addition, it may be necessary for the subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subcommittee 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Thomas G. McCreless, telephone 202-634-1374, between 8:15 a.m. and 5 p.m., EST.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Dated: April 13, 1978.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 78-10472 Filed 4-17-78; 8:45 am]

## [7590-01]

ADVISORY COMMITTEE ON REACTOR SAFETY  
GUARDS SUBCOMMITTEE ON REGULATORY  
ACTIVITIES

## Meeting

The ACRS Subcommittee on Regulatory Activities will hold an open meeting on May 3, 1978 in Room 1046, 1717 H St. NW., Washington, D.C. 20555.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented

by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by member of the subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

WEDNESDAY, MAY 3, 1978

THE MEETING WILL COMMENCE AT 8:45  
A.M.

The Subcommittee will hear presentations from the NRC staff and will hold discussions with this group pertinent to the following:

(1) Regulatory Guide 1.63, Revision 2, "Electric Penetration Assemblies in Containment Structures for Light-Water-Cooled Nuclear Power Plants."

(2) Regulatory Guide 1.130, Revision 1, "Service Limits and Loading Combinations for Class I Plate and Shell Type Component Supports."

(3) Proposed Regulatory Guide 1.9, Revision 1, "Selection, Design, and Qualification of Diesel Generator Units Used as Onsite Electric Power Systems at Nuclear Power Plants."

(4) Proposed Regulatory Guide 1.XX, "Lightning Protection for Nuclear Power Plants."

(5) Proposed Amendment to 10 CFR Part 50, § 50.55a, "Codes and Standards."

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding regulatory Guides 1.63, Revision 2 and 1.130, Revision 1, may do so by providing a readily reproducible copy to the subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practical to Mr. Gary R. Quittschreiber (ACRS), the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, D.C. 20555, or telecopy them to the Designated Federal Employee, 202-634-1925 as far in advance of the meeting as practical. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Further information regarding topics to be discussed, whether the

meeting has been cancelled or rescheduled, the chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee, Mr. Gary R. Quittschreiber, telephone 202-634-1374, between 8:15 a.m. and 5 p.m., EST.

Dated: April 13, 1978.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 78-10471 Filed 4-17-78; 8:45 am]

## [7590-01]

[Docket No. 50-335]

## FLORIDA POWER &amp; LIGHT CO.

Proposed Issuance of Amendment to Facility  
Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-67 issued to Florida Power & Light Company (the licensee), for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Fla.

The amendment would authorize operation of the facility following refueling for Cycle 2 operation and upon resolution of the Control Element Assembly guide tube wear problem, in accordance with the licensee's application for amendment dated March 22, 1978, and submittal dated March 31, 1978.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 18, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C.



20555, and to Robert Lowenstein, Esquire, Lowenstein, Newman, Reis & Axelrad, 1025 Connecticut Avenue NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated March 22, 1978, and the licensee's submittal dated March 31, 1978, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Fla.

Dated at Bethesda, Md., this 14th day of April 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

[FR Doc. 10622 Filed 4-17-78; 9:42 am]

[3110-01]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 10, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency

sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

#### REVISIONS

##### RAILROAD RETIREMENT BOARD

Application for Child's Insurance Annuity Full-Time Student, AA-19S, on occasion, annuity applicant, 4,100 responses, 1,025 hours, Clearance Office, 395-3772.

Application for Parent's Insurance Annuity, AA-20, on occasion, annuity applicant, 100 responses, 25 hours, Clearance Office, 395-3772.

##### DEPARTMENT OF AGRICULTURE

Office of General Sales Manager, Regulations—Financing Commercial Sales of Agriculture, commodity under title I, Pub. L. 480, 7CFR17, on occasion, communications suppliers; ocean shipping firms, Ellett, C. A., 395-6132.

##### DEPARTMENT OF COMMERCE

Industry and Trade Administration, Franchising 1977, 1TA-910, annually, franchisors, 1,125 responses, 843 hours, Office of Federal Statistical Policy and Standard, 673-7959.

