

WEDNESDAY, MAY 24, 1978



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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
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	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

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

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Animal and Plant Health Inspection Service—
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Protection of charter participants' funds; supplemental notice of proposed rulemaking; reply comments by 5-29-78 3285; 1-24-78

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Economic development districts; private citizen representation; comments by 5-31-78 18541; 5-1-78
National Oceanic and Atmospheric Administration—
Atlantic groundfish (cod, haddock, yellowtail flounder); landings; comments by 6-2-78 17361; 4-24-78
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COMMODITY FUTURES TRADING COMMISSION

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ENERGY DEPARTMENT

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New Jersey; revision comments by 5-30-78 18216; 4-28-78
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Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, Washington, D.C. (partially open), 5-31-78 ... 20834; 5-15-78

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Atlantic groundfish; fishery management plan; Long Island, N.Y., 5-31-78. 20531; 5-12-78

Sea grant review panel, Washington, D.C. (partially open), 5-30 and 5-31-78 19700; 5-8-78

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(Last Listing: May 23, 1978)

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[3195-01]

Title 3—The President

Memorandum of May 18, 1978

Assistance to Zaire

[Presidential Determination No. 78-111]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, May 18, 1978.

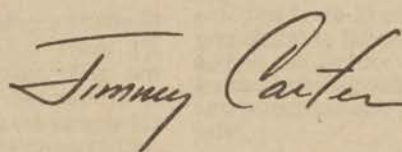
Pursuant to the authority vested in me by section 25 of the International Security Assistance Act of 1977, I hereby determine that:

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

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

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

This determination shall be published in the FEDERAL REGISTER.



[FR Doc. 78-14672 Filed 5-22-78; 3:45 pm]

ORIGINAL DOCUMENTS

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rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

[Peach Reg. 1, Amdt. 2]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Grade and Size Requirements

AGENCY: Agricultural marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action extends by 4 days the period during which 1½ inch Georgia peaches may be shipped. Such action is designed to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: May 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on May 17, 1978, to consider crop and market conditions and other factors affecting the need for further amending the current amended regulation, and recommended extending the period during which peaches at least 1½ inches in diameter could be shipped through May 26, 1978. The committee reports that abnormally cold weather has delayed the normal size development of the peach crop, and as a result the earlier maturing varieties, which normally mature at smaller sizes than later maturing

varieties, are not expected to meet the 1½ inch requirement which would become effective May 23, under the amended regulation currently in effect.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. This amendment relieves restrictions on the handling of peaches. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

Paragraphs (a)(2) and (3) in § 918.320 Peach Regulation 1 (43 FR 18642; 20476), are hereby amended to read:

§ 918.320 Peach Regulation 1.

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

(1) * * *

(2) During the period May 3 through May 26, 1978, are smaller than 1½ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1½ inches in diameter.

(3) During the period May 27 through August 31, 1978, are smaller than 1½ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1½ inches in diameter.

* * * * *

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

Dated: May 19, 1978, to become effective May 19, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-14544 Filed 5-23-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Removal or Defacing of Radioactive Materials Labels on Empty Containers

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations establishing standards for protection against radiation hazards arising out of NRC licensed activities to require the removal or the defacing of radioactive labels on empty, uncontaminated containers prior to disposal. The action is taken in response to a petition from the Department of Military Affairs, State of Alaska and is designed to reduce the number of required investigations concerning radioactive containers disposed of improperly.

EFFECTIVE DATE: June 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Lewis Battist, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6900.

SUPPLEMENTARY INFORMATION:
In response to a petition from the Department of Military Affairs, Alaska Disaster Office, the Commission is hereby amending its rules, specifically 10 CFR Part 20, to require licensees to obliterate or mutilate the radioactive symbols or labels from empty radioactive material containers prior to disposal or clearly indicate that the container no longer contains radioactive

material. In the event such action is not feasible, then a placard or label bearing the word "empty" should be attached.

Notice of the petition for rulemaking (Docket Number PRM 20-8) was published in the *FEDERAL REGISTER* on February 22, 1977 (42 FR 10377) and public comment solicited. The Commission after considering the proposed rule published its intent to adopt this rule on July 14, 1977 (42 FR 36268) and invited public comment. A total of 10 comments were received in response to this *FEDERAL REGISTER* notice. Seven of these comments were in favor of this rule.

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

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

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

The rule primarily pertains to shipping and other outer containers that do not ordinarily come into contact with radioactive materials. Present regulations, § 20.205 of 10 CFR Part

20, requires licensees to inspect and survey, upon receipt, packages containing radioactive materials. Any packages that are contaminated or have excessive radiation levels require notification of the shipper and the NRC. Any necessary action is taken at the time to prevent improper disposal practices and insure that the health and safety of the public are protected. Implementation of this rule requires a knowledge on the part of a licensee that the container being discarded is "empty and uncontaminated".

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

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

§ 20.203 Caution signs, labels, signals, and controls

• • • • •
(f) Containers. * * *

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

(Sec. 161 Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

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

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

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

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revis. 13; Amdt. 21]

PART 121—SMALL BUSINESS SIZE STANDARDS

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

AGENCY: Small Business Administration.

ACTION: Final rule.

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

EFFECTIVE DATE: May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Harvey D. Bronstein, 202-653-6373.

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

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

The SBA position is that the financial difficulties created by the TRIS ban are temporary; that the size standard of SIC-2321 is not an issue here; that SIC's 2321 and 2341 are not the same industry, and that we are reluctant to use any industry definitions not recognized in the Standard Industrial Classification Manual, because all of our industrial structure data are based on it. The SIC Manual gives rather precise industry definitions and we are hesitant to use special definitions. We note that the SBA took the unusual step of going to a 5-digit SIC definition in this case. Furthermore, we considered all of the factors in § 121.3-1(b)(3) and many others, but chose to emphasize the percent of in-

dustry sales covered under the proposed size standard in our explanation in the proposed rule.

Accordingly, 13 CFR part 121.3-10(b) is hereby amended by adding a new subparagraph (4), which reads as follows:

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

(b) * * *

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

Dated: May 16, 1978.

A. VERNON WEAVER,
Administrator.

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

[4810-22]

Title 19—Customs Duties

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

[T.D. 78-139]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money

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

ACTION: Final rule.

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

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

FOR FURTHER INFORMATION CONTACT:

Patrick J. Casey, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5706.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter United States ports (46 U.S.C. 121, 128). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of proof satisfactory to the President that no discriminatory duties of tonnage or imposts are imposed by that foreign nation on United States vessels or their cargo (46 U.S.C. 141). The President has delegated the authority to grant this exemption to the Secretary of the Treasury. Section 4.22 of the Customs Regulations (19 CFR 4.22) lists those nations whose vessels have been exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

On December 29, 1976, the Department of State advised the Department of the Treasury that satisfactory evidence has been obtained from the Government of Great Britain that no discriminating duties of tonnage or impost are imposed or levied in ports of the Cayman Islands upon vessels wholly belonging to citizens of the United States, or upon the produce, manufacturers, or merchandise imported into the Cayman Islands in such vessels from the United States or from any foreign country.

On June 3, 1977 and October 26, 1977, the Department of State similarly advised that satisfactory evidence has been obtained from the Governments of the German Democratic Republic and the United Arab Emirates, respectively, that no discriminating duties of tonnage or impost are imposed or levied in ports of those countries upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into those countries in those vessels.

In its communications, the Department of State advised no discriminating duties of tonnage or impost were imposed or levied upon vessels wholly

belonging to citizens of the United States, or upon the produce, manufactures, or merchandise, imported into ports of the Cayman Islands and the German Democratic Republic from January 1, 1977, and into ports of the United Arab Emirates from October 25, 1975.

DECLARATION

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR, 1959-1963 Comp., Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 15 (43 FR 11884), I declare that the foreign discriminating duties of tonnage and import within the United States are suspended and discontinued, in respect to vessels of the Cayman Islands, the German Democratic Republic, and the United Arab Emirates, and the produce, manufactures, or merchandise imported into the United States in such vessels from the Cayman Islands, the German Democratic Republic, and the United Arab Emirates, or from any other foreign country.

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

AMENDMENT TO THE REGULATIONS

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

(R.S. 251, as amended, 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 3, 121, 128, 141).)

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

DRAFTING INFORMATION

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

Dated: May 16, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the
Treasury.

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

[4810-22]

[T.D. 78-141]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

Persons Boarding and Leaving Vessels Without Customs Permission

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

ACTION: Final rule.

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

EFFECTIVE DATE: June 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald H. Reusch, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5706.

SUPPLEMENTARY INFORMATION:

BACKGROUND

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

It had been brought to the attention of the Customs Service that some vessel agents who board a vessel before Customs formalities are completed may solicit business from the master or purchasing officer for the

vessel's stores, in addition to attending to Customs formalities. As a result, it was contended, other suppliers, who cannot board the vessel until after Customs formalities are completed, are placed at a competitive disadvantage because the vessel agents on board have already solicited the business.

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

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

DISCUSSION OF COMMENTS

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

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

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

DISCUSSION OF OTHER CHANGES

It is intended that the excepted categories of individuals may both board

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

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

DRAFTING INFORMATION

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

AMENDMENT TO THE REGULATIONS

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

§ 4.1 Boarding of vessels; cutter and dock passes.

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

(2) A person may leave the vessel for the purpose of reporting its arrival as required by law (see § 4.2), but no other person, except those designated in paragraph (c)(1) of this section, shall leave any vessel arriving from outside the Customs territory of the United States, with or without the consent of the master, without the permission of the district director of Customs or the Customs officer in charge until the vessel has been properly inspected by Customs and

brought into the dock or anchorage at which cargo is to be unladen and until all passengers have been landed from the vessel.²

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

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

(R.S. 251, as amended, sections 1-3, 31 Stat. 58, section 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 163.)

G. R. DICKERSON,
Acting Commissioner
of Customs.

Approved: May 11, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the
Treasury.

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

[4810-22]

[T.D. 78-140]

PART 22—DRAWBACK

Accelerated Payment of Drawback Claims

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

ACTION: Final rule.

SUMMARY: To obtain accelerated payment of a drawback claim, the claimant now must submit a bond with each claim, guaranteeing the refund of any excess payment made to him by Customs. This document amends the Customs Regulations to provide that, as an alternative, a claimant may attach a rider that assumes the additional liability for the refund of any excess accelerated drawback payment to a general term bond at the time the general term bond is filed.

EFFECTIVE DATE: June 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald F. Beach, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5856.

SUPPLEMENTARY INFORMATION:

BACKGROUND

"Drawback" denotes a situation in which a duty or tax, lawfully collected, is refunded or remitted, wholly or partially, because of a particular use made of the merchandise on which the duty or tax was collected. One of the more common types of drawback is that allowed upon the exportation of articles manufactured or produced in the United States with the use of

imported merchandise (section 313(a), Tariff Act of 1930 (19 U.S.C. 1313(a))). Part 22 of the Customs Regulations (19 CFR Part 22) contains provisions regarding drawback claims.

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

Notice of a proposal to amend § 22.20a was published in the FEDERAL REGISTER on November 10, 1976 (41 FR 49646). The notice proposed an alternative to the procedure provided in § 22.20a for guaranteeing the refund of any excess payment made on a drawback claim. Under the alternative procedure, a bond rider (that is, a supplemental clause) stating that the principal and surety agree to assume the additional liability for the refund of any excess payment of accelerated drawback may be attached to the General Term Bond for Entry of Merchandise (Customs Form 7595) at the time the general term bond is filed. If this rider is attached to the general term bond, the amount of that bond would be increased to include the added coverage for drawback claims so that the overall amount of protection given customs would not be reduced. The rider, with its alphabetical designation, is approved for use in the Customs Automated Bond Information System (ABIS). Several minor changes have been made to the sample rider published with the proposal. A sample rider, as revised, follows:

RIDER TO A GENERAL TERM BOND FOR ACCELERATED PAYMENT OF DRAWBACK CLAIMS

P-ACCELERATED PAYMENT OF DRAWBACK CLAIMS—TO BE ADDED TO CUSTOMS FORM 7595

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

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

Witness our hand and seals this _____ day of _____ 19____.

_____(Principal)_____(SEAL)

_____(Surety)_____(SEAL)

COMMENTS

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

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

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

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

AMENDMENT TO THE REGULATIONS

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

DRAFTING INFORMATION

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

Approved: May 11, 1978.

G. R. DICKERSON,
Acting Commissioner
of Customs.

RICHARD J. DAVIS,
Assistant Secretary
of the Treasury.

Section 22.20a of the Customs Regulations (19 CFR 22.20a) is amended by adding the following between the second and third sentences therein:

§ 22.20a Accelerated payment of drawback claims.

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

(R.S. 251, as amended, sections 313, 623, 624, 46 Stat. 693, as amended, 759, as amended (19 U.S.C. 66, 1313, 1623, 1624).)

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

[6560-01]

Title 21—Food and Drugs

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

[FRL 899-2; FAP 6H5111/T34]

SUBCHAPTER E—FOOD AND FOOD PRODUCTS

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

SUBCHAPTER 3—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

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

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

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

ACTION: Final rule.

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

EFFECTIVE DATE: Effective on May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. James G. Touhey, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-4851.

SUPPLEMENTARY INFORMATION:

On June 10, 1977, the EPA announced (42 FR 29857) that in response to a petition (FAP 6H5111) submitted by Chemagro Agricultural Division, Mobay Chemical Corp., P.O. Box 4913, Kansas City, Mo. 64120, 21 CFR 193.212 and 561.233 were being established to permit the use of the insecticide O-ethyl O-[4-(methylthio)phenyl] S-propyl phosphorodithioate and its cholinesterase-inhibiting metabolites on growing cotton with tolerance limitations of 1 part per million (ppm) in cottonseed oil and cottonseed hulls, respectively, in accordance with an experimental use permit that was being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.). This experimental program will expire June 3, 1978.

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

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

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

Any person adversely affected by this regulation may, on or before June 22, 1978, file written objections with the Hearing Clerk, EPA, Rm. M-3708, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation

deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

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

Dated: May 15, 1978.

(Sec. 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)).)

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

§ 193.212 [Amended]

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

§ 561.233 [Amended]

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

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

[4910-22]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 646—RAILROADS

Railroad-Highway Insurance Protection; Amendment

AGENCY: Federal Highway Administration, DOT.

ACTION: Amendment to final rule.

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

EFFECTIVE DATE: May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

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

20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET., Monday through Friday.

SUPPLEMENTARY INFORMATION: This amendment has the effect of modifying the dollar amount of railroad protective insurance costs which are to be reimbursed from Federal funds for damages resulting from highway construction activities. The current maximum limits of coverage now permitted are not compatible with claim amounts and awards and are inconsistent with types of insurance coverage presently being utilized in the railroad industry. The existing regulation, in paragraph (a) of § 646.111, provides separate amounts of coverage per occurrence for bodily injury, death, and property damage. The new simplified coverage would increase the maximum coverage to a combined \$2 million per occurrence. Paragraph (b) of the same section allows greater amounts of coverage in cases involving appreciably higher risks. The financial impact of this revision on the Federal-aid highway program is minimal.

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

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

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

§ 646.111 Amount of coverage.

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

(b) * * *

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

Issued on: May 11, 1978.

KARL S. BOWERS,
Acting Federal Highway
Administrator.

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

[4210-01]

Title 24—Housing and Urban
Development

CHAPTER X—FEDERAL INSURANCE
ADMINISTRATION, DEPARTMENT
OF HOUSING AND URBAN DE-
VELOPMENT

SUBCHAPTER B—NATIONAL FLOOD
INSURANCE PROGRAM

[Docket No. FI-33631]

PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATIONS
AND JUDICIAL REVIEW

Final Flood Elevation Determinations
for the Town of Manderson, Big
Horn County, Wyo.

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 Manderson, Big Horn 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 Manderson, Wyo.

ADDRESS: Maps and other information showing the detailed outline of the flood-prone areas and the final elevations for the Town of Manderson, Big Horn County, Wyo., are available for review at Town Hall, Manderson, 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 Manderson, 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
Big Horn River	U.S. Highway No. 20	3,897
	Railroad bridge	3,892
Nowood River	Marshall St. Bridge	3,893

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13793 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-40171]

PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATION AND
JUDICIAL REVIEW

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

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Franklin, Venango County, Pa., are available for review at the City Hall, 430 13th Street, Franklin, Pa.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Franklin, Venango County, Pa.

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
Allegheny River	Downstream corporate limits (extended).....	973
	4th St. (extended).....	974
	U.S. Route 322 bridge.....	976
	Upstream corporate limits (extended).....	978
French Creek.....	Route 8 and U.S. Route 82 bridge.....	978
	12th St. (extended).....	982
	U.S. Route 322 bridge.....	985
	Corporate limits (2 mi above mouth).....	994
	Upstream corporate limits (extended).....	1,006

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13794 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4020]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Harrison, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

The Administrator has developed criteria for flood plain management in

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

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

Source of flooding	Location	Elevation in feet above mean sea level
Allegheny River	Sycamore St. (extended).....	758
	Chestnut St. (extended).....	759
	Lock and Dam No. 4.....	763
	Upstream end of Jack's Island.....	764
	Sportsman Park Dr. (extended).....	766
	Upstream corporate limit.....	769
	Downstream corporate limit.....	757
Bull Creek	Upstream corporate limit.....	760
	Downstream corporate limit.....	727
Little Bull Creek ...	Pleasantville Rd. (crossing).....	727
	Kentucky St. (extended).....	768
	Parkway Ave. (extended).....	887
	Meadow St. (extended).....	894

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13795 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3882]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

elevations, for the Township of Hempfield, Westmoreland County, Pa.

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sewickly Creek.....	Confluence of township line run.	970
	State Route 819	969
	ConRail—600 ft downstream State Route 819.	967
	ConRail (1,400 ft downstream State Route 819).	964
	Trout Town Rd.....	956
	Confluence of Jack's Run.	953
	Corporate limit at L.R. 64171.	952
	New Station corporate limit 3,500 ft upstream U.S. Route 119.	939
	U.S. Route 119	937
	L.R. 64164	936
	Jack's Run.....	1,024
	Confluence with tributary No. 2 South of L.R. 64142.	1,019
	L.R. 64146	1,018
	Private bridge (1,080 ft downstream of L.R. 64146).	1,012

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
City of Greensburg	City of Greensburg corporate limits (580 ft downstream of private bridge).	1,018
	City of Greensburg corporate limits (780 ft upstream of ConRail).	1,018
	ConRail—780 ft downstream of the city of Greensburg corporate limits.	1,018
	City of Greensburg corporate limits (280 ft downstream of ConRail).	1,010
	Borough of South Greensburg corporate limits (590 ft upstream of U.S. 119).	988
	Borough of South Greensburg corporate limits (290 ft upstream of U.S. 119).	988
	U.S. Route 119 (310 ft upstream of L.R. 64111).	987
	Private footbridge (300 ft downstream of L.R. 64111).	984
	U.S. Route 119 (450 ft upstream of confluence with Slate Creek).	982
	ConRail (100 ft upstream of Confluence with Slate Creek).	980
	Confluence of Slate Creek.	979
	ConRail 1,100 ft downstream of Confluence with Slate Creek.	976
	Baker St.....	974
	ConRail 3,100 ft upstream of Borough of Youngwood corporate limits.	971
Slate Creek	Upstream corporate limit of Borough of Youngwood.	963
	Corporate limit of Borough of Youngwood at Township Route 555.	954
	Confluence with Sewickly Creek.	953
	Corporate limit 1,075 ft upstream of U.S. Route 30.	1,136
	U.S. Route 30	1,111
	Private footbridge (50 ft upstream of Luxor Rd.).	1,089
	Luxor Rd.....	1,088
	Abandoned bridge (40 ft upstream of Township Route 398).	1,086
	Township Route 398.....	1,085
	Private drive (1,160 ft downstream of Township Route 398).	1,071
	Private drive (1,650 ft downstream of Township Route 398).	1,058
	Private drive 680 ft upstream of L.R. 64140.	1,043
	L.R. 64140	1,039
	Private drive (180 ft upstream of Pennsylvania Route 130).	1,030
Brush Creek.....	Pennsylvania Route 130.	1,029
	Brookdace Dr	1,022
	Township Route 865	1,012
	Briarwood Dr	1,002
	L.R. 64174	1,000
	Private drive (500 ft downstream of L.R. 64174).	995
	Private drive (1,520 ft downstream of L.R. 64174).	990
	Private drive (1,990 ft downstream of L.R. 64174).	988
	Private drive (2,370 ft downstream of L.R. 64174).	987
	Upstream corporate limits of Borough of South Greensburg.	981
	Borough of South Greensburg at Keystone Ave.	979
	Confluence with Jack's Run.	979
	Tributary No. 1 Carbon Rd	997
	Private drive 700 ft upstream of Hunter Rd.	990
Tributary No. 2	Private drive (510 ft upstream of Hunter Rd.).	987
	Hunter Rd. (1,440 ft upstream of confluence with Jack's Run).	986
	Hunter Rd (440 ft upstream of confluence with Jack's Run).	984
	Confluence with Jack's Run.	984
	Private drive.....	1,031
	Confluence with Jack's Run.	1,024
	Tributary No. 3 Private footbridge 50 ft upstream of Country Club Rd.	1,099
	Country Club Rd.....	1,098
	Private footbridge 1,380 ft downstream of Country Club Rd.	1,092
	Private footbridge 1,600 ft downstream of Country Club Rd.	1,091
	Green Gate Rd	1,085
	Private drive 1,200 ft downstream of Green Gate Rd.	1,076
	Abandoned footbridge 570 ft upstream of Weber St.	1,076
	Weber St.....	1,069
Pennsylvania Route 130.	Private footbridge 150 ft downstream of Weber St.	1,068
	Private drive 220 ft downstream of Pennsylvania Route 130.	1,057
	Fiscus Lane.....	1,054
	Private drive 630 ft upstream of confluence with Brush Creek.	1,042
	Confluence with Brush Creek.	1,033
	State Route 766	1,100
	Private drive 1,140 ft downstream of State Route 766.	1,093
	Private drive 1,540 ft upstream of Brown Ave.	1,032
	Brown Ave	1,018
	Private road 390 ft downstream of Brown Ave.	1,013
	Thomas St	1,006
	Corporate limits at ConRail.	1,001

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	ConRail, 250 ft upstream of Penn Manor Rd.	941
	Penn Manor Rd.	936
	Corporate limit at Race St.	935
Tributary No. 4	Tipple Row Rd.	1,078
	L.R. 64142 350 ft downstream of Tipple Row Rd.	1,068
	Private drive 650 ft downstream of Tipple Row Rd.	1,067
	L.R. 64142 250 ft upstream of confluence with Little Crabtree Creek.	1,057
	Confluence with Little Crabtree Creek.	1,056
Little Crabtree Creek.	Private drive	1,056
	Township Route 829	1,046
	L.R. 64142	1,038
	U.S. Route 119	1,004
	Confluence with Crabtree Creek.	997
Crabtree Creek	L.R. 64054	1,038
	Abandoned private drive	1,025
Zellers Run	City of Greensburg corporate limit at Otterman St.	1,068
	West Pittsburg St.	1,064
	James St.	1,061
	City of Greensburg corporate limit 340 ft downstream of James St.	1,055
	City of Greensburg corporate limit 1,130 ft upstream of Stanton St.	1,029
	Borough of Southwest Greensburg corporate limits at Stanton St.	1,020
Tributary No. 5	City of Greensburg corporate limit at Pennsylvania Route 819.	1,065
	Abandoned road	1,030
	Forest Hills Dr.	1,029
	Terrace View Dr.	1,028
	City of Greensburg corporate limits at 100 ft downstream of Terrace View Dr.	1,027
	Corporate limit at Union Cemetery Rd.	1,018
	Corporate Limit at U.S. Highway 119.	1,018
Little Sewickly	Private drive	1,037
Corporate limit 390 ft downstream of private drive		1,036
	Corporate limit 1,200 ft downstream of private drive.	1,034
	Corporate limit 1,640 ft downstream of private drive.	1,034

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator
[FR Doc. 78-13796 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-1080]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Huntingdon, Huntingdon County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Huntingdon, Huntingdon County, Pa., are available for review at the bulletin board in the lobby of the Borough Building, 10th and Moore Streets, Huntingdon, Pa.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

Source of flooding	Location	Elevation in feet, above mean sea level
Juniata River	Downstream corporate limit.	617
	Huntingdon Bridge (4th St.).	619
	Route 26 Bridge	622
	Cypress Island Bridge	625
	Upstream corporate limit.	641
Standing Stone Creek.	Penn Central RR. bridge.	619
	Route 26 bridge	619
	Upstream corporate limit.	619
Muddy Run	Penn St.	621
	Washington St.	622
	Mifflin St.	625
	9th St.	631
	10th St.	635
	11th St.	638
	13th St.	646
	14th St.	650
	15th St.	652
	College Ave. (extended).	658

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13797 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-40051]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Four Mile Run.....	Confluence with Lake Erie.	577
	Private drive (2,600 ft downstream of East Lake Rd.).	594
	Private drive (2,000 ft downstream of East Lake Rd.).	598
	Upstream of East Lake Rd.	630
	Footbridge (700 ft downstream of footbridge).	643
	Main St.....	654
	Footbridge (1,500 ft upstream of Main St.).	669
	East Erie Commercial RR.	672
	Upstream of ConRail tracks.	681

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
McDaniel Run.....	Confluence with Lake Erie.	577
	Corporate limits	617
	Franklin Ave	665
	Inlet to culvert (800 ft upstream of Franklin Ave.).	673
	ConRail	676
Lake Erie.....	Shoreline within community.	577

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13798 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3884]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Mahoning, Carbon County, Pa., are available for review at the Municipal Building, R.D. No. 1, Lehigh, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

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

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

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

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

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

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

Issued: April 12, 1978

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13799 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3886]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of New Kensington, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of New Kensington, Westmoreland County, Pa., are available for review at the City Clerk's Office, New Kensington City Hall, 2400 Leechburg Road, New Kensington, Pa.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

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

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

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

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

[4210-01]

[Docket No. FI-4004]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of North Hunting- don, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of North Huntingdon, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in

the National Flood Insurance Program (NFIP).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of North Huntingdon, Westmoreland County, Pa., are available for review at the North Huntingdon Municipal Building, 11279 Center Highway, North Huntingdon, Pa.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brush Creek	Downstream corporate limit.	785
	Mahaffey Dr.	790
	ConRail	793
	State Route 993 (downstream).	798
	State Route 993 (1st upstream).	811
	State Route 993 (2nd upstream).	816
	State route 993 (3rd upstream).	824
	ConRail	827

[4210-01]

[Docket No. FI-3889]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

The Administrator has developed criteria for flood plain management in

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

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

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

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

Issued: April 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13802 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4019]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Wilkens, Allegheny County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Beyerly Rd.....	832
	ConRail (downstream) ...	837
	ConRail (upstream)	840
	Footbridge	850
	State Route 993 (4th upstream).	857
	State Route 993 (5th upstream).	875
	State Route 993 (6th upstream).	878
	Water St.....	880
	ConRail	888
	East St.....	888
	ConRail (downstream) ...	891
	ConRail (upstream)	893
	Confluence with tributary 3.	895
	McCavett Rd	904
	Pennsylvania Turnpike ..	906
	Upstream corporate limits.	917
Youghiogheny River.	Downstream corporate limits.	958
	Upstream corporate limits.	959
Tinkers Run.....	Center Highway.....	918
	Route 30	923
	ConRail	932
	Confluence with Tinkers Run tributary.	950
	Laurel Ave	966
	Access Ramp	978
Tributary No. 3	Confluence of Brush Creek.	895
Tributary No. 4	Corporate limits	973
	Route 30	990
	Earth fill	990
	Route 30	1,012
	Township Rd.....	1,020
Long Run	Corporate limits	911
	Lincoln Way (approximately 250 ft downstream of Five Pines Rd.).	926
	Lincoln Way (at Five Pines Rd.).	943
	Private drive (off Lincoln Way).	949
	Private drive (off Park Hill Rd.).	954
	Park Hill Rd.....	956
	Confluence with Long Run tributary.	992
	Wainright Dr	997
	Roth Drive	1,003
	Abrams Dr	1,011
	Station Rd	1,028

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13801 Filed 5-23-78; 8:45 am]

for participation in the National Flood Insurance Program (NFIP).

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Thompson Run	Downstream corporate limits.	754
	Jones St.....	757
	Union RR. (western-most bridge).	766
	Union RR. (eastern)	769
	Buena Vista Dr	787
	Newton Rd.....	808
	William Penn Highway (route 22).	828
	Union RR. (downstream).	829
	Union RR. (upstream)....	836
	Upstream corporate limits.	838
Chalfant Run	Larimer Ave.....	790
	Baker St.....	808

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Rodi Rd.....	856
	U.S. Route 22	857
Sawmill Run	Downstream corporate limits.	789
	Ivy St.....	832
	Moss St.....	840
	Private Rd. (2,200 ft upstream of Moss St.).	895
	Private road (near Lucinda Rd.).	931
	Buelah Rd.....	981

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13803 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-2886]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Georgetown, Georgetown County, S.C., are available for review at the lobby of the Municipal Building, 1114 Front Street, Georgetown, S.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, 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 Georgetown, Georgetown County, S.C.

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

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

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

Source of flooding	Location	Elevation in feet, above mean sea level
Atlantic Ocean	Fogel St.....	13
(Winyah Bay,	Poplar St.....	12
Sampit and	Meeting St.....	12
PeeDee Rivers).	Fraser St.....	11
	Collins St.....	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: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13804 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3787]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Bountiful, Utah. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (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
Barton Creek.....	750 East St.*.....	4,563
	500 South St.*.....	4,503
	Hospital.....	4,475
	200 East-100 South Sts..	4,408
	200 North St.**.....	4,365
	Main St.....	4,361
	100 West St.*.....	4,340

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Meadow Brook School Bridge.	4,308
	500 West St. (U.S. 89-91).	4,281
Mill Creek	Orchard Dr.....	4,494
	Church Bridge.....	4,435
	Main St.**.....	4,412
	200 West St.**.....	4,377
	500 West St. (U.S. 89-91)**.	4,343
	Interstate 15**.....	4,322
Stone Creek	Davis Blvd.....	4,699
	800 East St.....	4,565
	400 North St.....	4,496
	400 East St.....	4,402
	900 North St.**.....	4,356
	Main St.....	4,335
	200 West St.....	4,277

* Downstream side.

** 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: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13805 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3861]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the city of Springville, Utah County, Utah, are available for review at City Hall, Springville, Utah.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hobble Creek.....	900 South.....	4,650

(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 12, 1978.

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

[4210-01]

[Docket No. FI-3788]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Sunnyside, Carbon County, Utah. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to 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 Sunnyside, Utah.

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

The Administrator has developed criteria for flood plain management in

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grassy Trail.....	At station* 7,820	6,612
Creek	At station 6,240	6,480
	At station 3,420	6,390
	At station 200	6,415
Northern slope	At station* 10,440	6,310
tributary.....	At station 9,200	6,260
	At station 6,520	6,170
	At station 4,180	
	At station 240	

*Station refers to stream distance in feet above mouth.

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13807 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3904]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final Base (100-year) flood elevations are listed below for selected locations in the city of Galax, Grayson County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to 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 Galax, Grayson County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Galax, Gray-

son County, Va., are available for review at the Galax City Municipal Building, 123 North Main Street, Galax, 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 Galax, Grayson County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (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
Chestnut Creek	Downstream corporate limits.	2,299
	At U.S. 58-221 bridge.....	2,340
	At East Old Town Road Bridge.	2,345
	At State Route 89.....	2,359
	Upstream corporate limits.	2,365

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13808 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4006]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Manassas, Prince William County, Va.

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
Russia Branch.....	Liberia Ave. (downstream).	237
	19,300 ft upstream of confluence with Bull Run.	300
Tributary to Russia Branch.	Confluence with Russia Branch.	251
	Quarry Rd. (downstream).	257
	Southern R.R. (upstream).	262
	925 feet upstream of confluence with Russia Branch.	269
Cockrell Branch....	Downstream corporate limits.	234
	Lucasville Rd. (upstream).	241
	Route 234 (upstream)....	263
Winters Branch.....	6,800 ft upstream of corporate limits.	246
	Grant Ave. (upstream) ...	273
	Main St.....	285
	12,900 ft upstream of corporate limits.	300
Cannon Branch.....	Downstream corporate limits.	187
	Godwin Dr. (upstream) ..	195
Tributary to Cannon Branch.	Confluence with Cannon Branch.	195
	2,000 ft upstream of confluence with Cannon Branch.	205
	Upstream of driveway (2,560 ft above confluence with Cannon Branch.	211
Tributary No. 1 to Flat Branch.	Downstream corporate limits.	232
	9,800 ft above confluence with Flat Branch.	248
	Upstream of private driveway.	257
	12,300 ft above confluence with Flat Branch.	269
	13,050 ft above confluence with Flat Branch.	285
Tributary A to Flat Branch tributary No. 1.	Confluence with Flat Branch tributary No. 1.	257
	1,140 ft upstream of confluence.	273
Tributary No. 2 to Flat Branch.	Downstream corporate limits.	189
	Stonewall Rd. (downstream).	216
	Stonewall Rd. (upstream).	225
Tributary B to Flat Branch tributary No. 2.	Confluence with Flat Branch tributary No. 2.	225
	Grant Ave. (upstream) ...	250
	Traveller St. (upstream) ...	272
Tributary No. 3 to Flat Branch.	Downstream corporate limits.	202
	Park Ave. (upstream).....	249
Tributary C to Flat Branch tributary No. 3.	Downstream corporate limits.	201
	Diggs Rd. (downstream).	216
	Diggs Rd. (upstream)....	224
	Stonewall Rd. (upstream).	248
	Peabody St.....	268
	Grant Ave. (upstream) ...	278

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13809 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4010]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determination of flood elevations for the city of Manassas Park, Prince William County, Va.

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

aster 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
Tributary to Bull Run.	Blooms Dr. (upstream)...	244
	Manassas Dr.	268
Tributary No. 1 to Flat Branch.	Downstream corporate limits.	166
	Manassas Dr. (downstream).	184
	Manassas Dr. (upstream).	189
	6,500 ft upstream of mouth of tributary.	209
	Upstream corporate limits.	232
Tributary A to Flat Branch tributary No. 1.	Denver Dr. (Downstream).	185
	Denver Dr. (upstream)...	191
	Courtney Dr. (upstream).	204

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13810 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4009]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Pulaski County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (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
Peak Creek.....	State Route 99	1,888
	.....	1,899
	ulaski corporate limits....	
Pond Lick Branch.	State Route 674	1,957
	Service road (570 ft upstream of State Route 674).	1,964
Track Fork.....	State Route 674	1,956
	State Route 640 (1,325 ft upstream of State Route 674).	1,961
	State Route 640 (5,700 ft upstream of State Route 674).	1,986

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	State Route 640 (6,600 ft upstream of State Route 674).	1,990
Tributary A.....	Confluence of Pond Lick Branch.	1,957
	Confluence of tributary B.	1,981
Tributary B.....	Confluence with tributary A.	1,981

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13811 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3587]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Chicopee are available for review at the City Engineer's Office, Chicopee City Hall, Chicopee, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line

800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Chicopee, Hampden County, Mass.

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
Connecticut River...	Southern corporate limit, 4,600 ft downstream of Route I-91 Bridge.	63
	600 ft upstream of Boston & Main RR. bridge.	69
	Northern corporate limit, 7,280 ft upstream of Boston & Maine RR. bridge.	73
	Chicopee River.....	
Chicopee River.....	Confluence with Connecticut River.	64
	850 ft upstream of Route 116 Bridge.	65
	2,000 ft upstream of Route 116 Bridge, just downstream of dam.	72
	2,100 ft upstream of Route 116 Bridge, just upstream of dam.	86
	100 ft upstream of Deady Memorial Bridge (Montgomery St.).	101
	Just upstream of dam, 200 ft upstream of Montgomery St.	115
	Just downstream of Robinson Bridge (Route 291).	124
	Eastern corporate limits	141

(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 16, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13812 Filed 5-23-78; 8:45 am)

[4210-01]

[Docket No. FI-3796]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Avalon, Los Angeles County, Calif. These base (100-year) flood elevations are the basis for the 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 Avalon, Calif.

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

The Administrator has developed criteria for 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
Avalon Canyon.....	Intersection of Tremont St. and Claressa Ave.	32
	Intersection of Beacon St. and Catalina Ave.	19
	Intersection of 3rd St. and Catalina Ave.	15
	Intersection of Sumner Ave. and Crescent Ave.	13

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13813 Filed 5-23-78; 8:45 am)

[4210-01]

[Docket No. FI-3759]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Hemet, Riverside County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Hemet, Riverside County, Calif., are available for review at Community Development Department, City Hall, 450 East Latham Street, Hemet, Calif.

FOR FURTHER INFORMATION CONTACT:

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

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

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

The Administrator has developed criteria for 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
Salt Creek	Warren Ave	1,502
	Fisher St	1,510
	Cawston Ave	1,518
	Sanderson Ave	1,528
	Lyon Ave	1,547
	.....do.....	1,547
Salt Creek overflow		
Salt Creek	State St	1,585
tributary	Buena Vista St	1,595

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13814 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3968]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for The City of Newman, Stanislaus County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

The Administrator has developed criteria for 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	Depth, in feet, above ground level
Shallow overland flow from Orestimba Creek.	Intersection State Route 33 and Inyo Ave.	3
	West of Fig Lane at Ruth and Lucille Ave.	3
	Stanislaus St. and State Route 33.	2
	Yolo St. and State Route 33.	2
	Merced St. and O St	1
	Mariposa St. and State Route 33.	1
	Tulare St. and State Route 33.	1

*N St.

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13815 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3973]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the City of Vallejo, Solano County, Calif., are available for review at City Hall, 555 Santa Clara Street, Vallejo, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th St. SW., Washington, D.C. 20410.

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

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

The Administrator has developed criteria for 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
Tributary to American Canyon Creek.	Corcoran Ave.....	75
Chabot Creek	Fairgrounds Dr	83
	Sonoma Blvd	12
	Broadway	18
	Walnut St	23
	Diablo St	38
	Spillway race at base of dam.	55
Rindler Creek	Fairgrounds entrance	86
	Interstate 80	98
	Admiral Callaghan Lane	125
South Fork Rindler Creek.	Coach Lane.....	87
North Fork Rindler Creek.	Upstream and downstream of Fairgrounds Dr.	83
	Searc Point Rd./I-80 on-ramp.	117
Blue Rock Springs Creek.	Coach Lane.....	86
Lemon Street Canal.	Interstate 80	94
	Lemon St	9
	Spruce St	44
	Lewis Ave	78
Magazine Street Canal.	I-80 Culvert Inlet (30 ft upstream of Laurel St.).	56
	Footbridge (2,460 ft upstream of Lemon Street Canal).	66

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Hollywood Ave.....	93
	Fulton Ave.....	124
Austin Creek.....	Sheldon Ave	30
	Maple Ave	37
	Oakwood Ave	44
	Castlewood Dr.....	55
	Heartwood Ave	61
	Rollingwood Dr.....	70
	Columbus Parkway	116
	Upstream corporate limits.	189

(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 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

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

[4210-01]

[Docket No. FI-3822]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

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 Georgetown, Colo.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clear Creek	Bridge over Georgetown Lake.	8,446
	15th St.....	8,466
	11th St.....	8,483
	6th St.....	8,511
South Clear Creek	Rose St.....	8,492
	9th St.....	8,499
	Taos St.....	8,503
	Main St.....	8,522

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

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

[4210-01]

[Docket No. FI-3980]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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 San Miguel County, Colo.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Elevation in feet, national geodetic vertical datum
San Miguel River near Telluride.	200 ft upstream of Bridge No. 4.	7,487	
	888 ft upstream of Bridge No. 4.	7,510	
	2,380 ft upstream of Bridge No. 4.	7,558	
	320 ft downstream of Highway 145 Bridge No. 6.	8,638	
	125 ft upstream of Highway 145 Bridge No. 6.	8,645	
	1,880 ft upstream of Highway 145 Bridge No. 6.	8,645	
	2,600 ft upstream of Highway 145 Bridge No. 6.	8,648	
	6,200 ft upstream of Highway 145 Bridge No. 6.	8,660	
	5,000 ft downstream of Bridge No. 7.	8,670	
	100 ft downstream of Bridge No. 7.	8,700	
	At Bridge No. 7.	8,706	
	At downstream corporate limits of Telluride.	8,722	
	At upstream corporate limits of Telluride.	8,774	
	1,450 ft downstream of Bridge No. 8.	8,793	
	100 ft downstream of Bridge No. 8.	8,818	
San Miguel River near Telluride Secondary Channel.	At Bridge No. 8.	8,827	
	550 ft upstream of Bridge No. 8.	8,828	
	1,300 ft upstream of Bridge No. 8.	8,847	
	At downstream confluence with main channel.	8,648	
	2,175 ft from downstream confluence with main channel.	8,654	
	Upstream confluence with main channel.	8,670	
			Depth in feet above ground level
	Cornet Creek From northern corporate limits to 80 ft above corporate limits of Telluride.	2	
	Between 80 ft and 100 ft above corporate limits of Telluride.	3	
Leopard Creek	At confluence with the San Miguel River.	7,272	
	40 ft upstream of Highway 145 Bridge No. 5.	7,277	
	1,660 ft upstream of Highway 145 Bridge No. 5.	7,301	
	3,180 ft upstream of Highway 145 Bridge No. 5.	7,323	
	4,980 ft upstream of Highway 145 Bridge No. 5.	7,357	
	6,600 ft upstream of Highway 145 Bridge No. 5.	7,386	
	At confluence with San Miguel River.	7,444	
	280 ft upstream of confluence with San Miguel River.	7,450	
	At Bridge No. 4, 1,340 ft upstream of confluence with San Miguel River.	7,485	
Fall Creek	At confluence with San Miguel River.	7,205	
	1,200 ft downstream of confluence of Slaughterhouse Gulch.	7,230	
	At confluence of Slaughterhouse Gulch.	7,244	
	1,800 ft upstream of confluence of Slaughterhouse Gulch.	7,262	
	At confluence of Leopard Creek.	7,272	
	At Bridge No. 1 at Placerville.	7,300	
	800 ft upstream of bridge at Placerville.	7,304	
	2,900 ft upstream of Bridge No. 1 at Placerville.	7,324	
	4,900 ft upstream of Bridge No. 1 at Placerville.	7,352	
	6,100 ft downstream of confluence of Fall Creek.	7,380	
San Miguel River near Placerville.	3,300 ft downstream of confluence of Fall Creek.	7,409	
	1,400 ft downstream of confluence of Fall Creek.	7,428	
	At confluence of Fall Creek.	7,444	
	At bridge No. 2, 440 ft upstream of confluence of Fall Creek.	7,452	
	3,070 ft upstream of confluence of Fall Creek.	7,483	
	At downstream corporate limits of Saw Pit.	7,528	
	100 ft downstream of Bridge No. 3 at Saw Pit.	7,542	
	Bridge No. 3 at Saw Pit.	7,550	
	910 ft upstream of Bridge No. 3 at Saw Pit.	7,557	

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13818 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3983]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Shelton are available for review at the City-Town Clerk's Office, City Hall, 54 Hill Street, Shelton, Conn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh 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 Shelton, Fairfield County, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 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
Housatonic River..	Confluence of Far Mill River.	15
	Confluence of Ivy Brook	17
	6,000 ft upstream of confluence of Ivy Brook.	19
	Route 8.....	21
	Bridge St.....	22
	Upstream of Shelton Dam.	36
	Confluence of Indian Hole Brook.	39
	Confluence of Upper White Hills Brook.	44
	Confluence of White Hills Community Brook.	49
Far Mill River.....	200 ft upstream of Route 110.	20
	1,300 ft upstream of Route 110.	30
	3,350 ft upstream of Route 110.	50
	2,500 ft downstream of Beard Saw Mill Rd.	70
	125 ft downstream of Beard Saw Mill Rd.	92
	Upstream of Beard Millpond Dam.	109
	Confluence of Black Brook.	114
	Bridgeport Ave.....	126
	600 ft upstream of Bridgeport Ave.	140
	500 ft downstream of Mill St. Dam No. 1.	180
	Mill St. Dam No. 1.....	196
	Mill St. Dam No. 2.....	207
	Mill St. Dam No. 3.....	227
	Buddington Rd.....	234
	Huntington St. Dam.....	240
	2,600 ft downstream of Nichols Ave.	260
	Nichols Ave.....	283
	Waverly Rd.....	286
	Walnut Tree Hill Rd.....	287
	Confluence of Walnut Brook.	303
	Confluence of Hazelton Brook.	321
	Confluence of Bohem Brook.	335
	Far Mill Rd.....	355
Far Mill Reservoir Dam.	364	
Confluence of Harvey Pete Brook.	372	
Mohegan Rd.....	Mohegan Rd.....	382
	200 ft upstream of Mohegan Rd.	385
	Northwestern corporate limit.	394
	Harvey Pete Brook.	375
	Confluence of Sharps Brook.	376
Thompson St.....	Thompson St.....	391
	Northwestern corporate limit.	413
	Means Brook.....	Confluence with Far Mill River.	236
Lane St.....		238
Shelton Ave.....		252
2,000 ft upstream of Shelton Ave.		267
3,800 ft upstream of Shelton Ave.		281
4,200 ft upstream of Shelton Ave.		282
150 ft downstream of Chamberlain Dr.		287

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Burying Ground Brook.	Chamberlain Dr.....	292
	Dam at Means Brook	352
	Reservoir.	
	Sawmill City Rd.....	358
	Route 110.....	361
	Northwestern corporate limit.	365
	Center St. and Long Hill Ave.	64
	Crossing 200 ft upstream of Center St. and Long Hill Ave.	71
	800 ft upstream of Center St. and Long Hill Ave.	72
	Culvert 800 ft downstream of Sullivan Ave.	90
	Driveway 550 ft downstream of Sullivan Ave.	95
	Nursery driveway 350 ft downstream of Sullivan Ave.	104
	Sullivan Ave.....	113
	Private drive 450 ft upstream of Sullivan Ave.	124
Long Hill Ave. to the Housatonic River.	Private drive 500 ft upstream of Sullivan Ave.	128
	Private drive 725 ft upstream of Sullivan Ave.	132
	Depth in feet above ground level	

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13819 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3085]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Weston, Fairfield 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

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

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

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

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh 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 Weston, 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, 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
Saugatuck River....	River Rd.....	59
	Cartbridge Rd.*	96
	.....do**	101
	Davis Hill Rd.....	120
Jenning's Brook	Valley Forge Rd.....	168
	Davis Hill Rd.*	167
Beaver Brook	Deep Wood Rd.....	229
	Slumber Lane.....	76
Kettle Creek	Goodhill Rd.....	92
	Steep Hill Rd.....	270
	Goodhill Rd.*	61

Source of flooding	Location	Elevation in feet, national geodetic datum
Aspetuck River.....	.....do**	63
	River Rd.*	84
	Weston Rd.*	132
	.....do**	168
West Branch	Sawmill Rd.....	149
	11 O'Clock Lane.....	175
Tributary A.....	Redding Rd.....	220
	Georgetown Rd.....	202
Saugatuck River.	Godfrey Bridge.....	253
	Newton Turnpike*	220
Tobacco Rd.* .....	.....do**	222
	Lord's Highway**	247
	Tobacco Rd.*	257

*Downstream side.
**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: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13820 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3725]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Windsor, Hartford County, Conn.

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

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

for review at the Planning Department, Town Hall, Windsor, Conn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th St. SW., Washington, D.C. 20410.

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

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

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

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

Source of flooding	Location	Elevation in feet, metropolitan district datum
Connecticut River.	Approximately 100 ft upstream of John Bissell Memorial Bridge.	33
	Approximately 100 ft upstream of confluence of Hayden Station Brook.	35
Farmington River.	Just downstream of Palisado Ave.	34
	Just upstream of confluence of Phelps Brook.	35
Phelps Brook	Approximately 200 ft upstream of Poquonock Avenue Bridge.	43
	Approximately 100 ft downstream of confluence of tributary A.	35
Hayden Station Brook.	Approximately 100 ft upstream of Poquonock Ave.	71
	Just upstream of Palisado Ave.	35
Creamery Brook....	Approximately 100 ft upstream of Hayden Station Rd.	65
	Approximately 100 ft upstream of Elm Ct.	51
Tributary C.....	Approximately 100 ft upstream of Preston St.	56
	Approximately 100 ft upstream of Plymouth St.	67

Source of flooding	Location	Elevation in feet, metropolitan district datum
Tributary D	Approximately 100 ft upstream of Palsado Ave.	35
Mill Brook	do.....	34
	Just upstream of East St.	37
	Just upstream of Bloomfield Ave.	104
Meadow Brook	Approximately 100 ft upstream of White Rock Dr.	58
	Approximately 100 ft upstream of Tamarack Dr.	78
Deckers Brook	Approximately 100 ft upstream of East Barber Street Bridge.	49
	Just upstream of Drake St.	52
	Approximately 100 ft upstream of Windsor Avenue Bridge.	55

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

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13821 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3984]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Leipsic, Kent County, Del.

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 Leipsic, Kent County, Del. 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 Leipsic, Del.

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the town of Leipsic, Kent County, Del., are available for review at Leipsic Volunteer Fire Company, Radio Room, Main Street, Leipsic, Del.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Leipsic, Del.

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
Delaware Bay	Route 9 Bridge.....	9
	Front Street Bridge	9

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13822 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-38001]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Apopka, 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
Lake Francis	From a point on Francis Dr. which is 970 ft west along the road from the intersection with Kilean Ct., flooding exists from 120 ft south of this point to the shoreline.	68
Lake Alden	From a point on Errol Parkway which is 3,900 ft south along the road from the intersection with Francis Dr., flooding exists from 150 ft east of this point to the shoreline.	70
Lake Marion	East of Schopke Lester Rd.	66
Dream Lake	The intersection of Laurel St. and Central Ave.	117
Lake McCoy	Votaw Rd. Bridge	65
Buchan Pond	West side of Lake Ave. from Nightingale St. to Grossenbacher Dr.	140
Upper Doe Lake	At north, south, and west corporate limits.	70
Marshall Lake	Along the corporate limits along the south side of the lake.	70
Pike Lake	Along the corporate limits which extend east through the lake.	67
Unnamed lake I	From the southern point on the shoreline and extending south 130 ft.	87
Unnamed lake II	The northern edge of 5th St., 230 ft east from the intersection of 5th St. and Washington Ave.	150
Unnamed lake III	North of 6th St.	81
Unnamed lake IV	From the eastern edge of the lake extending east to the corporate limits.	75

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13823 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3802]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 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 Edgewood, Fla.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Lake Conway.	Mandalay Rd. extended from corporate limits to a point 80 ft southwest.	89
Lake Gatlin	On Prescott Dr. from corporate limits to a point 40 ft west.	89
Lake Jennie Jewell.	At a point 1,600 ft east along Gatlin Ave. from the center of the intersection of Gatlin and Orange Aves., the flooding exists 170 ft north of this point, north to the corporate limits.	92
Lake Jessamine	Jamaica Ln. extended to corporate limit, 600 ft north and 400 ft south from this point.	94

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13824 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3803]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Winter Garden Co-op ditch.	Fuller's Crossing Highway 72 in culvert (upstream side).	76
	Seaboard Coast Line RR. (downstream side).	91
Lake Apopka.....	From a point 530 ft west along Division St. from the center of the intersection of Division St. and Lakeview Ave. west to the shoreline.	89

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13825 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3805]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Newnan, Coweta County, Ga.

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 Newnan, Coweta County, Ga. 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 Newnan, Coweta County, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Newnan, Coweta County, Ga., are available for review at City Hall, 25 Jefferson Street, Newnan, Ga.

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 Newnan, Coweta County, Ga.

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

The Administrator has developed criteria for flood plain management in

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wahoo Creek.....	Just downstream of Atlanta and West Point RR.	851
	Approximately 150 ft upstream of Bullsboro Dr. (State Highway 34).	874
	Approximately 75 ft upstream of East Broad St.	890
Tributary 1.....	Phillips St. (extended)....	930
Tributary 2.....	Approximately 100 ft upstream of lower crossing of Bullsboro Dr. (State Highway 34).	871
	Just upstream of Jefferson St.	909
Tributary 3.....	Just upstream of Bullsboro Dr.	871
Tributary 4.....	Approximately 630 ft upstream of confluence with tributary 3.	872
Tributary 5.....	Approximately 120 ft upstream of confluence with tributary 2.	875
Tributary 6.....	Approximately 200 ft upstream of confluence with tributary 2.	881
Tributary 7.....	Just upstream of American Ave.	880
	Approximately 100 ft downstream of Church St.	896
Tributary 8.....	Just downstream of Grelson Trall.	896
Tributary 9.....	Approximately 660 ft upstream of confluence with Wahoo Creek.	
875		
Tributary 10.....	Approximately 160 ft downstream of Grelson Trall.	930
Tributary 11.....	Just upstream of Roberts Rd.	893
Tributary 12.....	Just downstream of Pinson St.	915
	Just upstream of Calhoun St.	930
Snake Creek.....	Just upstream of Christian Dr.	859
	Just upstream of Willow Dr.	890
	Just downstream of Atkinson St.	925
Tributary 13.....	Approximately 180 feet upstream of confluence with Snake Creek.	875
Tributary 14.....	Just downstream of Willow Dr.	890
Mineral Springs Branch.	Just upstream of Boone Dr.	885
	Approximately 75 ft downstream of 4th St.	890
Tributary 15.....	Southern corporate limits.	841
Tributary 16.....	Western corporate limits.	835
	Just downstream of Washington St.	870
Sandy Creek	Just upstream of Water Works Rd.	835
	Just upstream of Sewell Rd.	860

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just upstream of Alpine Dr.	901

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13826 Filed 5-23-78; 8:45 am.]

[4210-01]

[Docket No. FI-3130]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Bourbonnais, Kankakee 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 Bourbonnais, Kankakee 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 Bourbonnais, Kankakee County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Bourbonnais, Kankakee County, Ill., are available for review at the Municipal Building, P.O. Box 141, Bourbonnais, 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 Bourbonnais, Kankakee 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, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet above mean sea level
Bourbonnais Creek.	Balsillon Ave.....	644
	River St. culvert.....	657
	Main St. culvert.....	664
	Spencer Ct.....	666
	Greenwood Ave.....	667
North Branch	Tomogone Rd.....	669
Soldier Creek.	Armour Rd.....	676
Kankakee River ...	Corporate limits (southwest corner).	696

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13827 Filed 5-23-78; 8:45 am.]

[4210-01]

[Docket No. FI-4024]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Buffalo Grove, Cook and Lake Counties, 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 Buffalo Grove, Cook and Lake Counties, 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 Buffalo Grove, Cook and Lake Counties, Ill.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Buffalo Grove, Cook and Lake Counties, 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
Buffalo Creek	Buffalo Grove Rd.....	669
	Raupp Blvd.....	673
	Lake-Cook Rd	678
	Confluence of Farrington ditch.	678
	Confluence of Aspen ditch.	689
	Arlington Heights Rd. (corporate limits).	691
	Corporate limits (upstream of Checker Rd.).	712

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Farrington ditch ...	Confluence with Buffalo Creek.	678
	Corporate limits (2,600 ft upstream of Checker Rd.).	681
White Pine ditch...	St. Marys Parkway.....	678
	Bernard Dr. (upstream).	681
	Corporate limits (2,000 ft upstream of Bernard Dr.).	687
	Dundee Rd. (upstream)..	691

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13828 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3937]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Fox Lake, Lake 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 Fox Lake, Lake 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 Fox Lake, Lake County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Fox Lake, Lake County, Ill., are available for review at the Fox Lake Village Hall, 301 South Route 59, Fox Lake, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, 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 Fox Lake, Lake 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
Fox River Chain	Pistakee Lake.....	742
O'Lakes.	Nippersink Lake	742
	Fox Lake	742
	Grass Lake	742
Squaw Creek.....	Grand Ave	742

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13829 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3941]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Murphysboro, Jackson 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 city of Murphysboro, Jackson County, Ill.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Murphysboro, Jackson 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
Big Muddy River...	Downstream corporate limits.	372
	Illinois Central Gulf RR. (1 mile from downstream corporate limits).	373
	Illinois Central Gulf RR. (2.7 miles from downstream corporate limits).	374
	Upstream corporate limits.	376
Pond Creek	100 ft downstream—Missouri Pacific RR.	395
	100 ft upstream—Missouri Pacific RR.	399
	Candy Lane extended....	400

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13830 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-39881]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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
Tributary A.....	U.S. Route 526 ¹	81
	U.S. Route 526 ²	71
Big Bear Brook.....	U.S. Routes 130 and 33.....	102
	Hankins Rd.....	96
Miry Run.....	Sharon Rd.....	82
	ConRail Railroad ¹	91
	ConRail Railroad ²	87
	Robbinsville-Edinburg Rd.....	80
	Pond Rd.....	74
	Line Rd ¹	68
	Line Rd ²	67
New Sharon Branch.	Old York Rd.....	97
	Sharon Rd ¹	90
	Sharon Rd ²	89
Assumpink Creek...	Old York Rd.....	90
	Winsor Rd.....	89
	New Jersey Turnpike ¹ ...	89
	New Jersey Turnpike ² ...	88
	Main St.....	77
	ConRail Railroad.....	76

¹ Upstream.

² Downstream.

(National Flood Insurance Act of 1968 (Title XIII of 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: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13831 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3964]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Farmington, San Juan County, N. Mex.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Farmington, San Juan County, N. Mex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Farmington, San Juan County, N. Mex., are available for review at the Department of Public Works, Farmington, N. Mex.

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 Farmington, San Juan County, N. Mex.

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
San Juan River.....	Approximately 500 ft downstream of State Hwy 371.	5,242
LaPlata River	Just upstream of U.S. Hwy 550.	5,230
Animas River	Just downstream of South Miller Ave.	5,281
	Approximately 100 ft downstream of State Hwy 17.	5,301
	Confluence of Porter Arroyo.	5,360
Farmington Glade...	Just downstream of U.S. Hwy 550.	5,260
	Just upstream of West Apache St.	5,294

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 1719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13832 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3916]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Marilla, Erie County, N.Y., are available for review at the Marilla Town Office, South 1740 Two Road, Marilla, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 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 Marilla, Erie County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 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
Cayuga Creek	Corporate limit (downstream).	839
	Clinton St. (Route 354 Bridge).	859
	Clinton St. Dam (upstream).	875
	Corporate limit (upstream).	899
Buffalo Creek	Porterville Rd	833
Little Buffalo Creek.	Confluence with tributary.	819
	Two Rod Rd. Bridge	832
	Bulls Rd. Bridge	841
	East Ave. Bridge	856
Tributary to Little Buffalo Creek.	Confluence with Little Buffalo Creek.	819
	Bulls Rd	845

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13833 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3918]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Pittsford, Monroe County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Pittsford, Monroe County, N.Y.

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

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

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

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 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 Pittsford, Monroe County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 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
Irondequoit Creek..	Downstream side of New York State barge canal.	398
	Upstream side of New York State barge canal.	410
	Downstream side of Thornell Rd.	417
Allen Creek	Confluence of Buckland Creek.	396
	Footbridge, 1,160 ft downstream from Allen Creek Rd.	410
	Allen Creek Rd	427
East Branch Allen Creek.	Oak Hill Country Club Rd.	398
	Downstream side of ConRail bridge.	410
	Route 31	418
	Upstream side of East Brook Rd.	424
	Woodland Dr	433
	Upstream side of New York State Barge Canal.	450
	West Jefferson St	464
	Tobey Rd	482
	Stone Rd	515
	Confluence with tributary (1,800 ft upstream from Stone Rd.).	532
	Confluence with a tributary (740 ft downstream from Calkins Rd.).	566
	Calkins Rd	577
Mill Creek	Downstream side of East St.	412
	Upstream side of East St.	415
	Downstream side of Thornell Rd.	423
	ConRail	431
	Van Voorhis Rd	482

(National Flood Insurance Act of 1968 (Title XIII of 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: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13834 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3921]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Yates, Orleans County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 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
Johnson Creek	Yates corporate limits (upstream).	332
	Marshall Rd	331
	Angling Rd	329
	Lyndonville corporate limits (upstream).	325
	Lyndonville corporate limits (downstream).	315
	Blood Rd	297
	Woodworth Rd	291
	Yates corporate limits (downstream) (Town Line Rd.).	269
Lake Ontario	Town Lake Rd. (extended).	251
	Morrison Rd. (extended)	252
	Lyndonville Rd. (extended).	252
	Marshall Rd. (extended)	252
	County Line Rd. (extended).	251

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13835 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3467]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 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
French Broad River.	Lambo Creek confluence.	2,106
	Nicholson Creek confluence.	2,109
Davidson River.....	Upstream of Southern Ry.	2,107
	Upstream of U.S. Highway 64 and 276.	2,128
Unnamed tributary to Davidson River.	Upstream of Ecusta Rd..	2,128
Lamb Creek.....	Upstream of Southern Ry.	2,112
	Upstream of U.S. Highway 64 and 276.	2,140
	Extraterritorial limit (upstream limit).	2,254
Allison Creek.....	Upstream of U.S. Highway 64 and 276.	2,132
Lambo Creek.....	Upstream of Neely Rd.....	2,108
	Upstream of Southern Ry.	2,138
Gilbreath Branch.	Upstream of Old Hendersonville Highway.	2,113

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
King Creek.....	Upstream of Neely Rd....	2,108
	Upstream of Tinsley Rd.	2,178
Long Branch.....	Southern Ry.....	2,152
	Tinsley Rd.....	2,221
Singing Branch.....	Fleld Rd.....	2,119
Jumping Branch.....	Confluence with French Broad River.	2,120
Nicholson Creek.....	Country Club Rd.....	2,120
	Upstream of Nicholson Creek Rd.	2,141
Norton Creek.....	Upstream of U.S. Highway 64.	2,135
	Southern Ry.....	2,158
	Confluence with Brushy Creek.	2,192
Hunts Branch.....	Upstream of secondary road.	2,196
Brushy Creek.....	Upstream of Music Camp Rd.	2,201
Graham Creek.....	Upstream of second private road crossing.	2,159
Unnamed tributary to the French Broad River.	Upstream of Country Club Rd.	
	Downstream of Illahee Rd.	2,135
		2,160

(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 28, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13836 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3922]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

(FIRM), showing base (100-year) flood elevations, for the town of China Grove, N.C.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 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 China Grove, N.C.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Centerview Branch.	U.S. Highway 29 Alternate.	744
	Centerview Dr.*.....	759
Petrea Branch.....	Spring Branch Lane*.....	767
Swearington.....	Clinton St.**.....	754
Branch.....	.....do.*.....	759

*Upstream side.

**Downstream side.

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13837 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3993]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this 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
Rowan Avenue	Charles St.*	642
Park Stream.	Whitehead Ave.*	663
	North Rowan Ave.*	674
	North Salisbury Ave.	690
Lomax Creek	Corporate limits	641
Walton Branch	Oakwood Dr.*	673
	Whitehead Ave.*	686
	Yadkin Ave.*	709
3d Street Creek	Grant St.*	656
	Jordan Rd.*	671
Rocky Branch	South Spencer Ave.	651
	South Carolina Ave.*	668
	South Rowan Ave.*	690
Southern RR. Branch.	Newton St.*	689
6th Street Branch.	North Salisbury Ave.*	705
	7th St.*	655
	South Baldwin St.*	672
	South Hudson St.*	675
	South Spencer Ave.*	690
Spring Hill Branch.	do.	651
Grants Creek	South Rowan Ave.*	690
	7th St. (extension)	641

* 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: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13838 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3925]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Middleport, Meigs County, Ohio

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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	Intersection of 2d and Mill Sts.	576
	Intersection of Elm and Broadway Sts.	576

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13839 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3927]

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

**Final Flood Elevation Determination
for the Village of Neville, Clermont
County, Ohio**

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Neville, Clermont County, Ohio.

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
Ohio River	Between upstream and downstream corporate limits.	508

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13840 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3272]

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

**Final Flood Elevation Determination
for the Unincorporated Areas of
Trumbull County, Ohio**

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the unincorporated areas of Trumbull County, Ohio, are available for review at Trumbull County Office, Warren, Ohio.

FOR FURTHER INFORMATION CONTACT:

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

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

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
Mahoning River	Downstream of McDonald Highway.	859
	Downstream of West Park Ave.	865
	Downstream of State Route 422.	888
	Downstream of the Ohio Turnpike.	898
West branch of the Mahoning River.	Approximately 500 ft downstream of Newton Falls corporate limits.	901
Mosquito Creek	Downstream of State Route 82.	869
	Downstream of North River Rd.	872
	Downstream of New State Route 5.	877
Meander Creek	Downstream of Salt Spring Rd.	861
Chocolate Run	Downstream of State Route 422.	899
	Downstream of Kincaid Rd.	903
Youngs Run	Upstream of State Route 5.	897
	Upstream of Johnson Planck Rd.	913
Duck Creek	Downstream of Hewitt Gifford Rd.	896
	Downstream of Selkirk Bush Rd.	908

Source of flooding	Location	Elevation in feet national geodetic vertical datum
	Downstream of Hallock Young Rd.	934
Mud Creek	Eastern Lordstown corporate limits.	873
Crab Creek	Southern county line.....	889
	Downstream of Interstate 80.	968
Little Yankee Run	Chestnut Ridge Rd. (downstream of Hubbard).	861
	Interstate 80 (downstream of Hubbard).	896
	Downstream of U.S. Highway 62.	929
	Chestnut Ridge Rd. (upstream of Hubbard).	955
Shenango River.....	Confluence of Yankee Run.	847

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

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary, Department of
Housing and Urban Development.
[FR Doc. 78-13841 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-39291]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Wellsville, Colum- biana County, Ohio

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

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

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the city of Wellsville are available for review at City Hall, Wellsville, Ohio.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Wellsville, Columbiana County, Ohio.

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	At southern corporate limit.	683
	At northeastern corporate limit.	685

(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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13842 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3858]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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
Alum Creek.....	Park Rd.....	804
	Schrock Road Bridge.....	797
	Interstate 270.....	793

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13843 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3995]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

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

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

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
Lytile Creek	Downstream corporate limit.....	967
	South Nelson Ave.....	975
	Penn Central RR. (ConRail).....	980
	Truesdell St.....	994
	South Street Bridge.....	1,003
	B. & O. RR. (Chessie System).....	1,008
	Private road (0.14 mi downstream of branch No. 4).....	1,020
Lytile Creek, branch No. 2.	Confluence with Lytile Creek.....	991
	Penn Central RR. (ConRail) culvert.....	993
	South Mulberry St.....	1,002
	South Walnut St.....	1,010
	Grant St.....	1,014
	South Wall St. culvert.....	1,021
	East Locust St.....	1,023
	Cincinnati Millacron Driveway.....	1,035
Lytile Creek, branch No. 3.	Confluence with Lytile Creek.....	988
	West Main St.....	994
	West Locust St.....	997
	Clinton St.....	1,010
	Nunn Ave. culvert.....	1,019
	Earth Dam.....	1,028
Lytile Creek, branch No. 5.	Corporate limit (downstream).....	975
	State Route 73.....	1,000

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13844 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4000]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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
Cow Creek	Southern Pacific RR spur bridge.	1,394
	Reuben Rd.	1,395
	Confluence with Windy Creek.	1,397

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13845 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3999]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Island City, Union County, Ore.

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 Island City, Union County, Ore. 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 Island City, Ore.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Island City,

are available for review at City Hall, Island City, Ore.

FOR FURTHER INFORMATION CONTACT:

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

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

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
Grande Ronde River.	Union Pacific RR. bridge.	2,726
	Highway 82 bridge	2,727
	Upstream corporate limits.	2,733

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13846 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3931]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of North Powder, Union County, Ore.

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 North Powder, Union County, Ore. 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 North Powder, Ore.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of North Powder, Union County, Ore., are available for review at city hall, North Powder, Ore.

FOR FURTHER INFORMATION CONTACT:

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

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

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 Powder River.	Thief Valley Rd.....	3,244

(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 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13847 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-40131]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 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
Delaware River.....	Downstream corporate limits.	11
	Burlington-Bristol Bridge.	11
	Borough of Bristol corporate limits (upstream and downstream).	11
	Delaware Memorial Bridge.	11
Neshaminy Creek.	Downstream corporate limits.	11
	Confluence with Croydon tributary.	11
	State road.....	12
	Confluence with Croydon Run.	12
	ConRail bridge.....	13
	Bristol Pike.....	14
	I-95 (north and south) ..	16
	Newportville Rd.....	19
	Pennsylvania Turnpike..	22
Croydon tributary	Confluence with Neshaminy Creek.	11
Croydon Run	Confluence with Neshaminy Creek.	12
	Main Ave. and 4th St.....	13
	Princess Ave	14
	Cedar Rd. and Sycamore Ave.	18
	Magnolia Ave	19
	ConRail bridge.....	28
	Bristol Pike.....	28
	Dorset Ave	28
	Dolores Lane	28
	Karen Ave.....	28
	Janet Ave.....	28
	Beacon St.....	28
	Franklin St.....	28
	Newport Rd.....	28
	Dixon Ave	28
	Steele Ave	32
	Pennsylvania Route 413.	34

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Queen Anne Creek at Newportville.	Confluence with Neshaminy Creek.	18
	Riverside Ave	18
	Newportville Rd.....	19
	Nichol St.....	34
	Maple St.....	37
	Groveland Ave	39
Otter Run (Mill Creek).	Confluence with Delaware River.	11
	Maple Beach Rd.....	11
	Downstream corporate limits (Borough of Bristol).	14
	Pond St.....	19
	Otter St.....	19
	Upstream corporate limits (Borough of Bristol).	19
	ConRail bridge.....	19
	Bristol Pike.....	21
	Bath Rd.....	23
Mill Creek	Magnolia Rd.....	25
	Pennsylvania Turnpike..	27
	Oxford Valley Rd.....	31
	Footbridge	44
	Newportville Rd.....	46
Black Ditch Creek	Confluence with Mill Creek.	29
	Green Lane.....	29
	Edgley Rd.....	30
	Mill Creek Rd.....	30
	Overbrook Lane.....	30
	Oak Tree Pass.....	31
	Footbridge	31
	Holly Pass.....	31
Queen Anne Creek.	Confluence with Mill Creek.	46
	Oxford Valley Rd.....	46
	Newportville-Fausington Rd.	48
	Downstream Middletown Township corporate limits.	48
	Upstream Middletown Township corporate limits.	58
	Edgley Rd.....	58
	Wistar Rd.....	65
	Corporate limits	68
Martins Creek tributary No. 1.	Entire reach	32

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13848 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3879]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Doylestown Township, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 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
Neshaminy Creek	Corporate limits	185
	Easton Rd.	199
	Lower State Rd.	217

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

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13849 Filed 5-23-78; 8:45 am)

[6820-24]**Title 41—Public Contracts and Property Management****CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS****SUBCHAPTER E—SUPPLY AND PROCUREMENT**

[FPMR Amdt. E-221]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS**Miscellaneous Changes**

AGENCY: General Services Administration.

ACTION: Final rule.

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

EFFECTIVE DATE: May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regula-

tions and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

Subpart 101-26.1—General

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

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

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

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

Subpart 101-26.3—Procurement of GSA Stock Items

1. Section 101-26.303 is revised as follows:

§ 101-26.303 Out-of-stock items.

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

2. Section 101-26.304 is revised as follows:

§ 101-26.304 Substitution policy.

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

3. Section 101-26.306 is revised as follows:

§ 101-26.306 Planned requisitioning for GSA stock items.

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

4. Section 101-26.308 is revised as follows:

§ 101-26.308 Obtaining filing cabinets.

Each agency head, after taking actions prescribed in § 101-25.302-2, shall determine agency requirements for filing cabinets. When additional filing cabinets are required, requisitions shall be submitted in FEDSTRIP format to the GSA region supporting the geographic area in which the requisitioning agency is located.

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

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

§ 101-26.406-1 General.

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

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

§ 101-26.406-5 Methods of obtaining Standard Form 149, U.S. Government National Credit Card.

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

(2) The embossing contractor will bill ordering agencies directly.

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

(b) *Requisitions for 49 or fewer.* (1) Agency requisitions for 49 or fewer

embossed Standard Forms 149 shall be forwarded to the Federal Supply Service, Motor Equipment Services Division, at the GSA regional office providing supply support to the requesting activity.

(2) Each agency shall furnish the billing code, billing address, and when appropriate, the vehicle tag or registration number for each Standard Form 149 requisitioned. This information shall accompany the requisition and shall be limited to five lines with no more than 22 characters (including spaces) per line. When appropriate, the expiration date and the agency series mark shall also be included on the requisition.

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

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

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

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

§ 101-26.407-2 Applicability.

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

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

§ 101-26.408-3 Justifications.

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

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

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

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

(6) * * *

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

Subpart 101-26.5—GSA Procurement Programs

1. Section 101-26.505 is revised as follows:

§ 101-26.505 Office and household furniture and furnishings.

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

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

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

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

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

§ 101-26.506-2 Limitations.

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

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

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

Federal Supply Schedule, FSC Group 75, part VIII, includes contracts for tabulating cards applicable to elec-

trical and mechanical contact tabulating machines, including aperture cards and copy cards. Federal agencies shall submit their requirements for these cards in accordance with the provisions of the current schedule. Requirements not exceeding the maximum order limitation of the Federal Supply Schedule but ordered direct by activities located outside the geographical delivery areas specified in the schedule shall be ordered by submitting requisitions to the General Services Administration (2FF), 26 Federal Plaza, New York, N.Y. 10007, in FEDSTRIP format using routing identifier code GNO.

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

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

(a) Requirements for tabulating machine cards covered by Federal Supply Schedule contracts which exceed the maximum order limitation of the schedule shall be forwarded in FEDSTRIP format using routing identifier code GNO to the General Services Administration (2FF), 26 Federal Plaza, New York, N.Y. 10007, for purchase action.

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

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).)

Dated: May 17, 1978,

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-14470 Filed 5-23-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19995; RM-2275]

PART 76—CABLE TELEVISION SERVICE

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

AGENCY: Federal Communications Commission.

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

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

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

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION:

Contact Tom Hendrickson, Cable Television Bureau, 202-632-6468.

SUPPLEMENTARY INFORMATION:

Adopted: May 17, 1978.

Released: May 18, 1978.

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

1. Several petitions have been filed asking the Commission to reconsider its decision in Memorandum Opinion and Order in Docket 19995, FCC 78-217 43 FR 16337, April 18, 1978. Other parties have officially noticed their intention to file additional timely petitions for reconsideration. Section 1.429 of the Commission's rules states that oppositions to petitions for reconsideration must be filed within 15 days after notice of the petition's filing is published in the FEDERAL REGISTER. The rule has caused some confusion in this case since the time for responding

to the first filed petition expires May 17, 1978, even though other original petitions may be filed as late as May 18 with responses not due for several weeks thereafter.

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

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

FEDERAL COMMUNICATIONS COMMISSION,

PHILIP L. VERVEER,
Chief, Cable Television Bureau.

[FR Doc. 78-14500 Filed 5-23-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S. O. No. 1327]

PART 1033—CAR SERVICE

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

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Service Order No. 1327.

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

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

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization

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 16th day of May 1978.

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

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

It is ordered, That:

§ 1033.1327 Service Order No. 1327.

(a) *Brillion & Forest Junction Railroad Co. authorized to operate over tracks abandoned by Chicago & North Western Transportation Co.* The Brillion & Forest Junction Railroad Co. (BFJ) is authorized to operate over tracks abandoned by the Chicago & North Western Transportation Co. (CNW) and owned by AFW Realty Co., Inc., between former CNW milepost 98.5 at Brillion, Wis., and milepost 105.2 at Forest Junction, Wis., pending disposition of an application of the BFJ seeking permanent authority for operation of this line.

(b) *Application:* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable:* Inasmuch as this operation by the BFJ over tracks previously operated by the CNW is

deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via the CNW, until tariffs naming rates and routes specifically applicable via the BFJ become effective.

(d) In transporting traffic over these lines the BFJ and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Effective date:* This order shall become effective at 12:01 a.m., June 1, 1978.

(f) *Expiration date:* The provisions of this order shall expire at 11:59 p.m., January 15, 1979, 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. Member Joel E. Burns not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14532 Filed 5-23-78; 8:45 am]

[3510-12]

Title 50—Wildlife and Fisheries

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

PART 230—WHALING

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Marine Fisheries Service.

ACTION: Final rule.

SUMMARY: Pursuant to the authority granted by the Whaling Convention Act, the National Oceanic and Atmospheric Administration (NOAA) promulgated regulations on April 3, 1978, with respect to native subsistence whaling for bowhead whales for 1978 (43 FR 13883). The regulations provide a village by village allocation of the bowhead whales that may be taken by native subsistence whalers during the year. Paragraph 230.74(c) of those regulations provides for the reassignment of quotas among native villages by the Administrator but does not allow for such assignment if, at the time, any other whaling village has exceeded its quota. This emergency amendment would permit an assignment in such case by the Administrator unless he determines that the assignment is likely to result in exceeding the overall quota for native whaling villages of twelve whales landed or eighteen struck.

DATES: This amendment is effective May 24, 1978.

ADDRESSES: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal and Endangered Species Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235, phone 202-634-7461.

SUPPLEMENTARY INFORMATION: At a special meeting on December 6-8, 1977, the International Whaling Commission adopted an amendment to the Schedule to the International Whaling Convention (Convention) which al-

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

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

In view of the foregoing, I find that immediate amendment of the regulations is necessary, notice and public comment thereon are impractical and contrary to the public interest, and

good cause exists for making this amendment effective immediately.

§ 230.74 [Amended]

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

* * * * *

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

Dated: May 19, 1978.

JAMES P. WALSH,
Acting Administrator.

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

[3510-22]

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

PART 661—SALMON FISHERY

Emergency Regulations Repromulgated

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency regulations.

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

EFFECTIVE DATE: May 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-14450 Filed 5-23-78; 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.

[7590-01]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 70]

DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

General License Requirements For Any Person Who Possesses Special Nuclear Material (SNM) In Transit

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

Mr. R. J. Jones, Chief, Materials Protection Standards Branch, Division of Siting, Health and Safeguards Standards, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6973.

SUPPLEMENTARY INFORMATION: In light of the criteria that shipments

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

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

The amendments proposed only codify practices and procedures presently conducted on a voluntary basis and will not require the filing of applications with the Commission or the issuing of licensing documents to particular persons by the Commission. The promulgation of the amendments will

not result in any activity that affects the environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR Part 51.5(d)(3), that neither an environmental impact statement or environmental impact appraisal to support a negative declaration for the proposed amendments to 10 CFR Part 70 is required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 70 is contemplated.

1. Revision of § 70.12 to read as follows:

§ 70.12 Carriers.

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

2. Addition of a new § 70.20a to read as follows:

§ 70.20a General license is hereby issued to possess special nuclear material for transport.

A general license is hereby issued to possess special nuclear material of the types and quantities subject to the requirements of §§ 73.30 through 73.36 and 73.70(g) of Part 73 of this chapter, for the purpose of transport and storage incident thereto. The general license is subject to the provisions of §§ 70.32, 70.42, 70.52, 70.55, 70.61, 70.62, and 70.71. Any person who possesses special nuclear material for the purpose of transport under this general license:

(a) Shall have submitted and received approval of his transportation security plan. The security plan shall outline the procedures that will be used to meet the requirements of §§ 73.30 through 73.36 and 73.70(g) of Part 73 of this chapter including a

plan for the selection, qualification, and training of armed escorts, or the specification and design of a specially designed truck or trailer as appropriate.

(b) Shall assure that the transportation is in accordance with the applicable physical protection requirements of Part 73 of this chapter and the applicable approved transportation security plan.

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

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-14518 Filed 5-23-78; 8:45 am]

[7590-01]

[10 CFR Parts 70, 73, 150]

SPECIAL NUCLEAR MATERIAL OF MODERATE AND LOW STRATEGIC SIGNIFICANCE

Safeguard Requirements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amendments to its regulations for physical protection of plants and materials, including nonpower reactors.¹ These amendments would require physical protection measures against theft of

¹Consideration is also being given to the development of additional and supplemental safeguard requirements designed specifically for nonpower reactors. These proposed requirements will be published at a later date for public comment.

special nuclear material of moderate and low strategic significance. The amendments are proposed in the interest of common defense and security. The measures proposed are designed to provide a level of protection equivalent to that recommended in Information Circular/225 (INFCIRC/225) published by the International Atomic Energy Agency (IAEA). The amendment would specify protection requirements for nuclear materials used at fixed sites, including nonpower reactors, and for nuclear materials in transit. Physical protection requirements for independent spent fuel storage installations and nuclear power reactors are presently covered under 10 CFR 73.40, 73.50, and 73.55 and therefore are not included in these amendments.

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

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

FOR INFORMATION INFORMATION CONTACT:

Mr. R. J. Jones, Chief, Material Protection Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6973, or Mr. C. K. Nulsen, Requirements Analysis Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-427-4043.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission

is considering amendments to its regulations in 10 CFR part 73, "Physical Protection of Plants and Materials." These amendments would require physical protection measures against theft of special nuclear material of moderate and low strategic significance.

The proposed amendments are designed to protect against the theft of special nuclear material of a type and quantity that is not directly useable in the manufacture of a nuclear weapon but which nevertheless could be of substantial assistance in such a project. The proposed amendments would provide a level of protection equivalent to that recommended for categories II and III material in information circular 225 bulletin published by the IAEA as shown in table 1. Physical protection of unirradiated SNM in categories II and III is justified on the basis of enhancing domestic protection of such materials by providing theft detection and deterrence capabilities and demonstrating U.S. willingness to accept international physical security standards.

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

TABLE 1.—IAEA categorization of nuclear material^a

Material	Form	Category		
		I	II	III
1. Plutonium ^{a, c}	Unirradiated ^b	2 kg or more.....	Less than 2 kg but more than 500 g.	500 g or less. ^c
2. Uranium-235 ^c	Unirradiated ^b			
	Uranium enriched to 20 pct ²³⁵ U or more.....	5 kg or more.....	Less than 5 kg but more than 1 kg.	1 kg or less. ^c
	Uranium enriched to 10 pct ²³⁵ U but less than 20 pct.		10 kg or more.....	Less than 10 kg. ^c
	Uranium enriched above natural, but less than 10 pct ²³⁵ U.			10 kg or more.
3. Uranium-233.....	Unirradiated ^b	2 kg or more.....	Less than 2 kg but more than 500 g.	500 g or less. ^c

^aAll plutonium except that with isotopic concentration exceeding 80 pct in plutonium-238.

^bMaterial not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 100 rd/hr at 1 m unshielded.

^cLess than a radiologically significant quantity should be exempted.

^dNatural uranium, depleted uranium, and thorium and quantities of uranium enriched to less than 10 pct not falling in category III should be protected in accordance with prudent management practice.

^eIrradiated fuel should be protected as category I, II, or III nuclear material depending on the category of the fresh fuel. However, fuel which by virtue of its original fissile material content is included as category I or II before irradiation should only be reduced one category level, while the radiation level from the fuel exceeds 100 rd/h at 1 m unshielded.

^fThe State's competent authority should determine if there is a credible threat to disperse plutonium malevolently. The State should then apply physical protection requirements for category I, II, or III of nuclear material, as it deems appropriate and without regard to the plutonium quantity specified under each category herein, to the plutonium isotopes in those quantities and forms determined by the State to fall within the scope of the credible dispersal threat.

In addition, quantities of uranium enriched to less than 20 percent in the uranium-235 (U-235) isotope could be diverted, without timely detection, to other countries for additional enrichment or for plutonium production.

The proposed amendments differ in substance from the IAEA categorization in that:

1. A lower limit of 15 grams for plutonium, high enriched uranium-235, or uranium-233 is set for special nuclear material of low strategic significance (category III),

2. A lower limit of 1,000 grams for uranium-235 (contained in uranium enriched to 10 percent or more but less than 20 percent in the U-235 isotope) is set for special nuclear material of low strategic significance (category III),

3. Physical protection is also explicitly required for the combination of plutonium, high enriched uranium, or uranium-233 for special nuclear material of moderate strategic significance (category II) and low strategic significance (category III), and

4. Independent spent fuel storage installations are presently covered under 10 CFR 73.40 and 73.50 and therefore are not included in these amendments.

Basically the proposed physical protection measures for special nuclear material of moderate strategic significance require:

1. Using and storing the material in a controlled access area,
2. Limiting access to the material only to authorized individuals whose trustworthiness has previously been determined,

3. Continuously monitoring the area to detect unauthorized activities, and

4. Transporting the material under controlled and planned conditions.

The proposed physical protection measures for special nuclear material of low strategic significance basically require:

1. Using and storing the material in a controlled access area,

2. Continuously monitoring the controlled access area to detect unauthorized activities, and

3. Transporting the material under controlled and planned conditions.

The proposed amendments would apply to licensees authorized to possess, use transfer, import, and export certain quantities of special nuclear material. Licensees possessing special nuclear material of low strategic significance who are licensed under the agreement states requirements of part 150 of this chapter will be required to

meet the requirements of these proposed amendments pursuant to section 274m of the Atomic Energy Act of 1954, as amended.

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

PART 70—SPECIAL NUCLEAR MATERIAL

§ 70.22 [Amended]

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

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

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

(h) Each application for a license to possess or use at any site or contiguous sites subject to control by the licensee uranium-235 (contained in uranium enriched to 20 percent or more in the uranium-235 isotope), uranium-233, or plutonium alone or in any combination in a quantity of 5,000 grams or more computed by the formula, $\text{grams} = (\text{grams contained in U-235}) + 2.5 (\text{grams U-233} + \text{grams plutonium})$, other than a license for possession or use of such material in the operation of a nuclear reactor license pursuant to part 50 of this chapter, shall include a physical security plan, consisting of two parts. Part I shall address vital equipment, vital areas, and isolation zones, and shall demonstrate

how the applicant plans to meet the requirements §§ 73.40, 73.50, 73.60, 73.70, and 73.71 of this chapter in the conduct of the activity to be licensed. Part II shall list tests, inspections, and other means to demonstrate compliance with such requirements.

3. A new § 70.22(j) is added to 10 CFR part 70 to read as follows:

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

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

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

§ 73.1 Purpose and scope.

(b) *Scope.* (1) This part prescribes requirements for: (i) the physical protection of production and utilization facilities licensed pursuant to part 50 of this chapter; (ii) the physical protection of plants in which activities licensed pursuant to part 70 of this chapter are conducted, and (iii) the physical protection of special nuclear material, by any person who pursuant to the regulations in part 70 of this chapter possesses or uses at an any site or contiguous sites subject to the control by the licensee, formula quantities of strategic special nuclear material² or special nuclear material of moderate strategic significant of special nuclear material of low strategic significance.

(2) This part prescribes requirements for the physical protection of special nuclear material in transportation by any person who is licensed pursuant to the regulations in part 70 of

this chapter who imports, exports, transports, delivers to a carrier for transport in a single shipment, or takes delivery of a single shipment free on board where it is delivered to a carrier, formula quantities of strategic special nuclear material² or special nuclear material of moderate strategic significance or special nuclear material of low strategic significance.

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

§ 73.2 Definitions.

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

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

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

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

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

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

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

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

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

(a) General performance objectives.

(1) Each licensee who possesses, uses, or transports strategic nuclear materi-

al of low or moderate strategic significance shall establish and maintain a physical protection system that will achieve the following objectives:

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

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

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

(i) Detect and assess unauthorized access and materials introduction into, or unauthorized activities within the vicinity of special nuclear material;

(ii) Detect and assess unauthorized removal of special nuclear material;

(iii) Assure proper placement and transfer of custody of special nuclear material; and

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

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

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

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

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

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

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

(4) Conduct preemployment screening to determine that trustworthiness

of employees having access to the material,

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

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

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

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

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

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

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

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

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

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

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

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

(2) Each licensee who receives special nuclear material of moderate strategic significance shall:

(i) Check the integrity of the containers, locks, and seals upon receipt of the shipment, and

(ii) Notify the shipper of receipt of the material as required in § 70.54 of part 70 of this chapter.

(3) Each licensee who arranges for the physical protection of special nuclear material of moderate strategic significance while in transit or who takes delivery of such material free on board (f.o.b.) the point at which it is delivered to a carrier for transport shall:

(i) Arrange for a telephone or radio communications capability between

²As defined in § 73.2 (t) and (u) of the proposed rule published in 42 FR 34310 dated July 5, 1977.

the carrier of the material and the shipper or receiver,

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

(iii) Conduct preemployment screening, of all licensee employees involved in the transportation of the material to determine the trustworthiness of the individual entrusted with transportation duties,

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

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

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

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

(5) Each licensee who imports special nuclear material of moderate strategic significance shall,

(i) Comply with the requirements specified in § 73.47 (c) and (e) (2) and (3) from the first point where the shipment is picked up inside the United States, and

(ii) Notify the exporter who delivered the material to a carrier for transport of the arrival of such material.

(f) Fixed site requirements for special nuclear material of low strategic significance.—Each licensee who possesses, or uses special nuclear material of low strategic significance at fixed sites except those who are licensed to operate a nuclear power reactor pursuant to part 50 of this chapter, shall:

(1) Store or use such material only within a controlled access area,

(2) Continuously monitor with an intrusion alarm or other devices or procedures the controlled access area to detect unauthorized penetrations or activities,

(3) Assure that a guard, watchman, or offsite response force will respond

to all unauthorized penetrations or activities, and

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

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

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

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

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

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

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

(i) Check the integrity of the containers, locks, and seals upon receipt of the shipment, and

(ii) Notify the shipper of receipt of the material as required in § 70.54 of part 70 of this chapter.

(3) Each licensee who arranges for the physical protection of special nuclear material of low strategic significance while in transit or who takes delivery of such material free on board (f.o.b.) the point at which it is delivered to a carrier for transport shall:

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

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

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

(4) Each licensee who exports special nuclear material of low strategic significance shall comply with the appropriate requirements specified in § 73.47

(c) and (g) (1) and (3) up to the first point where the shipment is offloaded outside the United States.