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Income Survey Development Program—1978 Research Panel, quarterly, household members in national probability sample, 33,500 responses, 33,500 hours, Office of Federal Statistical Policy and Standard, 673-7959. National Institutes of Health, Allentown and Fertility in the Early Years of Marriage, NIH-CH-24, single time, 1,200 couples in Toledo SMSA, 1,200 responses, 1,200 hours, Office of Federal Statistical Policy and Standard, 673-7959.

Food and Drug Administration, Quick Response Surveys—Patient Package Inserts, single time, telephone households in national probability sample, 13,900 responses, 705 hours, Clearance Office, 395-3772.

#### EXTENSIONS

##### ENVIRONMENTAL PROTECTION AGENCY

National Emissions Data System (NEDS) Input Data Forms, EPA 219-220, semiannually, 55 State air pollution control agen-

cies, 220 responses, 220 hours, Ellett, C. A., 395-6132.

DAVID R. LEUTHOLD,  
Budget and Management Office.

[FR Doc. 78-10444 Filed 4-17-78; 8:45 am]

[3110-01]

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on Apr. 11, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

#### NEW FORMS

##### UNITED STATES INTERNATIONAL TRADE COMMISSION

Importers questionnaire (Unalloyed Unwrought Copper), single time, 95 importers, C. Louis Kincannon, 395-3211.

##### WHITE HOUSE

Citizen Participation Review, single time, Lowry, R. L., 395-3772.

##### NATIONAL SCIENCE FOUNDATION

Status of NSF-Funded Invention, annually, colleges and universities, Warren Topelius, 395-6132.

##### UNITED STATES INTERNATIONAL TRADE COMMISSION

Telephone Terminal and Switching Equipment, (Questionnaire for Producers, Exporters, and Importers), single time, 40 U.S. producers, exporters and importers, C. Louis Kincannon, 395-3211. Consumers Questionnaire (Unalloyed Unwrought Copper), single time, 60 Consumers, C. Louis Kincannon, 395-3211.

##### NATIONAL TRANSPORTATION SAFETY BOARD

Questionnaire for the Railroad Unions Letter with Attached Questions, single time, 20 Railroad Unions, Strasser, A., 395-6132.



General Information Questionnaire for the Class I, Railroads Letter with Attached Questions, single time, 41 class I railroads, Strasser, A., 395-6132.

## DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Demonstration Projects for the National School Lunch Program (NSLP) and Form-1 for Evaluation of Interim NSLP Regulations, single time, 8,440 foodservers, managers, students, parents, faculty, Human Resources Division, Ellett, C. A., 395-3572.

Animal and Plant Health Inspection Service, Epidemiological Sulfonamide Residue Survey, single time, 100 swine producers, clearance office, 395-3772.

## DEPARTMENT OF COMMERCE

Maritime Administration, Port Development Expenditure Survey, single time, 200 Public Port Authorities, Ellett, C. A., 395-6132.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration (Medicare), Rural Health Clinic Survey Report, HCFA-30, on occasion, 700 suppliers—rural health clinic service, Richard Eisinger, 395-3214.

Office of Education, Financial Status and Performance Report for Community Service and Continuing Educational Programs, Title 1A, (State grant), OE 3092, annually, 55 State agencies, Budget Review Division, 395-4775.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Prepurchase Homeownership Counseling Demonstration and Evaluation, single time, 3,007 individuals, Caywood, D. P., 395-3443.

## REVISIONS

## ACTION

(Short Form) ACTION Volunteer Application, A-727, single time, Persons Applying for Service Under National Youth Service, Demonstration, 10,000 responses, 2,500 hours, Reese B. F., 395-3211.

## DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Monthly Report of the School Lunch, Breakfast, and Special Milk Programs; and Worksheet, FNS-806, FNS806-1, SF-270, monthly, private schools and summer camps, 32,000 responses, 13,500 hours, Human Resources Division, 395-3532.

Meal Service Application for Authorization to Participate in the FSP, 252, 252-1, 252-2, 252-3, 252-4, 350, on occasion, meal service organizations, 324,000 responses, 27,124 hours, Human Resources Division, 395-3532.

## DEPARTMENT OF COMMERCE

Bureau of Census, Survey of Local Government Finances (Counties), F-28 annually, county government officials, 1,800 responses, 6,150 hours, Office of Federal Statistical Policy and Standard, 673-7959.