(5) Each licensee who imports special nuclear material of low strategic significance shall:

(i) Comply with the requirements specified in § 73.47 (c) and (g) (2) and (3) from the first point where the shipment is picked up inside the United States, and

(ii) Notify the person who delivered the material to a carrier for transport of the arrival of such material.

7. Section 73.71(a) of 10 CFR part 73 is changed as follows:

§ 73.71 Reports of unaccounted for shipments, suspected theft, unlawful diversion, or industrial sabotage.

(a) Each licensee who conducts a trace investigation of a lost or unaccounted for shipment pursuant to § 73.36(f), § 73.47(e)(3)(vi), or § 73.47(g)(3)(iii) shall immediately report to the appropriate NRC Regional Office listed in appendix A of this part the details and results of his trace investigation and shall file within a period of fifteen (15) days a written report to the appropriate NRC Regional Office setting forth the details and results of the trace investigation. A copy of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

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

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

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

between installations of a licensee are exempt from the requirements of this section.

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

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

§ 150.14 Commission regulatory authority for physical protection.

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

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

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

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

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Parts 1 and 17]

REPORTING OMNIBUS ACCOUNTS ON A GROSS BASIS

Proposed Rulemaking

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: In the December 9, 1977, FEDERAL REGISTER (see 42 FR 62147) the Commodity Futures Trading Commission ("the Commission") proposed to amend its regulations to require that omnibus accounts be carried and reported on a gross basis. Because of the wording of the proposal, many of the commentators misinterpreted the amendments to mean that a futures commission merchant or foreign broker must carry and report the futures position of individual accounts that are traded through the omnibus account.

The proposal, however, was meant to require that only the total position of all of the individual accounts traded through the omnibus account need be carried and reported on a gross basis. The Commission at this time wishes to clarify the language in its previous proposal in order to accurately assess the impact of its proposed regulation.

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

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

FOR FURTHER INFORMATION CONTACT:

Lamont L. Reese, Office of Chief Economist, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, telephone 202-254-7446.

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

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

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

In consideration of the foregoing, the Commission, pursuant to its au-

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

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

§ 1.33b Record of Positions in Omnibus Account.

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

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

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

§ 17.04 Reporting Positions in Omnibus Accounts.

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

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

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

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

[6570-06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rule.

SUMMARY: The Equal Employment Opportunity Commission proposes to amend its regulations on designation

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

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

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

FOR FURTHER INFORMATION CONTACT:

Richard A. Grossman, Coordinator, telephone, 202-634-6040, Equal Opportunity Commission, Office of Field Services (State and Local), 2401 E Street NW., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Pursuant to § 1601.71, Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 42 FR 55388, October 14, 1977, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that each of the agencies listed below be designated as a "706 Agency", § 1601.70(a). Three (3) purposes for such designation are as follows: First, that the agencies receive charges deferred by the Commission pursuant to Section 706(c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of the agencies pursuant to Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended; and third, to commence the 15 day period within which any person or organization may file written comments as provided for under § 1601.71(1).

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

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

Lincoln (Nebraska) Commission on Human Rights.¹

¹The Lincoln (Nebraska) Commission on Human Rights has been proposed as a 706 agency for all charges except (1) charges by any "applicant for membership" alleging a violation of 703(c)(2) of Title VII; (2) charges alleging that a "joint labor-manage-

ment committee" has violated § 704(a) of Title VII; (3) charges alleging that a "joint labor-management committee" has violated § 704(b) of Title VII; and (4) charges by any "applicant for employment alleging a violation of § 703(a)(2) of Title VII. For these types of charges, it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(3).

Commonwealth of Puerto Rico Department of Labor.²
Augusta/Richmond County (Ga.) Human Relations Commission.³
Austin (Texas) Human Relations Commission.⁴

Florida Commission on Human Relations.⁵
Written comments pursuant to this notice must be filed with the Commission on or before June 8, 1978.

Signed at Washington, D.C., this 18th day of May, 1978.

For the Commission.

ELEANOR HOLMES NORTON,
Chair, Equal Employment
Opportunity Commission.

[FR Doc. 78-14533 Filed 5-23-78; 8:45 am]

ment committee" has violated § 704(a) of Title VII; (3) charges alleging that a "joint labor-management committee" has violated § 704(b) of Title VII; and (4) charges by any "applicant for employment alleging a violation of § 703(a)(2) of Title VII. For these types of charges, it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(3).

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

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

⁴The Austin (Texas) Human Relations Commission has been proposed as a 706 agency for all charges except charges alleging a violation of Title VII by a government, government agency, or political subdivision of the State of Texas. For these types of charges it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(3).

⁵The Florida Commission on Human Relations has been proposed as a 706 agency to be effective July 1, 1978.

[1505-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 870-5]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Storage Vessels for Petroleum Liquids

Correction

In FR Doc. 78-13380 appearing at page 21616 in the issue for Thursday, May 18, 1978, the date given for the receipt of comments now reading "June 19, 1978" should have read "July 19, 1978".

[6560-01]

[40 CFR Part 65]

[FRL 898-8; Docket No. DCO-78-1]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order For St. Joe Paper Co., Port St. Joe, Fla.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA proposes to issue a Delayed Compliance Order (DCO) to St. Joe Paper Co. The DCO requires St. Joe Paper Co. to bring power boiler No. 4 at its Port St. Joe, Fla., facility into compliance with certain regulations contained in the Federally approved Florida State Implementation Plan (SIP). Because St. Joe Paper Co. is unable to comply with these regulations at this time, the proposed DCO would establish an expeditious schedule requiring final compliance on July 15, 1978. If issued by EPA, the DCO would alter the rights of persons to bring judicial actions against the source for violations of the SIP. The purpose of this notice is to invite public comment and to offer an opportunity to request to public hearing on this proposed DCO.

DATES: Written comments and requests for a public hearing must be received on or before June 22, 1978. All requests for a public hearing should be accompanied by a statement as to why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If necessary, a hearing will be held and the public will be notified thirty days in advance.

ADDRESS: Comments and request for a public hearing should be submitted to Paul J Traina, Director, Enforce-

ment Division, EPA, Region IV, 345 Courtland Street, Atlanta, Ga. 30308. Material supporting the Delayed Compliance Order and public comments received in response to this notice may be inspected and copied (For appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Wayne Aronson, Air Enforcement Branch, Enforcement Division, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Ga. 30308, telephone number 404-881-4253.

SUPPLEMENTARY INFORMATION: St. Joe Paper Co. located in Port St. Joe, Fla., was issued a Consent Order on January 20, 1976, by the Florida Department of Environmental Regulation (DER) containing a compliance schedule for power boiler No. 4 final compliance was not achieved by the date contained in that said order.

Pursuant to Section 113(a)(1) of the Act, 42 U.S.C. 1857-c-8, (now 42 U.S.C. 7413(a)(1)), the Environmental Protection Agency issued a Notice of Violation to St. Joe Paper Co. of the finding that power boiler No. 4 was operating in violation of Chapter 17-2.04(2), Air Pollution Rules for the State of Florida, dealing with the control of particulate emissions from process sources. This regulation is part of the Federally approved State Implementation Plan. This Notice was issued on August 1, 1977.

On November 29, 1976, the Florida DER filed first interrogatories against St. Joe Paper Co. with the Judicial Circuit and on July 13, 1977, the Judge of the 14th Judicial Circuit upheld the company's claim of a "force majeure" incident and the validity of the "force majeure" clause contained in the January 20, 1976, DER Consent Agreement. Since EPA's policy mandates that a "force majeure" situation does not release a source from its legal obligation to achieve compliance with applicable air pollution regulations, appropriate enforcement action is required.

This Agency believes that the Delayed Compliance Order satisfies the applicable requirements of Section 113(d) of the Act. The Delayed Compliance Order requires final compliance with Chapter 17-2.04(2) by July 15, 1978, and the source has consented to its terms. The source has agreed to meet the Delayed Compliance Order's increments during the period of this informal rulemaking. If the Delayed Compliance Order is issued, source compliance with its terms would preclude further EPA enforcement action under Section 113 of the Act against this source for violations of the regulation covered by the Delayed Compliance Order during the period the Delayed Compliance Order is in effect.

Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. Comments received by the date specified above will be considered in determining whether EPA should issue the Delayed Compliance Order. Testimony given at any public hearing concerning the Delayed Compliance Order will also be considered. After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the *FEDERAL REGISTER* the Agency's final action on the Order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of a Delayed Compliance Order under Section 113(d) of the Act. In addition, Part 65 will contain sections listing or including orders issued, approved, or disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

Dated: April 27, 1978.

JOHN C. WHITE,
Regional Administrator.

In consideration of the foregoing, it is proposed to amend Part 65 of Chapter I, Title 40, Code of Federal Regulations as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding § 65.140 to read as follows:

§ 65.140 Federal delayed compliance orders issued under Section 113(d) (1), (3), and (4) of the Act.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

[Docket No. DCO-78-11]

DELAYED COMPLIANCE ORDER

In the matter of St. Joe Paper Co., Port St. Joe, Fla., proceeding under Section 113(d) Clean Air Act, as amended.

This Delayed Compliance Order is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) (hereinafter referred to as the "Act"). This Delayed Compliance Order contains a schedule for compliance, interim requirements, and monitoring and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of Florida have been provided pursuant to Section 113(d)(1) of the Act.

FINDINGS

On August 1, 1977, Mr. John A. Little, Acting Regional Administrator, Region IV, United States Environmental Protection Agency, pursuant to authority delegated to him by the administrator, issued a Notice to St. Joe Paper Co. (hereinafter referred to as the "Company"), that power boiler No. 4

was found to be in violation of the Air Pollution rules of the State of Florida Department of Environmental Regulation, Chapter 17-2.04(2), dealing with the control of particulate emissions from process sources. Said violations have continued beyond the 30th day after receipt of the Regional Administrator's notification to the Company.

After a thorough investigation and analysis of all relevant facts including the fact that the Company could not comply immediately and installation of control equipment is necessary to facilitate compliance with the applicable Florida air pollution regulation, EPA has determined that compliance in accordance with the schedule hereinafter set forth is reasonable and as expeditious as practicable.

ORDERED

I.—**Abatement Program.** That the attached Appendix governing an abatement program is incorporated into and made a part of this Delayed Compliance Order for the control of particulate emissions at St. Joe Paper Co. located in Port St. Joe, Fla.

The Appendix is designated as follows:
Appendix A: Power Boiler No. 4.

II.—**Reporting—Addresses.** That all submissions of source performance test results, reports and other items required by this Delayed Compliance Order be made to Paul J. Traina, Director, Enforcement Division, United States Environmental Protection Agency, 345 Courtland Street, Atlanta, Ga. 30308 (hereinafter referred to as the "Director"), with copies to the Secretary, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Fla. 32301 (hereinafter referred to as the "Secretary").

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

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

V.—**Malfunctions and Breakdowns.** That the Company shall perform operation and maintenance practices on all sources as necessary to prevent breakdowns or malfunctions and to reduce emissions in excess of regulations to the maximum extent practicable. When emissions due to sudden and unforeseen malfunction of the affected facility are or may be in excess of the maximum allowable as set forth in this Delayed Compliance Order, for greater than four (4) hours, the owner or operator shall notify this office and the appropriate state or local air pollution control agency by telephone or telegram as promptly as possible, and in no event later than twelve (12) hours following

the start of such malfunction, and shall cause written notice to be sent to the Director and the Secretary, no later than the end of the next working day following the start of such malfunction. Such notices shall specify the name of the affected facility, its location, the address and telephone number of the person responsible for the affected facility, the nature and cause of the malfunction, the date and time when such malfunction was first observed, the expected duration, and an estimate of the physical and chemical composition, rate, and concentration of the emission. The Company shall remedy the malfunction or breakdown as soon as possible thereafter and shall take reasonable steps to reduce emissions in excess of the interim emission limits during the malfunction or breakdown.

The Regional Administrator shall have the authority during a breakdown or malfunction to require the Company to take specific steps to reduce emissions, including process equipment modifications and/or reductions, or termination if necessary. Within ten (10) days after the termination of a breakdown or malfunction requiring the above notification, the owner shall submit:

- (1) The time the excess emission began and ended;
- (2) The time of the beginning and end of the breakdown or malfunction which is ascribed to be the cause of the excess emission;
- (3) An estimate of the physical and chemical composition, rate, and concentration of emissions which occurred, and where continuous monitoring is required or is in effect (including visible emission detector), the strip charts with plots of all emissions monitored versus time, including a summary of the monitoring instruments' written record expressed in units of the applicable standards;
- (4) An explanation and, where appropriate, an engineering analysis of the cause of the malfunction or breakdown;
- (5) A description of those operating and/or maintenance procedures and practices in use prior to and during the occurrence, which were designed to prevent or minimize the extent and duration of the malfunction or breakdown;
- (6) Any other steps taken to minimize the extent or duration of the malfunction or breakdown;
- (7) An analysis of what steps will be taken to prevent or minimize similar occurrences in the future; and
- (8) Such additional information as the Regional Administrator may require.

VI.—*Interim Limits.* At no time shall (1) the particulate emissions from the No. 4 power boiler exceed 5,600 pounds per day or, (2) the visible emissions from the No. 4 power boiler exceed 40 percent opacity, prior to attainment of the last milestone. These interim emission limitations shall be effective immediately. The Company shall take all necessary precautions to assure that its emissions will not cause or contribute to a violation or violations of ambient air quality standards. The applicable State emission limitation shall apply after attainment of the last milestone.

VII.—*Continuous Monitoring.* That the Company, as part of the control strategy and pursuant to Section 113(a) and 114 of the Act, shall on or before May 1, 1978, submit a plan for the installation, calibration, maintenance, and operation of monitoring devices which (1) continuously measure

and permanently record the total pressure drop across the process scrubbing system, and (2) continuously measure and permanently record mass flow of wood waste fed to the boiler as identified in Part I. As a minimum, the plan shall include the following: (1) Operation, calibration, maintenance, accuracy, and operating range of the continuous monitoring equipment; (2) a time schedule for installation of the continuous monitoring equipment for the boiler identified in Part I of this Delayed Compliance Order with final installation no later than July 15, 1978. Said monitoring plan shall be subject to review, modification, and approval by the Director. Upon approval, the monitoring and recording plan will be incorporated into and become enforceable as part of this Delayed Compliance Order.

VIII.—*Compliance Responsibility.* Nothing herein shall affect the responsibility of the source to comply with all applicable Federal, State or local regulations.

IX.—*Termination of Order.* This Delayed Compliance Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator determines on the record after notice and hearing, that an inability to comply with Chapter 17-2.04(2) no longer exists.

X.—*Violation of Requirements.* Violation of any requirement of Parts I through XIII of this Delayed Compliance Order shall result in one or more of the following actions:

(a) Enforcement of such requirement through the commencement of a civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act, or a criminal prosecution pursuant to Section 113(c) of the Act, or both;

(b) Revocation of this Delayed Compliance Order, after notice and opportunity for a public hearing, and subsequent enforcement of Chapter 17-2.04(2) in accordance with Sections 113(b) and/or (c) of the Act.

XI.—*Noncompliance Penalty.* Failure by the Company to achieve and certify compliance by July 15, 1978, and maintain compliance thereafter, shall result in one or more of the actions identified in Part X(a). In addition, noncompliance beyond July 1, 1979, will subject the Company to an Administratively assessed noncompliance penalty pursuant to the requirements of Section 120 of the Act and any rules and regulations promulgated pursuant thereto, unless the Company is exempted by Section 120(a)(2)(B) or (C) of the Act. In the event of noncompliance after July 1, 1979, the Company will be formally notified of its noncompliance pursuant to Section 120(b)(3) of the Act.

XII.—*Waiver of Rights.* That by consenting to the terms and conditions of this Delayed Compliance Order, the Company waives any and all rights it may have to seek a stay of enforcement of this Delayed Compliance Order in connection with any judicial review of the Florida State Implementation Plan or portion thereof.

XIII.—*Effective Date.* This Delayed Compliance Order will have full force and effect upon execution.

APPENDIX A.—U.S. ENVIRONMENTAL PROTECTION AGENCY

DELAYED COMPLIANCE ORDER¹

The St. Joe Paper Co. shall complete the following acts with respect to control of par-

¹This appendix is attached to and incorporated by reference into a Delayed Compliance

ticulate emissions for its power boiler No. 4 located in Port St. Joe, Fla., on or before the dates specified.

1. April 30, 1978—Complete delivery of all necessary materials for the installation of the air pollution control equipment at the facility.

2. June 30, 1978—Complete installation and start-up of the air pollution equipment to control particulate emissions from power boiler No. 4.

3. July 15, 1978—Complete shake-down operations and performance tests on power boiler No. 4; also, achieve compliance with the Air Pollution Rules of the State of Florida, Chapter 17-2.04(2) and certify such compliance to the Director.

CONSENT²

St. Joe Paper Co. acknowledges that the particulate emissions from its power boiler No. 4 located at its facility in Port St. Joe, Fla., are in violation of the applicable emission limitations contained in the federally approved Florida State Implementation Plan. St. Joe Paper Co. has reviewed this Delayed Compliance Order, believes it to be a reasonable and expeditious means to achieve compliance with the applicable particulate emission limiting regulations as contained in the federally approved Florida State Implementation Plan, and consents to all of the requirements and terms of this Delayed Compliance Order.

Furthermore, St. Joe Paper Co. acknowledges the necessity of complying with the interim emission limitations and abatement procedures contained herein which are designed to ensure the attainment and maintenance of National Ambient Air Quality Standards for particulates and consents to said interim emission limitations and abatement procedures in order to protect the public health and welfare.

St. Joe Paper Co. hereby represents that it has full corporate authority and the necessary corporate approval to enter into and perform in accordance with the terms and provisions of this Delayed Compliance Order. The signatory below represents that he has the requisite corporate authority to execute this Consent of behalf of St. Joe Paper Co.

Dated March 29, 1978.

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

[FR Doc. 78-14445 Filed 5-23-78; 8:45 am]

ance Order issued to St. Joe Paper Co. on ——— pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

²This Consent is hereby attached to and incorporated by reference into a Delayed Compliance Order issued to the St. Joe Paper Co. on ——— Pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE
AND PLANTSProposed Determination of Critical habitat for
the Hawksbill Sea TurtleAGENCY: Fish and Wildlife Service,
Interior.

ACTION: Critical Habitat proposal.

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

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

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

FOR FURTHER INFORMATION
CONTACT:

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

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

Hawksbill sea turtles are known to nest on all of Mona Island's 7.2 kilometers of beaches. The offshore areas

appear to support a somewhat stable and resident population. In addition, green sea turtles also nest on Mona. The entire island of Mona is already Critical Habitat for the listed yellow-shouldered blackbird, Mona ground iguana, and Mona boa.

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

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

EFFECT OF THE RULEMAKING

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

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

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

"Critical habitat" means any air, land, or water area (exclusive of those existing man-

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

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

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

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

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

This point has not been well understood by some persons. There has been widespread and erroneous belief that a Critical Habitat designation is something akin to establishment of a wilderness area or wildlife refuge, and automatically closes an area to most human uses. Actually, a Critical Habitat designation applies only to Federal

agencies, and essentially is an official notification to these agencies that their responsibilities pursuant to section 7 of the Act are applicable in a certain area.

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

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

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate as possible in delineating the Critical Habitat of the hawksbill sea turtle. The Director, therefore, desires to obtain the comments and suggestions of the public, other concerned governmental agencies, the scientific commu-

nity, or any other interested party on these proposed rules.

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

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

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

REGULATIONS PROMULGATION

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

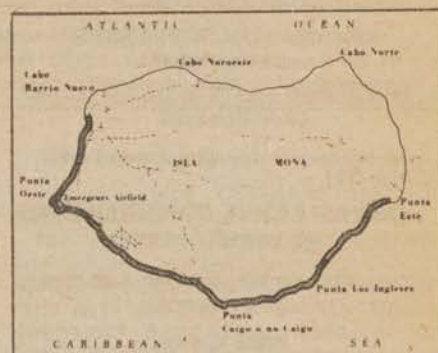
(c) *Reptiles.* * * *

HAWKSBILL SEA TURTLE

(*Eretmochelys imbricata*)

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

shore of the island from mean high tide inland to a point .1 mile from shore.



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

Dated: May 16, 1978.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc. 78-14291 Filed 5-23-78; 8:45 am]

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3. If an additional grant is made in fiscal year 1978, its purpose will be to permit the grantee to:

- (a) Assist each center in the planning and conduct of a two-day conference designed to compile materials to help volunteers and voluntary organizations in the field of family violence;
- (b) Collect, integrate, and edit all materials from the conferences and prepare them in camera-ready form as manuals and brochures for printing and distribution by ACTION.

F. AVAILABILITY OF APPLICATION FORMS

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

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

G. APPLICATION SUBMISSION

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

UNACCEPTABLE APPLICATIONS

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

Dated: May 18, 1978.

IRENE TINKER,
Assistant Director,
Policy and Planning.

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

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT PLAN; CHEQUAMEGON NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Timber Management Plan for the Chequamegon National Forest, USDA-FS-R9-DES-(ADM)-77-01.

The environmental statement concerns a proposed plan for managing

the timber resources on the Chequamegon National Forest for the period Oct. 1, 1976 through Sept. 30, 1986. The Chequamegon National Forest is located in parts of Ashland, Bayfield, Sawyer, Price, Taylor, and Vilas Counties, Wis.

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

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

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

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

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

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

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

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

Dated: May 15, 1978.

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

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

[3410-01]

Office of the Secretary

PRIVACY ACT OF 1974

Deletion of Systems of Records

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

Dated: May 17, 1978.

CAROL TUCKER FOREMAN,
Acting Secretary.

[FR Doc. 78-14467 Filed 5-23-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

INTERNATIONAL AIR TRANSPORT ASSOCIATION

[Docket No. 30332; Agreement C.A.B. 27258; Order 78-5-601]

Order Regarding Specific Commodity Rates

Issued under delegated authority May 12, 1978.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various U.S. and foreign member air carriers of the International Air Transport Association (IATA). The agreement was adopted at the 19th Meeting of the TC3 Specific Commodity Rates Board held in Los Angeles on March 13-14, 1978.

The agreement would add, cancel and change certain specific commodity rates to/from Guam as well as make various changes to specific commodity descriptions as shown in the attachments and establish specific commodity rates for several items to apply between various world markets outside of air transportation. We will approve the new rates to/from Guam and the descriptions which have general application within air transportation as defined by the Act but will disclaim jurisdiction with respect to the new rates which involve points solely outside of air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the specific commodity rates listed in the attachment, as well as the new specific commodity descriptions incorporated in Agreement C.A.B. 27258, which have general application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act.

2. It is not found that the specific commodity rates incorporated in Agreement C.A.B. 27258 which involve transportation solely between foreign points affect air transportation within the meaning of the Act.

Accordingly, it is ordered, That: 1. Those portions of Agreement C.A.B. 27258 set forth in the attachment which have general application in air transportation as defined by the Act, be and hereby are approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filings; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commod-

ity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level; and

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

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14

CFR 385.50, may file such petitions within ten days after the date of service of this order.

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

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

Attachment I
AGREEMENT CAB 27258

Market	IATA commodity item No. 1	Specific commodity rate	
		Cents/Kg.	Minimum weight kilograms
Rates added under existing commodity descriptions			
Guam to Taipei	0320	250	500
Hong Kong to Guam	2199	168	100
Rates cancelled under existing commodity descriptions			
Bombay to Guam	2199	.....	100
			250
Hong Kong to Guam	2200	.....	100
Rates changed under existing commodity descriptions			
Hong Kong to Guam	3902	2178	250

*See applicable tariffs for complete commodity descriptions.

*Based on 021B rate 1 United Kingdom pence equals U.S.\$ 02605.

*Expires June 30, 1979.

NOTE.—Rates are subject to applicable currency conversion factors as shown in tariffs.

ATTACHMENT II

AGREEMENT C.A.B. 27258

SPECIFIC COMMODITY DESCRIPTION

Item No. and Description

1052 Sheep.
1402 Floral and/or nursery stock and bulbs, seeds and tubers—excluding cut flowers.
2004 Yarn and thread of synthetic fibres.
2092 Fibres, thread and/or yarn, natural and/or artificial wool.
2195 Yarn, thread and/or fibres, natural and synthetic, cloth exclusively in bales, bolts or pieces, not further processed or manufactured, clothing and footwear, textile-manufacturers, viz, articles or material made principally of textiles.
2196 Yarn, thread, fibres, natural and synthetic cloth, textile fabrics, drawnwork, needlework, embroideries, tulle and lace, exclusively in bales, bolts or pieces not further processed or manufactured excluding clothing, footwear, outerwear and undergarments.

2200 Wearing apparel including partly manufactured clothing.
2201 Clothing and wearing apparel.
2366 Pantyhose.
2410 Shirts.
2416 Shoe parts and shoe lasts.
2422 Shoes and slippers, other than straw.
3100 Cutlery.
3571 Stoves, electric or gas.
3575 Oil burners.
4317 Supplies for electronic data storage—processing machines, digital and analog computers, consisting only of punch cards, tape, data sheets and/or data discs.
4501 Telecommunication equipment.
4705 Food processing machinery.
4960 Pneumatic and hydraulic equipment.
4971 Valves and regulators.
4999 Aircraft parts, office machinery, electrical appliances, machinery, tools, surface vehicles and accessories thereof. Data processing machinery, punch cards, data sheets, discs and/or tapes, excluding watches and clocks, steamship and motorship machinery spare parts.
6435 Opium.

6805 Synthetic gums and resins and manufactures (plastic) sheets, slabs, rods, tubes and other unfinished forms.

7000 Paper and paper products.

7177 Printed promotional material.

8004 Dental, surgical, measuring, calibrating, testing and drawing instruments, analysing scales, microscopes, telescopes, binoculars, spectacles, sunglasses, lenses, photographic and projection equipment, photographic supplies, excluding watches and clocks.

8400 Lenses.

9970 Building and engineering construction equipment.

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

[6320-01]

[Docket 32376; Docket 32576; Order 78-5-99]

SAN ANTONIO—DENVER ROUTE PROCEEDING

Western Air Lines, Inc.; Order

Issued under delegated authority May 17, 1978.

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

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

Pursuant to authority duly delegated by the Board in Order 78-4-30,

IT IS ORDERED THAT:

1. The application of Western Air Lines, Inc., in Docket 32576 be consolidated into the *San Antonio-Denver Route Proceeding*, Docket 32376.

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

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

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

This order will be published in the
FEDERAL REGISTER.

BY KATHERINE A. KENT,
Administrative Law Judge.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-14516 Filed 5-23-78; 8:45 am]

[6315-01]

**COMMUNITY SERVICES
ADMINISTRATION**

EMERGENCY ENERGY ASSISTANCE PROGRAM

Funding Declarations

The Director of the Community Services Administration (CSA) has found, based on criteria indicated in column¹

¹All references to "column" refer to Appendix A to this notice.

(5) of Appendix A that energy related emergencies have existed since the dates indicated in column (3).

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

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

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

Column (3) contains the earliest date to our knowledge which provided the

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

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

FRANK N. JONES,
Acting Director.

[FR Doc. 78-14368 Filed 5-23-78; 8:45 am]

APPENDIX A

STATE(S) DECLARED (1)	AREAS COVERED (2)	EMERGENCY DECLARATION DATE (3)	APPROVED ALLOCATION For Area Covered (4)	BASIS FOR DETERMINATION (5)
REGION IV Florida	Counties of:			
	Seminole	April 12, 1978	\$ 4,142	4.b.(2)(a)
	Seminole Indian Reservation	March 14, 1978	10,000	4.b.(2)(a)
	Palm Beach	April 1, 1978	15,842	4.b.(2)(a)
	Leon, Gadsden, Jeff- erson, Wakulla	April 1, 1978	14,716	4.b.(2)(a)
	Putnam, Clay, Flagler	March 21, 1978	9,500	4.b.(2)(a)
	Lake	April 6, 1978	5,666	4.b.(2)(a)
	Hillsborough	April 14, 1978	16,242	4.b.(2)(a)
	Charlotte Collier Glades Hardee Hendry Highlands Osceola	April 1, 1978	139,000	4.b.(2)(a)
	Dade, Monroe	April 1, 1978	45,000	4.b.(2)(a)

* For information: SA Notice 6143-7, Section 4; Federal Register 1061, 51-4(b).

[3510-25]**DEPARTMENT OF COMMERCE**

Industry and Trade Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE**Public Meeting**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on June 14, 1978 at 1:30 p.m. in Room 4833, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

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

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

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

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

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

Dated: May 19, 1978.

ROBERT E. SHEPHERD,
Deputy Assistant Secretary
for Domestic Business Development.

[FR Doc. 78-14527 Filed 5-23-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

CARIBBEAN FISHERY MANAGEMENT COUNCIL**Public Meeting**

The Caribbean Fishery Management Council, established under Section 302

of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet June 20-22, 1978, at the Grape-tree Beach Hotel, Saint Croix, V.I. The meeting starts at 9 a.m. on June 20, and will adjourn at about noon on June 22.

Proposed Agenda: (1) Status Report on the Fishery Management Plan (FMP) for Shallow-Water Reef Fish; (3) Status Report on the FMP for Migratory Coastal Pelagics; (4) Development of new FMP for Mollusks; (5) Progress Report of the Education and Information Committee; (6) Japan Government Fishing Permit Applications for Billfish and Sharks in the Atlantic, the Caribbean, and the Gulf of Mexico; (7) Audit Report of the Caribbean Fishery Management Council; (8) Administrative Matters; (9) Other Business.

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

Dated: May 18, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-14448 Filed 5-23-78; 8:45 am]

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

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, June 8-9, 1978. The meeting will commence at 9 a.m. on June 8 and 8:45 a.m. on June 9 in The Penthouse, Page Building I, 2001 Wisconsin Avenue NW., Washington, D.C.

The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:45 a.m. until 12:15 p.m. on June 8 and from 11 a.m. until 11:15 a.m. on June 9, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Executive Secretary in advance of the meeting. A written version of an oral statement or a written statement may

be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235 (Attn: Dr. Richard Keating, Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at 202-634-4250.

The items for Committee discussion at the meeting will include the following:

June 8

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

June 9

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

Dated: May 19, 1978.

T. P. GLEITER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc. 78-14530 Filed 5-23-78; 8:45 am]

[3510-04]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS**Notice of Availability for Licensing**

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

are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for \$.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for \$4.00 (\$8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements & Pat. Branch, General Services Div., Federal Bldg. Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 853,717: Precooked Potato Products. Filed Nov. 21, 1977.

Patent 4,055,675: Preparation of Puffed Fruit; filed Dec. 13, 1976, patented Oct. 25, 1977, Not available NTIS.

Patent 4,061,094: Magnetic Seed Delivery Autodibble Planter. Filed Aug. 19, 1976, patented Dec. 6, 1977, Not available NTIS.

Patent 4,072,669: Preparation of Protein Isolates from Safflower Seeds. Filed Mar. 7, 1977, patented Feb. 7, 1978, Not Available NTIS.

U.S. DEPARTMENT OF COMMERCE, National Technical Information Service, 5285 Port Royal Rd., Springfield, Va. 22161.

Patent application 851,326: Frequency Stabilization Utilizing Multiple Modulation. Filed Nov. 14, 1977.

Patent application 870,384: Frequency Stabilizing System and Method for Beam Type Device. Filed Jan. 18, 1978.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent application 823,186: Random Phase Diffuser for Reflective Imaging. Filed Aug. 9, 1977.

Patent application 840,783: Facile Synthesis of 3'-Phosphoadenosine 5'-Phosphosulfate (PAPS). Filed Oct. 11, 1977.

Patent 4,030,141: Multi-Function Control System for an Artificial Upper-Extremity Prosthesis for Above-Elbow Amputees. Filed Feb. 9, 1976, patented June 21, 1977, Not Available NTIS.

Patent 4,064,023: Electrochemical Growth of Calcium Hydroxide Crystals from Elec-

trolyte Solutions. Filed Aug. 9, 1976, patented Dec. 20, 1977, Not Available NTIS.

[FR Doc. 78-14447 Filed 5-23-78; 8:45 am]

[3510-60]

National Telecommunications and Information Administration

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Frequency Management Advisory Council will meet from 9:30 a.m. to 3:30 p.m. on June 16, 1978, in Room 712A at the National Telecommunications and Information Administration, 1800 "G" Street NW., Washington, D.C. (Public entrance to the building is on "G" Street, between 18th Street and 19th Street NW.)

The Council was established on July 19, 1965. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Council consists of 11 members whose knowledge of telecommunications is balanced in the functional areas of manufacturing, analysis and planning, operations, research, academia and international negotiations.

The agenda for the meeting is:

(1) Briefing on the organization, functions and responsibilities of the National Telecommunications and Information Administration (NTIA);

(2) Discussion of the Federal Communications Commission's 8th Notice of Inquiry concerning preparation of the U.S. Position for the 1979 World Administrative Radio Conference (WARC 1979);

(3) Report on Status of preparation for the special meeting of the International Radio Consultative Committee (CCIR) preparatory to WARC 1979;

(4) Report on foreign coordination for WARC 1979; and

(5) Nomination of new members of the Council.

The meeting will be open to public observation; and a period will be set aside 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 June 14. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 15 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Council Control Officer, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, Room 298, 1325 "G" Street NW., Washington, D.C. 20005, telephone 202-724-3307.

Dated: May 18, 1978.

CLOYD C. DOBSON,
Committee Liaison Officer, National Telecommunications and Information Administration.

[FR Doc. 78-14464 Filed 5-23-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE SOCIALIST REPUBLIC OF ROMANIA

Import Levels Under the New Textile Category System

MAY 19, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

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

SUMMARY: The Governments of the United States and the Socialist Republic of Romania have exchanged notes amending the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977 to provide for the changeover to the new textile category system, which became effective on January 1, 1978. The agreement, as amended, establishes levels of restraint for certain specified categories of wool and man-made fiber textile products, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on January 1, 1978. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit to the designated levels of restraint the amounts of wool and manmade fiber textile products in Categories 433/434, 435/444, 443, 459, 465, 610, 611, 612, 613, 614, 633, 634, 638/639, 640, 643/644, 645/646, 648, 659, and 666, produced or manufactured in Romania, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1978 and extends through December 31, 1978. The levels of re-

straint have not been adjusted to reflect any imports after December 31, 1977. As the data become available, adjustments will be made to account for imports during the period beginning on January 1, 1978 and extending through the effective date of this action. (A detailed description of the categories in terms of T.S.U.S.A. Numbers was published in FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828).

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

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

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

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS,
May 19, 1978.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 30, 1978 and for the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories in excess of the indicated levels of restraint:

Category and Twelve-Month Level of Restraint¹

433/434—225,000 square yards equivalent.
435/444—83,333 numbers.
443—88,022 numbers.
459—75,000 pounds.
465—1,500,000 square feet.
610—2,000,000 square yards.
611—2,000,000 square yards.
612—2,000,000 square yards.
613—4,000,000 square yards.
614—1,500,000 square yards.
633—41,436 dozen.
634—53,269 dozen of which not more than 36,320 dozen shall be in T.S.U.S.A. numbers 380.0405, 380.8101, 380.8109, 380.8111, and 791.7460 and not more than 16,949 dozen shall be in the remaining T.S.U.S.A. numbers in Category 634.

¹The levels of restraint have not been adjusted to account for any imports after December 31, 1977.

638/639—2,675,000 square yards equivalent.
640—50,000 dozen.
643/644—25,000 units.²
643/644—236,994 units.³
645/646—149,456 dozen.
648—59,831 dozens.
659—192,308 pounds.
666—256,410 pounds.

Wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Romania and exported to the United States prior to January 1, 1978, shall not be subject to this directive.

Wool and man-made fiber textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that: (1) with the exception of Categories 443, 643/644 (not knit) and 645/646 for which the adjustment has already been made, specific limits within the applicable group limits may be exceeded by designated percentages to account for flexibility; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool and man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

²In Category 643/644, only T.S.U.S.A. numbers 380.0420, 380.8145, 380.8148, 382.0447, 382.7866, and 382.7868.

³In Category 643/644, all T.S.U.S.A. numbers not listed in footnote 2.

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

[FR Doc. 78-14528 Filed 5-23-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON NATIONAL/TACTICAL INTERFACE

Advisory Committee meeting

The Defense Science Board Task Force on the National/Tactical Interface will meet in closed session on June 14-16, 1978 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force is continuing its analyses of the major issues concerning the interface between national and tactical intelligence systems and the potential for satisfying the requirements of tactical/theater military commanders and those of national authorities and agencies.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

May 19, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives Washington HQS Services Department of Defense.

[FR Doc. 78-14469 Filed 5-23-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

CASES FILED WITH THE OFFICE OF HEARINGS AND APPEALS

Week of April 28 through May 5, 1978

Notice is hereby given that during the week of April 28 through May 5, 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.

Dated: May 17, 1978.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

APPENDIX.—List of cases received by the Office of Hearings and Appeals

[Week of Apr. 28, through May 5, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 28, 1978....	Buck's Butane & Propane Service, Inc., San Jose, Calif. If granted: Buck's Butane & Propane Service, Inc., would receive a stay of the provisions of the revised remedial order issued Mar. 21, 1978, by DOE region IX pending a final determination on the appeal of that order which the firm intends to file.	DRS-0173.....	Stay request.
Do.....	Butler & Fought Exxon Service, Little Rock, Ark. If granted: Butler & Fought Exxon Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1058.....	Exception to the reporting requirements.
Do.....	Clyde's Service Station, Minneapolis Minn. If granted: Clyde's Service Station would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1059.....	Exception to the reporting requirements.
Do.....	Robert Lingle Cobb, Gibsonville, N.C. If granted: Robert Lingle Cobb would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1060.....	Exception to the reporting requirements.
Do.....	Consumer Federation of America, Washington, D.C. If granted: The DOE's Apr. 27, 1978, decision and order would be modified with respect to staff costs and attorneys fees.	DMR-0019.....	Modification of the relief granted in Consumer Federation of America, 1 DOE Par. — (Apr. 27, 1978).
Do.....	Don Baldwin Oil, Gloversville, N.Y. If granted: Don Baldwin Oil would not be required to file form EIA-9 (No. 2 Heating Oil Supply/Price Monitoring Report).	DEE-1062.....	Exception from reporting requirements.
Do.....	Fraser Mustang, Hideaway Park, Colo. If granted: Fraser Mustang would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1061.....	Exception to the reporting requirements.
Do.....	Lunday-Thagard Oil Co., South Gate, Calif. If granted: Lunday-Thagard Oil Co. would receive an exception from the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations for the months of June through November 1978.	DXE-1057.....	Exception from the entitlements program.
Do.....	Maurice L. Brown Co., Kansas City, Mo. If granted: Maurice L. Brown Co. would be permitted to sell the crude oil produced from the S. E. Anderson Lease located in Lea County, N. Mex., at upper tier ceiling prices.	DEE-1055.....	Price exception (sec. 212.73).
Do.....	New England Petroleum Corp., New York, N.Y. If granted: New England Petroleum Corp. would receive a stay of the provisions of 10 CFR 211.67 and 10 CFR Pt. 213 pending a final determination in its application for exception.	DES-0861.....	Stay request.
Do.....	Sid Richardson Carbon & Gasoline Co., Fort Worth, Tex. If granted: The applicant would be permitted to increase its prices to reflect non-product cost increases incurred in producing natural gas liquids and natural gas liquid products.	DXE-1064.....	Extension of the relief granted in Sid Richardson Carbon & Gasoline Co., Case No. DXE-0325 (decided Feb. 13, 1978) (unreported decision).
Do.....	Tenneco Oil Co., Houston, Tex. If granted: Tenneco Oil Co. would receive an adjustment in the exception relief granted in the Apr. 4, 1978 decision and order to account for the fact that the gravity of the crude oil from the Veeder-Hunt lease had not declined since May 15, 1973.	DEX-0072.....	Supplemental Order in Tenneco Oil Co., 1 DOE Par. — (Apr. 4, 1978).
Do.....	Universal, Inc., Luling, Tex. If granted: Universal, Inc. would receive an exception from the requirement of 10 CFR 212.93 that it calculate its inventory costs on a company-wide, single inventory basis for the period prior to May 1, 1976.	DEE-1056.....	Price exception (sec. 212.93).
Do.....	Wilmot Oil Co., Seabrook, N.H. If granted: Wilmot Oil Co. would not be required to file form EIA-9 (No. 2 Heating Oil Supply/Price Monitoring Report).	DEE-1063.....	Exception from reporting requirements.
May 1, 1978....	Atlantic Richfield Co., Los Angeles, Calif. If granted: Atlantic Richfield Co. would be granted an evidentiary hearing with respect to its pending appeal of the Aug. 1, 1977 remedial order.	DRH-0005.....	Request for an evidentiary hearing.
Do.....	Louis K. Bell, Augusta, Ga. If granted: The DOE's Mar. 27, 1978 denial of a request for information pertaining to Louis K. Bell would be rescinded.	DFA-0175.....	Appeal of the information request denial.
Do.....	Ben R. Briggs, Dallas, Tex. If granted: Ben R. Briggs would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the East Texas plant.	DEE-1068.....	Price exception (sec. 212.165).
Do.....	Hugh M. Briggs, Dallas, Tex. If granted: Hugh M. Briggs would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the East Texas plant.	DEE-1067.....	Price exception (sec. 212.165).
Do.....	Buck's Butane and Propane Service, Inc., San Jose, Calif. If granted: The Mar. 21, 1978 revised remedial order issued by DOE Region IX would be rescinded and Buck's Butane and Propane Service, Inc. would not be required to refund overcharges made in its sales of propane.	DRA-0173.....	Appeal of revised remedial order.
Do.....	C F Braun & Co., Alhambra, Calif. If granted: C F Braun & Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Mooreland and Selling plants.	DEE-1065.....	Price exception (sec. 212.165).
Do.....	Joe K. Staley Oil Co., Greenacres, Wash. If granted: The Mar. 16, 1978 denial of Joe K. Staley Oil Co.'s motion to quash the Nov. 30, 1977 special report order would be rescinded.	DEE-1066.....	Price exception (sec. 212.165).
Do.....	Northern Illinois Gas Co., Chicago, Ill. If granted: The Mar. 31, 1978 assignment order regarding Northern Illinois Gas Co.'s base period use of propane, butane, natural gasoline, and naphtha for synthetic natural gas feedstock during the period Apr. 1 through Sept. 30, 1978 would be rescinded.	DSG-0017.....	Request for special redress.
Do.....	R. W. Tyson Producing Co., Inc., Jackson, Miss. If granted: R. W. Tyson Producing Co., Inc. would be permitted to sell the crude oil produced from the No. 4 and No. 5 wells of the Stevens No. 1 lease located in Perry County, Miss., at exempt price levels.	DEA-0174.....	Appeal of an assignment order.
Do.....	Tosco Corp., Washington, D.C. If granted: The DOE's Apr. 19, 1978 proposed decision and order issued to the Tosco Corp. would be modified.	DXE-1069.....	Extension of the relief granted in R. W. Tyson Producing Co., 1 DOE Par. — (Feb. 28, 1978).
May 2, 1978....	66 Service Center, Birmingham, Ala. If granted: 66 Service Center would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEX-0068.....	Supplemental order.
Do.....	Caribou Four Corners, Inc. Farmington, N. Mex. If granted: Caribou Four Corners, Inc. would receive an exception from the provisions of 10 CFR 212.131 with respect to the certification of crude oil sold to Plateau, Inc.	DEE-1070.....	Exception to the reporting requirements.
Do.....	Getty Oil Co., Los Angeles, Calif. If granted: The DOE's Apr. 21, 1978 decision and order would be modified.	DEE-1073.....	Price exception (sec. 212.131).
		DEX-0069.....	Supplemental order in Getty Oil Co., 1 DOE Par. — (Apr. 21, 1978).

APPENDIX.—List of cases received by the Office of Hearings and Appeals—Continued

(Week of Apr. 28, through May 5, 1978)

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Southland Oil Corp./VGS Corp., Jackson, Miss. If granted: Southland Oil Co./VGS Corp. would receive an exception from the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations.	DXE-1071.....	Extension of the relief granted in <i>Southland Oil Co.</i> , 1 DOE Par. — (Feb. 28, 1978).
May 3, 1978.....	Coastal States Gas Corp., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct increases incurred in producing natural gas liquids and natural gas liquid products at its Hidalgo plant.	DXE-1072.....	Extension of the relief granted in <i>Coastal States Gas Corp.</i> , Case No. FKE-4735 (decided Nov. 2, 1977) (unreported decision).
Do.....	General Motors Corp., Washington, D.C. If granted: The Mar. 31, 1978 assignment order issued to Consumers Power Co. with respect to its feedstock allocation of propane, butane, or natural gasoline for its Marysville SNG plant would be rescinded.	DEA-0176.....	Appeal of an assignment order.
Do.....	Harvey W. Jones & Associates, Natchez, Miss. If granted: Harvey W. Jones & Associates would receive an evidentiary hearing with respect to its appeal of the Nov. 29, 1977 remedial order.	DRH-0081.....	Request for an evidentiary hearing.
Do.....	Irving Oil Corp., Boston, Mass. If granted: Irving Oil Corp. would be permitted to import 3,500,000 bbl of finished petroleum products on a fee-exempt basis for the period May 1, 1978 through Apr. 30, 1980.	DPI-0007.....	Exception to base fee requirements.
Do.....	New England Petroleum Corp., Washington, D.C. If granted: New England Petroleum Corp. would receive an exception from the provisions of 10 CFR 211.67 with respect to its entitlement obligations for the mos. of December 1975 and January 1976.	DEX-0073.....	Supplemental order.
May 4, 1978.....	Kalama Chemical, Inc., Kalama, Wash. If granted: Kalama Chemical Inc. would be permitted to import 310,000 bbl of unfinished oil into PAD district V on a fee-exempt basis for the allocation period May 1, 1978 through Apr. 30, 1978.	DPI-0008.....	Exception from base fee requirements.
Do.....	Kerr-McGee Corp., Oklahoma City, Okla. If granted: Kerr-McGee Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Boxcar Butte plant.	DEE-1074.....	Price exception (sec. 212.165).
Do.....	Oahu Gas Service, Inc., Washington, D.C. If granted: The June 26, 1975 decision and order which was issued to Standard Oil Co. of California would be modified by reducing the exception relief granted to Gasco.	DMR-0020.....	Modification of <i>Standard Oil Co. of California</i> , 2 FEA Par. 80,618 (June 26 1975).

Notices of objection received

(Week of Apr. 28 through May 5, 1978)

Date	Name and location of applicant	Case No.
Apr. 28, 1978.....	Getty Oil Co., Los Angeles, Calif.....	DEX-0070 and DEX-0071.
May 2, 1978.....	Champlin Petroleum Co., Washington, D.C.....	FEE-4730.

Proposed remedial orders

Apr. 28, 1978.....	Champlain Oil Co., Inc., New Haven, Conn.....	DRO-0043.
Do.....	Pyrofax Gas Corp., Houston, Tex.....	DRO-0044.

[FR Doc. 78-14298 Filed 5-23-78; 8:45 am]

[3128-01]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

Week of May 1 through May 5, 1978

Notice is hereby given that during the period May 1 through May 5, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (Sept. 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within 10 days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice,

whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party 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 Propos-

al 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.d.t., except Federal holidays.

Dated: May 17, 1978.

MELVIN GOLDSTEIN,
Director, Office of
Hearings and Appeals.

PROPOSED DECISIONS AND ORDERS

Gulf Oil Corporation, Tulsa, Okla., DEE-0612, Crude Oil

Gulf Oil Corp., (Gulf) filed an Application for Exception from the provisions of 10 CFR, part 212, subpart D. The exception request, if granted, would permit Gulf to sell the crude oil which it produces from the Kiefer Unit located in Creek County, Okla. at upper tier ceiling prices. On May 2, 1978, the DOE issued a proposed decision and Order which determined that the exception request be granted in part.

Moran Pipe & Supply Co., Inc., Seminole, Okla., DXE-1028, Crude Oil

Moran Pipe & Supply Co., Inc., filed an Application for Exception from the provisions, of 10 CFR, part 212, subpart D. The exception request, if granted, would permit Moran to continue to sell a portion of the crude oil produced from the Cozar Lease located in Seminole County, Okla., at upper tier ceiling prices. On May 2, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request should be granted.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Hearings and Appeals of the Department of Energy has issued a proposed decision and order granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processor listed below. The proposed exception relief permits the firm involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct cost increases:

Company	Case	Plant	Location	Amount of price increase (per gallon)
Mapco, Inc.	DXE-0986	Altonah	Duchesne/Utah	\$0.1132
	DXE-0987	Tyrone	Texas/Oklahoma	.0330

[FR Doc. 78-14297 Filed 5-23-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. E-7562, E-7655; Project Nos. 176, 599]

ESCONDIDO MUTUAL WATER CO. ET AL.

Notice of Project Inspection

MAY 17, 1978.

In the matter of Escondido Mutual Water Co., Project No. 176, Secretary of the Interior acting in his capacity as trustee for the Rincon, La Jolla, and San Pasqual Bands of Mission Indians v. Escondido Mutual Water Company and City of Escondido, California, Docket No. E-7562, Vista Irrigation District, Docket No. E-7655, and San Diego Gas and Electric Co., Project No. 559.

Notice is hereby given that on June 1 and 2, 1978, Vice Chairman Don S. Smith and Commissioner George R. Hall will inspect the facilities of Project No. 176, Lake Henshaw and the La Jolla, Rincon, San Pasqual, Pauma and Pala Indian Reservations in conjunction with the proceeding for relicensing the said project which is pending before the Commission.

Representatives of the parties to the said proceeding may participate in the inspection. Such persons shall furnish their own meals and transportation and meet at 8 o'clock AM on June 1 and 2, 1978, in the parking area of the Mt. Vernon Motel, Escondido, Calif.

This notice shall be published in the

FEDERAL REGISTER and copies shall be transmitted to all parties as their names and addresses appear on the service list of the said proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14478 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. CP77-274]

MICHIGAN CONSOLIDATED GAS CO.— INTERSTATE STORAGE DIVISION

Notice of Petition To Amend

MAY 16, 1978.

Take notice that on March 13, 1978, Michigan Consolidated Gas Co.—Interstate Storage Division (Petitioner), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP77-274 a petition to amend the Commission's order of December 9, 1977, as amended, pursuant to section 7(c) of the Natural Gas Act so as to authorize the storage of up to 18,650,000 Mcf of natural gas for Panhandle Eastern Pipe Line Co. (Panhandle), for either 6 or 13 years, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of December 9, 1977, as amended January 4, 1978, Petitioner was granted authorization to

receive from, store and redeliver to Panhandle up to 12,400,000 Mcf of gas for either 6 or 13 years, pursuant to two gas storage agreements. The first storage agreement, dated October 31, 1976, as amended June 10, 1977, provides for the storage of up to 6,000,000 Mcf of gas for 100-day service, and the second storage agreement, dated November 1, 1976, as amended June 10, 1977, provides for the storage of up to 6,400,000 Mcf of gas for Off-Peak Service.

The petition states that in order to provide additional storage service needed by Panhandle's customers, Petitioner and Panhandle have entered into an amendment to the October 31, 1967 gas storage agreement, dated February 1, 1978, which provides for the increase in the maximum volume of gas to be stored for 100-day gas storage service from 6,000,000 Mcf to 12,500,000 Mcf. It is stated that if Panhandle should elect to defer redelivery from one winter period to the next of any part of the volumes stored, to the extent that such deferred volumes exceed 2,450,000 Mcf, rather than 1,200,000 Mcf as originally provided in said agreement of October 31, 1976, Panhandle would furnish 2 percent of such excess as compressor fuel, to permit cycling of such excess gas to maintain storage capacity.

Petitioner indicates that to render the additional gas storage service beginning with the 1978-79 storage

season, it would utilize the Taggart Storage Field and associated pipeline and compression facilities which the Commission has temporarily certified in Docket No. CP76-254.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14479 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. RP78-64]

MIDWESTERN GAS TRANSMISSION CO.

Order Instituting Investigation and Show Cause Proceeding

MAY 17, 1978.

Article XVII, Part 4, of the General Terms and Conditions of Midwestern Gas Transmission Co.'s (Midwestern) tariff¹ provides that Midwestern shall retain any refunds it may receive from its Southern System supplier, Tennessee Gas Pipeline Co. (Tennessee), until the Commission action requiring such refunds is final and nonappealable. Review and consideration of this tariff provision indicates that a Section 5 investigation should be instituted to determine the propriety of allowing the provision to remain in the tariff. For the reasons stated hereinafter, the Commission will order Midwestern to show cause why this tariff provision should not be amended by summary disposition to require the immediate crediting of supplier refunds to Account 191 for the benefit of its customers.

Article XVII, Part 4 of Midwestern's tariff provides as follows:

4. Flow-Through of Gas Supplier Refunds

4.1 Gas Supplier Refunds Subject to Flow-Through: Gas Supplier Refunds Subject to Flow-Through are refunds (including interest received) which have been received by Seller from Suppliers pursuant to final and nonappealable action by the Commission

or the Courts applicable to gas purchased during the period beginning January 10, 1971, and continuing while Article XII is effective, except for refunds flowed through by Seller pursuant to Article III of the Amended Settlement Agreement dated May 24, 1973, in Docket Nos. RP71-16, et al. Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components on the basis as received for each Supplier, and any interest received from any Supplier shall be classified between demand and commodity components in proportion to the demand and commodity components of the principal amount of the refunds. Nothing in this Article XVII in any way changes the rights and obligations of Seller or its customer with regard to gas supplier refunds applicable to gas purchased prior to January 10, 1971.

4.2 Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account: Seller shall flow through Gas Supplier Refunds Subject to Flow-Through by reducing the balance of the Unrecovered Purchased Gas Cost Account by the amount of such refunds at the time of receipt by Seller or at the time the related action of the Commission or the Courts becomes final and nonappealable, whichever is later. Seller shall not be required to pay interest on Gas Supplier Refunds Subject to Flow-Through.

This provision allows Midwestern to accept refunds resulting from collections in excess of prescribed just and reasonable revenues, but to refuse to flow such refunds through to its customers during the pendency of any review proceedings relating to those refunds.

There is no apparent justification for such a provision. The determination as to whether or not refunds shall be retained by the party who is initially obligated by a final Commission order to make such refunds, is made when the Commission and/or the reviewing Court determines whether or not to stay the refund obligation of that party pending judicial review. However, once the determination is made by the Commission and/or the Court that refunds should be made during the pendency of appellate review, then the FERC must, to the limits of its power, ensure that refunds are flowed through. The reasoning supporting this policy is that, to the extent possible, the FERC should ensure, in this category of cases, that the ultimate consumers receive the benefits of the refunds during the pendency of the case before the Courts for judicial review.² There is no apparent equitable or legal reason,³

²This is particularly true in this case where there is no provision that Midwestern pay interest on the retained amount if the supplier ultimately loses its case in Court.

³We note that Midwestern and its pipeline supplier, Tennessee, are both divisions of Tenneco, Inc. This common ownership suggests an even more compelling reason to require the immediate flow-through of all refunds Midwestern receives from Tennessee related to Tennessee's own Section 4 rate cases.

ties like Midwestern should be permitted to retain supplier refunds pending resolution of court review proceedings involving the supplier which may continue for some time.⁴ This policy requiring complete flow-through of supplier refunds was recently clarified and reaffirmed by the FPC in *Area Rate Proceeding, et al.*, (Hugoton-Anadarko) order issued March 17, 1975, affirmed on rehearing, order issued May 30, 1975.⁵ As noted above, Article XVII of Midwestern's tariff plainly contravenes this policy.

For the above-stated reasons, the Commission believes its proper to institute a Section 5 investigation and order Midwestern to show cause why Article XVII of its existing tariff should not be found to be unjust and unreasonable for the reasons set forth above and why Article XVII of its tariff should not be modified by summary disposition to require Midwestern to immediately credit supplier refunds to its deferred account when they are received.

The Commission has, on several occasions, summarily disposed of issues that turned on question of law and policy, rather than fact.⁶ The courts have found that, "When there is no dispute on a factual issue, the application of an administrative policy does not require a hearing", *Tennessee Gas Pipeline Company, et al. v. FPC*, 561 F. 2d 955, 958, (D.C. Cir. 1977) citing: *Municipal Light Boards of Reading and Wakefield, Massachusetts*, 146 U.S. App. D.C. 294, 400 F. 2d 1341 (1971), cert. den., 405 U.S. 989 (1972).⁷

The matter presently before us appears to raise no factual issue, only one of policy. It therefore appears entirely proper for the Commission, by summary disposition, to determine the

⁴A good example may be found in *Tennessee Gas Pipeline Co.*, Docket No. RP73-113. In that proceeding, the Commission ordered Tennessee to make refunds to certain customers, including Midwestern. (See Opinions No. 769 issued July 9, 1976). Rehearing of this order was denied in Opinion No. 769-A, issued May 31, 1977. Tennessee then filed a motion for stay of refunds pending judicial review, which was also denied by this Commission. Finally, Tennessee filed a motion with the Court of Appeals requesting a stay of its refund obligation. This motion was denied October 24, 1977. Court review of the order is still pending, and Midwestern's customers are still waiting for a portion of their refunds.

⁵Those orders abolished, with certain exceptions not relevant to the instant case, the so called "equitable entitlement" doctrine which for past periods provided a limited exception to the complete flow-through policy.

⁶e.g., *Mississippi River Transmission Corporation*, Docket No. RP75-20, rehearing denied August 1, 1975.

⁷See also: *Citizens for Allegan County, Inc. v. FPC*, 414 F. 2d 1125 (D.C. Cir. 1969); *Pennsylvania Gas and Water Company v. FPC*, 463 F. 2d 1242 (D.C. Cir. 1172).

¹Third Revised Volume No. 1, First Revised Sheet No. 82.

question whether Article XVII of Midwestern's tariff is unjust and unreasonable and whether such provision should be modified as mentioned above. We have found it appropriate, however, to provide, through the show cause procedure instituted herein, an opportunity for Midwestern to show why the action proposed in this order is not appropriate.

The Commission finds: It is necessary and proper and in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission institute a Section 5 investigation and show cause proceeding as herein after ordered.

The Commission orders: (A) The Commission hereby institutes an investigation pursuant to Section 5 of the Natural Gas Act and, pursuant to Sections 1.6(d) and 1.9(c) of the Commission's Rules of Practice and Procedure, directs Midwestern to show cause within 20 days of the issuance of this order why Article XVII of its existing tariff should not be found to be unjust and unreasonable for the reasons set forth above and why such tariff provision should not be modified by summary disposition to read as follows:

4. Flow-Through of Gas Supplier Refunds
4.1 Gas Supplier Refunds Subject to Flow-Through: Gas Supplier Refunds Subject to Flow-Through are refunds (including interest received) which have been received by Seller from Suppliers pursuant to final action by the Commission applicable to gas purchased during the period beginning January 10, 1971, and continuing while Article XII is effective, except for refunds flowed through by Seller pursuant to Article III of the Amended Settlement Agreement dated May 24, 1973, in Docket Nos. RP71-16, et al. Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components on the basis as received for each Supplier, and any interest received from any Supplier shall be classified between demand and commodity components in proportion to the demand and commodity components of the principal amount of the refunds. Nothing in this Article XVII in any way changes the rights and obligations of Seller or its customer with regard to gas supplier refunds applicable to gas purchased prior to January 10, 1971.

4.2 Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account: Seller shall flow through Gas Supplier Refunds Subject to Flow-Through by reducing the balance of the Unrecovered Purchased Gas Cost Account by the amount of such refunds at the time of receipt by Seller.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14480 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. TC78-4]

TENNESSEE GAS PIPELINE CO.

Extension of Time

MAY 17, 1978.

On May 12, 1978, Tennessee Natural Gas Lines, Inc. (TNGL), a division of Tenneco Inc. filed a motion to extend the time to June 2, 1978, within which to file petitions to intervene or protests to the petition filed April 27, 1978, by Columbia Gas Transmission Corp. and noticed by the Commission on May 9, 1978. The motion states that Commission Staff Counsel does not object to the requested extension. On May 15, 1978, Chattanooga Gas Co. filed a joinder in TNGL's motion for an extension of time, and Columbia Gas Transmission Corp. filed an answer in opposition to the request.

Upon consideration, notice is hereby given that an extension of time is granted to and including May 26, 1978, within which to file petitions to intervene or protests in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14481 Filed 5-23-78; 8:45 am]

[Docket No. CP78-321]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MAY 16, 1978.

Take notice that on May 9, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-321 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 4,000 dekatherms (dt) equivalent of natural gas per day for Mid Louisiana Gas Co. (Mid Louisiana), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 4,000 dt of natural gas per day for Mid Louisiana pursuant to a transportation agreement dated March 31, 1978, which agreement provides that Mid Louisiana has natural gas available to it in the Lake Field, Plaquemines Parish, La. (Lake Washington) which Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), would transport and deliver to Applicant at the existing interconnection between their systems located in Allen Parish, La. (Kinder). Applicant would, in turn, receive up to a contract demand quantity of 4,000 dt per day from Tennessee and redeliver equivalent quantities, less 1.2 percent for compressor fuel and line loss make-up, to Mid Louisiana at existing interconnections between their systems located in East Feliciana Parish, La. (Ethel)

and St. James Parish, La. (Hester), it is said.

It is stated that for this service, Mid Louisiana would pay Applicant initially a monthly charge of \$6,400, and that Mid Louisiana would receive a credit to its monthly bill of 5.25 cents per dt for any quantities tendered within the contract demand quantity but not transported due to possible capacity limitations on Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14482 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-316]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MAY 16, 1978.

Take notice that on May 4, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston,

Tex. 77001, filed in Docket No. CP78-316 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, on an interruptible basis, of natural gas not to exceed the dekatherm (dt) equivalent of 7,000 Mcf per day and 15,000 Mcf per day, for Delmarva Power & Light Co. (Delmarva) and Elizabethtown Gas Co. (Elizabethtown) (CD-3 customers), respectively, for a period ending March 31, 1979, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Delmarva and Elizabethtown have contracted with National Fuel Gas Supply Corp. (Supply Corp.) for one-year underground storage service in the amount of 1,000,000 Mcf and 1,500,000 Mcf, respectively, and have requested Applicant to transport injection and withdrawal quantities for their respective accounts. Applicant indicates that injection quantities would be delivered to Supply Corp. through existing facilities at the Wharton Storage Field in Pennsylvania, and that withdrawal quantities would be delivered to Delmarva and Elizabethtown at existing points of delivery to those customers in Pennsylvania and New Jersey, respectively.

It is stated that of the quantities transported, 3 percent during injection and 4 percent during withdrawal would be retained by Applicant for compressor fuel and line loss makeup, subject to change as operating conditions warrant. For all quantities transported and delivered, Delmarva and Elizabethtown would pay Applicant an initial rate of 9.55 cents per dt.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a

hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary,

[FR Doc. 78-14484 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. CP77-374]

UNITED GAS PIPE LINE CO.

Further Notice of Petition to Amend

MAY 16, 1978.

Take notice that on May 9, 1978, United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP77-374 a supplement to its petition to amend filed herein on April 28, 1978, pursuant to section 7(c) of the Natural Gas Act so as to provide for certain changes in said petition, all as more fully set forth in the supplement in this proceeding.

In the petition to amend United sought authorization to add new receipt point(s) from Mississippi River Transmission Corp. (Mississippi River), which was identified as a point on United's 18-inch line in section 10, T.20N, R. 3W, Lincoln Parish, La. By this supplement, United States that the receipt point(s) should have read section 10 and/or 11.

Also in the petition to amend United requested authorization to increase the volume of gas transported for Mississippi River from 5,000 Mcf per day to 6,055 Mcf. United now states that such increase is not contemplated with the terms of the amendment to the gas transportation agreement, and, therefore, this part of the application should be deleted. The gas to be received by United through the new receipt point(s) will be within the presently authorized maximum daily quantity of 5,000 Mcf, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or

1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14485 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. RP78-65]

EAST TENNESSEE NATURAL GAS CO.

Order Instituting Section 5 Investigation and Show Cause Proceeding

MAY 17, 1978.

Section 22, Part 4, of the General Terms and Conditions of East Tennessee Natural Gas Company's (East Tennessee) tariff provides that East Tennessee shall retain any refunds it may receive from its suppliers, including Tennessee Gas Pipeline Company (Tennessee), until the Commission action requiring such refunds is final and nonappealable. Review and consideration of this tariff provision indicates that a Section 5 investigation should be instituted to determine the propriety of allowing the provision to remain in the tariff. For the reasons stated hereinafter, the Commission will order East Tennessee to show cause why this tariff provision should not be amended by summary disposition to require the immediate crediting of supplier refunds to Account 191 for the benefit of its customers.

Section 22, Part 4 of East Tennessee's tariff provides as follows:

22.4 Flow-Through of Gas Supplier Refunds

(a) Gas Supplier Refunds Subject to Flow-Through: Gas Supplier Refunds Subject to Flow-Through are refunds (including interest received) which have been received by Seller pursuant to final and nonappealable action by the Commission or the Courts, applicable to gas purchased during the period beginning January 10, 1971, and continuing while Section 22 is effective, except for refunds made by East Tennessee pursuant to Section 5 of Article II of the Settlement Agreement in Docket Nos. RP75-114 et al., approved by the Commission's order dated October 13, 1976, and refunds made by Supplier pursuant to Article II of the Settlement Agreement dated August 16, 1971, approved by the Commission's Opinion No. 619 in Docket Nos. RP71-6, et al. Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components on the basis as received from Supplier, and any interest received from Supplier shall be classified between demand and commodity components in pro-

portion to the demand and commodity components of the principal amount of the refunds. Seller shall not be required to pay interest on amounts refunded under Section 22.4. Nothing contained in this Section 22.4 in any way changes the rights and obligations of Seller or its jurisdictional customers with regard to refunds applicable to gas purchased prior to January 10, 1971.

(b) *Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account.* Seller shall flow-through Gas Supplier Refunds Subject to Flow-Through by reducing the balances of the demand and commodity subaccounts, as appropriate, of the Unrecovered Purchased Gas Cost Account by the amount of such refunds at the time of receipt by Seller or at the time the related action of the Commission or the Courts becomes final and nonappealable, whichever is later.

This provision allows East Tennessee to accept refunds resulting from collections in excess of prescribed just and reasonable revenues, but to refuse to flow such refunds through to its customers during the pendency of any review proceedings relating to those refunds.

There is no apparent justification for such a provision. The determination as to whether or not refunds shall be retained by the party who is initially obligated by a final Commission order to make such refunds, is made when the Commission and/or the reviewing Court determines whether or not to stay the refund obligation of that party pending judicial review. However, once the determination is made by the Commission and/or the Court that refunds should be made during the pendency of appellate review, then the FERC must, to the limits of its power, ensure that refunds are flowed through. The reasoning supporting this policy is that, to the extent possible, the FERC should ensure, in this category of cases, that ultimate consumers receive the benefits of the refunds during the pendency of the case before the Courts for judicial review.¹ There is no apparent equitable or legal reason,² why "middleman" jurisdictional entities like East Tennessee should be permitted to retain supplier refunds pending resolution of court review proceedings involving the supplier which may continue for some time.³ This policy requires

¹This is particularly true in this case where there is no provision that East Tennessee pay interest on the retained amount if the supplier ultimately loses its case in Court.

²We note that East Tennessee and its primary pipeline supplier, Tennessee, are both divisions of Tenneco, Inc. This common ownership suggests an even more compelling reason to require the immediate flow-through of all refunds Tennessee receives from Tennessee related to Tennessee's own Section 4 rate cases.

³A good example may be found in *Tennessee Gas Pipeline Co.*, Docket No. RP73-113. In that proceeding, the Commission ordered

ing complete flow-through of supplier refunds was recently clarified and reaffirmed by the FPC in *Area Rate Proceeding, et al.*, (Hugoton-Anadarko) order issued March 17, 1975, affirmed on rehearing, order issued May 30, 1975.⁴ As noted above, Section 22.4 of East Tennessee's tariff plainly contravenes this policy.

For the above-stated reasons, the Commission believes it proper to institute a Section 5 investigation and order Tennessee to show cause why Section 22 of its existing tariff should not be found to be unjust and unreasonable for the reasons set forth above and why Section 22 of its tariff should not be modified by summary disposition to require East Tennessee to immediately credit supplier refunds to its deferred account when they are received.

The Commission has, on several occasions, summarily disposed of issues that turned on question of law and policy, rather than fact.⁵ The courts have found that, "When there is no dispute on a factual issue, the application of an administrative policy does not require a hearing", *Tennessee Gas Pipeline Company, et al. v. FPC*, 561 F.2d 955, 958 (D.C. Cir. 1977) citing: *Municipal Light Boards of Reading and Wakefield, Massachusetts*, 146 U.S. App. D.C. 294, 400 F.2d 1341 (1971), cert den., 405 U.S. 989 (1972).⁶

The matter presently before us appears to raise no factual issue, only one of policy. It appears therefore entirely proper for the Commission, by summary disposition, to determine the question of whether Section 22 of East Tennessee's tariff is unjust and unreasonable and whether such provision should be modified as mentioned above. We have found it appropriate, however, to provide, through the show cause procedure instituted herein, an opportunity for East Tennessee to show why the action proposed in this order is not appropriate.

Tennessee to make refunds to certain customers, including East Tennessee. (See: Opinion No. 769 issued July 9, 1976). Rehearing of this order was denied in Opinion No. 769-A, issued May 31, 1977. Tennessee then filed a motion for stay of refunds pending judicial review, which was also denied by this Commission. Finally, Tennessee filed a motion with the Court of Appeals requesting a stay of its refund obligation. This motion is still pending, and East Tennessee's customers are still waiting for a portion of their refunds.

"Those orders abolished, with certain exceptions not relevant to the instant case, the so called 'equitable entitlement' doctrine which for past periods provided a limited exception to the complete flow-through policy."

⁴*Mississippi River Transmission Corporation*, Docket No. RP75-20, rehearing denied August 1, 1975.

⁵See also: *Citizens for Allegan County, Inc. v. FPC*, 414 F.2d 1125 (D.C. Cir. 1969); *Pennsylvania Gas and Water Company v. FPC*, 463 F.2d 1242 (D.C. Cir. 1972).

The Commission finds: It is necessary and proper and in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission institute a Section 5 investigation and show cause proceeding as herein-after ordered.

The Commission orders: (A) The Commission hereby institutes an investigation pursuant to Section 5 of the Natural Gas Act and, pursuant to Sections 1.6(d) and 1.9(c) of the Commission's Rules of Practice and Procedure, directs East Tennessee to show cause within 20 days of the issuance of this order why Section 22 of its existing tariff should not be found to be unjust and unreasonable for the reasons set forth above and why such tariff provision should not be modified by summary disposition to read as follows:

22.4 Flow-Through of Gas Supplier Refunds

(a) *Gas Supplier Refunds Subject to Flow-Through:* Gas Supplier Refunds Subject to Flow-Through are refunds (including interest received) which have been received by Seller pursuant to final action by the Commission, applicable to gas purchased during the period beginning January 10, 1971, and continuing while Section 22 is effective, except for refunds made by East Tennessee pursuant to Section 5, Article II of the Settlement Agreement in Docket Nos. RP75-114, et al., approved by the Commission's order dated October 13, 1976, and refunds made by Supplier pursuant to Article II of the Settlement Agreement dated August 16, 1971, approved by the Commission's Opinion No. 619 in Docket No. RP71-6, et al. Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components on the basis as received from Supplier, and any interest received from Supplier shall be classified between demand and commodity components in proportion to the demand and commodity components of the principal amount of the refunds. Nothing contained in this Section 22.4 in any way changes the rights and obligations of Seller or its jurisdictional customers with regard to refunds applicable to gas purchased prior to January 10, 1971.

(b) *Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account:* Seller shall flow-through Gas Supplier Refunds Subject to Flow-Through by reducing the balances of the demand and commodity subaccounts, as appropriate, of the Unrecovered Purchased Gas Cost Account by the amount of such refunds at the time of receipt by Seller.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14477 Filed 5-23-78; 8:45 am]

[6560-01]

**ENVIRONMENTAL PROTECTION
AGENCY**

[PP 6G1705/T149 (FRL-899-3)]

PESTICIDE PROGRAMS**Extension of Temporary Tolerances, O-Ethyl O-[4-(methylthio)phenyl] S-propyl phosphorodithioate**

On June 10, 1977, the Environmental Protection Agency (EPA) announced (42 FR 29956) a renewal of temporary tolerances for combined residues of the insecticide O-ethyl O-[4-(methylthio)phenyl] S-propyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities cottonseed at 0.5 part per million (ppm); the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.01 ppm; and in milk and eggs at 0.001 ppm. These tolerances were established (41 FR 14812) in response to a pesticide petition (PP 6G1705) submitted by Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City, MO 64120. This renewal will expire June 3, 1978.

Chemagro Agricultural Div. has requested a one-year extension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 137(a) et seq.). (A related document establishing a feed additive regulation for residues of the subject insecticide in cottonseed hulls and oil appears elsewhere in today's **FEDERAL REGISTER**.)

The scientific data reported and all other relevant material have been evaluated, and it has been determined that an extension of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are extended on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Chemagro Agricultural Div. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and 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 3, 1978. Residues not in excess of

0.5 ppm remaining in or on cottonseed; 0.01 ppm remaining in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and 0.001 ppm remaining in milk and eggs after this expiration 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 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: May 9, 1978.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc. 78-14458 Filed 5-23-78; 8:45 am]

[6714-01]

**FEDERAL DEPOSIT INSURANCE
CORPORATION****INCOME TAX REMITTANCE BY BANKS TO
HOLDING COMPANY AFFILIATES****Statement of Policy**

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Policy Statement.

SUMMARY: This policy statement reflects the judgment of the Corporation that certain questionable intercorporate tax practices may constitute unsafe and unsound banking practices. Notification is given that the agency intends to take appropriate supervisory action to obtain correction where such practices are found.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION
CONTACT:

Paul L. Sachtleben, Examination Specialist, Projects and Planning, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202-389-4483.

SUPPLEMENTARY INFORMATION: This policy statement is issued pursuant to the Financial Institutions Supervisory Act, 12 U.S.C. 1818, and the supervisory authority of the Federal

Deposit Insurance Corporation with respect to nonmember insured banks.

**STATEMENT OF POLICY CONCERNING INCOME
TAX REMITTANCE BY BANKS TO HOLDING
COMPANY AFFILIATES**

It is a common practice within the banking industry, as well as other industries, to use different accounting methods for IRS purposes and for financial statement purposes. Because timing differences arise from the use of different accounting methods, income and expenses reported on the financial statements differ from what is reported on the tax return. Generally accepted accounting practices and the Corporation's instructions for the preparation of the Reports of Income and Condition require banks to provide for any deferred income taxes resulting from these timing differences.

A bank that is a subsidiary of a bank holding company will often join in the filing of a consolidated income tax return. Several methods are currently used in determining the amount which the parent holding company may collect for each subsidiary's allocated share of the consolidated income tax obligation.

Some banks remit to their holding companies the entire amount of income tax expense computed for financial statement or Call Report purposes, including both the current provision and deferred income taxes. The bank receives no benefit by transferring the equivalent of its deferred taxes to its parent. Further, the bank's liquidity is unnecessarily reduced and/or the bank is deprived of income which may have been generated from the transferred funds.

Past transfers of the bank's deferred income taxes shall be reinstated on the bank's books. If cash or other consideration that the bank had previously passed up to the parent cannot be restored immediately, that amount shall be recorded on its books as a loan to the parent company and an appropriate level of interest charged. This loan is subject to the provisions of section 18(j) of the Federal Deposit Insurance Act. Of course, as with any applicable insider transaction, the requirements of § 337.3 of the FDIC rules and regulations apply.

Any future transfer of deferred income taxes by a bank, or a refusal to reverse past transfers, may constitute an unsafe and unsound banking practice. As with any bank practice which has been determined to be unsafe and unsound, the Corporation may take appropriate supervisory action against the bank, ranging from informal efforts to obtain voluntary correction to formal proceedings under Section 8 of the FDI Act.

In summary, cash transfers paid by the bank to the holding company as a result of the consolidated income tax obligation (a) shall not exceed, but may be less than, the amount of tax the bank would have paid had a tax return been filed on a separate return basis, and (b) shall not be made prior to the approximate time that estimated payments or income tax returns are submitted to the IRS. Additionally, a bank which incurs a taxable loss shall be reimbursed in cash by the holding company to the extent that there is a tax benefit arising from these losses in the consolidated return, as determined in a manner consistent with the allocation of taxes to profitable subsidiaries.

Finally, the establishment of a formal tax allocation agreement between the bank and the parent holding company would be consistent with the responsibilities of the bank's board of directors.

By order of the Board of Directors, April 19, 1978.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-14531 Filed 5-23-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[No. AC-47]

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF OKEECHOBEE COUNTY, OKEECHOBEE, FLA.

Approval of Conversion Application; Final Action

MAY 18, 1978.

Notice is hereby given that on May 12, 1978, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corp., by Resolution No. 78-296 approved the application of First Federal Savings and Loan Association of Okeechobee County, Okeechobee, Fla. for permission to convert to a Florida stock association. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Street NW., Atlanta, Ga. 30343.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-14462 Filed 5-23-78; 8:45 am]

[6720-01]

[No. AC-48]

WASHINGTON FEDERAL SAVINGS AND LOAN ASSOCIATION, SPRINGDALE, ARK.

Approval of Conversion; Final Action

MAY 18, 1978.

Notice is hereby given that on May 12, 1978, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 78-297, approved the application of Washington Federal Savings and Loan Association, Springdale, Ark., for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Ark. 72201.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-14461 Filed 5-23-78; 8:45 am]

[1610-01]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

New General Routine Use

AGENCY: General Services Administration.

ACTION: Notification of new general routine use for the GSA systems of records.

SUMMARY: The purpose of this document is to give notice, pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a(e)(11), of intent to establish a new general routine use covering disclosures of information from the GSA systems of records to agents of GSA.

DATES: Any interested party may submit written comments regarding the proposal. To be considered, comments must be received on or before the 30th day following publication of this notice. The routine use shall become effective as proposed without further notice on June 23, 1978, unless comments are received which would result in a contrary determination.

ADDRESS: Address comments to General Services Administration (BR), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:

Mr. William Hiebert, Records Management Branch, Paperwork Management Division, 202-566-0674.

BACKGROUND

Although experts, consultants, and contractors of GSA act as agents for the Government in the performance of Federal duties, in some situations they may not fulfill all the requirements of officers and employees for purposes of the disclosure provisions of 5 U.S.C. 552a(b)(1). Although we consider that GSA currently has authority to transfer medical records to physicians to conduct physical examinations, in some cases it is necessary to transfer personnel records and other records to a physician to apprise him of the employment background of the individual he is to examine. The proposed general routine use is to clarify the status of experts, consultants, and contractors and to allow disclosure of personnel records and other records to physicians. We believe that these disclosures of information are consistent with the purposes for which the records were compiled.

Proposed routine use: The proposed general routine use is to be added to the appendix following the GSA notices of systems of records. The current appendix was published on September 21, 1977 (42 FR 47782 and

47783). The proposed new general routine use reads as follows:

ROUTINE USE—GSA AGENTS

A record from this system of records may be disclosed as a routine use: (1) to an expert, a consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty, and (2) to a physician to conduct a fitness-for-duty examination of a GSA officer or employee.

Dated: May 16, 1978.

JANICE K. MENDENHALL,
Director of Administration.

[FR Doc. 78-14466 Filed 5-23-78; 8:45 am]

[6820-24]

[Intervention Notice 65: Docket No. 199601]

VIRGINIA STATE CORPORATION COMMISSION, VIRGINIA ELECTRIC POWER CO.

Proposed Intervention in Electric Rate Increase Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Virginia State Corporation Commission involving an application of Virginia Electric Power Co. for an increase in rates charged for electric service. The Administrator of General Services represents the interests of the executive agencies of the U.S. Government as users of electric power.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0726, on or before June 23, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)).)

Dated: May 17, 1978.

JAY SOLOMON,
*Administrator of
General Services.*

[FR Doc. 78-14494 Filed 5-23-78; 8:45 am]

[4110-92]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

[Announcement Number 13608-781]

CHILD WELFARE RESEARCH AND DEMONSTRATION GRANTS PROGRAM

Availability of Research and Demonstration Grants

The administration for Children, Youth and Families, Office of Human Development Services, announces the availability of Fiscal Year 1978 funds for research and demonstration grants under the Child Welfare Research and Demonstration Grants Program, as authorized by 42 U.S.C. 606(a)(1) (A) and (B) (section 426, Part B, Title IV of the Social Security Act as amended). The regulations applicable to this program are contained in 42 CFR Part 205.

Applications must be received by July 21, 1978.

DEFINITIONS OF RESEARCH AND DEMONSTRATION

Research refers to a project to develop new knowledge or to evaluate existing knowledge in new settings.

Demonstration and/or replication refer to activities designed specifically to show the method of operation or applicability of a research or program model.

SCOPE OF THIS PROGRAM ANNOUNCEMENT

Applications will be received and competitively reviewed for the award of research and demonstration grants relating to the purpose and objectives of the program. Grant support is not available for ongoing programs or services (such as the provision of day care services), for projects that demonstrate a service that has already been established in other communities and is generally accepted as part of a comprehensive child welfare or child development program, or for staff training projects.

Since ACYF will be funding new research and demonstration grants in Fiscal Year 1978 under its National Center on Child Abuse and Neglect, it will not consider or fund child abuse and neglect projects under the authority of the Child Welfare Research and Demonstration Grants Program.

A. PROGRAM PURPOSE AND OBJECTIVES

The overall purpose of the Child Welfare Research and Demonstration Grants Program is to support major research and demonstration efforts in selected areas of high impact and national concern where the utilization of findings is expected to make a substantial contribution to the development and welfare of children and their

families. Grants will be made for projects which reflect the following four program objectives:

1. To test hypotheses and demonstrate the feasibility of specific program models which will enhance child and family development, child rearing, and family-institution relationships among families from different cultural groups, economic levels, and age groups. (ACYF is particularly interested in receiving grant applications which address the special concerns of teenaged parents and anticipates making approximately half of the grant awards within this program objective for projects which reflect these concerns.) All research or demonstration applications should address one or more of the hypotheses (questions) as follows:

a. Child and Family Development.

(1) Within a given culture subgroup or socioeconomic level, how do coping abilities of families differ as a function of relative stress and available supports, utilized or non-utilized? Is age of parents a factor (e.g., teenaged parents)?

(2) Is family coping skill a significant predictor of child outcomes?

(3) What are important family process variables which mediate the effects of a variety of family structures on child development outcomes?

(4) What are the different supports needed by families at different stages in family development?

(5) What are important dimensions of family-child interactions which mediate effects of tv programming on the child's socialization?

b. *Child Rearing.* (1) What are the effects of: (a) Parental expectations on the child's aspirations and developmental outcomes? (b) child behavior on parental expectations?

(2) Are the interaction of family characteristics with school/program characteristics, and the quality of the relationships between the two systems, more powerful predictors of child outcome than the characteristics of either system alone?

(3) Is the presence of siblings and the nature of child-sibling relationship a significant source of support (or stress) to the child in helping (or hindering) social adaptation and development?

(4) Are interventions regarding child rearing most effective when they are sought by individuals rather than imposed upon them? And, if so, why is this the case?

(5) What are the high risk combinations of constitutional and environmental factors that will provide for the precise targeting of appropriate interventions?

c. Family-Institution Relationships.

(1) What features of mediating structures (e.g., kinship networks, neighborhoods, churches, voluntary associ-

ations, and other primary support groups) make them more or less able to support family and child development?

(2) In what ways do service systems by-pass and undermine the functioning of mediating structures that support family and child development?

(3) What are the natural caregiving functions of extended kin across family development stages and across ethnic groups?

(4) What is the most useful typology for service systems that delineate types of intervention according to impact on mediating structures and thence on family and child development?

(5) Does community control of service systems enhance understanding by agency personnel of indigenous family forms and structures?

(6) What are the critical intra-organizational policies in community linkages for a service system that are necessary for establishing a base of acceptance in the local community?

2. To coordinate the activities of a task force involving interested citizens, community group representatives, foster parents, private agency child welfare professionals, public agency staff, and other family and children's advocates in order for a State to review and assess its foster family services systems, develop recommendations for changes in policies, procedures, program and licensing standards, or legislation and regulations. Demonstration applications will propose to conduct not more than one of the following activities:

(a) Carry out an assessment of foster family care services within the state and develop recommendations for improving services in accordance with the revised standards to be published by the American Public Welfare Association.

(b) Where the state has already completed a comprehensive assessment of its foster family services within the last three years, write or revise its foster family care regulations which provide the basis for program operation. They may involve licensing regulations as well as those for services to the foster child, the biological family, and foster family.

(c) Assist the agency in revising its foster family services manual or program guidelines, to incorporate changes which are recommended as a result of a comprehensive assessment completed during the previous three years.

(d) Combine a comprehensive assessment of the foster family services system with followup activities described in b above (revision of regulations) or c above (revision of services manual).

3. To demonstrate that the delivery of social services to children and their

families by public agencies can be improved through the utilization and implementation of Self-Assessment manuals and System Design materials geared toward improving the quality, timeliness, and efficiency of service delivery. (These two sets of materials, recently developed at the direction of the Children's Bureau, will be made available, in part, to prospective applicants as part of the application kit.) Two types of grants, service delivery demonstration projects and a collaborative research project, will be awarded.

a. *Service delivery* demonstration project applications will be expected to use the Self-Assessment and System Design materials in order to: (1) Assess current service delivery practices;

(2) Identify, define and put in priority order areas for needed improvements;

(3) Modify existing practices and procedures based on prior demonstrated successes and "best practices" from the field;

(4) Implement needed changes to improve service delivery in one or more local agencies;

(5) Implement changes county or State-wide based on the successes achieved in the local agencies; and,

(6) Document and assess the steps taken to improve service delivery to inform the field.

b. *Collaborative research* project applications will be expected to: (1) Interpret the self-assessment and system design materials to the "service delivery projects" and others in the field;

(2) Identify and interpret additional materials bearing on improving the delivery of social services to children and their families;

(3) Assist the service delivery projects in achieving local agency as well as county-wide or State-wide improvements in service delivery;

(4) Coordinate the research, systems design, development and implementation efforts among the service delivery project States;

(5) Provide guidance to the service delivery projects to assess their own progress;

(6) Promote technology transfer nationally to other State, county, or local agencies through refinement of existing materials or development of additional materials, dissemination and interpretation of materials, and other means; and,

(7) Provide an annual analytic report synthesizing the collaborative experience.

4. To identify research and demonstration projects which are relevant to ACYF's objective of increasing knowledge regarding the development and welfare of children and their families. These applications will be subject to the same competitive review process and criteria for evaluating research and demonstration projects.

B. ELIGIBLE APPLICANTS

Applicant eligibility is noted below for each of the four program objectives as previously stated in Section A:

Objective 1—Enhancement of child and family development. Public or private nonprofit organizations may apply.

Objective 2—Assessment of States' foster family services systems. The single State agency or its organizational unit responsible for social services to families and children, including foster family care services, may apply.

Objective 3—Improvement of the delivery of social services to children and families.

(a) Service Delivery Projects. Any State, county, or local public social service agency may apply.

(b) Collaborative Research Project. Any public or other nonprofit institution of higher learning or public or other nonprofit agency or organization engaged in research of child welfare activities may apply.

Objective 4—Other projects.

Public or private nonprofit organizations may apply. Under the statutory authority or this program, grants are not made to individuals even though they may be affiliated with a public or private nonprofit institution.

C. AVAILABLE FUNDS AND DURATION OF PROJECT

of the total appropriation of \$15,700,000 available in fiscal year 1978, ACYF expects to award approximately \$2,477,000 for each program objective as follows:

Objective 1—Enhancement of child and family development. ACYF will award 10-12 grants totaling approximately \$1,200,000 for one-three years, with an average award of \$125,000 per year. Of the \$1,200,000, \$600,000 will be awarded for five-six grants dealing with the specific concerns of teenaged parents.

Objective 2—Assessment of States' foster family services systems. ACYF will award four-six grants totaling \$192,000, for one year each, at \$25,000-\$50,000 depending upon salary schedule, geographical size, and travel and per diem costs of the particular state.

Objective 3—Improvement of the delivery of social services to children and families.

a. Service delivery projects. ACYF will award seven grants totaling \$560,000 for three years at \$80,000 per year.

b. Collaborative research project. ACYF will award one three-year grant at \$275,000 per year.

Objective 4—Other projects. ACYF will award three-four grants totaling \$250,000 for one-three years, with an average award of \$75,000 per year.

D. GRANTEE SHARE OF PROJECT

Program regulations require that all grantees share in the costs of projects.

It is generally expected that grantees will provide at least five percent of total project costs. Grantee contributions must be project-related and may be in cash or in kind.

E. THE APPLICATION PROCESS

1. *Availability of application forms.* In order to be considered for a grant under the Child Welfare Research and Demonstration Grants Program, an application must be submitted on the forms supplied and in the manner prescribed by the Administration for Children, Youth, and Families. Application kits which contain the prescribed application forms and information for the applicant may be obtained from:

Administration for Children, Youth, and Families, Research and Evaluation Division, P.O. Box 1182, Washington, D.C. 20013. (Attention: 13608-781) Telephone, 202-755-7755; 755-7758.

2. *Application submission.* The prescribed application form must be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the regulations of the Program.

One signed original and two copies of the grant application, including all attachments, are required. The original and the two additional copies may be mailed or hand-delivered to:

Department of Health, Education, and Welfare, Office of Human Development Services, Switzer Building, Grants Management Branch, Room 1427, 330 C Street SW., Washington, D.C. 20201. (Attention: 13608-781.)

Hand-delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m.

3. *Application consideration.* The Commissioner for Children, Youth, and Families determines the final action to be taken with respect to each grant application. Applications which do not conform to this announcement, or are not complete, or which do not meet the deadline will not be accepted for consideration, and applicants will be notified accordingly. Otherwise, all applications will be considered for funding.

All accepted grant applications will be subjected to a competitive review and evaluation conducted by persons independent of the program office who are experts in the areas of child and family development and welfare. The results of the competitive review supplement and assist the Commissioner's consideration of the competing applications. The Commissioner also takes into account the comments of the HEW Regional Offices and the headquarters program office. Comments on the applications may also be requested from appropriate specialists

and consultants both within and outside the Government.