## EXTENSIONS

## DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, State Outreach and Education Activities—Food Stamp Program, FNS 732-6, other (see SF-83),

State Welfare Agencies, 48,398 responses, 293,803 hours, Ellett, C. A., 395-6132.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, Annual Report on State Vocational Rehabilitation, Agency Reviews, OHD-RSA-30, annually, State Vocational Rehabilitation Agencies, 83 responses, 42 hours, Reese B. F., 395-3211.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration, Annual Report Premium Distribution Fair Plan and Other Pools, annually, insurance pools, 47 responses, 750 hours, Caywood, D. P., 395-3443.

## DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service—Statistics, Quarterly Agricultural Labor Survey, quarterly, sample of farmers, 72,000 responses, 24,000 hours, Office of Federal Statistical Policy and Standard, 673-7959.

DAVID R. LEUTHOLD,  
*Budget and Management  
Officer.*

[FR Doc. 78-10445 Filed 4-17-78; 8:45 am]

[4510-29]

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

[4830-01]

## DEPARTMENT OF LABOR

## Pension and Welfare Benefit Programs

## EMPLOYEE BENEFIT PLANS

Proposed Exemption Relating to a Transaction Involving the Pension Plan and Trust of Endodontic Associates (Application No. D-863)

AGENCIES: Department of the Treasury/Internal Revenue Service. Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Internal Revenue Service and the Department of Labor (the Agencies) of a proposed exemption from certain taxes imposed by the Internal Revenue Code of 1954 (the Code) and from the prohibited transactions restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the sale by the Pension Trust of Endodontic Associates, P.A. (the Trust) of real property to Dr. William N. Gressette, officer and stockholder of Endodontic Associates, P.A. (the Employer) and the sole trustee of the Trust. The proposed exemption, if granted, would affect participants and beneficiaries of the Trust and Dr. Gressette.

DATE: Written comments and re-

quests for a public hearing must be received by the Internal Revenue Service (the Service) on or before May 18, 1978.

ADDRESS: All written comments or requests for a hearing (at least six copies) should be addressed to the Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: E:EP:PT:1 (D-863). The application for exemption and the comments received will be available for public inspection at the Internal Revenue Service, National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224 and in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

## FOR FURTHER INFORMATION CONTACT:

Timothy Smith of the Prohibited Transactions Staff of the Employee Plans Division, Internal Revenue Service, 202-566-8761. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Agencies of an application for exemption from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code and from the restrictions of section 406(a) and 406(b)(1) and 406(b)(2) of the Act. The proposed exemption was requested in an application filed by the Trustees of the Trust pursuant to section 4975(c)(2) of the Code and section 408(a) of the Act, and in accordance with procedures set forth in Rev. Proc. 75-26, 1975-1 C. B. 722 and ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

## SUMMARY OF FACTS AND REPRESENTATIONS

The application contains facts and representations with regard to the pending exemption which are summarized below. Interested persons are referred to the application and supporting documents on file with the Agencies for a complete statement of the representations of the applicant.

1. The Trust owns approximately 3.18 acres of land on Howard Drive, Greenville, S.C. The Trust purchased the land in 1975 from L. J. Vaughn, Jr., an unrelated party, for \$7,000. The land is unimproved and is not being used.

2. An appraisal by Alvin E. James, Realtor, Simpsonville, S.C., dated July 15, 1977, valued the land at \$6,996. A second appraisal by Golden Strip Realty, Inc., Simpsonville, S.C., dated November 7, 1977, valued the land at \$7,100.

3. Contrary to expectations the land has not been a profitable investment for the Trust. The sole trustee of the



Trust, Dr. William N. Gressette, Jr., who is an officer and stockholder of the Employer, has made informal efforts to locate a purchaser for the land who is not a disqualified person (party in interest) but has not been successful.

4. Dr. Gressette has offered to purchase the property for \$8,000 cash.

#### NOTICE TO INTERESTED PERSONS

Notice will be given to each plan participant within five (5) days of the publication of this notice of proposed exemption in the *FEDERAL REGISTER*. A notice will be given in writing by letter, with a copy of this notice of proposed exemption as published in the *FEDERAL REGISTER*, delivered by hand delivery or registered mail.

#### GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code and section 408(a) of the Act does not relieve a fiduciary or other party in interest or disqualified person with respect to the plan to which the exemption is applicable from certain other provisions of the code and the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act, nor does it affect the requirement of section 401(a) of the code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code and section 406(b)(3) of the Act;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code and section 408(a) of the Act, the Agencies must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of the participants and beneficiaries; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code and Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

#### WRITTEN COMMENTS AND HEARING REQUEST

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available with the application for exemption at the address set forth above.

#### PROPOSED EXEMPTION

Based upon the representations set forth in the application, the Agencies are considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26 and ERISA Procedure 75-1. If the exemption is granted, the taxes imposed by section 4975 (a) and (b) of the code, by reason of section 4975(c)(1)(A) through (E) of the code, and the restrictions of section 406(a) and section 406(b)(1) and 406(b)(2) of the Act, shall not apply to the sale of the above-described real property from the Trust to Dr. Gressette for \$8,000 cash, if the sale price is not less than the fair market value of the property. The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 11th day of April 1978.

FRED J. OCHS,

*Director, Employee Plans  
Division, Internal Revenue Service.*

IAN D. LANOFF,

*Administrator for Pension and  
Welfare Benefit Programs,  
Labor-Management Services  
Administration, Department  
of Labor.*

[FR Doc. 78-10051 Filed 4-17-78; 8:45 am]

[7035-01]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 639]

#### ASSIGNMENT OF HEARINGS

APRIL 13, 1978

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned

hearing dates. The hearings will be on the issue as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 2900 (Sub-No. 318), Ryder Truck Lines, Inc., now assigned May 22, 1978 at Madison, Wis., will be held in the CI Conference Room U.S. Forest Products Laboratory.

No. MC 125808 (Sub-No. 7), AAACON Auto Transport, Inc., is now assigned for hearing June 19, 1978 (2 days), at Memphis, Tenn., at a location to be later designated.

No. MC 108473 (Sub-No. 39), St. Johnsbury Trucking Co., Inc., is now assigned for hearing June 5, 1978 (2 weeks), at Boston, Mass., and will continue July 10, 1978 (1 week), at Burlington, Vt., July 17, 1978 (1 week), at Albany, N.Y., August 21, 1978 (1 week), at Presque Isle, Maine, and September 18, 1978 (2 weeks), at New York, N.Y. All hearing room locations will be later designated.

No. MC 10169 (Sub-No. 4), Hatcher Trucking Co., Inc., is now assigned for hearing June 19, 1978 (1 week), at Raleigh, N.C., at a location to be later designated.

No. MC 78276 (Sub-No. 11), Mazzeo & Sons Express, now assigned July 12, 1978, at Atlanta, Ga., is advanced to May 10, 1978 (3 days), at New York, N.Y., is a hearing room to be later designated.

No. MC 78400 (Sub-No. 53), Beaufort Transfer Co., now assigned for continued hearing on May 2, 1978, at Sedalia, Mo., is postponed to May 15, 1978 (4 days), at Sedalia, Mo., in a hearing room to be later designated.

No. MC 136786 (Sub-No. 113), Robco Transportation, Inc., is assigned for hearing May 16, 1978, at Des Moines, Iowa, and will be held at Room 453, Federal Building, 210 Walnut Street and June 13, 1978, continued hearing assigned at Greensboro, N.C., and will be held at Second Floor Courtroom U.S. Post Office and Courthouse, 324 West Market Street, and continued hearing assigned June 26, 1978, at Washington, D.C., and will be held at the Interstate Commerce Commission.

No. MC 118159 (Sub-No. 223), National Refrigerated Transport, Inc., now being assigned June 26, 1978 (1 day), at Louisville, Ky., in a hearing room to be later designated.

No. MC 116915 (Sub-No. 36), Eck Miller Transportation Corp., now being assigned June 27, 1978 (1 day), at Louisville, Ky., in a hearing room to be later designated.

No. MC 118610 (Sub-No. 28), George Parr Trucking Service, Inc., now being assigned June 23, 1978 (1 day), at Louisville, Ky., in a hearing room to be later designated.

No. MC 60014 (Sub-No. 51), Aero Trucking, Inc., now being assigned June 29, 1978 (1 day), at Louisville, Ky., in a hearing room to be later designated.