After the Commissioner has decided either to disapprove or not to fund a competing grant application, the unsuccessful applicant will be notified by letter of that decision. The letter will include an explanation of the reasons for disapproval or non-funding or will indicate that an explanation may be obtained upon request.

4. *Grant awards.* The Commissioner for Children, Youth, and Families makes grant awards consistent with the purposes of the legislation, the regulations, and program announcements within the limits of Federal funds available for the purpose of supporting research and demonstration projects. The official grant award document is the Notice of Grant Awarded (NGA). The NGA sets forth in writing to the grantee the amount of funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given, and the total grantee participation. The initial award also specifies the total project period for which support is contemplated, although support beyond the first year is dependent upon the grantee's satisfactory progress and the availability of funds.

F. CRITERIA FOR REVIEW AND EVALUATION OF APPLICATIONS

All competing grant applications will be reviewed and evaluated against the following criteria:

1. That the estimated cost to the government for the proposed project is reasonable considering anticipated results;

2. That project personnel are or will be well qualified, and that the applicant organization has adequate resources;

3. That the proposed methodology or procedures, if well executed, are capable of attaining project objectives. Reviewers will consider the following:

- a. Review of literature
- b. Innovativeness of approach/design
- c. Objectives/hypotheses clearly stated
- d. Procedures
 - (1) Sample size
 - (2) Comparison/control group(s)
 - (3) Treatment(s)
 - (4) Design
 - (5) Measures/instruments
 - (6) Data analysis plan
 - (7) Time schedule
 - (8) Reports.

4. That the project objectives are identical with or capable of achieving the specific program purpose and objectives defined in the program announcement (See Section A1-4);

5. Dissemination/utilization plan.

a. Applicant indicates knowledge of appropriate users

b. Applicant presents an appropriate utilization plan, i.e., understands potential implications of results with regard to whichever of the following may be relevant: policy, programs, service delivery systems, legislation, research and demonstration activities, training, teaching, staffing, etc.;

6. Comparability of proposed study to other completed and/or ongoing studies.

a. Applicant indicates awareness of related completed and/or ongoing projects.

b. Applicant uses marker measures and marker variables for research comparability as appropriate.

7. Protection of human subjects. If subjects are at risk, appropriate safeguards have been taken.

G. CLOSING DATE FOR RECEIPT OF APPLICATIONS

The closing date for receipt of applications under this program announcement is July 21, 1978. An application will be considered to have arrived by the closing date if:

1. The application was sent by registered or certified mail not later than July 18, 1978 as evidenced by the U.S. Postal Service postmark, or on the original receipt from the U.S. Postal Service; or

2. The application is received on or before July 21, 1978 by the OHDS receiving office.

H. LATE APPLICATIONS

Late applications are not accepted. They are returned without consideration, and applicants are notified accordingly. [Catalog of Federal Domestic Assistance Program Number 13.608 Child Welfare Research and Demonstration Grants Program.]

Dated: May 8, 1978.

BLANDINA CARDENAS,
*Commissioner for Children,
Youth and Families.* Approved:
May 19, 1978. Arabeila
Martinez,

*Assistant Secretary for
Human Development Services.*

[FR Doc. 78-14493 Filed 5-23-78; 8:45 am]

[4110-07]

Office of the Secretary

ADVISORY COUNCIL ON SOCIAL SECURITY

Public Meeting

AGENCY: Advisory Council on Social Security, HEW.

ACTION: Notice is hereby given of a public meeting of the Advisory Council on Social Security.

SUMMARY: Notice is given pursuant to Pub. L. 92-463, that the Advisory

Council on Social Security, established pursuant to section 706 of the Social Security Act, as amended, will meet on Thursday, June 8, 1978, from 9 a.m. to 5 p.m. in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. The meeting will be devoted to the topic of social security benefits, with particular emphasis upon how they relate to means-tested income programs and pension programs. The meeting is open to the public.

Individuals and groups who wish to have their interest in the social security program taken into account by the Council may submit written comments, views, or suggestions to Mr. Lawrence H. Thompson.

FOR FURTHER INFORMATION CONTACT:

Mr. Lawrence H. Thompson, Executive Director of the Advisory Council, P.O. Box 17054, Baltimore, Md. 21235. Telephone inquiries should be directed to Mr. Edward F. Moore, telephone number 301-594-3171.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807 Social Security Program.)

Dated: May 19, 1978.

LAWRENCE H. THOMPSON,
*Executive Director, Advisory
Council on Social Security.*

[FR Doc. 78-14499 Filed 5-23-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-78-874]

PRIVACY ACT OF 1974

Amendment to Routine Uses

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of amendment of existing system of records.

SUMMARY: This amendment adds the Social Security Administration to the routine uses of HUD's Privacy Act system entitled Pay and Leave Records of Employees (HUD/DEPT-34).

EFFECTIVE DATE: The amendment shall become effective without further notice in 30 calendar days (June 23, 1978), unless comments are received on or before June 23, 1978, which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer, telephone number 202-755-5192.

SUPPLEMENTARY INFORMATION: This amendment is necessitated by the provisions of Pub. L. 94-202 which require that agencies furnish W-2 (Wage and Tax Statement), W-2P (Statement for Recipients of Annuities, Pensions, or Retired Pay), and W-3 (Transmittal of Income and Tax Statements) to the Social Security Administration starting with tax periods beginning January 1, 1978.

The Department has determined that an Environmental Impact Statement is not required with respect to this notice.

NOTE.—It is hereby certified that the economic and inflationary impacts of this notice have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, the Department amends the routine uses of system HUD/DEPT-34 to read as follows:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes. The reporting of W-2 statements to Internal Revenue Service, Social Security Administration, the individual, and taxing authorities of States, the District of Columbia, territories, possessions, and local governments, except Social Security numbers will be reported only to such authorities that have satisfied the requirement set forth in section 7(a)(2)(B) of the Privacy Act of 1974. To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry on its Government-wide personnel functions; to GAO—for audit; to other Federal Government agencies—to facilitate employee transfers; and to State agencies—to verify workmen's compensation injury claims.

For the convenience of the public, the Department is printing below the system of records in its entirety including the modification. The prefatory statement containing General Routine Uses applicable to all of the Department's systems of records was published at 42 FR 54765 (October 7, 1977). Appendix A which lists the addresses of HUD's field offices was published at 42 FR 54777 (October 7, 1977).

HUD-DEPT-34

System name:

Pay and leave records of employees.

System location:

All Department offices. For a complete listing of offices, with addresses, see appendix A.

Categories of individual covered by the system:

HUD employees.

Categories of records in the system:

Name, social security number and employee number, grade, step, and salary; organization, retirement, or FICA data as applicable; Federal, State, and local tax deductions; regular and optional Government life insurance deduction(s); health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including leave applications and reports, individual daily time reports, adjustments to time and attendance, overtime reports, supporting data, such as medical certificates, number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending dates; cost of living allowances; mailing address; coowner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See routine uses paragraphs in prefatory statement. Other routine uses: Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes. The reporting of W-2 statements to Internal Revenue Service, Social Security Administration, the individual, and taxing authorities of States, the District of Columbia, territories, possessions, and local governments, except Social Security numbers will be reported only to such authorities that have satisfied the requirements set forth in section 7(a)(2)(B) of the Privacy Act of 1974. To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry on its Government-wide personnel functions; to GAO—for audit; to other Federal Government agencies—to facilitate employee transfers; and to State agencies—to verify workmen's compensation injury claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual, machine-readable, and magnetic media.

Retrievability:

Name of employee; social security number.

Safeguards:

Physical, technical, and administrative security is maintained with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records. Manual files kept in lockable desks, file cabinets, and safes.

Retention and disposal:

Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with procedures in 24 CFR part 16. A list of all locations is given in appendix A.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed. It may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and

Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories:

Subject individuals, supervisors, timekeepers, official personnel records, previous employers, or other Federal Government agencies.

(5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., May 12, 1978.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and
Urban Development.

[FR Doc. 78-14468 Filed 5-23-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

PUBLIC MEETINGS

The Interagency Geothermal Streamlining Task Force will hold a series of public meetings to discuss alternatives for streamlining the Federal geothermal leasing and environmental review procedures activities. The Task Force was created to assist the Interagency Geothermal Coordinating Council (IGCC) in developing recommendations for implementing the President's commitment that:

The Departments of the Interior and Agriculture will streamline leasing and environmental review procedures to remove unnecessary barriers to development of geothermal resources.

This objective was included in the President's comprehensive energy program submitted to Congress in April 1977. It responds to the fact that nearly seven and one-half years after the Geothermal State Act of 1970 (Pub. L. 91-581) was passed, there is no commercial geothermal production and utilization on Federal lands despite the fact that approximately two-thirds of the Nation's identified geothermal reservoirs exist on Federal land.

While there are also technological, environmental, and economic problems to be resolved in geothermal application, it is widely believed that the Federal leasing and post-lease permit programs, as set forth in CFR Title 43, Group 3200, and Title 30, Parts 270 and 271, are a major deterrent to development, since repetitive requirements results in major delays in obtaining lease and permits. Furthermore, non-uniform timeframes have impeded orderly planning for development.

The Task Force is therefore undertaking a comprehensive analysis of each step in the existing leasing and

permitting processes of the Bureau of Land Management, Forest Service, and Geological Survey which will identify and document the sources of and reasons for delay. The data analysis will be followed by analysis of the effects which would be exerted on the existing program by various options for program modification. The effectiveness of alternative options will be assessed in terms of their relative ability to support the IGCC's projected geothermal power on-line schedule while protecting the public interest and environment.

The purpose of the four public meetings announced below is to obtain public assistance in developing remedial options and receive public input to the decision making process. Comment is requested on the following options, and suggestions for additional alternatives are solicited.

OPTION 1.

IMPROVE THE PRESENT SYSTEM THROUGH CHANGES IN PROCEDURAL AND ADMINISTRATIVE MEASURES

This would maintain the basic features between the pre-lease and post-lease reviews but improve the procedures to conduct the reviews in a more uniform and efficient manner.

This option could be implemented through program modifications such as the following:

1. Use regional or areawide environmental analysis in the pre-lease review and conduct site specific studies only during the post-lease permitting process.

2. Set time limits or timeframes (through administrative directives and/or regulations) for issuance of lease and permits.

3. Promote interagency coordination in all cases of pre- and post-lease activities.

(a) Establish in each agency, field level coordinators for the geothermal program.

(b) Modify and formalize the existing Memorandum of Understanding to include the Departments of Energy, Agriculture and Interior and to establish guidelines for interagency cooperation in implementing the geothermal program.

(c) Establish uniform policy and guidelines for application of special lease stipulations.

(d) Standardize special lease stipulations of similar nature and intent (i.e., archaeological, endangered species, etc.)

4. Institute formal nomination procedures for KGRA's and non-competitive areas.

5. Allow no-surface-occupancy leases and/or leases limited to exploratory drilling in (a) wilderness study and other special areas and (b) where requested.

6. Modify KGRA regulations to:

(a) Allow for reclassification of geologic and competitive KGRA's.

(b) Abolish competitive interest KGRA's.

(c) Provide for direct thermal utilization areas.

7. Allow issuance of non-competitive leases unless the area is in a KGRA at time of application as opposed to time of lease issuance.

OPTION 2

BASE LEASING DECISIONS ON AREAWIDE ENVIRONMENTAL ASSESSMENT IN COMBINATION WITH LAND MANAGEMENT PLAN

This option is based on the existence of the planning requirements imposed by the Federal Land Policy and Management Act of 1976 (Pub. L. 94-759) and the National Forest Management Act of 1976 (Pub. L. 94-588) on BLM and the Forest Service, respectively. Where land management plans have been completed, this mechanism could be effectively initiated. Where land management plans are not complete, or where the existing plan does not consider geothermal energy production and utilization, two alternatives are available:

1. Complete or amend the land management plan to consider geothermal development with environmental assessment as appropriate.

2. Design the environmental assessment specifically for incorporation into the management plan at the next revision. This process would recognize the existing plan's limitations while providing supplementary information which could fulfill needs on a limited area for immediate leasing decisions. The area to be considered would be the area which might reasonably be assumed to be affected prior to scheduled revision.

OPTION 3

PROVIDE FOR SEPARATE ENVIRONMENTAL ANALYSIS OF EXPLORATION AND DEVELOPMENT PHASES, WITH INITIAL REVIEW OF EXPLORATORY IMPACTS COMPREHENSIVE REVIEW ONLY AFTER A DISCOVERY IS MADE.

"Exploration" would be redefined in the regulations to mean exploratory activity up to and including the drilling and testing of a deep well or wells to determine the presence or absence of a commercial resource. Leases would be issued with stipulations conditioning development on the results of a detailed environmental assessment after discovery. This option could be carried one step further by providing legislatively for reimbursement of exploration costs if development of a commercial resource is denied on environmental grounds.

Other options have been considered by the Task Force but their implement-

tation is not deemed feasible for various reasons. For information purposes they are stated below with the reason for rejection:

1. *Amend the Act to provide for exploration licenses for acreage in non-KGRA areas much larger than present limitations with a preference right to a lease for the usable acreage after discovery.* This approach is inconsistent with Department of the Interior mineral policies and could act as a restraint to development in that only one operator at a time would be permitted to conduct preliminary exploration at a time in any area.

2. *Amend the Act to provide for the use of the "locatable minerals" procedures now applied only to "hard rock" minerals.* This approach conflicts with the stated desire of the President and the Secretary of the Interior to do away with the location/patent system for hard rock minerals. In addition, it is difficult to define a "geothermal system" in terms of a specific land area because the limits of the heat and/or fluid sources cannot be precisely defined by any existing technology.

The public meetings on this subject are scheduled as follows:

JUNE 13, 1978

Hilton Inn, 1901 University Boulevard NE,
Albuquerque, N.M.

JUNE 16, 1978

Suite 285, 350 South Figueroa, Los Angeles,
Calif., (Place).

JUNE 23, 1978

Room 128, Salt Palace, Salt Lake City,
Utah.

JUNE 27, 1978

Conference Room B in the Departmental
Auditorium between 12th and 14th
Streets NW., on Constitution Avenue,
Washington, D.C.

Each meeting will begin at 9:30 a.m. and continue until those desiring to participate have been heard. Oral statements are limited to 10 minutes each. Written statements will be accepted until July 31 at the following address:

Winston B. Short, Chairman, Interagency
Geothermal Streamlining Task Force,
U.S. Department of the Interior, 19th at C
Street NW., Washington, D.C. 20240.

Dated Washington, D.C., this 19th
day of May, 1978.

WINSTON B. SHORT,
Chairman, Interagency Geo-
thermal Streamlining Task Force.
[FR Doc. 78-14465 Filed 5-23-78; 8:45 am]

[4310-84]

Bureau of Land Management

[AA-6659-A]

ALASKA NATIVE CLAIMS SELECTION

On December 4, 1973, Choggiung Limited filed selection application AA-6659-A, as amended, under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)), for certain lands within the Dillingham area, specifically lands contained in quitclaim deed AA-12820, more particularly described as portions of lots 3 and 5 of U.S. Survey 2262.

On May 3, 1961, the State of Alaska filed selection application A-054379, as amended, pursuant to section 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339-340; 48 U.S.C. Ch. 2, Sec. 6(b) (1970)) for certain lands in the Dillingham area. The State selection, as amended, included the lands in lot 3, U.S. Survey 2262 which was tentatively approved on April 5, 1971. On April 12, 1971, the State of Alaska issued quitclaim deed (AA-12820) to the United States for a portion of lot 3, U.S. Survey 2262. This quitclaim deed was delivered to the Bureau of Indian Affairs.

Subsequently, on September 7, 1971, the Bureau of Land Management issued patent No. 50-72-0016 to the State of Alaska conveying all the United States' rights, title, privileges, immunities and appurtenances for lot 3, U.S. Survey 2262. Ownership and jurisdiction of all of lot 3, U.S. Survey 2262, including that portion contained in quitclaim deed AA-12820 was transferred from the United States to the State of Alaska by virtue of the patent.

In view of the above, Choggiung Limited must be and is hereby rejected to that portion of lot 3 of U.S. Survey 2262 contained in quitclaim deed AA-12820, more particularly described as follows:

A portion of lot 3 of U.S. Survey 2262 described by metes and bounds as follows:

Commencing for reference at corner No. 1 of U.S. Survey 2430, being also corner No. 13 of U.S. Survey 2732 A;

Thence N. 0° 06' E., 28.25 feet, along a common boundary of U.S. Survey 2430 and U.S. Survey 2732 A, to corner No. 4 of U.S. Survey 2262, being also corner No. 12 of U.S. Survey 2732 A;

Thence N. 0° 06' E., 160.00 feet, along the common boundary of U.S. Survey 2430 and U.S. Survey 2262, to the point of beginning;

Thence N. 89° 54' W., 250.00 feet;

Thence N. 0° 06' E., 38 feet, to a northerly boundary of said lot 3;

Thence S. 89° 54' E., 52.00 feet, along a northerly boundary of said lot 3;

Thence N. 0° 06' E., 162.00 feet, along a westerly boundary of said lot 3;

Thence S. 89° 54' E., 198.00 feet, to the common boundary of U.S. Survey 2430 and U.S. Survey 2262;

Thence S. 0° 06' W., 200.00 feet, along the common boundary of U.S. Survey 2430 and U.S. Survey 2262, to the point of beginning. Containing 0.955 acre (41,576 square feet), more or less.

Lot 5 of U.S. Survey 2262, containing 13.64 acres, was quitclaim deeded to the State of Alaska under section 46(a) of the Alaska Omnibus Act of June 25, 1959 (73 Stat. 152). On April 12, 1971, the United States acquired a portion of the surface estate of lot 5 of U.S. Survey 2262 in quitclaim deed AA-12820, containing approximately .193 acre.

In view of the foregoing, the surface estate of the following described land, selected pursuant to section 12(a), aggregating approximately .193 of an acre, is considered proper for acquisition by Choggiung Limited and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

A portion of lot 5 of U.S. Survey 2262 described by metes and bounds as follows:

Commencing for reference at corner No. 1 of U.S. Survey 2430, being also corner No. 13 of U.S. Survey 2732 A;

Thence N. 0° 06' E., 28.25 feet, along a common boundary of U.S. Survey 2430 and U.S. Survey 2732 A, to corner No. 4 of U.S. Survey 2262, being also corner No. 12 of U.S. Survey 2732 A;

Thence N. 0° 06' E., 198.00 feet, along the common boundary of U.S. Survey 2430 and U.S. Survey 2262;

Thence N. 89° 54' W., 198.00 feet, to the southeasterly corner of said lot 5 and the point of beginning;

Thence N. 89° 54' W., 52.00 feet along the southerly boundary of said lot 5;

Thence N. 0° 06' E., 162.00 feet;

Thence S. 89° 54' E., 52.00 feet to the easterly boundary of said lot 5;

Thence S. 0° 06' W., 162 feet, along the easterly boundary of said lot 5, to the point of beginning.

Containing 0.193 acre (8,424 square feet), more or less.

All bearings are from true north.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file AA-6659-EE are reserved to the United States and are subject to further regulation thereby:

(a) (EIN 29 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

(b) (EIN 30 C) Easements for the transportation of energy, fuel, and natural resources which are the prop-

erty of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; Provided, however, That the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

This reservation has not been conformed to the Departmental easement policy announced March 3, 1978. Conformance is contingent upon resolution of the litigation *Calista, et al v. Andrus* and implementation of the Secretary's new easement policy.

The grant of the lands shall be subject to:

(1) Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

(2) Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

(3) The reservation of all oils, gases, coal, ores, minerals, fissionable materials, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, and fossils, and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by itself, its or their agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing, drilling, and working mines or wells on these or

other lands and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, power lines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors and assigns, as aforesaid, generally all rights and power in, to and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved by the State of Alaska in quitclaim deed AA-12820 issued to the United States April 12, 1971;

(4) Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted as are prescribed in said section; and

(5) The terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Bristol Bay Native Corporation, Choggiung Limited and other Bristol Bay village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Choggiung Limited, serialized AA-6659-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Choggiung Limited is entitled to conveyance of 161,280 acres of land selected pursuant to section 12(a) of the Alaska Native Claims Settlement Act. Upon conveyance of the 0.193 acre described herein, a total of approximately 48,673.20 acres will have been approved for conveyance to Choggiung Limited. The remaining entitlement will be conveyed at a later date.

Since the State of Alaska reserved the subsurface estate in the lands above-described no subsurface estate is available for conveyance to Bristol Bay Native Corporation pursuant to section 14(f) of the Alaska Native Claims Settlement Act.

There are no inland water bodies considered to be navigable within the land described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *FEDERAL REGISTER* and once a week, for four (4) consecutive weeks, in the *Anchorage Times*. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

(1) Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

(2) Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until June 23, 1978, to file an appeal.

(3) Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

(4) If Choggiung Limited or Bristol Bay Native Corporation objects to any easement which is identified for reservation in the conveyance, and which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a petition for reconsideration must be filed within 30 days from receipt of service with the State Director, Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. If a petition for reconsideration is not filed, it will be deemed that the right to contest any such easement has been waived.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

If an appeal is taken the adverse parties to be served are:

Choggiung Limited, P.O. Box 247, Dillingham, Alaska 99576;
Bristol Bay Native Corporation, P.O. Box 237, Dillingham, Alaska 99576.

State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-14460 Filed 5-23-78; 8:45 am]

[4310-84]

[Nev-025474]

NEVADA

Termination, in Part of Airport Lease

Notice is hereby given that Elko County, through and by the Board of County Commissioners, relinquished its airport lease as to the following described lands:

MOUNT DIABLO MERIDIAN, NEV.

T. 47 N., R. 65 E.

Sec. 7, lots 1, 2, and 3.

Therefore, at 10 a.m. on June 19, 1978, the lands will be relieved of the segregation effect of the lease.

WM. J. MALENCIK,
Chief, Division of
Technical Services.

[FR Doc. 78-14495 Filed 5-23-78; 8:45 am]

[4310-84]

[N-18193]

NEVADA

Airport Lease Application

MAY 16, 1978.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Wallace M. Dill (D Bar Ranch) has applied for an airport lease on the following land:

MOUNT DIABLO MERIDIAN, NEV.

T. 6 N., R. 66 E.,

Sec. 30, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$.

The purpose of this notice is to inform the public that the filing of this application segregated the described public lands from all forms of appropriation under the public land laws. Interested persons desiring to express their views should promptly send their comments, together with their name and address, to the Ely District Manager, Bureau of Land Management, Star Route 5, Box 1, Ely, Nev. 89301.

WM. J. MALENCIK,
Chief, Division of
Technical Services.

[FR Doc. 78-14496 Filed 5-23-78; 8:45 am]

[4310-84]

[NM 31870]

OKLAHOMA

Transfer of Jurisdiction of Acquired Indian Lands: Correction

MAY 15, 1978.

FR Doc. Volume 43, No. 82 as published in the FEDERAL REGISTER of Thursday, April 27, 1978, on pages 18048 and 18049, is corrected as follows:

Page 18048, line 12, third column is corrected to read "S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ " not "S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$."

Page 18049, line 17, first column is corrected to read "NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ " not "NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$."

Page 18049, line 28, first column, section 22 is corrected to read "N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$."

Page 18049, line 52, column one is corrected to read "W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ not S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$."

Page 18049, line 71, column one include "E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ " in section 27, T. 14 N., R. 26 E.

FRED E. PADILLA,
Chief Branch of Lands
and Minerals Operations.

[FR Doc. 78-14497 Filed 5-23-78; 8:45 am]

[3510-25]

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

DEPARTMENT OF COMMERCE

Industry and Trade Administration

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1978 Among Producers Located in Guam

AGENCY: Bureau of Trade Regulation, Industry and Trade Administration.

ACTION: Allocation of duty-free quotas for calendar year 1978 among producers located in Guam.

SUMMARY: Pursuant to Public Law 89-805 the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of watch quotas among watch assembly firms in the insular possessions. Section 303.5(a)(2) of the Departments' Watch Quota Rules (15 CFR 303, 42 FR 62907 (1977)) provides for the annual allocation of watch quotas. The criteria for the calculation of the 1978 watch quotas among producers in Guam are contained in Section 1 of the Final Watch Quota Allocation Rules published in the FEDERAL REGISTER dated February 1, 1978 (43 FR 4274 (1978)). In announcing the allocation of quotas for producers located in

the Virgin Islands (43 FR 16797 (1978)), the Departments noted they had not completed their verification of the data on the annual application forms (ITA Form 334P) of the producers in Guam, and that the Guam allocation would be announced by separate notice as soon as the verification was completed. The Departments' verification of the Guam data has now been completed.

FOR ADDITIONAL INFORMATION CONTACT:

Mr. Richard M. Seppa, who can be reached by telephone on 202-377-2925.

SUPPLEMENTARY INFORMATION: The duty-free watch quota allocations for calendar year 1978 among producers located in Guam are as follows:

Name of firm	Number of units
1. Jerlian Watch Co., Inc.	450,643
2. Phoenix Industries, Inc.	39,357
Total	490,000

The preceding distribution of quota among the individual producers in Guam reflects: (1) Adjustments made in the data supplied on the producers' annual application forms as a result of the Departments' verification; and (2) Quota (150,000 units) set aside for allocation to new firms in Guam (Section 3 of the Annual Rules; 43 FR 4274 (1978); amended 43 FR 10718 (1978)). The number of watches and watch movements authorized for shipment on or after January 1, 1978, under initial quotas previously allocated by the Departments are to be applied against the allocations above, which are for the full calendar year 1978.

Dated: May 19, 1978.

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff, Bureau of Trade Regulation, Industry and Trade Administration, Department of Commerce.

RUTH G. VAN CLEVE,
Director, Office of Territorial Affairs, Department of the Interior.

[FR Doc. 78-14638 Filed 5-23-78; 8:45 am]

[6820-41]

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

WORK PROGRAM; DISCUSSION, DEVELOPMENT AND REFINEMENT

Meeting

MAY 18, 1978.

Pursuant to section 10 of the Federal Advisory Committee Act of 1972

notice is hereby given that the National Advisory Council on Economic Opportunity will hold a two-day meeting on June 22 and 23, 1978 at the Claremont Hotel in Berkeley, Calif. The meeting will begin at 9:30 P.d.s.t. on June 22nd and will continue on June 23rd and is open to the public.

The purpose of the meeting will be to discuss, develop and refine a work program for the Advisory Council 1979 report. The Council will also visit the Spanish Speaking Unity Council of Oakland, Calif. as part of its field work for 1979.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

For further information, contact the National Advisory Council on Economic Opportunity, 1725 K Street, NW., Suite 405, Washington, D.C. 20006, 202-254-3217.

WALTER B. QUETSCH,
Executive Director.

[FR Doc. 78-14453 Filed 5-23-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

SUBCOMMITTEE ON ETHICS AND VALUES IN SCIENCE AND TECHNOLOGY OF THE ADVISORY COMMITTEE ON SCIENCE AND SOCIETY

Part-Open Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Ethics and Values in Science and Technology (EVIST) of the Advisory Committee on Science and Society.

Date and time: June 16, 1978, 9:30 a.m.

Place: Room 651, National Science Foundation, 5225 Wisconsin Avenue NW., Washington, D.C.

Type of Meeting: Part-Open.

Contact person: Dr. William A. Blanpied, Program Director, Ethics and Values in Science and Technology, Office of Science and Society, National Science Foundation, Washington, D.C. 20550, Telephone 202-282-7770. Individuals planning to attend are requested to notify Dr. Blanpied by June 14, 1978.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Financial and Administrative Management, National Science Foundation, Room 248, Washington, D.C. 20550.

Purpose of Advisory Committee: To provide advice and recommendations concerning support of activities to explore the ethical and value issues associated with develop-

ments in science and technology, in conjunction with the program of the National Science Foundation (NSF).

Agenda: 9:30 a.m. to 12:30 p.m. (Open). Reports and Discussion of Current Status and Future Directions for the EVIST Program and for the NSF Office of Science and Society. Discussion of Roles for the Sub-Committee in Program Monitoring and Development.

2 p.m. to 5 p.m. (Closed). Review and evaluate proposals as part of the selection process for awards.

Reason for closing: The categories and quality of applications presently under consideration for funding will be discussed. This will involve consideration of individual proposals currently being reviewed which include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522b(c), Government of the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10 (d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 18, 1977.

Dated: May 18, 1978.

M. REBECCA WINKLER,
Committee Management
Coordinator.

[FR Doc. 78-14524 Filed 5-23-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON PUBLIC UNDERSTANDING OF SCIENCE OF THE ADVISORY COMMITTEE ON SCIENCE AND SOCIETY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Public Understanding of Science of the Advisory Committee on Science and Society.

Date and time: June 9, 1978, 9 a.m. to 5 p.m.

Place: The Exploratorium, San Francisco, Calif.

Type of meeting: Closed.

Contact person: Mr. George W. Tressel, Program Director, Public Understanding of Science, Office of Science and Society, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7770.

Purpose of subcommittee: To provide advice and recommendations concerning support for projects in Public Understanding of Science.

Agenda: Review FY 1978 grants. Review and evaluate proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are with exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF on February 18, 1977.

Dated: May 18, 1978.

M. REBECCA WINKLER,
Committee Management
Coordinator.

[FR Doc. 78-14525 Filed 5-23-78; 8:45 am]

[7555-01]

ADVISORY COUNCIL STEERING COMMITTEE

Amendments to Notices of Meetings

The meeting of the National Science Foundation Advisory Council Steering Committee scheduled to be held on May 30, 1978 should be changed to May 31, 1978.

The meeting of the National Science Foundation Advisory Council Task Group No. 2 scheduled to be held on May 31, 1978 should be changed to May 30, 1978.

These notices appeared in the FEDERAL REGISTER on May 12, 1978 and May 16, 1978, respectively.

Dated: May 18, 1978.

M. REBECCA WINKLER,
Committee Management
Coordinator.

[FR Doc. 78-14526 Filed 5-23-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-348]

ALABAMA POWER CO., JOSEPH M. FARLEY NUCLEAR PLANT UNIT NO. 1

Order For Modification of License

I. The Alabama Power Co. (the licensee), is the holder of Facility Operating License No. NPF-2 which authorizes the operation of the nuclear power reactor known as Joseph M. Farley Nuclear Power Unit No. 1 (the facility) at steady reactor power levels not in excess of 2652 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corp. designed pressurized reactor (PWR) located at the licensee's site in Houston County Ala.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on January 14, 1977 an ECCS evaluation for proposed operation using 17x17 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was

based upon an ECS evaluation development by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 109 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2200°F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications describe in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will

conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this Order and in the SER, operation of the Joseph M. Farley, Unit No. 1 facility at a peaking factor limit of 2.32 which is now specified in the Technical Specifications will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, this limit provides reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable. The commitment was confirmed by the licensee's letter of April 7, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the George S. Houston Memorial Library, 212 West Vurdeshaw Street, Dothan, Ala. 36301.

(1) Letter from Westinghouse to NRC dated April, 1978.

(2) Letter from Alabama Power Co., to Mr. Victor Stello, Office of Nuclear Reactor Regulation, dated April 7, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That Facility Operating License No. NPF-s is hereby amended by adding the following new provision:

As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

Dated at Bethesda, Md., this 27th day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, JR.,
Director, Division of Operating
Reactors, Office of Nuclear Re-
actor Regulation.

[FR Doc 78-14507 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating
License

The U.S. Nuclear Regulatory Commission (the Commission) has issued

Amendment No. 25 to Facility Operating License No. DPR-67 issued to Florida Power and Light Co. (the licensee), which revised Technical Specifications for operation of St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Fla. The amendment becomes effective 60 days after its date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. 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) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this statement.

For further details with respect to this action, see (1) the application for amendment dated February 23, 1978, (2) the Commission's letter to the licensee dated November 28, 1977, (3) Amendment No. 25 to License No. DPR-67, and (4) the Commission's related Safety Evaluation issued November 28, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Fla. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 12th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Op-
erating Reactors.

[FR Doc. 78-14508 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket Nos. 50-498A, 50-499A]

HOUSTON LIGHTING & POWER CO., CITY OF
SAN ANTONIO, CITY OF AUSTIN, AND CENTRAL
POWER AND LIGHT CO., (SOUTH
TEXAS PROJECT, UNITS 1 AND 2)

Special Prehearing Conference

MAY 17, 1978.

In *Houston Lighting & Power Company, et al.* (South Texas Project, Units 1 and 2), CLI 77-13, 5 NRC 1303 (June 15, 1977), the Commission made a "determination" pursuant to Section 105c(2) of the Atomic Energy Act of 1954 as amended that there had been "significant changes" in the activities of Houston, a co-owner and co-construction permit holder of these nuclear units, which were sufficient to trigger the initiation of an operating license antitrust review. Houston's request for a waiver of the FSAR filing requirement was granted in order to provide an expedited operating license antitrust review. The Staff was directed to seek the antitrust advice of the Attorney General pursuant to Section 105c(1). (5 NRC at 1319, 1322).

On February 21, 1978, the Attorney General rendered the requested advice and concluded that changed circumstances required that an antitrust hearing be held on the operating license application. Houston filed a motion for the Commission "to order procedures" on February 22, which the Commission denied by its Order dated April 5, 1978 (7 NRC —). Such Order further directed the Director of Nuclear Reactor Regulation to issue a notice of antitrust hearing. Accordingly, a Notice of Antitrust Hearing on Operating License Application was duly published in the FEDERAL REGISTER (43 FR 15811, April 14, 1978).

This Licensing Board was designated in the notice of hearing to make a determination as to whether the activities under the proposed operating licenses will create or maintain a situation inconsistent with the antitrust laws on the basis of significant changes in the Applicants' activities which have occurred subsequent to the previous review by the Attorney General and the Commission in connection with the application for construction permits. In the event the Board makes an affirmative finding, it will also consider what relief, if any, would be appropriate. The parties to the hearing will be the Applicants, the NRC Staff, the Department of Justice if it so desires, and any other person admitted as a party pursuant to the provisions of 10 CFR 2.714. A petition for leave to intervene was required to be filed by May 15, 1978.

Pursuant to the notice of hearing, a petition for leave to intervene was filed by mail on April 28, 1978 by

Texas Utilities Generating Company and Dallas Power & Light Company, Texas Electric Service Company, and Texas Power & Light Company. Answers to the notice of antitrust hearing were filed by the Applicants City of San Antonio (May 3, 1978), Houston Lighting & Power Company (May 4, 1978), City of Austin (May 5, 1978) and Central Power and Light Co. (May 5, 1978).

The Board takes note of the expressed desire of all counsel for an expeditious resolution of relevant antitrust issues related to this operating license proceeding. We concur that it is in the public interest to minimize regulatory delays in the licensing process, and the active cooperation of counsel is essential for that purpose. In view of the professional attention these antitrust issues have received from expert counsel in this and other fora over an extended period of time, it is anticipated that protracted hearings will not be necessary in this proceeding. Schedules will be developed for the framing of issues of law and fact, the completion of discovery and the conduct of an evidentiary hearing under these standards. The Federal Rules of Civil Procedure and the Federal Rules of Evidence will be applied by analogy wherever they are reasonably applicable. All testimony of witnesses will be oral except for good cause made known and ruled upon in advance. Concise summaries of the testimony of witnesses shall be exchanged in advance, as well as all proposed exhibits, studies and other documents. The liberal use of depositions to focus issues and to shorten trial testimony is encouraged.

Please take notice that a special prehearing conference pursuant to the provisions of §2.751a as amended (such amendments are effective on May 26, 1978) will be held at 9:30 a.m., local time, on June 21, 1978 in the Nuclear Regulatory Commission's Hearing Room, 5th Floor, East West Towers, located at 4350 East West Highway, Bethesda, Md. 20014.

All parties and any petitioners for intervention and counsel are directed to appear at such special prehearing conference where the Board will consider the identification of key issues in the proceeding, the delineation of the scope and dimension of the primary issues involved in the Commission's decision in 5 NRC 1303, the ruling on intervention petitions, and the establishment of a schedule for further actions in the proceeding. A statement of issues and contentions involved in this proceeding shall be discussed by counsel prior to the conference. Counsel are requested to report on the nature and extent of discovery obtained in other proceedings which might be useful in this action. Copies of all prehearing statements, motions,

briefs, points and authorities or other documents to be considered at the prehearing conference shall be in the hands of members of the Board by June 14, 1978.

It is so ordered.

Dated at Bethesda, Md., this 17th day of May 1978.

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER,
Chairman.

[FR Doc. 78-14509 Filed 5-23-78; 8:45 am]

[7590-01]

Low-Level Radiation Exposure

Decision Not to Conduct a Hearing to Refine or Reduce the Health Cost Figures Previously Adopted

The Nuclear Regulatory Commission announced its intention to conduct a rule making hearing to establish appropriate monetary values for the worth of reducing radiation doses to the public in its decision on Rulemaking Docket No. RM-50-2¹ (numerical guides for design objectives and limiting conditions for operation to meet the criterion "as low as practicable"² for radioactive materials in light-water-cooled nuclear power reactor effluents). In that decision, the Commission adopted interim values of \$1,000 per total-body man-rem and \$1,000 per man-thyroid-rem for use in a cost-benefit analysis of the need for additional radioactive effluent control systems to reduce population radiation exposures (Section IID of Appendix I to 10 CFR Part 50.) In adopting these values, the Commission noted that they were believed to be conservative as they were higher than previously published values of a dollar per man-rem value for the total body and that there were arguments that the worth of reductions in the collective (man-thyroid-rem) dose to the thyroid should be lower than the value for the total body.

However, experience has shown that a more precise determination of appropriate dollar per man-rem and dollar per man-organ-rem values is now unnecessary. The NRC staff has performed 30 evaluations of the cost-benefit analyses submitted in support of nuclear power reactor license applications as required by Section IID of Appendix I of 10 CFR Part 50. In each of these cases, it was found that no additional effluent control equipment

¹Published in the FEDERAL REGISTER of May 5, 1975 (40 FR 19439).

²This terminology was changed to "as low as is reasonably achievable" to conform to the terminology of the International Commission on Radiological Protection (FEDERAL REGISTER of December 19, 1975 at 40 FR 58847).

was required to meet the cost-benefit provisions of Section IID of Appendix I beyond the equipment that was required to meet the individual dose design objectives contained in Sections IIA, IIB, and IIC of Appendix I to 10 CFR Part 50. This experience indicates that, for most situations, the individual dose design objectives will be limiting, even for the conservative interim dollar per man-rem values. Further refinements are expected to provide lower numerical values, which would be even less likely to affect effluent treatment system requirements. For this reason the interim values of \$1,000 per total body man-rem and \$1,000 per man-thyroid-rem, although not precise, appear to remain usable values for regulatory decisionmaking.

Moreover, the Environmental Protection Agency (EPA) has issued generally applicable environmental radiation standards for uranium fuel cycle operations.³ These standards provide limits on doses to individual members of the public and limits on the quantities of certain long-lived radionuclides released from the nuclear fuel cycle to the general environment. These standards were developed by EPA through consideration of the potential health risks associated with various levels of effluent releases in relation to the costs of achieving these levels by procedures that did not require a precise assessment of the cost of radiation exposures. In the statement of considerations accompanying the proposed standards,⁴ EPA concluded that the two types of proposed standards "... are the most appropriate choice of criteria to provide effective limitation of the potential health impact on populations of short-lived and long-lived radioactive materials * * *

In the Commission's view, these EPA standards provide further assurance, in addition to the requirements of Appendix I to 10 CFR Part 50, that both individual and population doses from light-water-cooled nuclear reactor effluents will be as low as is reasonably achievable. The EPA standards also ensure that doses from lightwater reactors and associated fuel cycle facilities will be maintained at or below levels that are, in EPA's view, environmentally acceptable, without the need for a precise determination of the worth of radiation exposure reductions.

Other developments also affect the timeliness of proceeding with the pro-

posed rule making at this time. Recent amendments to the Clean Air Act provide for a study to be conducted by EPA to determine whether airborne emissions of radioactive materials contribute to air pollution which may be reasonably anticipated to endanger public health.⁵ This study and subsequent findings by the EPA might affect the present regulatory framework embodied in Appendix I and in 40 CFR Part 190 and, consequently, lessen the importance of undertaking this rule making hearing at this time.

The above considerations have led the Commission to reconsider the need for further efforts to redefine the worth of reducing radiation exposure to the general population. Rather than further postpone the rule making hearing until an unspecified future time, the Commission believes that the uncertainties that would be introduced in the regulatory process can best be avoided by cancelling the proposed rule making. This action does not preclude the possibility that such rule making will be reinstituted at a future time if a need develops for a more precise definition of dollar per man-rem and dollar per man-organ-rem values.

The cancellation of this rulemaking should not be interpreted as an abandonment by the Commission of the concept of a quantified cost-benefit analysis for defining as low as is reasonably achievable levels of radiation exposure. The Commission believes that the Appendix I rule making proceeding (Docket No. RM-50-2) and the subsequent experience with the Appendix I rule show that this concept has considerable merit and utility. In this regard, the Commission notes the opinions of the Advisory Committee on the Biological Effects of Ionizing Radiation of the National Academy of Sciences—National Research Council⁶ that:

Such analyses could facilitate rational and cost-effective safety and control procedures and the avoidance of health hazards and economic dislocations associated with excessive or inadequate expenditures in relation to risk. Health benefit/cost assessments, even though present data are incomplete, can provide some guidance to decision makers, direct attention to gaps in knowledge, indicate priorities for research, and stimulate the accumulation of needed data and analysis, and contribute to public understanding of the relevant issues and problems * * * (page 6)

³Clean Air Act Amendments of 1977, Pub. L. 95-95, 91 Stat. 685 (1977), 42 U.S.C. 7401 et seq. (1977).

⁴National Academy of Sciences—National Research Council Advisory Committee on the Biological Effects of Ionizing Radiation, "Considerations of Health Cost-Benefit Analysis for Activities Involving Ionizing Radiation Exposure and Alternatives," issued as EPA Report in EPA 520/4-77-03 (1977).

The Commission will continue to strive for the reduction of radiation exposures from all licensed activities to as low as is reasonably achievable (ALARA) levels and, where practicable, to employ a quantitative cost-benefit analysis to better define such ALARA levels. At the present time, however, efforts to make this analysis more precise do not appear to be warranted by our experience to date.

The NRC staff will continue to accumulate experience with the implementation of the design objectives and the cost-benefit analysis of Appendix I to 10 CFR Part 50. This experience is being and will be incorporated into the on-going NRC efforts to develop detailed implementation procedures for EPA's uranium fuel cycle standards in 40 CFR Part 190. These efforts and the efforts by EPA and NRC to comply with the provisions of the Clean Air Act Amendments of 1977 will provide a basis for any further changes in the current regulatory framework for controlling releases of radioactive materials from the normal operation of NRC licensed nuclear power and fuel cycle operations.

Dated at Washington, D.C., this 18th day of May 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILE,
Secretary of the Commission.

[FR Doc. 78-14504 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., CONNECTICUT LIGHT AND POWER CO., HARTFORD ELECTRIC LIGHT CO., AND WESTERN MASSACHUSETTS ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-65 to Northeast Nuclear Energy Co., The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Conn. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to eliminate the monthly visual inspection of all inaccessible hydraulic snubbers with non-ethylene-propylene seal materials for the remainder of cycle 2. The visual inspection of such inaccessible snubbers is required if plant conditions allow access or if inspections of accessible snubbers reveal evidence of seal degradation.

⁵U.S. Environmental Protection Agency, "Environmental Radiation Protection Standards for Nuclear Power Operations," Title 40, Chapter I, Subchapter F, Part 190 of the Code of Federal Regulations (40 CFR Part 190), FEDERAL REGISTER of January 13, 1977 at 42 FR 2858.

⁶Published for public comment by EPA as proposed 40 CFR Part 190 in the FEDERAL REGISTER of May 29, 1975 at 40 FR 23420.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 26, 1978, as supplemented by letters dated April 11 and May 5, 1978, (2) Amendment No. 41 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 15th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-14510 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS, (MANUFACTURING LICENSE FOR FLOATING NUCLEAR POWER PLANTS)

Memorandum and Order Granting in Part Applicant's Motion (No. 8) To Establish Schedule

On April 24, 1978, Applicant filed Motion (No. 8) To Establish Schedule. Natural Resources Defense Council (NRDC) filed a response on May 4th, the NRC Staff filed its response on May 8th, and Atlantic County Citizens Council on Environment (ACCCE) filed a response on May 9, 1978.

In the fifth prehearing conference order of May 17, 1978, we had stated

that the conditions, limitations and qualifications in the "Stipulation Covering Hearing Schedule" of the parties (except for NRDC) dated March 8, 1978 would be adhered to and the schedule therein would be followed as closely as is reasonably practicable. Further, as indicated in our Order of March 30, 1978, we have become increasingly concerned about the lack of progress toward the closing of the evidentiary record in this case, and we stated therein that we were prepared to reconsider the ruling in the Order of June 21, 1977 that any future hearing would be held in one continuous session. Hearings in the instant case have not been held since May 20, 1977. Clearly it is our duty to take appropriate action to avoid unnecessary delay (10 CFR 2.718)—we must advance this aging case toward final disposition. There has been no showing that any real harm or injury to any party would result from proceeding to receive evidence upon the issues set forth in the addendum to applicant's motion (No. 8) To Establish Schedule. Moreover, those issues set forth in the aforementioned addendum are related to Part II of the FES issued in September 1976. None of these issues relate either to the subject matter of the final addendum to Part II which the staff will publish on or before June 16, 1978 (see Order on March 30, 1978) or to the subject matter of Part III of the FES which the staff advises will be published in final form in September 1978. The stipulation and our orders of September 28, 1976 and of August 1, 1977 provide in substance that a party might move to amend or expand contentions (within a certain time) upon a showing of a rational connection between any new matters in the addendum to Part II and in Part III.

ORDER

In light of the discussion, supra, the Board allows in part, as hereinafter reflected, applicant's motion (No. 8) To Establish Schedule:¹

¹We deny that portion of the instant motion wherein applicant moves for summary disposition and requests that we establish a schedule, whereunder, beginning July 7, 1978, the parties would exchange briefs on NRDC's contention on programmatic impact statement. We neither understand nor appreciate applicant's resurrection of its motion for summary disposition and its request for scheduling which we had previously denied without prejudice in our order of October 11, 1977. Said order indicated that applicant could resubmit its motion and request only after the entire (finalized) FES had been issued. To proceed with summary disposition procedures might be a premature and wasted exercise since, in its response of May 4, 1978, NRDC reserved the right to file supplemental briefs or requests for reconsideration if the finalized addendum to Part II and the finalized Part III re-

1. Public hearing will be resumed on July 10, 1978 at 1:30 p.m. at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Md. 20014.

Thereafter, commencing at 9:30 a.m., the hearing will continue on weekdays through July 28, if necessary.

2. Testimony will be taken on the following issues and Board Questions:

(a) Atlantic County Contention 1 (impact on resort economics). Cross-examination of applicant's panel will be concluded, and thereafter Atlantic County and staff will call their witnesses.

(b) ACCCE Contention 3b (functional design of discharge outfall) admitted by order dated May 21, 1974, p. 5.

(c) ACCCE Contention 3f (dredging), admitted by order dated May 21, 1974, p. 6.

(d) ACCCE Contention II (net energy yield, cost-benefit balance), admitted by order of August 1, 1977, pp. 4 and 5.

(e) Issue retained By The Board:

"1. Section 12.10.4 of Part II of the FES is inadequate in that it does not take into account the special energy requirements needed to procure breakwater material, to construct the breakwater, to tow plants to the site and to provide shore to barge umbilicals". (Formerly Contention I. 4 in part of the City of Brigantine, which was retained as an issue in the Board's Order of August 1, 1977, pp. 12 and 13, after CB withdrew as a party).

(f) Board question:

"To what extent, if any, would the consideration of the utilization of heat pumps and of secondary and tertiary recovery from oil wells serve to modify the discussions and/or conclusions reached in Part II of the FES?" (Board's order of August 1, 1977, p. 10).

3. Written direct testimonies shall be submitted by no later than June 23, 1978 by the applicant and the staff. By said due date the intervening party who placed an issue (contention) into contest shall submit its written direct testimony, if any. With regard to the issue retained by the Board (par. 2e, supra) and with regard to the Board question (par. 2f, supra), by no later than June 23, 1978, the applicant and staff shall submit written direct testimonies, and the intervening parties, if desiring to do so, shall submit written direct testimonies by the aforesaid due date.

Dr. Schink concurs but was not available to sign the instant memorandum and order.

Reflected major alterations to the drafts of these two documents.

Dated at Bethesda, Md., this 18th day of May 1978.

It is so ordered.

THE ATOMIC SAFETY AND
LICENSING BOARD,
LESTER KORNBLITH,
Member.

SHELDON J. WOLFE,
Chairman.

[FR Doc. 78-14511 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-278]

PHILADELPHIA ELECTRIC CO., ET AL

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-56 issued to Philadelphia Electric Co., Public Service Electric and Gas Co., Delmarva Power and Light Co., and Atlantic City Electric Co., which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station Unit No. 3. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications for the Peach Bottom Atomic Power Station, Unit No. 3 to: (1) Permit operation of the facility during cycle 3 with up to 252 improved two water rod 8x8R reload fuel bundles, designed and fabricated by the General Electric Co. and having an average enrichment of 2.23 wt-% ²³⁵U, and (2) revise the maximum average planar linear heat generation rates 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 February 2, 1978 (43 FR 4468). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 19, 1977, as supplemented August 30, 1977, Jan-

uary 17, February 2 and 17, May 8 and 11, 1978, (2) Amendment No. 41 to License No. DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of May 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-14512 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-286]

POWER AUTHORITY OF THE STATE OF NEW YORK (INDIAN POINT NUCLEAR GENERATING UNIT NO. 3)

Order for Modification of License

I. The Power Authority of the State of New York (the licensee), is the holder of Facility Operating License No. DPR-64 which authorizes the operation of the nuclear power reactor known as Indian Point Nuclear Generating Unit No. 3 (the facility), at steady reactor power levels not in excess of 2,760 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corp. designed pressurized reactor (PWR) located at the licensee's site in Westchester County, N.Y.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on January 26, 1977, an ECCS evaluation for proposed operation using fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for the facility. The Westinghouse ECCS Evaluation Model has been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR part 50.46 and appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would

conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long-term cooling.

On March 23, 1978, Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this order and in the SER, operation of the Indian Point Unit No. 3 facility at the peaking factor limit specified in this order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the

NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable and to limit operation to achieve a peaking factor not exceeding the value specified herein. Such commitments were confirmed by the licensee's letter of April 10, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, N.Y.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Power Authority of the State of New York, to Mr. A. Schwencer, Operating Reactors Branch No. 1, dated April 10, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR parts 2 and 50: *It is ordered*, That Facility Operating License No. DPR-64 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC Staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specifications limit for total nuclear peaking factor (F_0) for the facility shall be limited to 2.23.

Dated at Bethesda, Md., this 27th day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO JR.,
Director, Division of Operating
Reactors, Office of Nuclear Re-
actor Regulation.

[FR Doc 78-14513 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-272]

**PUBLIC SERVICE GAS & ELECTRIC CO., SALEM
GENERATING STATION, UNIT NO. 1**

Order For Modification of License

I. The Public Service Gas & Electric Co. (the licensee), is the holder of Facility Operating License No. DPR-70 which authorizes the operation of the nuclear power reactor known as Salem Generating Station, Unit No. 1 (the facility) at steady reactor power levels not in excess of 3,338 megawatts thermal (rated power). The facility con-

sists of a Westinghouse Electric Corp. designed pressurized reactor (PWR) located at the licensee's site in Salem County, New Jersey.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on December 27, 1976, an ECCS evaluation for proposed operation using 17x17 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR part 50.46 and appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long-term cooling.

On March 23, 1978, Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and in-

corporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this order and in the SER, operation of the Salem facility at the peaking factor limit specified in this order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, this limit provides reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable and to limit operation to achieve a peaking factor not exceeding the value specified herein. These commitments were confirmed by the licensee's letter of April 17, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Salem Free Public Library, 112 West Broadway, Salem, N.J.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Public Service Gas & Electric Co., to Director NRR, dated April 17, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR parts 2 and 50: *It is ordered*, That Facility Operating License No. DPR-70 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_0) for the facility shall be limited to 2.21.

Dated at Bethesda, Md., this 27th day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating
Reactors, Office of Nuclear Re-
actor Regulation.

[FR Doc 78-14514 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-281]

**VIRGINIA ELECTRIC & POWER CO., (SURRY
POWER STATION, UNIT NO. 2)**

Order For Modification of License

I. The Virginia Electric & Power Co. (the licensee), is the holder of Facility Operating License No. DPR-37 which authorizes the operation of the nuclear power reactor known as Surry Power Station, Unit No. 2 (the facilities) at steady reactor power levels not in excess of 2441 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corporation designed pressurized water reactor (PWR) located at the licensee's site in Surry County, Va.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on August 9, 1977 as supplemented August 26, October 14 and November 16, 1977 an ECCS evaluation for proposed operation using 15 x 15 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly deter-

mined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this Order and in the SER, operation of the Surry Power Station, Unit No. 2, at the peaking factor limits specified in this Order, and in accordance with the operating surveillance requirements specified in this Order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable to limit operation to achieve a peaking factor not exceeding the value specified herein, and to submit operating surveillance procedures to assure operation within such limits. Such procedures were submitted and the commitments confirmed by the licensee's letter of April 7, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Swem Library, College of William and Mary, Williamsburg, Va.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Virginia Electric Power Co., dated April 7, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That Facility Operating License No. DPR-37 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_0) for the Surry Power Station, Unit No. 2 shall be limited to 1.81 for a steam generator tube plugging level of 20.8 percent or less and 1.79 for a steam generator tube plugging level of greater than 20.8 percent but less than 25 percent.

(3) Until further authorization by the Commission, the licensee shall conduct the operating surveillance program described in its letter of April 7, 1978 where APDM surveillance will be performed above 85 percent for Unit No. 2.

Dated at Bethesda, Md. this 28th day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating
Reactors, Office of Nuclear Re-
actor Regulation.

[FR Doc. 78-14515 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket Nos. 50-266 and 50-301]

**WISCONSIN ELECTRIC POWER CO., (POINT
BEACH NUCLEAR PLANT, UNIT NOS. 1 & 2)**

Order For Modification of License

I. Wisconsin Electric Power Co. (the licensee) is the holder of Facility Operating License Nos. DPR-24 and DPR-27 which authorize the operation of the nuclear power reactors known as Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) at steady reactor power levels not in excess of 1518 megawatts thermal (rated power). The facilities consist of

Westinghouse Electric Corp.-designed pressurized water reactors (PWRs) located at the licensee's site in Manitowoc County, Wis.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on October 27, 1976 an ECCS evaluation for proposed operation using 14X14 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for these facilities. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facilities would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowed peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER set forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facilities are submitted using the revised and corrected model, they will demonstrate that the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facilities as soon as possible.

As discussed in this Order and in the SER, operation of the Point Beach facilities at a peaking factor limit of 2.32, which is now specified in the Technical Specifications, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable. This commitment was confirmed by the licensee's letter of April 6, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the University of Wisconsin-Stevens Point Library, Stevens Point, Wis.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Wisconsin Electric Power Co. dated April 6, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That Facility Operating License Nos. DPR-24 and DPR-27 are hereby amended by adding the following new provisions:

As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

Dated at Bethesda, Md., this 28th day of April 1978.

For the Nuclear Regulator Commission.

VICTOR STELLO, Jr.,

Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-14517 Filed 5-23-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Revised Notice of Meeting

The meeting notice for the meeting previously scheduled on June 1-3, 1978 (published on May 17, 1978, FEDERAL REGISTER, volume 43, No. 96, pp. 21383-4) is revised as detailed below. This revision incorporates schedule changes due to the cancellation of the session for the Indian Point Nuclear Generating Station, Unit 3. The changes include cancellation of the session on Saturday, June 3, 1978.

The agenda for the subject meeting will be as follows:

THURSDAY, JUNE 1, 1978

8:30 a.m.-9:00 a.m.: *Executive Session (open)*—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities including the appointment of new Committee members.

This session will be open to the public except for those portions which must be closed to protect information the release of which would represent an unwarranted invasion of personal privacy.

The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for operation at increased power of the Maine Yankee Atomic Power Station. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter and provisions for physical protection of this unit.

9:00 a.m.-11:00 a.m.: *Maine Yankee Atomic Power Station (open)*—The Committee will hear and discuss presentations by representatives of the NRC Staff and the Applicant related to the request to operate this unit at increased power. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter and provisions for physical protection of this unit.

11:00 a.m.-12:00 noon: *Executive Session (open)*—The Committee will hear and discuss reports of Subcommittees and Working Groups on a number of generic matters related to reactor safety including Anticipated Transients Without Scram and proposed revisions to NRC Regulatory Guides. The Subcommittee on the Vermont Yankee Nuclear Power Station will

also report on operating experience at this facility.

1:00 p.m.-2:15 p.m.: Report on Inter-agency Review of Nuclear Waste Management (open)—The Committee will hear and discuss a report by representatives of the NRC regarding NRC participation in the program for review of nuclear waste management and disposal.

2:15 p.m.-2:30 p.m.: Executive Session (open)—The Committee will discuss proposed use of Class 9 Accidents as a methodology for evaluation of alternate reactor sites.

2:30 p.m.-4:30 p.m.: Meeting with NRC Staff (open)—The Committee will hear and discuss a report by representatives of the NRC Staff regarding use of Class 9 Accidents as a methodology for evaluation of alternate sites for nuclear power plants.

4:30 p.m.-6:30 p.m.: Executive Session (open)—The Committee will discuss proposed ACRS positions and comments regarding generic matters related to nuclear power plant safety including the source term used in reactor safety analysis, the need for a quasi-judicial, statutory board to review reactor accidents, and radiobiological protection.

The Committee will also discuss its proposed report to the NRC on the Maine Yankee Nuclear Plant.

FRIDAY, JUNE 2, 1978

8:30 a.m.-11:30 a.m.: Meeting with NRC Staff (open)—The Committee will hear presentations from and hold discussions with members of the NRC Staff regarding recent licensing actions and operating experience including the seismic reevaluation of several nuclear power plants and review of a proposed safe shutdown system for the Oconee Nuclear Plant. A portion of this session will be closed to protect information related to physical protection of the Oconee Nuclear Plant.

Representatives of the NRC Staff and its contractors will also report to the ACRS on generic matters related to nuclear power plant safety including the bases for combination of seismic and other dynamic loads.

The future schedule for ACRS activities and topics proposed for consideration by the Committee will also be discussed.

11:30 a.m.-12:30 p.m.: Executive Session (open)—The Committee will discuss miscellaneous Committee activities including reorganization of ACRS Subcommittees and Working Groups and a proposed periodic report of ACRS activities.

1:30 p.m.-4:00 p.m.: Executive Session (open)—The Committee will discuss proposed ACRS comments regarding the establishment of a quasi-judicial, statutory board to investigate reactor accidents, and other generic matters considered during this meeting.

The Committee will also discuss its proposed report to the NRC on the Maine Yankee Nuclear Plant.

Procedures for the conduct of and participation in ACRS meetings were outlined in the FEDERAL REGISTER on October 31, 1977, page 56972. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

I have determined in accordance with Subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)), to preserve the confidentiality of classified and proprietary information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b(c) (1) and (4)), and to protect information the release of which would represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). Separation of factual information from information considered exempt from disclosure during closed portions of the meeting is not considered practical.

Background information concerning items to be considered during this meeting can be found in documents on file and available for public inspection in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and in the following Public Document Rooms:

Maine Yankee Atomic Generating Station, Wiscasset Public Library, High Street, Wiscasset, Me. 04578.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202-634-1371), between 8:15 a.m. and 5 p.m. e.d.t.

Dated: May 19, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-14660 filed 5-23-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON RELIABILITY AND ACCIDENT PROBABILITIES

Meeting

The ACRS Subcommittee on Reliability and Accident Probabilities will hold an open meeting on June 8, 1978 in Room 1046, 1717 H Street NW., Washington, D.C. 20555 to consider whether the Nuclear Plant Reliability Data System reporting requirements should be made mandatory by the NRC.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

THURSDAY, JUNE 8, 1978

11 a.m. until the conclusion of business—The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the nuclear industry, the NRC Staff, and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. John C. McKinley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m., e.d.t.

Dated: May 22, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-14661 Filed 5-23-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Rev. 15, Amdt. 211]

PROGRAM ACTIVITIES IN FIELD OFFICES

Delegation of Authority

Delegation of Authority No. 30, Revision 15, republished in the FEDERAL REGISTER on February 25, 1976 (41 FR 8240), as amended (41 FR 16234, 17829, 28049, 36702, 47610, 50883, 42 FR 56990, 59153, 61347, 43 FR 55, 1577, 6667, 10998, and 13651), is hereby further amended to delegate authority to Regional Directors and Assistant Regional Directors for Administration to contract for services for SBA.

Accordingly, Delegation of Authority No. 30, Revision 15, Part X, Administration, is amended by adding paragraph 3 as set forth below and renumbering current paragraphs 3 thru 5 as paragraphs 4 thru 6.

PART X—ADMINISTRATION

Section A—

1. *
2. *

3. *Contract for Services.* To contract for services for the agency not exceeding the monetary amount of \$2500 pursuant to Chapter 4 of Title 41, United States Code, subject to the limitations contained in section 257(a) and (h) of that chapter.

- (a) Regional Director;
- (b) Assistant Regional Director for Administration.

Effective date: May 24, 1978.

Dated: May 18, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-14440 Filed 5-23-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 14761]

KENTUCKY

Declaration of Disaster Loan Area

Christian County and adjacent counties within the State of Kentucky constitute a disaster area as a result of damage caused by high winds, heavy rains and tornadoes which occurred on May 12-13, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 17, 1978, and for economic injury until the close of business on February 19, 1979, at:

Small Business Administration, District Office, Federal Office Building—Room 188, 600 Federal Place, Louisville, Ky. 40202.

or other locally announced locations.

[Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008]

Dated: May 17, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-14442 Filed 5-23-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 14731]

RHODE ISLAND

Declaration of Disaster Loan Area

The area of the 200 Block of Front Street in the downtown section of the City of Pawtucket, Providence County, R.I., constitutes a disaster area because of damage resulting from a fire which occurred on April 12, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 17, 1978, and for economic injury until the close of business on February 16, 1979, at:

Small Business Administration, District Office, 57 Eddy Street, Room 710, Providence, R.I. 02903.

or other locally announced locations.

[Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.]

Dated: May 11, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-14441 Filed 5-23-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

JOINT COMMITTEE FOR AGRICULTURAL DEVELOPMENT OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10 (a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the eleventh meeting of the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development on June 12 and 13, 1978.

The purpose of this meeting is to review the status of Title XII projects in Asia, Africa, Latin America and the Near East; to receive a progress report on baseline studies of research, education and extension; to review and discuss JCAD participation in Annual Budget Submission reviews; and to consider other business brought before the Committee.

The meeting on June 12, 1978, will convene in Regional Work Groups

(RWGs): Africa RWG at 9:30 a.m. in Room 3524, New State Department Bldg.; Asia RWG at 10 a.m. in Room 206 Rosslyn Plaza Bldg., 1601 North Kent Street, Rosslyn, Va.; and Near East RWG at 9:30 a.m. in Room 6484, New State Department Bldg. The Latin America RWG will not meet. The meeting on June 13, 1978, will convene from 9 a.m. to 5 p.m. in the Arlington Room of the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va., 22202. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Fletcher E. Riggs, Deputy Director, Office of Title XII Coordination, Development Support Bureau, is designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9001.

Dated: May 11, 1978.

FLETCHER E. RIGGS,
AID Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 78-14568 Filed 5-23-78; 8:45 am]

[4710-02]

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10 (a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the twelfth meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on June 13 and 14, 1978.

The purpose of this meeting is to discuss progress of current planning activities of contractors on sorghum-millet, fisheries-aquaculture, and small ruminant animals for collaborative research support programs (CRSP's); discussion of Auburn University's domestic and international research and technical services activities in fisheries and aquaculture; AID procedures for making contracts and grants for collaborative research support programs; and future plans for CRSP's and achieving balance between centrally funded contract research and CRSP's in agriculture, food and nutrition.

The meeting will convene at 9 a.m. and adjourn at 5 p.m. on June 13 and 14, 1978. The meeting will be held in Comer Hall, Rm. 109, School of Agriculture Administration Building, Auburn University, Auburn, Ala. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Director, Office of Title XII Coordination, Development Support Bureau, is designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Dated: May 15, 1978.

ERVEN J. LONG,
AID Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 78-14569 Filed 5-23-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

LOCAL RAIL SERVICES ASSISTANCE PROGRAM

Public Meeting

On January 4, 1978, the Federal Railroad Administration ("FRA") published in the FEDERAL REGISTER at 43 FR 858 final regulations implementing the local rail service assistance program established by section 5 of the Department of Transportation Act, as amended. These regulations, 49 CFR Part 266, set forth the procedures and requirements to be followed by States in applying for Federal funds under the program.

Various parties have requested an opportunity to meet with representatives of the FRA to discuss the new regulations and any problems that have arisen during the period since their publication. In response to these requests, the FRA will sponsor a public meeting to discuss those matters with interested members of the public. The meeting is scheduled for June 22, 1978, at 9:30 a.m., in Room 2230 of the Nassif Building, 400 Seventh Street SW., Washington, D.C.

Dated: May 17, 1978.

CHARLES SWINBURN,
*Associate Administrator
for Federal Assistance.*

[FR Doc. 78-14369 Filed 5-23-78; 8:45 am]

[4910-62]

Office of the Secretary

INTERNATIONAL AIR TRANSPORTATION NEGOTIATIONS

Proposed Policy Statement

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of Proposed Policy Statement and Invitation for Public Participation.

SUMMARY: This document sets forth the proposed United States policy for the conduct of international air transport negotiations. This policy is designed to give guidance to those agencies responsible for the conduct of bilateral negotiations and set forth objectives that the United States will seek to obtain in the negotiations.

DATES: Public Hearing: June 27, 1978. Deadline for requests to testify: June 16, 1978. Deadline for written comments: July 13, 1978. Expected transmittal of proposed final policy statement to President: July 25, 1978.

ADDRESSES: Send comments on the proposed policy to: Docket Clerk, OST File No. 57, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. Comments will be available for public inspection and copying from 9 a.m. to 5:30 p.m. local time, Monday through Friday, except Federal holidays at: Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Headquarters (Nassif) Building, Room 10100, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4723. Public hearing will be held beginning at 9 a.m. in: Department of Transportation, Headquarters (Nassif) Building, Room 2234, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Robert A. Holland, Deputy Director of Public and Consumer Affairs, 202-426-0434, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 9 a.m. to 5:30 p.m., local time, Monday-Friday.

SUPPLEMENTARY INFORMATION: Over the last 8 months, an interagency group composed of the Departments of State, Transportation, Commerce, Defense, and Justice and the Office of Management and Budget, the Council on Wage and Price Stability, the Domestic Policy Staff and the Council of Economic Advisors has worked to put together a new statement to govern the conduct of United States international aviation negotiations. This Administration group has also had the full participation and assistance of the Civil Aeronautics Board, an independent agency. As in-

dictated in the draft statement, the United States policy is to seek the greatest possible benefit for travelers and shippers and further develop international air transportation. The drafters believe that these benefits can best be achieved through the preservation and extension of competition among airlines in a fair marketplace.

During the course of the policy review, an outline of the policy was made available to the public and the Department of Transportation accepted comments on behalf of the interagency group with respect to that outline. While these comments have been very helpful, the interagency group believes that the draft final statement should be published formally for public comment prior to its submission to the President for approval.

In addition, the interagency group also believes that a public hearing to give interested parties a full opportunity to participate in an open forum would be conducive to the development of the final statement. For that reason, a public hearing will be held at the Department of Transportation Headquarters (Nassif) Building on June 27, 1978. Representatives of the major interested agencies will participate in the hearing and will participate in evaluation of the comments received in order to prepare a final statement to send to the President for final approval. Commenters are requested to address the specific issues of concern to them and to present concise statements of proposed modifications in the policy, if any. One copy of the testimony should be submitted at the hearing for the record.

Any person desiring to participate in the public hearing should advise Robert A. Holland at the address and telephone number shown above by June 16, 1978. Each request to testify must be accompanied by the following information:

1. Name, address and telephone number of person desiring to speak.
2. Organization or interest group represented, if any.
3. Summary of comment.
4. Amount of time desired.

Every effort will be made to accommodate all interested persons. The time allotted will depend on the number of persons seeking the opportunity to comment. Parties may consolidate presentations.

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

BROCK ADAMS,
Secretary of Transportation.

PROPOSED UNITED STATES POLICY FOR THE
CONDUCT OF INTERNATIONAL AIR TRANSPORTATION
NEGOTIATIONS

PREAMBLE

United States international air transportation policy is designed to provide the great-

est possible benefit to travelers and shippers. Our primary aim is furthering the maintenance and continued development of affordable, safe, convenient, efficient, and environmentally acceptable air services. Our policy for negotiating civil air transport agreements reflects our national goals in international air transportation. This policy provides a set of general objectives, designed particularly for major international air markets, on the basis of which United States negotiators can develop specific negotiating strategies.

Maximum consumer benefits can be best achieved through the preservation and extension of competition between airlines in a fair market place. Reliance on competitive market forces to the greatest extent possible in our international air transportation agreements will allow the public to receive improved service at low costs that reflect economically efficient operations. Competition and low prices are also fully compatible with a prosperous U.S. air transport industry and our national defense, foreign policy, international commerce and energy efficiency objectives.

Bilateral aviation agreements, like other international agreements, should serve the interests of both parties. Other countries have an interest in the economic prosperity of their airline industries, as we do in the prosperity of ours. The United States believes this interest is best served by a policy of expansion of competitive opportunity rather than restriction. By offering more services to the public, in a healthy and fair competitive environment, the international air transport industry can stimulate the growth in traffic which contributes both to profitable industry operations and to maximum public benefits.

A. Goals of U.S. International Air Transportation Policy. The U.S. will work to achieve a system of international air transportation that places its principal reliance on actual and potential competition to determine the variety, quality and price of air service. An essential means for carrying out our international air transportation policy will be to work for greater competitive opportunities for U.S. and foreign airlines and to promote new low-cost transportation options for travelers and shippers. Especially in major international air transport markets, there can be substantial benefits for travelers, shippers, airlines and labor from increasing competitive opportunities and reducing protectionist restrictions. Increasing the amount of U.S. flag air carrier transportation to and from the United States will contribute to the development of our foreign commerce, assure that more airlift resources are available for our defense needs, and promote and expand productivity and job opportunities in our international air transport industry.

B. Translating Goals into Negotiating Objectives. U.S. international air transportation policy cannot be implemented unilaterally. Our objectives have to be achieved in the system of international agreements that form the basic framework for the international air transportation system.

Routes, prices, capacity, scheduled and charter rules and competition in the market place are interrelated, not isolated problems to be resolved independently. Thus, the following objectives will be presented in negotiations as an integrated U.S. position:

1. Creation of new and greater opportunities for innovative and competitive pricing to respond to the varied service and price needs of different consumers,

2. Liberalization of charter rules and elimination of restrictions on charter operations,

3. Expansion of scheduled service through elimination of restrictions on capacity, frequency, and route and operating rights,

4. Elimination of discrimination and unfair competitive practices faced by U.S. airlines in international transportation,

5. Flexibility to designate multiple U.S. airlines in international air markets, and

6. Encouragement of maximum traveler and shipper access to international markets by permitting service through more non-stop gateway cities and improving the integration of domestic and international airline services.

EXPLANATION OF OBJECTIVES

1. **Pricing.** The U.S. will strive for a more competitive and innovative international aviation industry by placing special emphasis on low prices. U.S. agencies will develop procedures to accommodate a more competitive system for establishing scheduled air fares and rates. For charter services the U.S. will continue to insist on competitive pricing.

2. **Charters.** The introduction of charters (which are not subject to industry price agreements) acted as a major catalyst to the expansion of international air transportation in the 1960's. Charters are a competitive spur and exert downward pressure on the pricing of scheduled services. Rather than diverting traffic from scheduled operations, charters generate new traffic and help stimulate expansion in all sectors of the industry. Restrictions which have been imposed on the volume, frequency and regularity of charter services as well as requirements for approval of individual charter flights have restrained the growth of traffic and tourism and do not serve the interests of either party to an aviation agreement. Strong efforts will be made to obtain liberal charter provisions in bilateral agreements.

3. **Scheduled Services.** We will seek to increase the freedom of airlines from capacity and frequency restrictions. We will also work to maintain or increase the route and operating rights of our airlines where such actions improve international route systems and offer the consumer more convenient and efficient air transportation.

4. **Discrimination and Unfair Competitive Practices.** U.S. airlines must have the flexibility to conduct operations and market their services in a manner consistent with a fair and equal opportunity to compete with the airlines of other nations. We will insist that U.S. airlines have the business, commercial and operational opportunities to compete fairly. The United States will seek to eliminate unfair or destructive competitive practices that prevent U.S. airlines from competing on an equal basis with the airlines of other nations. Charges for providing airway and airport properties and facilities should be related to the costs due to airline operations and should not discriminate against U.S. airlines. These objectives were recognized by the Congress in legislation enacted in 1975, and their attainment is required if consumers are to obtain the benefits of an otherwise competitive international aviation system.

5. **Multiple Airline Designations.** The designation of new U.S. airlines in international markets that will support additional service is a way to create a more competitive environment and thus encourage improved service and competitive pricing.

6. **Maximum Access to International Markets.** Increasing the number of gateway

cities for non-stop air service offers the potential for increasing the convenience of air transportation for passengers and shippers and improving routing and market opportunities for international airlines. In addition, enhancing the integration of U.S. airline domestic and international air services benefits both consumers and airlines.

C. Negotiating Principles. The guiding principle of United States aviation negotiating policy will be to trade competitive opportunities, rather than restrictions, with our negotiating partners. We will aggressively pursue our interests in expanded air transportation and reduced prices rather than accept the self-defeating accommodation of protectionism. Our concessions in negotiations will be given in return for progress toward competitive objectives, and these concessions themselves will be of a liberalizing character.

Proposed bilateral agreements which do not meet our minimum competitive objectives will not be signed without prior Presidential approval.

[FR Doc. 78-14540 Filed 5-23-78; 8:45 am]

[4810-35]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 21]

AMERICAN AND FOREIGN INSURANCE COMPANY; SAFEGUARD INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the certificates of authority issued by the Treasury to American and Foreign Insurance Company, New York, New York, and Safeguard Insurance Company, New York, New York, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as acceptable sureties on Federal bonds are hereby terminated effective June 30, 1978.

American and Foreign Insurance Company was last listed as an acceptable surety on Federal bonds at 42 FR 34069 July 1, 1977. Safeguard Insurance Company was last listed as an acceptable surety on Federal bonds at 42 FR 34078 July 1, 1977.

With respect to any bonds currently in force with American and Foreign Insurance Company and Safeguard Insurance Company, bond-approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Dated: May 17, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of
Government Financial Operations.

[FR Doc. 78-14522 Filed 5-23-78; 8:45 am]

[7035-01]

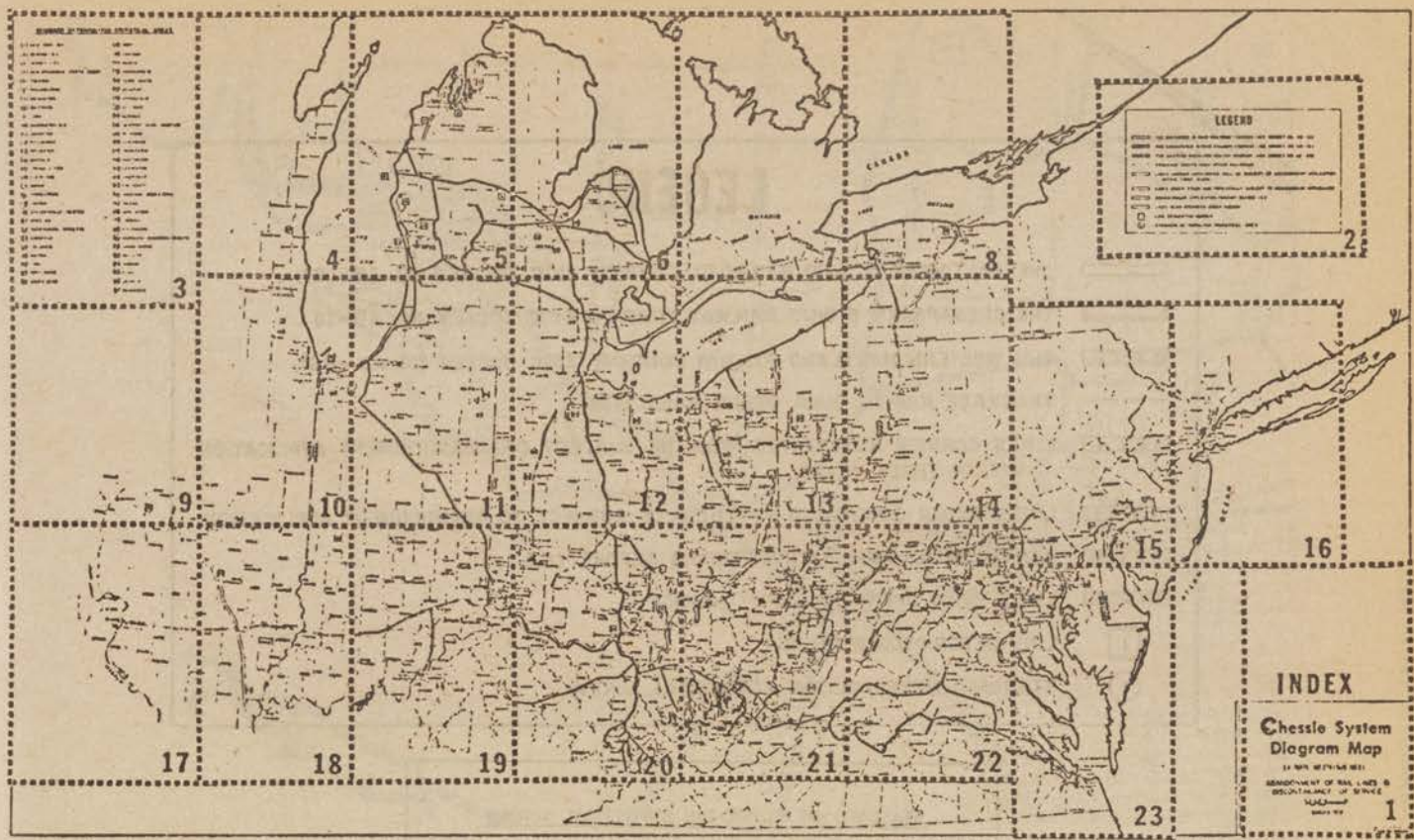
**INTERSTATE COMMERCE
COMMISSION**[AB 18 (SDM) ¹]**THE CHESSIE SYSTEM****Amended System Diagram Map**

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chessie System, has filed with the Commission its amended color-coded system diagram map in docket No. AB 18 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on May 1, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 18 (SDM).

H. G. HOMME, J r.,
Acting Secretary.

¹AB 18 (SDM), The Chesapeake & Ohio Railway Co., AB 19 (SDM), The Baltimore & Ohio Railroad Co., and AB 69 (SDM), The Western Maryland Railway Co.



INDEX

Chessie System Diagram Map

EX PARTE NO.274 (SUB-NO.2)