No. MC 116254 (Sub-No. 188), Chem-Haulers, Inc., now being assigned June 30, 1978 (1 day), at Louisville, Ky., in a hearing room to be later designated.

No. MC 110683 (Sub-No. 122), Smith's Transfer Corp., is now assigned for hearing June 27, 1978 (3 days), at Indianapolis, Ind., at a location to be later designated.



No. MC 120618 (Sub-No. 4), Schaller Trucking Corp., is now assigned for hearing July 11, 1978 (3 days), at Indianapolis, Ind., at a location to be later designated.

H. G. HOMME, Jr.,  
*Acting Secretary.*

[FR Doc. 78-10423 4-17-78; 8:45 am]

**[7035-01]**

[Exception No. 1 to Rev. S. O. No. 1301]

**BURLINGTON NORTHERN INC.**

**Railroad Service Orders; Boxcars Substitution**

Pursuant to the authority vested in me by section (a)(6) of Revised Service Order No. 1301, the Burlington Northern Inc., is authorized to use 40-ft. narrow-door boxcars owned by other railroads which are located in the States of Colorado, Wyoming, and Montana, or west thereof, for loading to any point on its line between

Kansas City, Mo., Omaha, Nebr., Sioux City, Iowa, Minneapolis, Minn., and Duluth, Minn., or east thereof, regardless of the provisions of section (a)(7) of Revised Service Order No. 1301.

Such cars must be used in compliance with Car Service Rules 1 and 2 unless made exempt from these Rules by the car owner.

This exception shall not apply to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

Effective 11:59 p.m., March 20, 1978.

Issued at Washington, D.C., March 20, 1978.

ROBERT S. TURKINGTON,  
*Acting Director,*  
*Bureau of Operations.*

[FR Doc. 78-10447 Filed 4-17-78; 8:45 am]



# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the sunshine Act" (Pub. L. 91-409). 5 U.S.C. 552b(e)(3).

## CONTENTS

	Item
National Railroad Passenger Corporation (Board of Directors).....	1
Parole Commission.....	2
Securities and Exchange Commission .....	3, 4

### 1

#### NATIONAL RAILROAD PASSENGER CORPORATION (BOARD OF DIRECTORS)

In accordance with rule 4a. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on April 25, 1978.

A. The meeting will be held on Tuesday, April 25, 1978, in the Ticonderoga Room of the Hyatt Regency Hotel, 400 New Jersey Avenue NW., Washington, D.C. beginning at 9 a.m.

B. The meeting will be open to the public at 10:00 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow:

AGENDA—NATIONAL RAILROAD PASSENGER CORPORATION, MEETING OF THE BOARD OF DIRECTORS—APRIL 25, 1978

#### CLOSED SESSION—9 O'CLOCK

1. Internal personnel matters.
2. Litigation matters.

#### OPEN SESSION—10 O'CLOCK

3. Approval of minutes of regular meeting of March 29, 1978.
4. DOT restructuring study.
  - A. Progress report of Federal Railroad Administration.
  - B. Report of ad hoc committee.
  5. Commitment approval requests.
    - 76T-74S New York City ticket office leasehold improvements.
    - 78-74 Philadelphia City ticket office relocation.
    - 78-81 Lease train earnings/payroll data entry equipment.
    - 78-83 Fuel Efficiency test program for turbine engines.
  6. Board committee reports.
    - A. Audit.
    - B. Equipment:
      - (1) Pre-season air conditioning program report.
      - (2) Superliner alternative analysis and update.
      - (3) Accelerated program on head-end power for stainless steel cars.
      - (4) Jersey Arrow equipment.
    - C. Northeast corridor improvement project.
      - (1) Update on 1978 work program.
      - (2) Status of bridge program.
      - (3) Status of Southwest corridor project.
      - (4) Status of the "super-mod".

- (5) Status of labor situation.
- D. Organization and compensation.
- E. Planning and finance:
  - (1) Capital funds reporting and reprogramming.
  - (2) Fiscal year 1979-83 five-year planning assumptions.
7. President's reports.
  - A. Operations:
    - (1) National operations.
    - (2) Operations support.
    - (3) Northeast corridor operations.
  - B. Marketing.
  - C. Government affairs.
  - D. Other.
8. Authorization to request supplemental FY 1978 Appropriations.
9. Financial reports.
10. Amendment of corporate by-laws.
11. New business.
12. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's By-laws should be directed to the Corporate Secretary at 202-383-3973.