ABANDONMENT OF RAIL LINES &
DISCONTINUANCE OF SERVICE











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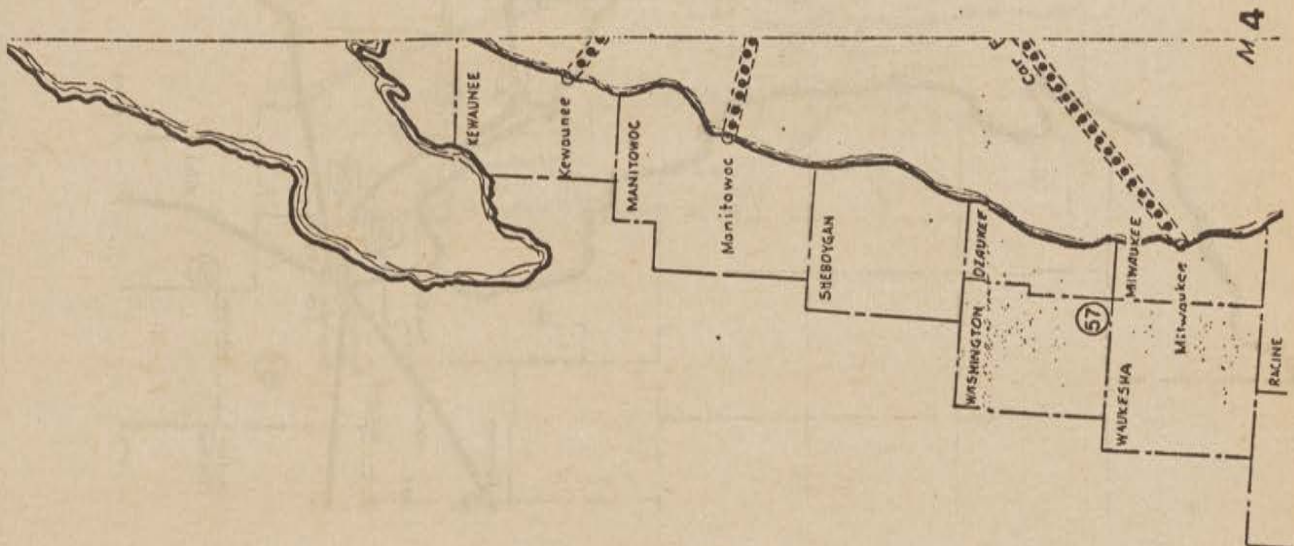
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 THE CHESAPEAKE & OHIO RAILWAY COMPANY (ICC DOCKET NO. AB-18).
 THE WESTERN MARYLAND RAILWAY COMPANY (ICC DOCKET NO. AB-69).
 TRACKAGE RIGHTS OVER OTHER RAILROADS
 LINES CARRIER ANTICIPATES WILL BE SUBJECT OF ABANDONMENT APPLICATION WITHIN THREE YEARS.
 LINES UNDER STUDY AND POTENTIALLY SUBJECT TO ABANDONMENT APPLICATION.
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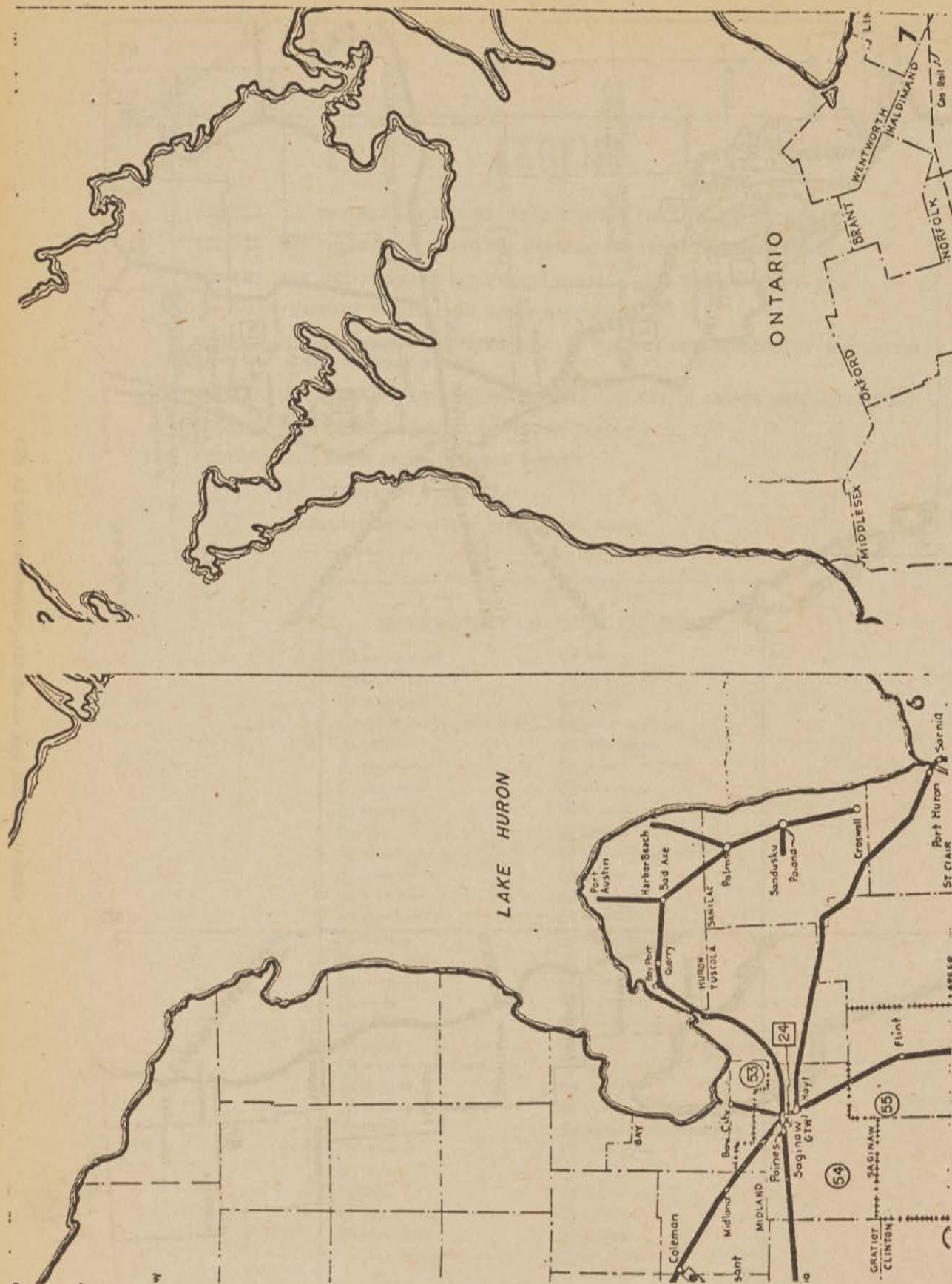
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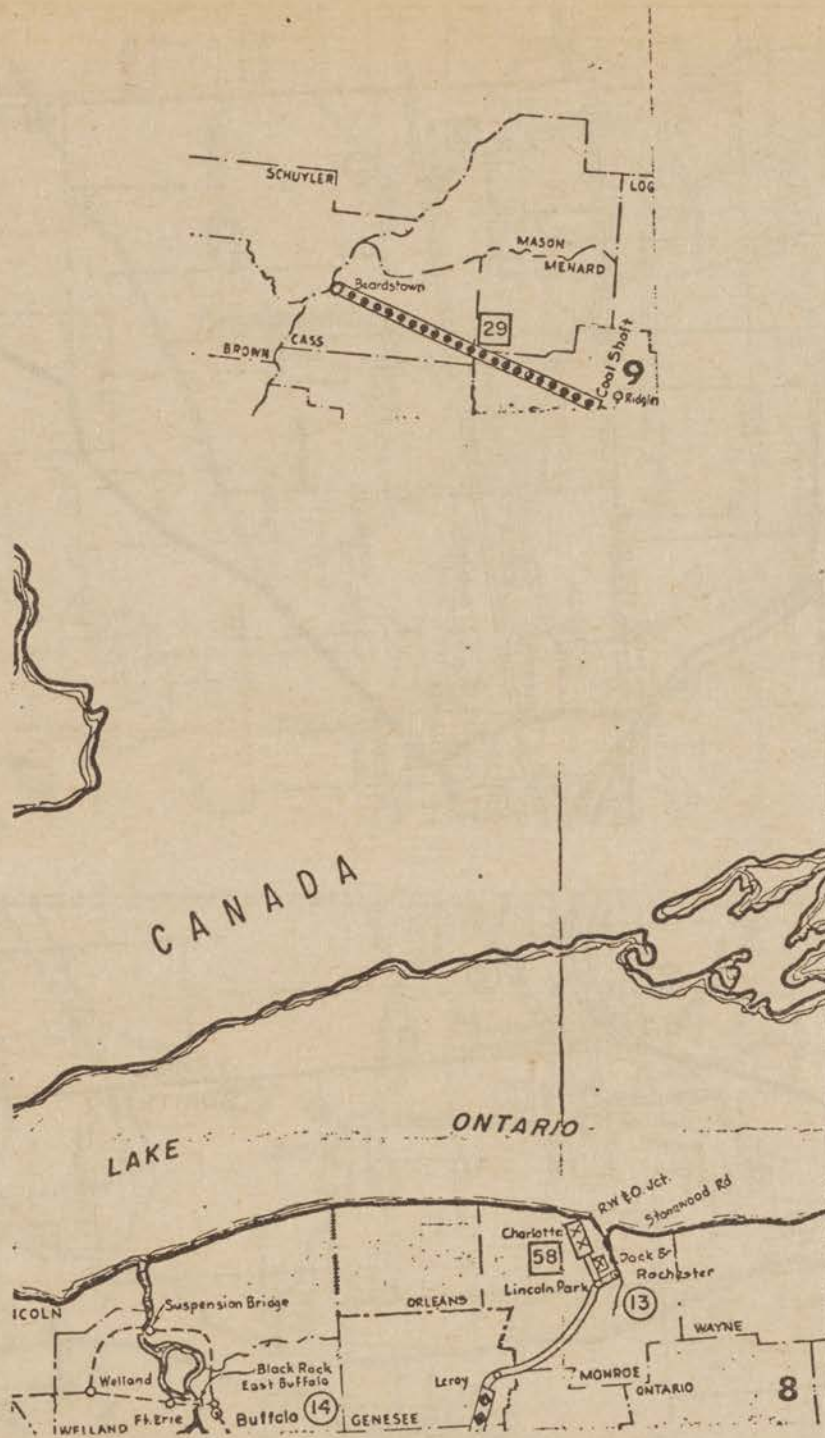
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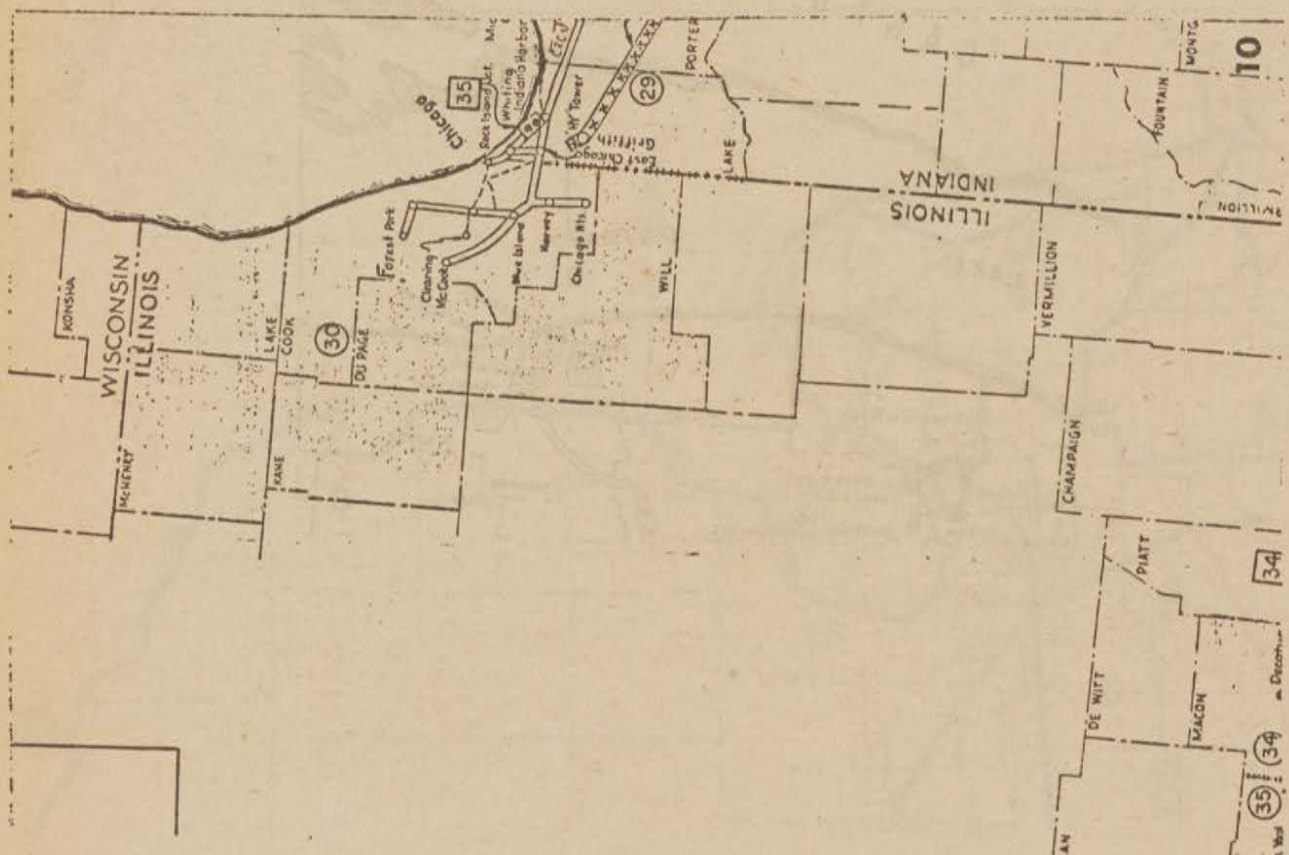
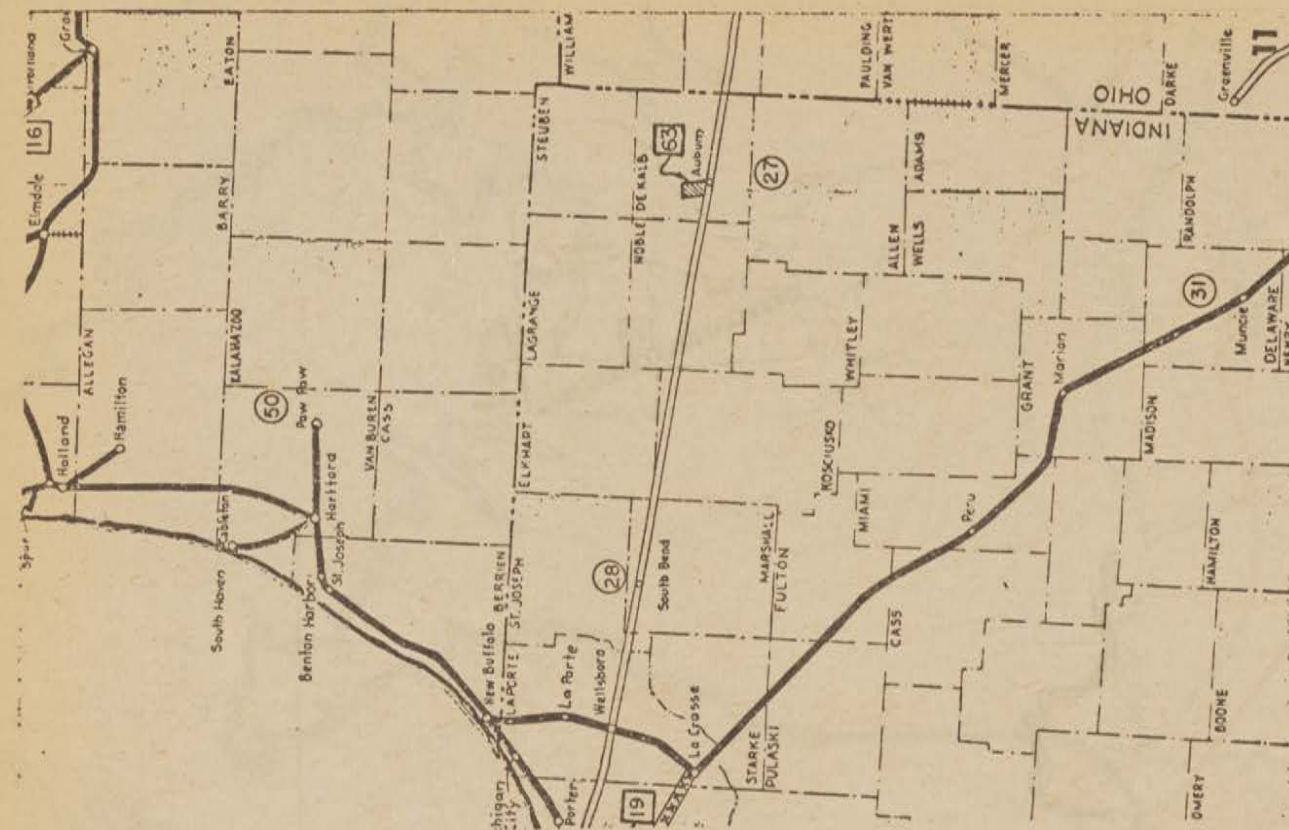
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| ③ JERSEY CITY | ③① MUNCIE |
| ④ NEW BRUNSWICK - PERTH AMBOY | ③② INDIANAPOLIS |
| ⑤ TRENTON | ③③ TERRE HAUTE |
| ⑥ PHILADELPHIA | ③④ DECATUR |
| ⑦ WILMINGTON | ③⑤ SPRINGFIELD |
| ⑧ BALTIMORE | ③⑥ ST. LOUIS |
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| ⑱ YOUNGSTOWN | ④⑥ HAMILTON - MIDDLETOWN |
| ⑲ CANTON | ④⑦ TOLEDO |
| ⑳ STEUBENVILLE - WEIRTON | ④⑧ ANN ARBOR |
| ㉑ WHEELING | ④⑨ LANSING |
| ㉒ PARKERSBURG - MARIETTA | ⑤① KALAMAZOO |
| ㉓ MANSFIELD | ⑤① MUSKEGON - MUSKEGON HEIGHTS |
| ㉔ COLUMBUS | ⑤② GRAND RAPIDS |
| ㉕ DAYTON | ⑤③ BAY CITY |
| ㉖ LIMA | ⑤④ SAGINAW |
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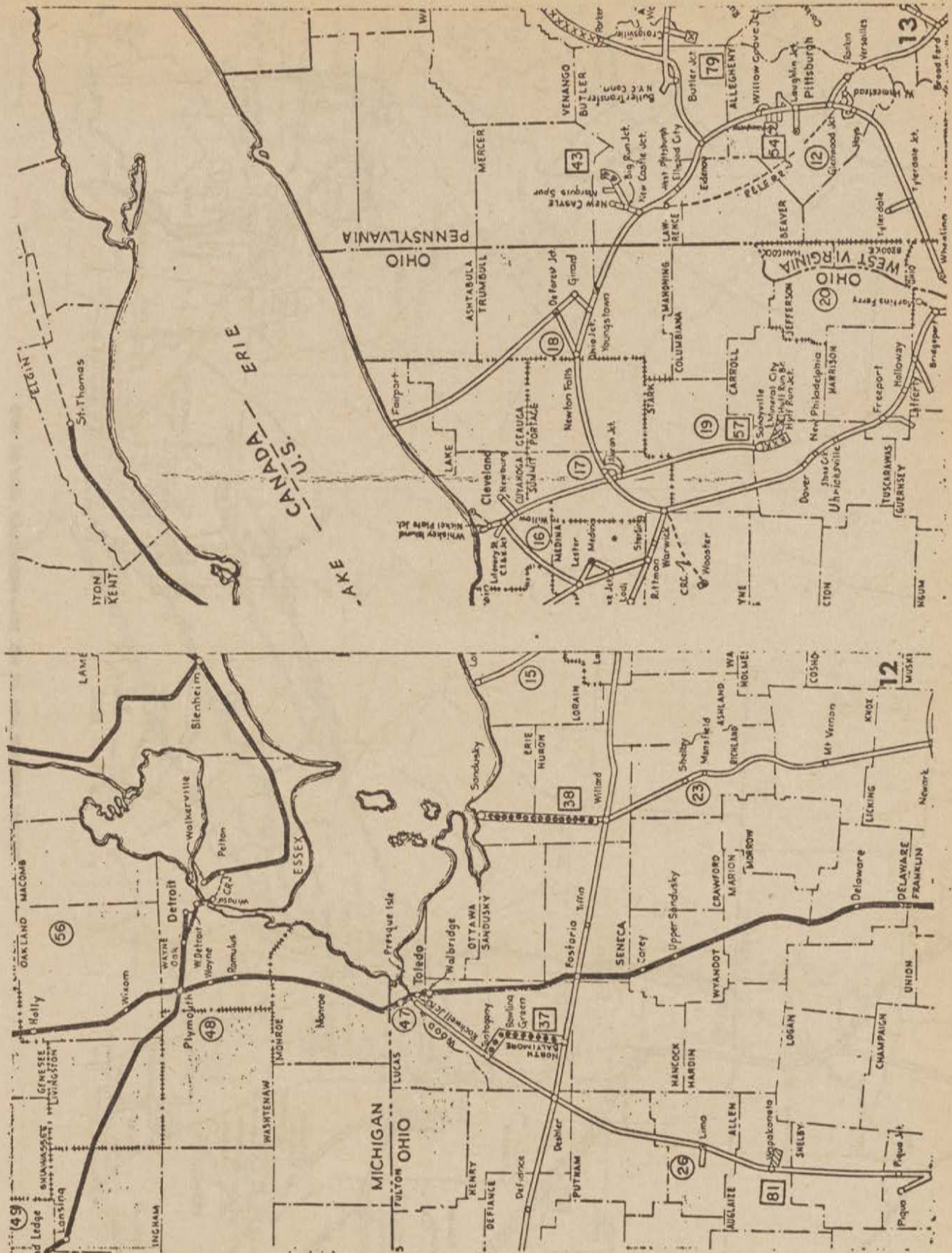
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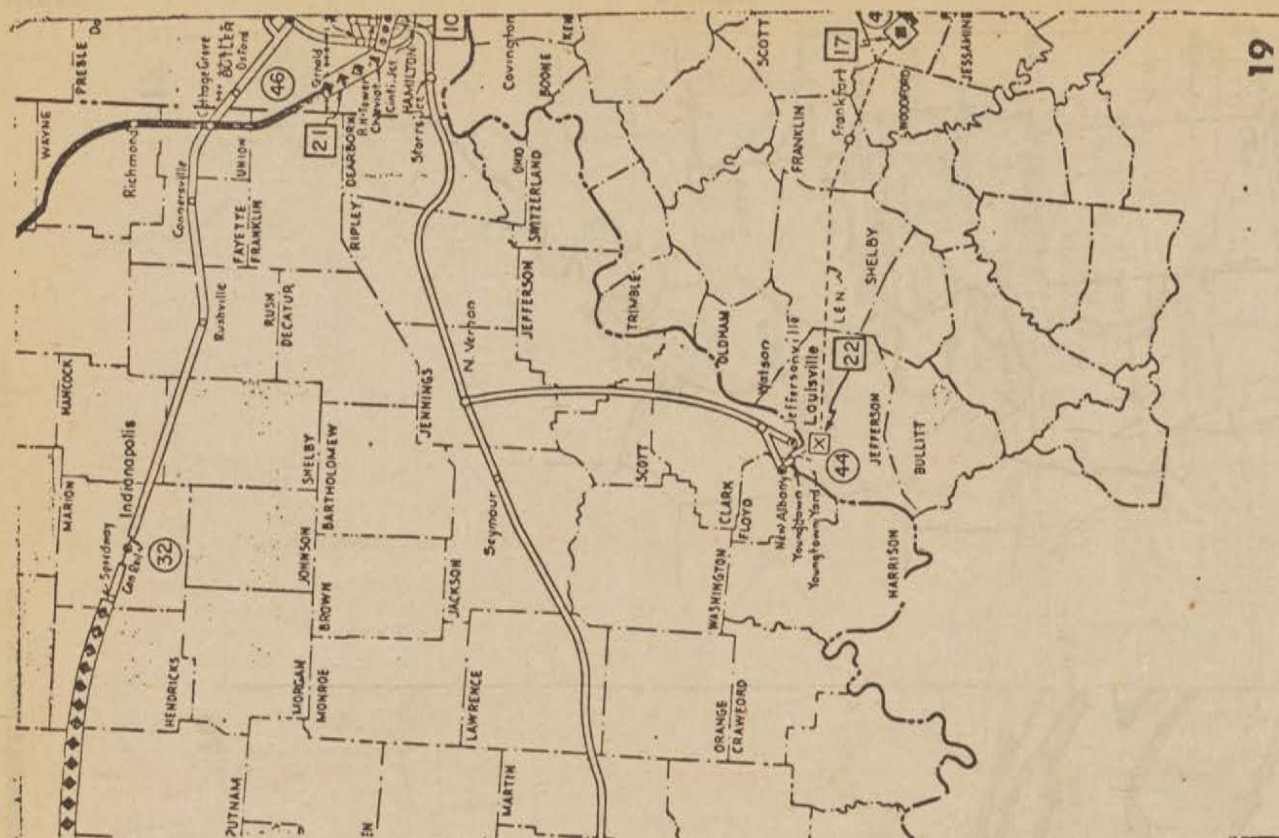




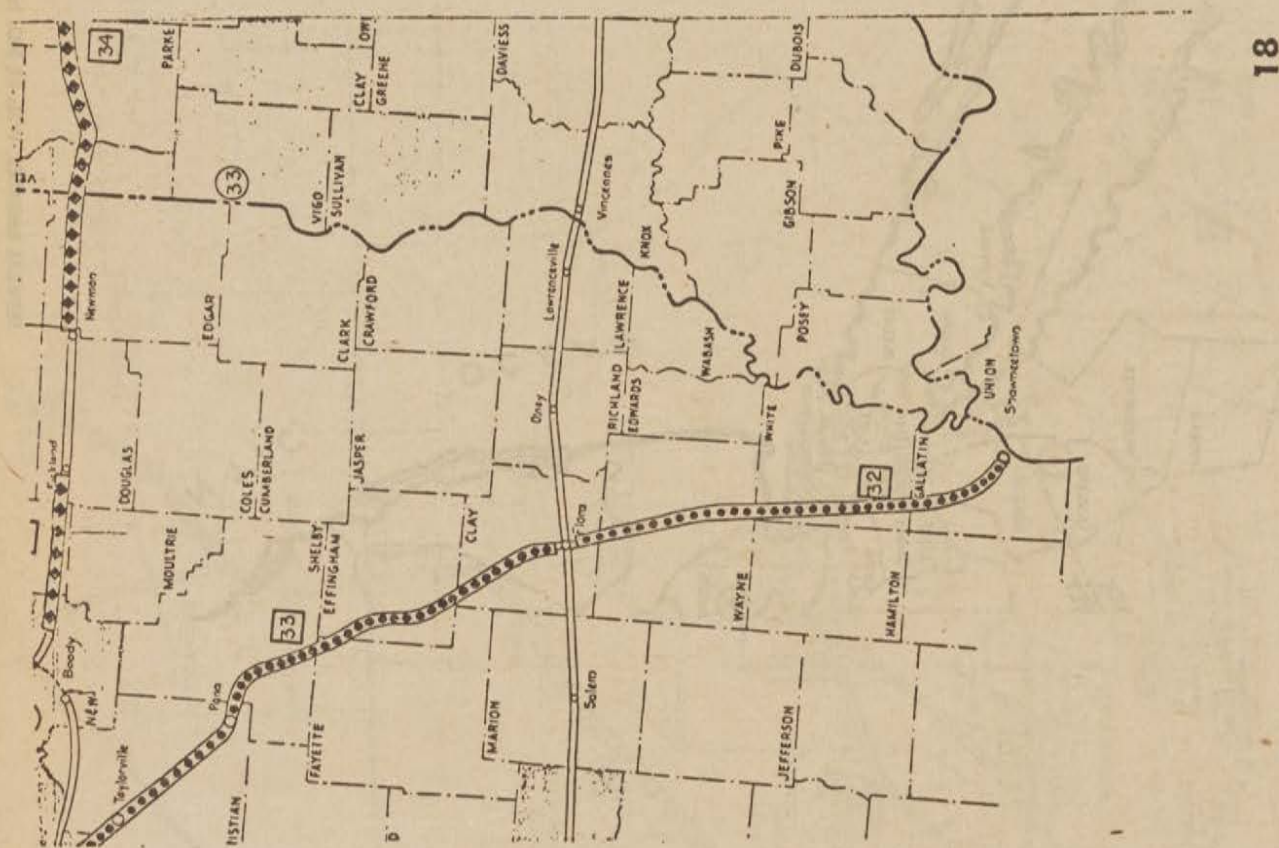




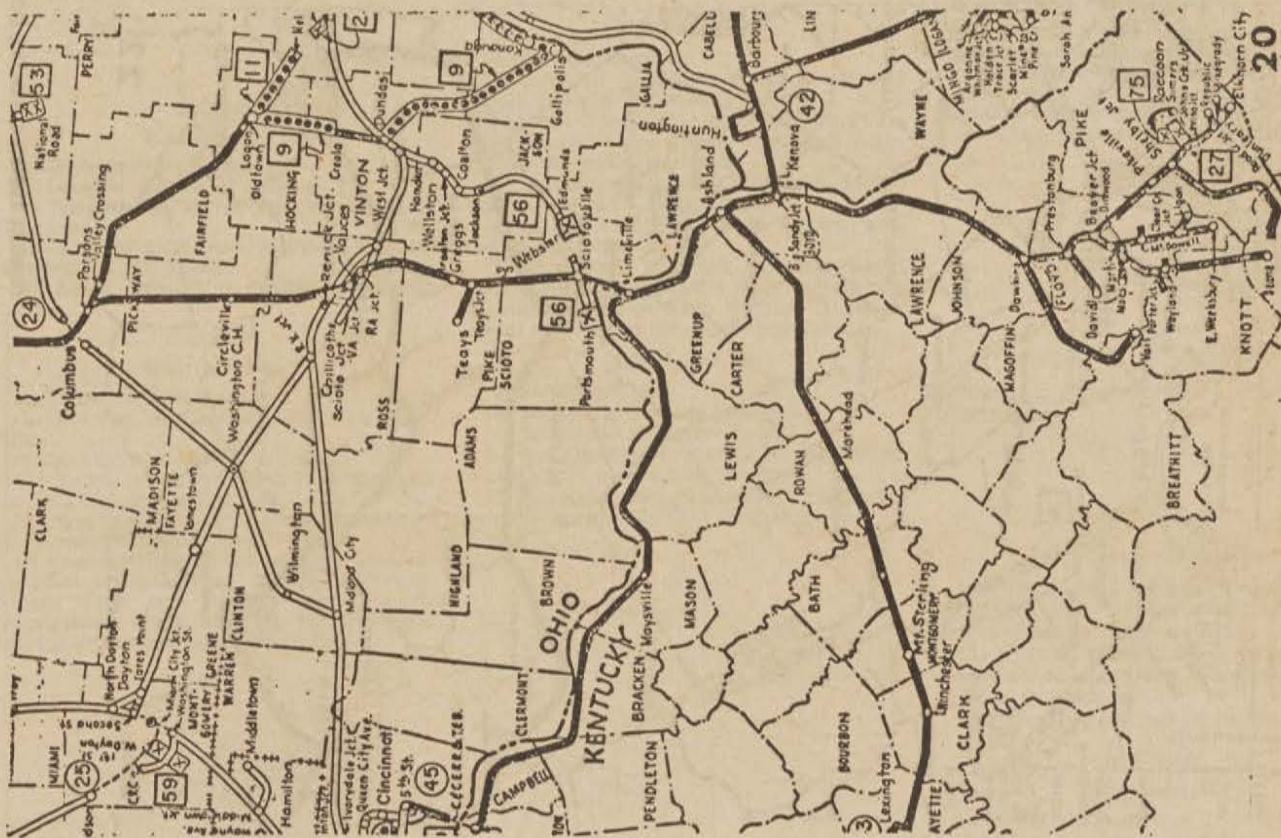
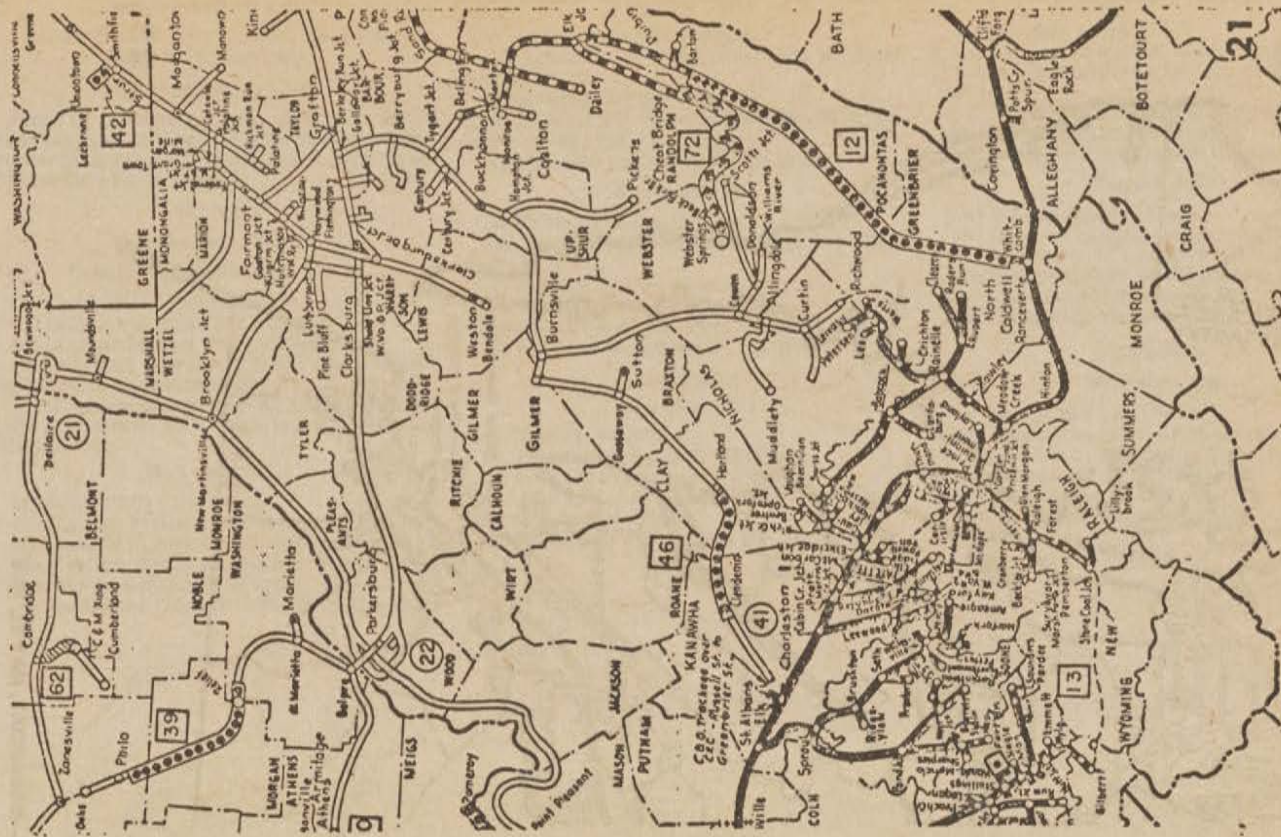


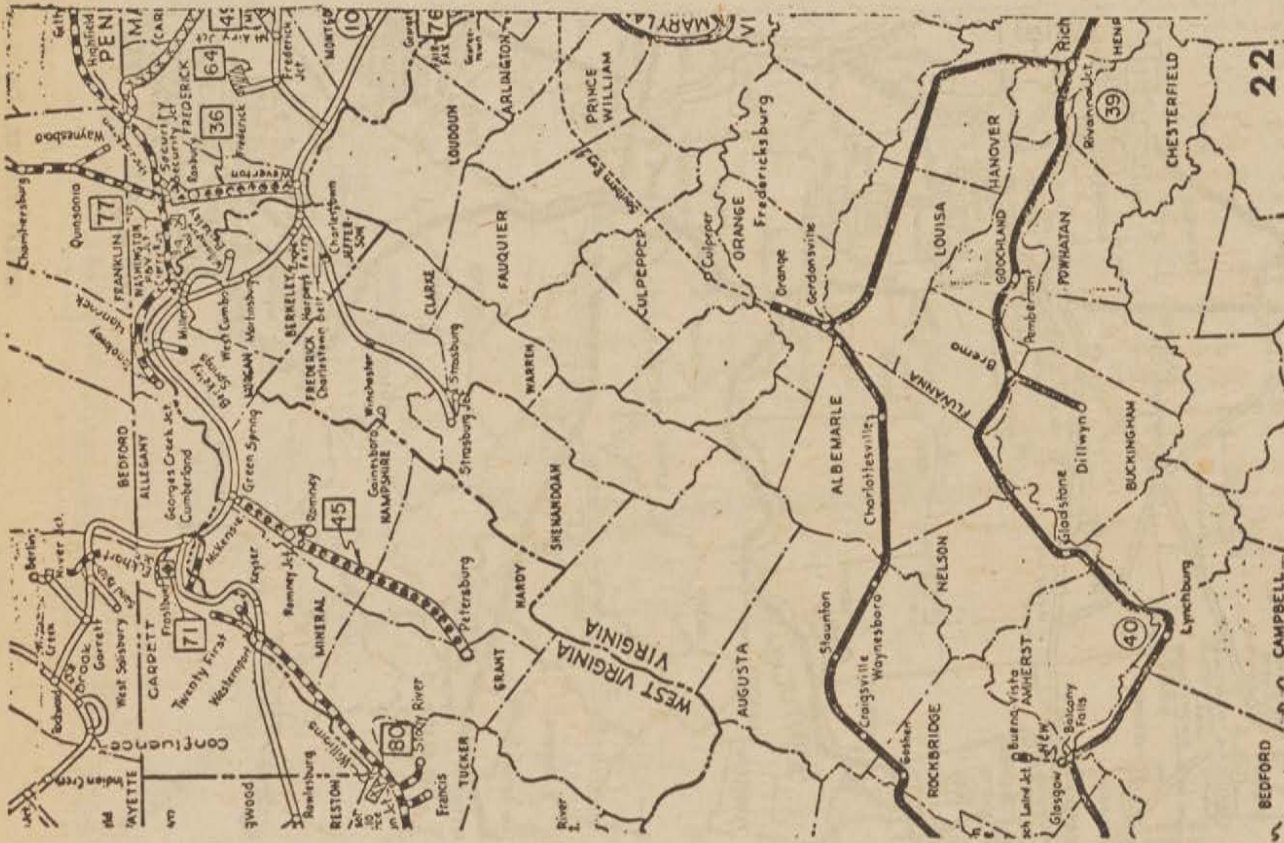
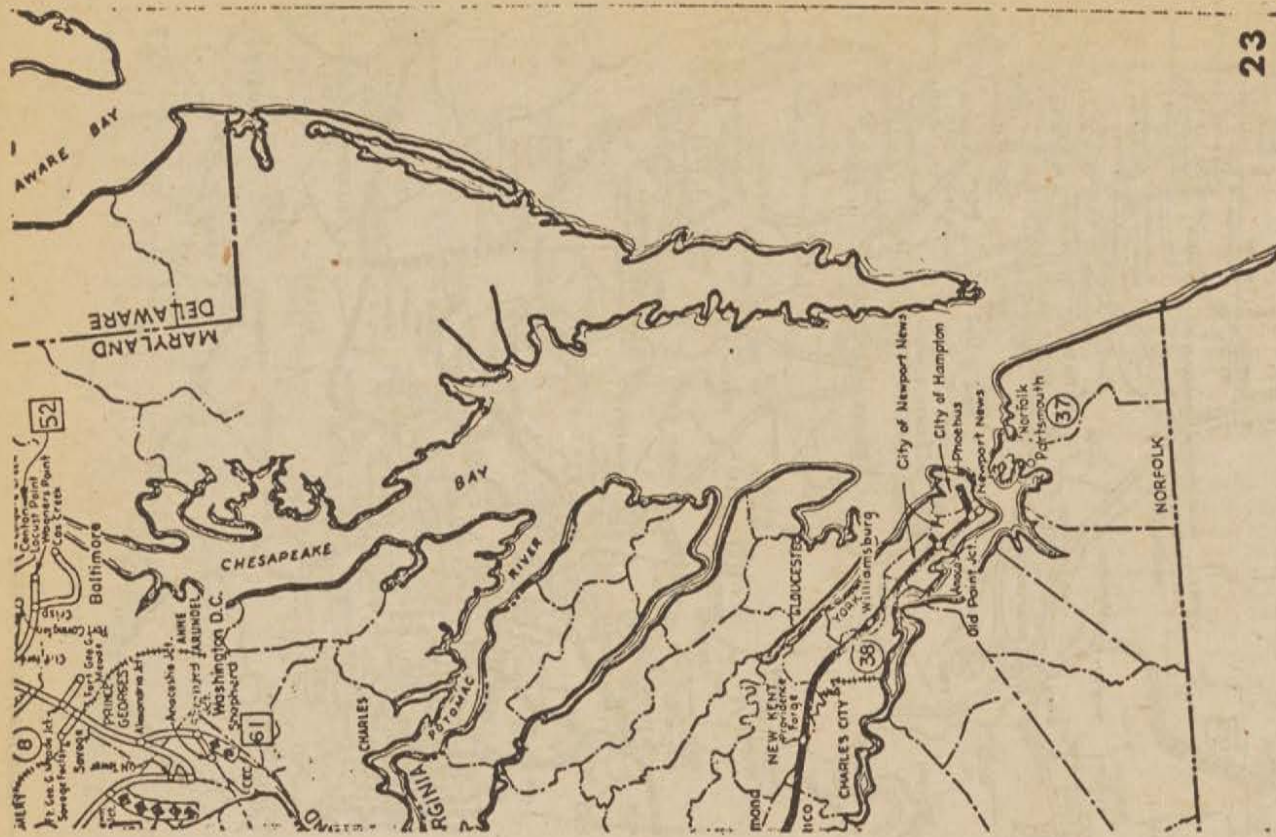


19



18





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

- (c) Located in Athens County.
- (d) Station 3943+45 at Armitage to station 4014+71 at Athens, a distance of 1.35 miles.
- (e) No agency stations on the line.
- (f) Comments: Abandonment of line only. Applicant abandoned operation over the line on November 12, 1973, Docket No. AB-18 (Sub No. 2).

Map code [53]

- (a) Midland Branch.
- (b) Located in State of Ohio.
- (c) Located in Licking County.
- (d) Milepost 2.18 near Newark to milepost 8.11.
- (e) No agency stations on the line.

Map code [56]

- (a) Portsmouth Branch.
- (b) Located in State of Ohio.
- (c) Located in Scioto County.
- (d) Milepost 37.20 near South Webster to milepost 39.63 near Edmunds. Milepost 48.99 to milepost 49.47 near Portsmouth.
- (e) No agency stations on the line.

Map code [57]

- (a) Cleveland Terminal and Valley Branch (includes Huff Run Branch).
- (b) Located in State of Ohio.
- (c) Located in Carroll and Tuscarawas Counties.
- (d) Milepost 4.28 near Sandyville to milepost 1.34 near Mineral City. Milepost 0.0 at Huff Run Junction to milepost 3.65.
- (e) Open agency station at Mineral City (milepost 2.0) served by traveling agent from Dover. Non-agency station at James Mine (milepost 2.7) on Huff Run Branch served by traveling agent from Dover.

Map code [59]

- (a) Home Avenue Branch.
- (b) Located in State of Ohio.
- (c) Located in Montgomery County.
- (d) Station 9+45 to station 35+50, a distance of 0.49 mile. Station 113+50 to station 158+76, a distance of 0.86 mile.
- (e) No agency stations on the line.

PENNSYLVANIA

Map code [79]

- (a) Craigsville Branch.
- (b) Located in Commonwealth of Pennsylvania.
- (c) Located in Armstrong County.
- (d) Milepost 1.54 to milepost 2.01 near Worthington, Pa. As information, station limits will be 81+45 to 106+26.
- (e) No agency stations located on this line.

Map code [70]

- (a) East Subdivision.
- (b) Located in Commonwealth of Pennsylvania and State of Maryland.
- (c) Located in Adams County in Commonwealth of Pennsylvania and in Carroll and Frederick Counties, Maryland.
- (d) Milepost 23.94 near Cedarhurst, Md. to milepost 69.14 at Highfield, Pa.
- (e) Agent located at Union Bridge, Md. (milepost 45.40).
- (f) Comments: Proposal calls for Short Line Railroad to acquire and operate the segment of line between Keymar (milepost 49.10) and Westminster (milepost 33.20).

PENNSYLVANIA

Map code [40]

Docket No. AB-19 (Sub. No. 10)

- (a) Indiana Branch.
- (b) Located in Commonwealth of Pennsylvania.
- (c) Located in Indiana County.
- (d) Milepost 41.46 to milepost 44.69 near Black Lick Junction.
- (e) No agency stations located on the line.

Map code [69]

- (a) Lurgan Subdivision.
- (b) Located in Commonwealth of Pennsylvania.
- (c) Located in Franklin and Cumberland Counties.
- (d) Milepost 32.65 near Lurgan to Milepost 34.0 near Shippenburg.
- (e) No agency stations located on the line.

Map code [41]

Docket No. AB-19 (Sub. No. 34)

- (a) Northern Branch (includes Kane Branch—0.64).
- (b) Located in Commonwealth of Pennsylvania.
- (c) Located in Armstrong, Clarion, Forest, Elk and McKean Counties.
- (d) Milepost 66.83 near Parkers Landing to milepost 162.88 at Mt. Jewett.
- (e) Agents located at Knox (milepost 88.9), Marienville (milepost 121.3), and Kane (milepost 152.8). Open agency station at Foxburg (milepost 69.4) served by traveling agent from Petrolia. Non-agency stations at St. Petersburg (milepost 73.0), Alum Rock (milepost 77.5), and Turkey (milepost 79.1) are served by a traveling agent from Petrolia.

WEST VIRGINIA

Map code [80]

- (a) Sand Run.
- (b) Located in State of West Virginia.
- (c) Located in Tucker County.
- (d) Milepost 0.00 near Williams, West Virginia to milepost 2.41 near Pierce, West Virginia. As information, station limits would be from station minus 1+11 to station 126+00, a distance of 12.711 feet.
- (e) No agency stations on the line.

CHESSIE SYSTEM LINES

Description of Lines to Accompany the System Diagram Map

CATEGORY (2)

Lines or portions of lines under study and potentially subject to abandonment application.

DISTRICT OF COLUMBIA

Map code [61]

- (a) Shepherd Industrial Track.
- (b) Located in District of Columbia.
- (c) Located in City of Washington.
- (d) Milepost 5.76 at Shepherd Junction to milepost 11.76 at Shepherd.
- (e) No agency stations on the line.

Map code [76]

- (a) Georgetown Branch.
- (b) Located in District of Columbia and Maryland.

- (c) Located in Montgomery County, Md. and City of Washington.
- (d) Milepost 0.0 at Georgetown Junction, Md. to milepost 10.98 at Georgetown, D.C.
- (e) No agency stations on the line.

ILLINOIS

Map code [34]

Docket No. AB-19 (Sub. No. 26)

- (a) Decatur Subdivision.
- (b) Located in States of Illinois and Indiana.
- (c) Located in Edgar, Douglas, Piatt, and Macon Counties of Illinois, and in Marion, Hendricks, Putnam, Parke, and Vermillion Counties of Indiana.
- (d) Milepost 275.50 near Decatur, Ill. to milepost 245.75 near Picklin, Ill. Milepost 225.0 near Newman, Ill. to milepost 130.39 near Speedway, Ind.
- (e) Open agency stations in Illinois are LaPlace (milepost 264.3), Hammond (milepost 257.6), Atwood (milepost 240.7) and Chrisman (milepost 209.0). These stations are served by traveling agent from Tuscola. Traveling agent located at Montezuma, Ind. (milepost 191.9), also serves Russellville, Ind. (milepost 169.5).

INDIANA

Map code [34]

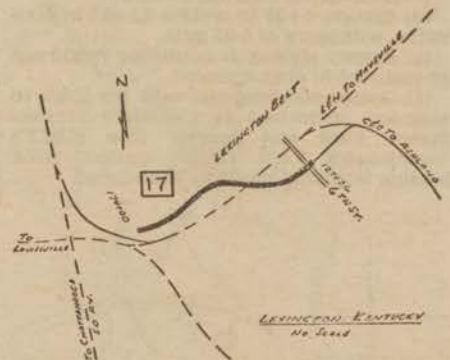
Docket No. AB-19 (Sub. No. 26)

- (a) Decatur Subdivision.
- (b) Located in States of Indiana and Illinois.
- (c) Located in Marion, Hendricks, Putnam, Parke and Vermillion Counties of Indiana, and Edgar, Douglas, Piatt, and Macon Counties of Illinois.
- (d) Milepost 130.39 near Speedway, Ind. to milepost 225.0 near Newman, Ill. Milepost 245.75 near Picklin, Ill. to milepost 275.50 near Decatur, Ill.
- (e) Traveling agent located at Montezuma, Ind. (milepost 191.9), also serves Russellville, Ind. (milepost 169.5). Open agency stations in Illinois are LaPlace (milepost 264.3), Hammond (milepost 257.6), Atwood (milepost 250.7) and Chrisman (milepost 209.0). These stations are served by traveling agent from Tuscola.

KENTUCKY

Map code [17]

- (a) Lexington Belt.
- (b) Located in Commonwealth of Kentucky.
- (c) Located in Fayette County.
- (d) Station 127+26 to station 174+00, a distance of 0.89 mile.
- (e) No agency stations on the line.



MARYLAND

Map code [76]

- (a) Georgetown Branch.
- (b) Located in State of Maryland and District of Columbia.
- (c) Located in Montgomery County and City of Washington.
- (d) Milepost 0.0 at Georgetown Junction, Maryland to milepost 10.98 at Georgetown, D.C.
- (e) No agency stations on the line.

Map code [71]

- (a) Eckhart Branch.
- (b) Located in State of Maryland.
- (c) Located in Allegany County.
- (d) Milepost 0.0 at Eckhart Junction to milepost 1.41.
- (e) No agency stations on the line.

MICHIGAN

Map code [15]

- (a) Hart Branch.
- (b) Located in State of Michigan.
- (c) Located in Muskegon and Oceana Counties.
- (d) Milepost 72.25 near Montague to milepost 95.23 near Hart.
- (e) Open agency station at Hart (milepost 95) served by traveling agent from Muskegon.

Map code [16]

- (a) Ionia Branch.
- (b) Located in State of Michigan.
- (c) Located in Ionia County.
- (d) Milepost 11.57 near Portland to milepost 26.30 at Ionia.
- (e) Open agency station at Ionia (milepost 26.1) served by traveling agent from Lowell, Mich.
- (f) Comment: Proposal calls for GTW to acquire and operate the portion of the line between milepost 25.38 and milepost 26.30 in Ionia.

Map code [18]

- (a) Fremont Branch.
- (b) Located in State of Michigan.
- (c) Located in Muskegon and Newaygo Counties.
- (d) Milepost 0.0 at Berry to milepost 20.28 near Fremont.
- (e) Open agency station at Fremont (milepost 19.6) served by traveling agent from Muskegon.

NEW YORK

Map code [60]

- (a) Main Line Fourth Subdivision Silver Lake Branch.
- (b) Located in State of New York.
- (c) Located in Genesee, Wyo., Allegany, and Cattaraugus Counties.
- (d) Milepost 93.71 at or near Ashford to milepost 26.86 near LeRoy. Milepost 0 at Silver Lake Junction to milepost 2.27 near Chace.
- (e) Agent located at Silver Springs (milepost 1).

OHIO

Map code [21]

- (a) Cheviot and Miami Subdivisions.

- (b) Located in State of Ohio.
- (c) Located in Hamilton and Butler Counties.
- (d) Milepost 1.77 near Cincinnati to milepost 19.09 near Fernald.
- (e) No agency stations on the line.

PENNSYLVANIA

Map code [54]

- (a) 9th Street to Three Rivers Stadium in Pittsburgh.
- (b) Located in Commonwealth of Pennsylvania.
- (c) Located in Allegheny County.
- (d) Station 7824+25 to station 7843+62, a distance of 0.36 mile.
- (e) No agency stations on the line.

WEST VIRGINIA

Map code [72]

- (a) Greenbrier, Cheat and Elk Branch.
- (b) Located in State of West Virginia.
- (c) Located in Randolph, Pocahontas and Webster Counties.
- (d) Milepost 31.80 near Cheat Bridge to Milepost 86.60 at Webster Springs. Station 0+00 to station 52+75 on Back Fork Branch near Webster Springs, a distance of one mile.
- (e) No agency stations on the line.

CHESSIE SYSTEM LINES

Description of Lines to Accompany the System Diagram Map

CATEGORY (3)

Lines or portions of lines for which an abandonment or discontinuance application is currently pending before the Interstate Commerce Commission.

ILLINOIS

Map Code [29]

Finance Docket No. 26745

- (a) Beardstown Branch.
- (b) Located in State of Illinois.
- (c) Located in Sangamon and Cass Counties.
- (d) Milepost 184.46 near Coal Shaft to milepost 228.17 at Beardstown.
- (e) Open agency station at Virginia (milepost 215) served by a traveling agent from Taylorville. Agent located at Beardstown, joint with Burlington Northern (milepost 228).
- (f) Comments: ICC order, served June 1, 1976, authorized abandonment.

Map Code [32]

Finance Docket No. 26965

- (a) Shawneetown Branch.
- (b) Located in State of Illinois.
- (c) Located in Clay, Wayne, White, and Gallatin Counties.
- (d) Milepost 0.0 at Shawneetown to milepost 73.27 near Flora.
- (e) Open agency stations at Cisne (milepost 63), Mill Shoals (milepost 43.5), Ridgeway (milepost 11.4), and Shawneetown (milepost 0.0). These stations are served by traveling agent from Flora.

(f) Comments: 5.36 miles of line between milepost 6.05 and milepost 0.69 are jointly owned by B&O and the Louisville & Nashville Railroad Company. Applicant seeks to abandon operations over this segment, but not the line of railroad. The Prairie Trunk Railway filed an application dated October 15, 1973, F.D. No. 27506, to acquire and operate the line. Application in F.D. No. 27506 was approved and application in F.D. No. 26965 was dismissed by order served March 15, 1977. Approval was appealed.

Map Code [33]

Docket No. AB-19 (Sub. No. 27)

- (a) Flora to Sangamon Junction (103.29-mile segment of the Springfield Subdivision).
- (b) Located in State of Illinois.
- (c) Located in Clay, Effingham, Fayette, Shelby, Christian, and Sangamon Counties.
- (d) Milepost 75.0 near Flora to milepost 178.29 at Sangamon Jct.
- (e) Agent located at Taylorville (milepost 155.7). Open agency stations at Louis (milepost 81.3), Edgewood (milepost 95.6), Altamont (milepost 106.7), Cowden (milepost 121.9). These four stations are served by traveling agent from Flora. Open agency stations at Owaneco (milepost 148.3), Edinburg (milepost 164.6), and Rochester (milepost 174.8). These three stations are served by traveling agent from Taylorville.