Dated: April 13, 1978.

ELYSE G. WANDER,  
Corporate Secretary.

[S-797-78 Filed 4-17-78; 8:45 am]

### [4410-01]

### 2

#### UNITED STATES PAROLE COMMISSION.

TIME AND DATE: April 10, 1978, 9 a.m.

PLACE: 800 Peachtree Street, Atlanta, Ga.

STATUS: Open.

#### CHANGES IN THE MEETING

Pursuant to the government in the Sunshine Act—Pub. L. 94-409.

On April 10, 1978, the Commission determined in view of the time requirements of the items at the beginning of the agenda, that the date and time for the completion of the agenda of the above meeting be changed to Wednesday, April 12, 1978 at 8 a.m.; and that Commission business requires that this continuation of an open business meeting be held at the date and time designated on less than one week's notice, and that no earlier announcement of the change is possible.

#### CONTACT PERSON FOR MORE INFORMATION:

M. E. Malin Foehrkoib, 202-724-3117.

[S-799-78 Filed 4-14-78; 2:03 pm]

### [8010-01]

### 3

#### SECURITIES AND EXCHANGE COMMISSION.

STATUS: Open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

TIME AND DATE: April 13, 1978, 10:30 a.m.

The following item will be considered by the Commission at an open meeting scheduled for Thursday, April 13, 1978, at 10:30 a.m.: Consideration of the issuance of public notice of the filing of a plan for the implementation of an intermarket communications linkage by certain national securities exchanges to request comment on the plan and discussion of related issues. (Previously discussed on April 10, 1978).

Chairman Williams, Commissioners Loomis, Evans, and Karmel determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

APRIL 13, 1978.

[S-800-78 Filed 4-14-78; 2:03 pm]

### [8010-01]

### 4

#### SECURITIES AND EXCHANGE COMMISSION.

STATUS: Open Meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

TIME AND DATE: April 14, 1978, 9 a.m.

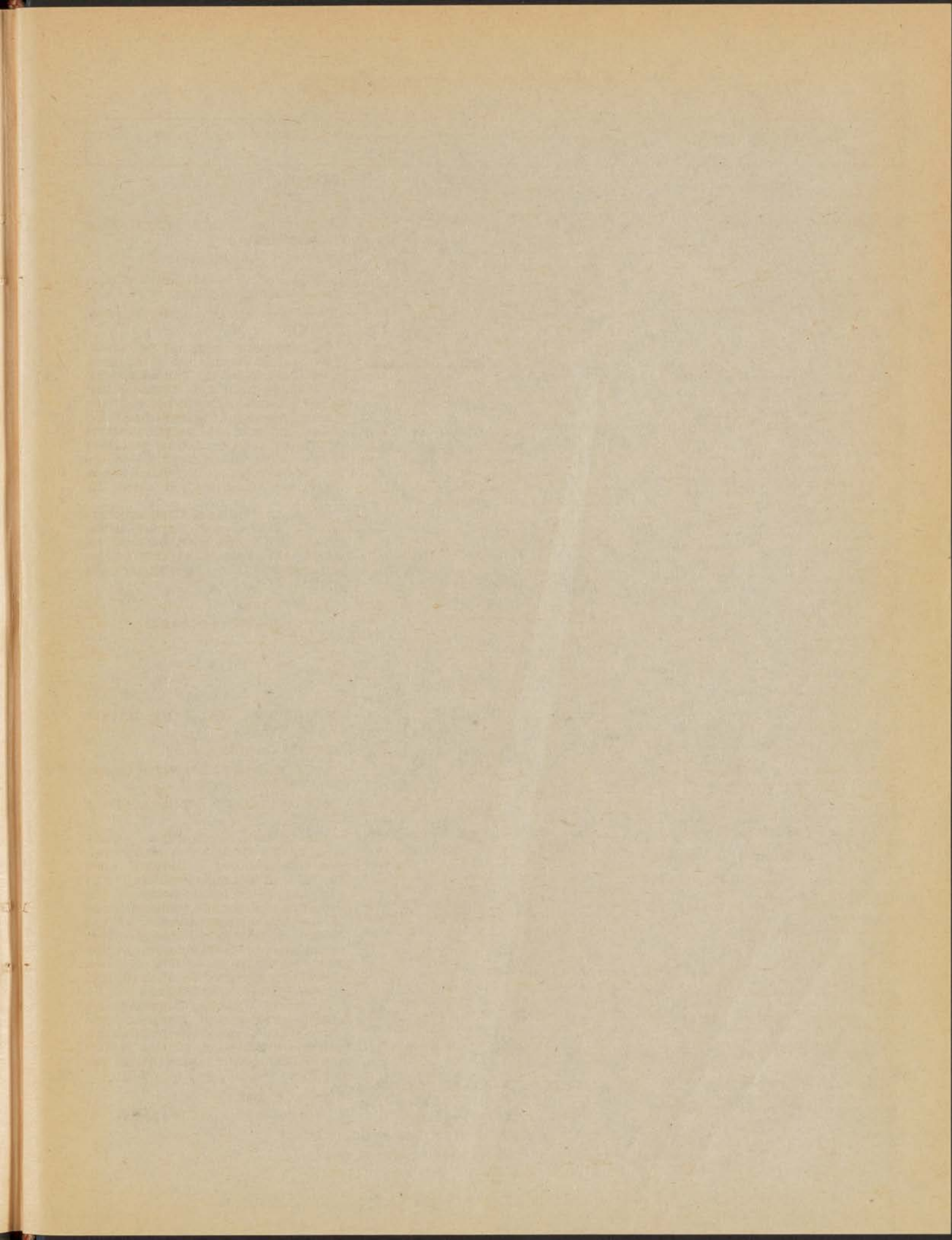
The following item will be considered by the Commission at an open meeting scheduled for Friday, April 14, 1978, at 9 a.m.: Consideration of the issuance of public notice of the filing of a plan for the implementation of an intermarket communications linkage by certain national securities exchanges to request comment on the plan and discussion of related issues. (Previously discussed on April 10, 1978 and on April 13, 1978 at 10 a.m.).

Chairman Williams, Commissioners Loomis, Evans, and Karmel determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

APRIL 14, 1978.

[S-801-78 Filed 4-14-78; 2:03 pm]







# THE HISTORY OF THE

1800-1810

The first part of the history of the United States is the period from 1776 to 1800. This period is characterized by the struggle for independence from Great Britain and the establishment of the new nation.

The second part of the history of the United States is the period from 1800 to 1810. This period is characterized by the war with Great Britain and the expansion of the United States into the West.

The third part of the history of the United States is the period from 1810 to 1820. This period is characterized by the war with Mexico and the expansion of the United States into the West.

The fourth part of the history of the United States is the period from 1820 to 1830. This period is characterized by the war with Mexico and the expansion of the United States into the West.

The fifth part of the history of the United States is the period from 1830 to 1840. This period is characterized by the war with Mexico and the expansion of the United States into the West.

The sixth part of the history of the United States is the period from 1840 to 1850. This period is characterized by the war with Mexico and the expansion of the United States into the West.

The seventh part of the history of the United States is the period from 1850 to 1860. This period is characterized by the war with Mexico and the expansion of the United States into the West.

The eighth part of the history of the United States is the period from 1860 to 1870. This period is characterized by the war with Mexico and the expansion of the United States into the West.

The ninth part of the history of the United States is the period from 1870 to 1880. This period is characterized by the war with Mexico and the expansion of the United States into the West.

The tenth part of the history of the United States is the period from 1880 to 1890. This period is characterized by the war with Mexico and the expansion of the United States into the West.

The eleventh part of the history of the United States is the period from 1890 to 1900. This period is characterized by the war with Mexico and the expansion of the United States into the West.

The twelfth part of the history of the United States is the period from 1900 to 1910. This period is characterized by the war with Mexico and the expansion of the United States into the West.

The thirteenth part of the history of the United States is the period from 1910 to 1920. This period is characterized by the war with Mexico and the expansion of the United States into the West.

The fourteenth part of the history of the United States is the period from 1920 to 1930. This period is characterized by the war with Mexico and the expansion of the United States into the West.







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