INDIANA

Map Code [35]

Docket No. AB-19 (Sub. No. 37)

- (a) Main Line Subdivision.
- (b) Located in State of Indiana.
- (c) Located in Lake County.
- (d) Milepost 249.80 to milepost 251.78 in vicinity of Indiana Harbor.
- (e) No agency stations on the line.
- (f) Comments: Abandonment contingent on B&O, B&OCT and C&O acquiring trackage rights over ConRail from Pine Junction and Clark Junction to "HC" Tower, approximately 3.4 miles. Docket No. AB-18 (Sub. No. 25) covers the abandonment of trackage rights by Chesapeake & Ohio Railway over the segment of the line as shown in (d) above. Applications were approved by order served November 9, 1977 and upheld on appeal by order served January 31, 1978.

MARYLAND

Map Code [36]

Docket No. AB-19 (Sub. No. 20)

- (a) Hagerstown Branch; Antietam Branch.
- (b) Located in State of Maryland.
- (c) Located in Washington County.
- (d) Station 0+00 near Weverton to station 980+00 at Roxbury, a distance of 18.56 miles and station 0+00 to station 130+00 near Security, a distance of 2.46 miles, a total distance of 21.02 miles.
- (e) No agency stations on the lines.
- (f) Comments: By applications, B&O sought to abandon portions described in (d) above and WM sought to lease portions of

the Hagerstown and Antietam Branches, as set forth in F.D. No. 28348. Applications were approved by initial decision served November 8, 1977, as follows: (1) B&O abandon Hagerstown Branch between Valuation Stations 0+00 at Weverton, Md., and 980+00 at Roxbury, Md., and Antietam Branch between valuation stations 65+71 and 130+00 at or near Security, Md., and (2) WM lease Hagerstown Branch between valuation stations 980+00 at Roxbury, Md. and 1250+94 at Hagerstown, Md., and Antietam Branch between valuation stations 0+00 and 65+71 between valuation stations 130+00 and 194+21.3 at or near Security, Md. Initial decision was appealed.

MICHIGAN

Map Code [1]

Finance Docket No. 26757

- (a) Northport Branch.
- (b) Located in State of Michigan.
- (c) Located in Leelanau County.
- (d) Milepost 1.9 near Rennie to Milepost 29.56 at Northport.
- (e) No agency Stations on the line.
- (f) Comments: Applicant seeks to abandon the lease and operation of Leelanau Transit Co. between Hatch's Crossing, milepost 5.52, and Northport, milepost 29.56. ICC order, served March 10, 1975, authorized abandonment. Stay order was issued on November 5, 1975 and removed by order served March 1, 1978.

Map Code [4]

Docket No. AB-18 (Sub. No. 5)

- (a) Elk Rapids Branch.
- (b) Located in State of Michigan.
- (c) Located in Grand Traverse and Antrim Counties.
- (d) Milepost 0.0 at Williamsburg to milepost 8.82 at Elk Rapids.
- (e) No agency stations on the line.

Map Code [5]

Docket No. AB-18 (Sub. No. 6)

- (a) Mount Pleasant Branch.
- (b) Located in State of Michigan.
- (c) Located in Isabella County.
- (d) Milepost 0.78, near Coleman, to milepost 12.42, near Mount Pleasant.
- (e) No agency stations on the line.
- (f) Comments: Applicant plans to serve Mount Pleasant by means of trackage rights over the former Ann Arbor Railroad between Clare and Mount Pleasant—F.D. No. 27412. Applications were approved by initial decision served December 7, 1977 and an appeal was filed.

Map Code [2]

Docket No. AB-18 (Sub. No. 19)

- (a) Petoskey Branch.
- (b) Located in State of Michigan.
- (c) Located in Grand Traverse, Kalkaska, Antrim, Charlevoix, and Emmet Counties.
- (d) Milepost 172.06 near Traverse City to milepost 247.98 near Bay View.
- (e) Open agency stations at Ellsworth (milepost 220.0), and Petoskey (milepost 247.0), served by traveling agent from Charlevoix. Agent located at Charlevoix (milepost 247.0).

Map Code [7]

Docket No. AB-18 (Sub. No. 20)

- (a) Traverse City Subdivision Petoskey and Northport Branches.

- (b) Located in State of Michigan.
- (c) Located in Manistee, Benzie, Grand Traverse, and Leelanau Counties.
- (d) Milepost 113.68 near Manistee to milepost 172.06 near Traverse City. Milepost 0.0 at Traverse City to milepost 2.77 near Rennie.
- (e) Agents located at Kaleva (milepost 131.8), and Traverse City (milepost 169.5).

Map Code [6]

Docket No. AB-18 (Sub. No. 21)

- (a) Car Ferry across Lake Michigan between Ludington, Mich., and Kewaunee, Milwaukee and Manitowoc, Wis. Ludington Branch.
- (b) Located in States of Michigan and Wisconsin.
- (c) Located in Mason County, Mich. Located in Milwaukee, Manitowoc, and Kewaunee Counties, Wis.
- (d) Ludington to Kewaunee, approximately 61 miles. Ludington to Milwaukee, approximately 97 miles. Ludington to Manitowoc, approximately 60 miles. Milepost 137.54 to milepost 137.66 at Ludington.
- (e) Agents located at Milwaukee (Jones Island), Manitowoc, and Kewaunee (joint with GB&W). Agency Station at Ludington (milepost 137) not included in abandonment.

OHIO

Map code [37]

Docket No. AB-19 (Sub. No. 33)

- (a) Bowling Green Branch.
- (b) Located in the State of Ohio.
- (c) Located in Wood County.
- (d) Station -2+14 near Tontogany to station 1010+40.2 at North Baltimore.
- (e) Open agency station at Bowling Green (milepost 5.4) served by traveling agent from Lima, Ohio.
- (f) Comment: By order served October 31, 1977, abandonment was authorized between valuation stations -2+14 and 980+00. The approval was appealed.

Map code [38]

Docket No. AB-19 (Sub. No. 36)

- (a) Sandusky Branch.
- (b) Located in State of Ohio.
- (c) Located in Huron and Erie Counties.
- (d) Milepost 87.75 near Willard to milepost 117.50 at Sandusky.
- (e) Agent located at Sandusky (milepost 115.5).
- (f) Comment: Application was approved by initial decision served March 16, 1978.

Map code [39]

Docket No. AB-19 (Sub. No. 19)

- (a) Ohio and Little Kanawha Branch.
- (b) Located in the State of Ohio.
- (c) Located in Muskingum, Morgan and Washington Counties.
- (d) Milepost 9.16 near Philo to milepost 44.97 near Relief.
- (e) Open agency station at Malta (milepost 24.7) served by traveling agent from Zanesville. Non-agency station at Beckett (milepost 43.7) served by traveling agent from Parkersburg, W. Va.
- (f) Comment: Application was approved by initial decision served August 25, 1977. Approval was appealed.

Map code [9]

Docket No. AB-18 (Sub. No. 10)

- (a) Pomeroy Branch.

- (b) Located in State of Ohio.
- (c) Located in Hocking, Vinton, Gallia and Meigs Counties.
- (d) Milepost 51.29 near Oldtown to milepost 69.43 near Creola. Milepost 78.09 near Dundas to milepost 135.05 near Pomeroy.
- (e) Agent located at Gallipolis (milepost 114.6).

(f) Comments: Applicant seeks to abandon operations only over 17.87-mile segment between Milepost 114.13 near Gallipolis and milepost 132.0 near Pomeroy. By order dated November 5, 1975, the ICC granted C&O's petition for authority to amend the application to eliminate therefrom that portion of Branch between milepost 69.43 near Creola and milepost 78.09 near Dundas.

Map code [9]

By application filed on December 22, 1976, F.D. No. 28084, applicant and Baltimore & Ohio Railroad Co. seek authority for B&O to lease and operate a portion of branch between milepost 69.43 near Creola and milepost 78.09 near Dundas. Applications were approved in part and appeals were filed.

Map code [10]

Docket No. AB-18 (Sub. No. 24)

- (a) Cheviot Subdivision.
- (b) Located in State of Ohio.
- (c) Located in Hamilton County.
- (d) Milepost 0.20 to milepost 1.77 in Cincinnati.
- (e) No agency stations located on line.
- (f) Comment: Application was approved by order served November 29, 1977, and certificate was served on January 31, 1978.

Map code [11]

Docket No. AB-18 (Sub. No. 15)

- (a) Armitage Branch.
- (b) Located in State of Ohio.
- (c) Located in Hocking and Athens Counties.
- (d) Milepost 52.45 near Oldtown to milepost 62.9 near Nelsonville.
- (e) No agency stations located on line.

PENNSYLVANIA

Map Code [42]

Docket No. AB-19 (Sub. No. 11)

- (a) Smithfield & Masontown Branch.
- (b) Located in Commonwealth of Pennsylvania.
- (c) Located in Fayette County.
- (d) Milepost 2.06 near Strum to milepost 8.64 near Leckrone.
- (e) Non-agency stations located at Smiley (milepost 2.6), Shoaf (milepost 3.6), and Leckrone (milepost 8.6) are served by traveling agent from Connellsville, Pa.
- (f) Comments: Application was partially approved by initial decision served February 22, 1978. Abandonment was approved between valuation stations 226+68 and 420+99. Certificate has not yet been issued.

Map Code [43]

Docket No. AB-19 (Sub. No. 35)

- (a) Big Run Branch.
- (b) Located in Commonwealth of Pennsylvania.
- (c) Located in Lawrence County.
- (d) Milepost 4.03 to milepost 6.53 near New Castle.
- (e) No agency stations on the line.
- (f) Comment: Application was approved, in part, by order served March 14, 1978.

WISCONSIN
Map Code [6]

Docket No. AB-18 (Sub. No. 21)

(a) Car Ferry across Lake Michigan between Ludington, Mich. and Kewaunee, Milwaukee and Manitowoc, Wis. Ludington Branch.

(b) Located in States of Wisconsin and Michigan.

(c) Located in Milwaukee, Manitowoc, and Kewaunee Counties, Wis. Located in Mason County, Mich.

(d) Ludington to Kewaunee, approximately 61 miles. Ludington to Milwaukee, approximately 97 miles. Ludington to Manitowoc, approximately 60 miles. Milepost 137.54 to milepost 137.66 at Ludington.

(e) Agents located at Milwaukee (Jones Island), Manitowoc, and Kewaunee (Joint with GB&W). Agency station at Ludington (milepost 137) not included in abandonment.

WEST VIRGINIA
Map Code [13]

Docket No. AB-18 (Sub. No. 12)

(a) Dingess Run Branch.

(b) Located in State of West Virginia.

(c) Located in Logan County.

(d) Milepost 1.63 near Fort Branch to milepost 3.48 near Wanda.

(e) No agency stations on the line.

(f) Comment: Application was approved by order served December 9, 1976, and certificate was served on March 16, 1977.

Map Code [12]

Docket No. AB-18 (Sub. No. 17)

(a) Greenbrier Branch.

(b) Located in State of West Virginia.

(c) Located in Greenbrier and Pocahontas Counties.

(d) Milepost 3.06 near North Caldwell to milepost 95.10 near Durbin.

(e) Agent located at Marlinton (milepost 57).

(f) Comments: The applicant and Western Maryland Railway filed a section 5(2) application on February 4, 1976, F. D. No. 28109, seeking authority for WM to lease and operate the portion of the branch between milepost 95.10 near Durbin and milepost 97.94 near Bartow. Applications were approved by initial decision served January 12, 1978. The approval was appealed.

Map Code [46]

Docket No. AB-19 (Sub. No. 24)

(a) Elk Branch.

(b) Located in State of West Virginia.

(c) Located in Clay and Kanawha Counties.

(d) Milepost 67.19 near Hartland to milepost 95.94 near Clendenin.

(e) No agency stations on the line.

(f) Comments: The applicant and Chesapeake & Ohio Railway filed a section 5(2) application on August 12, 1976, F. D. No. 28255, seeking authority for C&O to lease and operate the portion of the branch from milepost 95.94 near Clendenin to milepost 114.04 near Charleston. The abandonment application was approved by initial decision served March 8, 1977, and upheld on appeal by order served September 26, 1977. This decision was stayed by order served October 31, 1977. The lease application was approved by Initial Decision served March 7, 1978.

Map Code [45]

Docket No. AB-19 (Sub. No. 32)

(a) South Branch.

(b) Located in State of West Virginia.

(c) Located in Hampshire, Hardy, and Grant Counties.

(d) Milepost 0.61 near Green Spring to milepost 52.01 at Petersburg.

(e) Agent located at Petersburg (milepost 51.9).

(f) Comment: Application was approved by initial decision served December 29, 1977.

Appeal was filed and disposed of by order served February 27, 1978.

[FR Doc. 78-14148 Filed 5-23-78; 8:45 am]

[7035-01]

[AB 1 (SDM)]

CHICAGO AND NORTH WESTERN
TRANSPORTATION CO.

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, §1121.23, that the Chicago and North Western Transportation Co., has filed with the Commission its amended color-coded system diagram map in Docket No. AB 1 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on May 10, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be requested at the office of the Commission, Section of Dockets, by requesting docket No. AB 1 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

AB-1 SYSTEM DIAGRAM MAP









49-CFR SEC. 1121.20

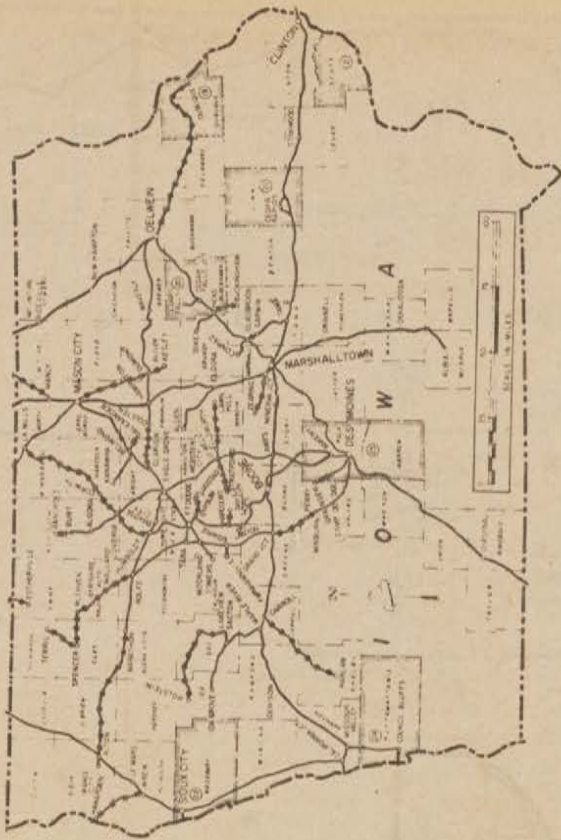
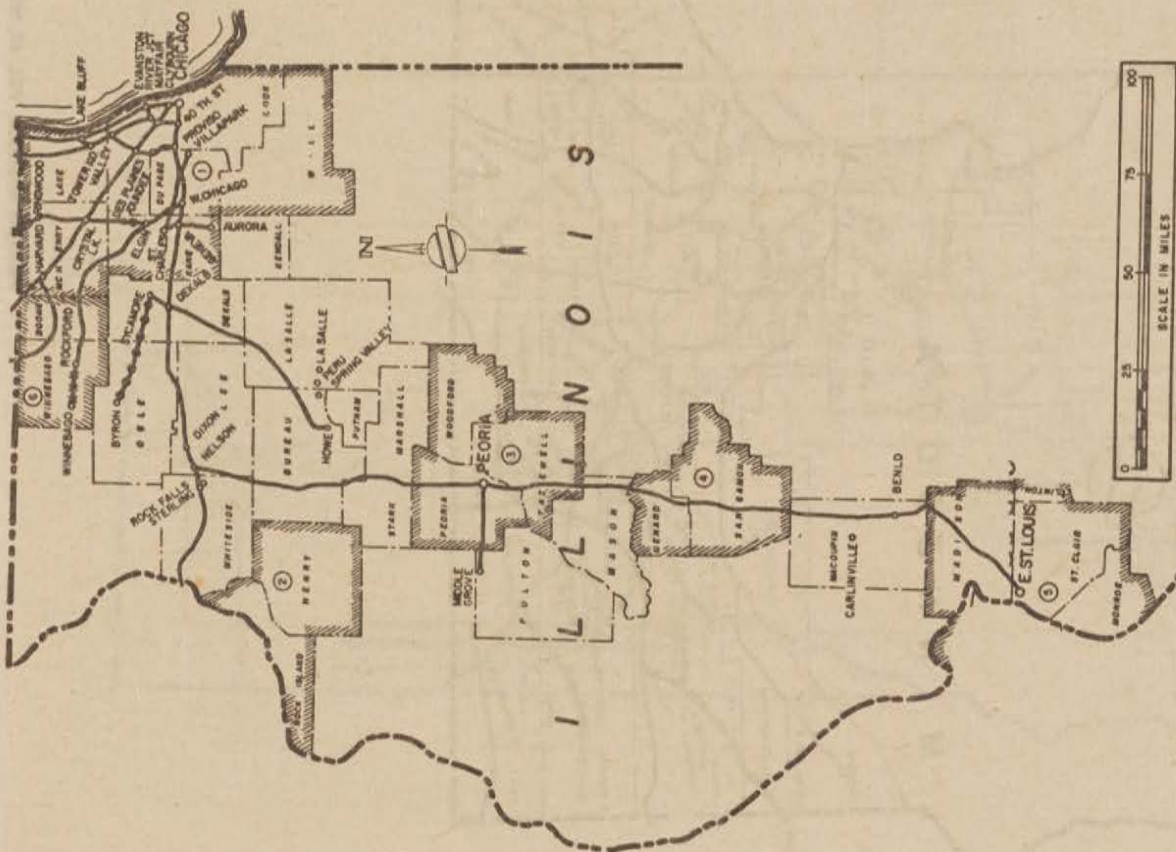
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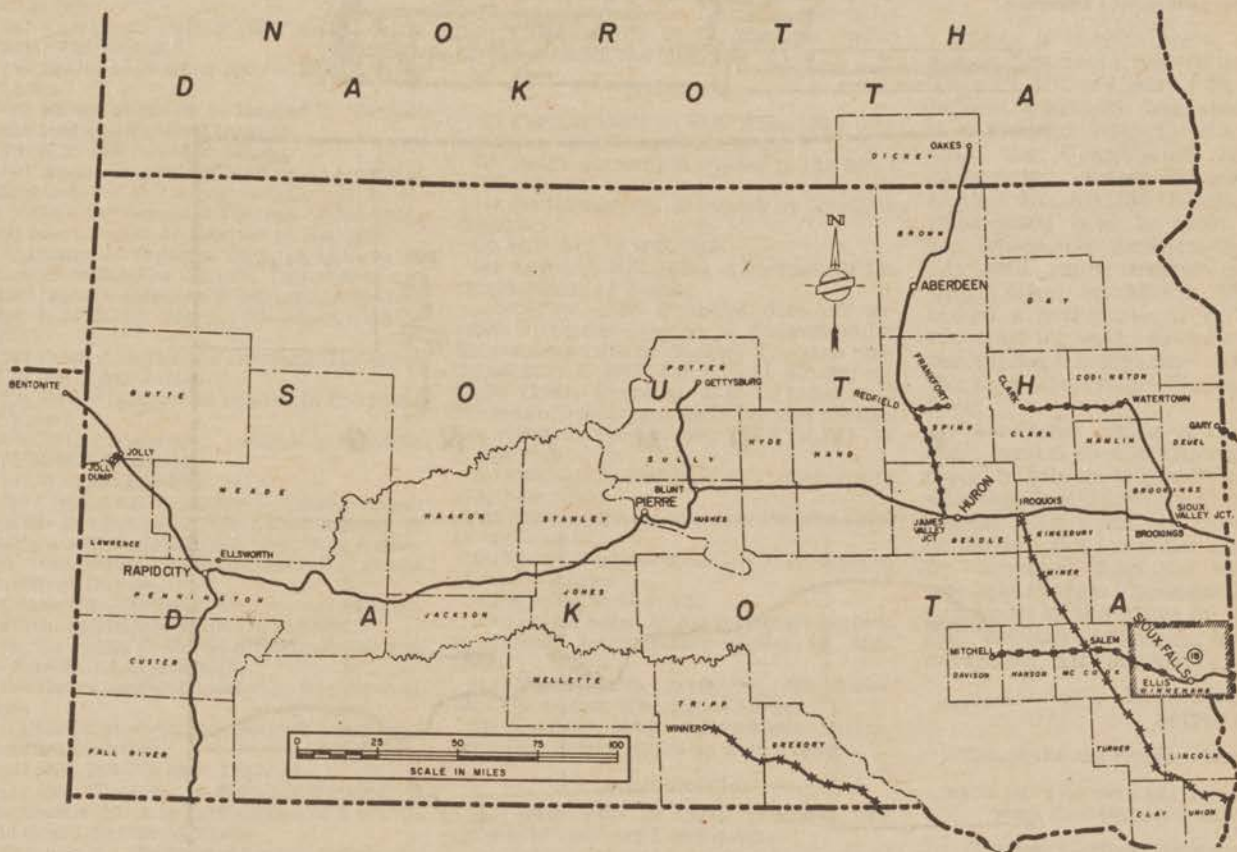
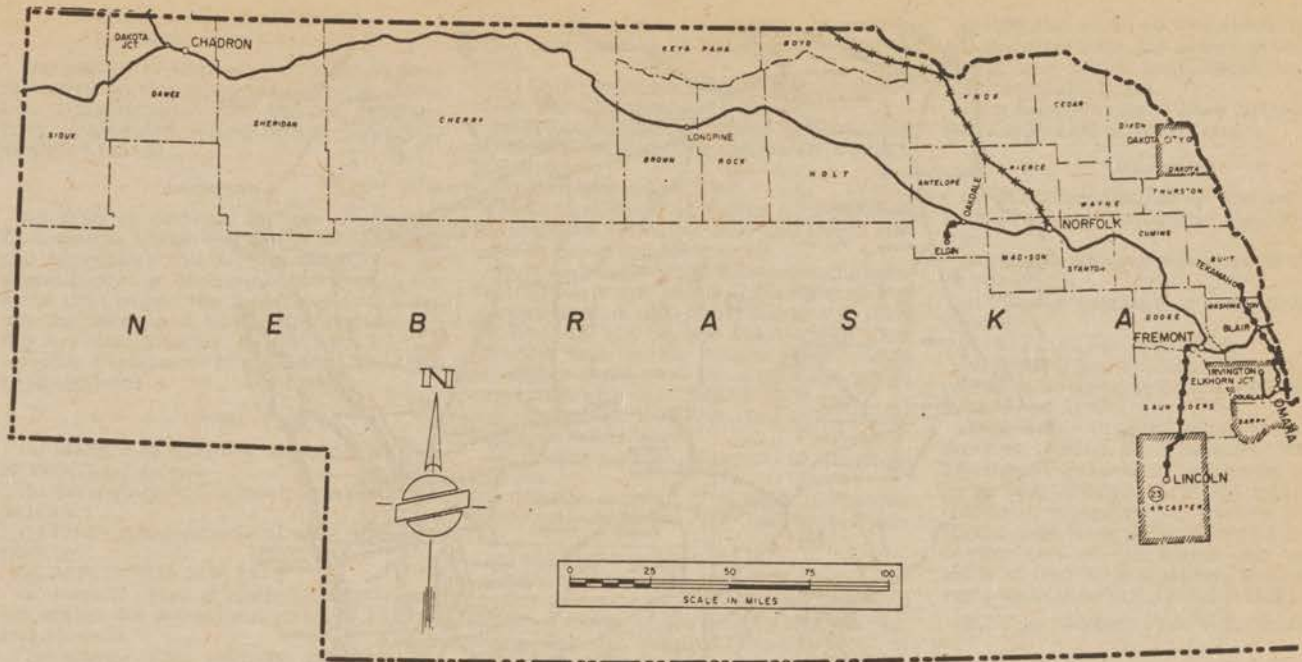
STANDARD METROPOLITAN STATISTICAL AREAS

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|-------------------------|------------------------|
| ① CHICAGO | ⑮ DULUTH-SUPERIOR |
| ② DAVENPORT-ROCK ISLAND | ⑯ MINNEAPOLIS-ST. PAUL |
| ③ PEORIA | ⑰ ROCHESTER |
| ④ SPRINGFIELD | ⑱ SIOUX FALLS |
| ⑤ ST. LOUIS | ⑲ DUBUQUE |
| ⑥ ROCKFORD | ⑳ WATERLOO-CEDAR FALLS |
| ⑦ KENOSHA | ㉑ CEDAR RAPIDS |
| ⑧ RACINE | ㉒ SIOUX CITY |
| ⑨ MILWAUKEE | ㉓ LINCOLN |
| ⑩ MADISON | ㉔ OMAHA |
| ⑪ LA CROSSE | ㉕ DES MOINES |
| ⑫ GREEN BAY | ㉖ ST. JOSEPH |
| ⑬ APPLETON | ㉗ KANSAS CITY |
| ⑭ EAU CLAIRE | |

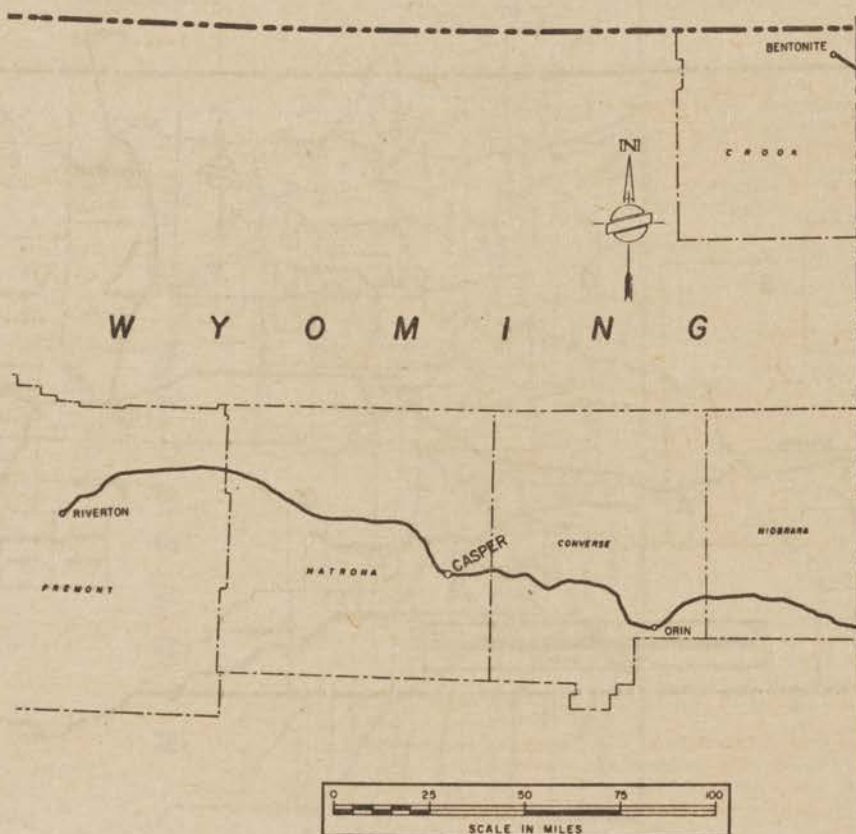
LEGEND

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|--------|---|---|
| RED |  | CATEGORY 1. ANTICIPATED SUBJECT OF ABANDONMENT APPLICATION WITHIN 3 YEARS. 49 CFR SEC. 1121.20 (b)(1) |
| GREEN |  | CATEGORY 2. POTENTIALLY SUBJECT TO ABANDONMENT. 49 CFR SEC. 1121.20 (b)(2) |
| YELLOW |  | CATEGORY 3. APPLICATION PRESENTLY PENDING BEFORE COMMISSION. 49 CFR SEC. 1121.20 (b)(3) |
| BROWN |  | CATEGORY 4. OPERATED UNDER SUBSIDY 49 USC SEC. 101(b)(6) 49 CFR SEC. 1121.20 (b)(4) |
| BLACK |  | CATEGORY 5. OTHER LINES OWNED OPERATED. 49 CFR SEC. 1121.20 (b)(5) |
| BLACK |  | STATE BOUNDARY LINES |
| BLACK |  | COUNTY BOUNDARY LINES |
| BLACK |  | SMSA BOUNDARY LINES |





NOTICES



CHICAGO AND NORTH WESTERN
TRANSPORTATION CO., AB-1

Description of all lines or portions of lines identified on the Chicago and North Western Transportation Co. System Diagram Map, as amended, falling within category 1. 49 CFR § 1121.21

CATEGORY 1

All lines or portions of lines which the Chicago and North Western Transportation Co. anticipates will be the subject of an abandonment or discontinuance application to be filed within the 3-year period following the date upon which the diagram, or any amended diagram, is filed with the Interstate Commerce Commission. 49 CFR § 1121.20(b)(1).

Iowa

(a) Mallard to Ayrshire (10.6 mile portion of Tara Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Palo Alto County.

(d) M.P. 227.9 to M.P. 217.3

(e) Central agent at Rolfe (unaffected) is responsible for associate stations of Curlew and Ayrshire.

Comments.—This proposal does not involve industries located at Mallard. This segment is a portion of the Rolfe to Ayrshire segment that was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. The segment from Rolfe to Mallard (11.6 miles) will remain in category 2.

(a) Carroll to Harlan (40.2 miles—entire Harlan Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Carroll, Crawford and Shelby Counties.

(d) M.P. 421.7 to M.P. 461.9.

(e) Agent located at Harlan and central agent located at Carroll (unaffected) is responsible for associate stations of Manning and Irwin, and closed station of Halbur.

Comments.—Proposal does not include industries located at Carroll. This entire segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541.

(a) Coulter to Clarion (westerly 17.9 miles of Waverly Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Franklin and Wright Counties.

(d) M.P. 326.5 to M.P. 344.4.

(e) Central agent located at Clarion (unaffected) is responsible for closed station of Solberg and central agent located at Hampton (unaffected) is responsible for closed station of Rowan.

Comment.—Proposal does not involve industries located at Coulter or Clarion.

(a) Lu Verne to Corwith (8.6 mile portion of Forest City Subdivision).

(b) Entire segment located in the State of Iowa.

(c) Entire segment located in Kossuth and Hancock Counties.

(d) M.P. 186.6 to M.P. 178.0.

(e) Central agent at Britt (unaffected) is responsible for associate station of Corwith and closed station of Hanna.

Comments.—Proposal does not include industries located at Lu Verne. This entire segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541.

(a) Manly, Iowa to Austin, Minnesota (33.2 mile portion of Mason City Subdivision).

(b) Entire segment is located in the States of Iowa and Minnesota.

(c) Entire segment is located in Worth and Mitchell Counties, Iowa and Mower County, Minnesota.

(d) M.P. 48.0 to M.P. 14.8.

(e) Central agent at Austin is responsible for associate station of Lyle and closed stations of Bolan and Meltonville.

Comments.—Proposal does not include industries located at Manly. This segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. This proposal does include Austin, Minn. and is no longer contingent on a trackage rights agreement with the C.M.St.P. & P. RR.

(a) Oelwein to Dubuque (73.1 miles, entire Dubuque Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Fayette, Buchanan, Delaware and Dubuque Counties.

(d) M.P. 245.0 to M.P. 171.9.

(e) Central agent at Dubuque is responsible for associate station of Dyersville and closed stations of Durango, Graf, Farley, Petersburg, and Almorat. Central agent at Oelwein (unaffected) is responsible for associate station of Aurora and closed stations of Thorpe, Dundee, Lamont, and Stanley.

Comments.—Proposal does not include industries located at Oelwein. This segment was in category 1 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. Proposal now includes Dubuque and is no longer contingent on a trackage rights agreement with the C.M.St.P. & P. RR.

Minnesota

(a) Cannon Falls to Red Wing (20.5 mile portion of Red Wing Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Goodhue County.

(d) M.P. 74.3 to M.P. 94.8.

(e) Agent at Red Wing is responsible for closed station of Welch.

Comments.—This proposal does not include industries located at Cannon Falls. This segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. Proposal now includes Red Wing and is no longer contingent on a trackage rights agreement with the C.M.St.P. & P. and B.N.

(a) Hayfield to Waltham 95.2 miles (entire Waltham spur).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Dodge and Mower Counties.

(d) M.P. 0.0 to M.P. 5.2.

(e) Central agent at Austin (unaffected) is responsible for associate station of Waltham.

(a) Manly, Iowa to Austin, Minnesota. Line description is on page 3 (Iowa).

(a) Riceville, Iowa to Randolph, Minnesota. Line description is on page 4 (Iowa).

South Dakota

(a) Watertown to Clark (westerly 29.5 miles of Watertown Subdivision).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Codington and Clark Counties.

(d) M.P. 321.5 to M.P. 351.0.

(e) Central agent at Watertown (unaffected) is responsible for associate stations of Henry and Clark, and closed stations of Kampeska and Elrod.

Comment.—Proposal does not include industries located at Watertown.

Wisconsin

(a) Wisconsin Rapids to Marshfield (21.9 mile portion of Wisconsin Rapids Subdivision).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Wood County.

(d) M.P. 142.5 to M.P. 164.4.

(e) Central agent at Wisconsin Rapids (unaffected) is responsible for closed stations of Vesper and Arpin.

Comments.—Proposal does not include industries located at Wisconsin Rapids or Marshfield. Proposal is contingent on agreement with C.M.St.P. & P. RR and Soo Line RR for trackage rights between Wisconsin Rapids and Marshfield. Proposal is for discontinuance of operations only over 10.7 miles of Soo Line trackage, and abandonment operations and track for 11.2 miles.

[FR Doc. 78-14147 Filed 5-23-78; 8:45 am]

[7035-01]

[AB156 (SDM)]

DELAWARE AND HUDSON RAILWAY CO.

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Delaware and Hudson Railway Co., has filed with the Commission its amended color-coded system diagram map in Docket No. AB 156 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on March 31, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 156 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.

DELAWARE AND HUDSON RAILWAY CO.

DESCRIPTION OF TROY BRANCH, COHOES, NEW YORK TO WATERFORD, NEW YORK

Category 1—discontinuance (AB156)

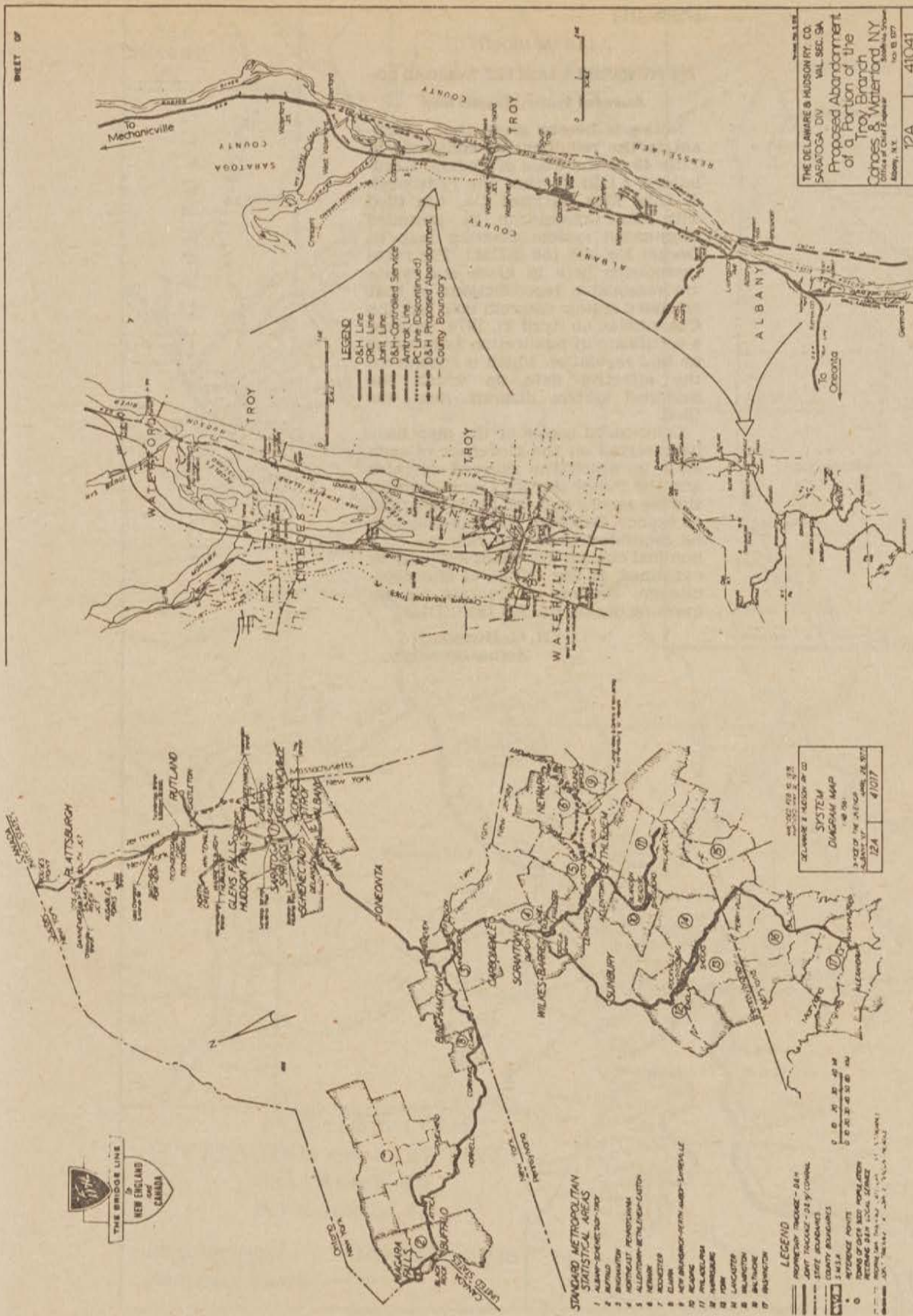
ICC regulation 1121.21.

(a) A certain portion of the Troy Branch.
(b) Line is located in the State of New York.

(c) Line is located in the Counties of Albany and Saratoga.

(d) Line extends from M.P. T-3.11 in the City of Cohoes to M.P. T-4.55 in the Village of Waterford, constituting 7,596 feet or 1.22 miles of line, 4,326 feet, or 0.82 mile, in Albany.

(e) There are no agency or terminal stations located on the line in question.



[FR Doc. 78-14149 Filed 5-23-78; 8:45 am]

[7035-01]

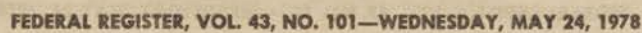
[AB 158 (SDM)]

THE PITTSBURGH & LAKE ERIE RAILROAD CO.**Amended System Diagram Map**

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Pittsburgh & Lake Erie Railroad Co., has filed with the Commission its amended color-coded system diagram map in Docket No. AB 158 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on April 27, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the Office of the Commission, Section of Dockets, by requesting docket No. AB 158 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.



Red.—All lines or portions of lines which are anticipated to be the subject of an abandonment or discontinuance application to be filed within three years following April 30, 1977.

Green.—All lines or portions of lines potentially subject to abandonment which are under study and believed to be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs as compared to potential revenues.

Yellow.—All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission as of April 30, 1977.

Brown.—All lines or portions of lines which are being operated under the Rail Services Continuation provisions of the Interstate Commerce Act or the Regional Rail Reorganization Act of 1973 as of April 30, 1977.

Black.—All other lines or portions of lines which are owned and operated either directly or indirectly.

The lines of the The Pittsburgh and Lake Erie Railroad Co. designated in Categories Red, Green or Yellow are described as follows:

Red—Pennsylvania

1. (a) Ellwood City Track (Ellwood City Branch); (b) State of Pennsylvania; (c) Beaver and Lawrence Counties; (d) Milepost 1 to milepost 3.7 (end); (e) No agency stations.

2. (a) Mahoning State Line Track (Old Walford Branch); (b) State of Pennsylvania;

(c) Lawrence County; (d) Milepost 3.6 to milepost 7.8; (e) No agency stations.

Green—Pennsylvania

(a) Mahoning State Line Track (Old MSL RR); (b) States of Pennsylvania and Ohio; (c) Lawrence County, PA. and Mahoning County, OH; (d) Milepost 0 to milepost 3.6; (e) No agency stations;

Green—Ohio

(a) Mahoning State Line Track (Old MSL RR); (b) States of Pennsylvania and Ohio; (c) Lawrence County, PA. and Mahoning County, OH; (d) Milepost 0 to milepost 3.6; (e) No agency stations.

[FR Doc. 78-14150 Filed 5-23-78; 8:45 am]

[7035-01]

Petitions for declaratory order; Administrative Procedure Act

MAY 18, 1978.

On March 6, 1978, eighteen railroads filed a petition for a declaratory order under section 554(3) of the Administrative Procedure Act. The petitioners seek a determination that named tariffs, as set forth in the appendix hereto, published by Traffic Executive Association-Eastern Railroads, where reference to certain ex parte general increases had been omitted, the increases were nonetheless applicable.

The proceeding has been assigned Docket No. 36864.

The petitioning railroads state that over 3,000 claims have already been filed based on the omission of reference to those ex parte increases.

It has come to the attention of the Commission that some of these claims have been declined by the railroads. On the other hand, it seems that many shippers and/or receivers have not as yet filed claims with the railroads. In any event, shippers and/or receivers of traffic moving under the tariff involved, whether or not they have filed claims with the railroads, should file informal complaints with the Commission's Bureau of Traffic for the purpose of tolling the statute under section 16(3) of the Interstate Commerce Act. Such complaints should conform with the Commission's General Rules of Practice, make reference to this notice and be addressed to:

Mr. Scott Walker, Chief, Section of Rates & Informal Cases, Bureau of Traffic, Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. 20423.

H. G. HOMME, Jr.,
Acting Secretary.

NOTICES

22293

APPENDIX

ICC NO.	TARIFF	COMMODITY	ITEM	CHALLENGED PUBLICATION REFERENCE	AMENDED PUBLICATION REFERENCE	EX PARTE INVOLVED
				SUPPLEMENT NO.	SUPPLEMENT NO.	
C-575						
	68-X	GENERAL COMMODITY	X-299	146	161	299, 303, 305
	68-X	GENERAL COMMODITY	X-305	161	175	305, 305-RE, 310, 313
C-91	96-P	SALT	X-299	99	105	Trf. Cancelled, 299 303, 305
C-748	102-G	GENERAL COMMODITY	X-299	32	35	299, 303, 305
C-755	115-W	GENERAL COMMODITY	X-299	43	45	299, 303, 305
C-972	155-A	GENERAL COMMODITY	X-299	10	12	299, 303, 305
C-346	165-G	BASES FOR RATES	X-299	29	35	299, 303, 305
C-956	197-Y	STONE	X-299	11	16	299, 303, 305
C-621	348-Q	GENERAL COMMODITY	X-299	38	40	299, 303, 305
C-880	349-J	SCRAP IRON	X-299	67	82	299, 303, 305
C-636	351-E	GRAIN	X-299	83	87	299, 303, 305
C-889	360-K	RULES FOR EXHIBITS & FAIRS	X-299	11	17	299, 303, 305
C-894	440-B	TOBACCO	X-299	14	18	299, 303, 305
C-970	449-N	CEMENT	X-299	18	24	299, 303, 305
C-702	469-B	IRON & STEEL	X-299	174	207	299, 303, 305
C-829	515-G	RULES & REG.	X-299	32	39	299, 303, 305
C-648	534-F	SALT	X-299	158	168	299, 303, 305
C-408	539-D	STONE	X-299	63	68	299, 303, 305
C-914	548-D	GEN. EXPORT	X-299	22	37	299, 303, 305
C-845	563-J	LIME	X-299	23	28	299, 303, 305
C-980	576-I	REFRACTORIES	X-299	11	21	299, 303, 305
C-823	594-B	BRICK, etc	X-299	66	86	299, 303, 305
4202	607-A	LIME	X-299	152	162	299, 303, 305
C-967	688-G	FOODSTUFF	X-299	27	33	299, 303, 305
C-433	692-A	SUGAR	X-299	119	126	299, 303, 305
C-803	696-F	ALUMINUM	X-299	33	48	299, 303, 305
C-718	697-E	FOODSTUFF	X-299	75	82	299, 303, 305
C-527	698-D	FERTILIZERS	X-299	76	81	299, 303, 305
C-888	724-D	LIME, LIME- STONE	X-299	10	14	299, 303, 305
C-931	731-D	STONE	X-299	20	27	299, 303, 305
C-812	740-C	HEAVY DUTY FLAT CARS	X-299	30	34	299, 303, 305
C-804	744-C	AUTO PARTS	X-299	64	67	299, 303, 305
C-794	745-D	AUTO PARTS	X-299	46	49	299, 303, 305
C-964	767-J	LIME	X-299	11	15	299, 303, 305
C-961	769-G	LIME	X-299	7	10	299, 303, 305
C-960	770-I	LIME	X-299	7	10	299, 303, 305
C-945	772-G	GRAIN	X-299	35	36	299, 303, 305
C-651	787	AUTO PARTS	X-299	126	132	299, 303, 305
C-843	790-D	WEIGHING & REWEIGHING	X-299	13	23	299, 303, 305
C-751	793	ALL-COMMO- DITIES	X-299	86	96	299, 303, 305
C-1008	E-2009	GENERAL COMMODITY	X-299	28	36	295, 299, 303, 305

[FR Doc. 78-14338 Filed 5-23-78; 8:45 am]

[7035-01]

[Notice No. 666]

ASSIGNMENT OF HEARINGS

MAY 19, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. BB 10 (Sub-No. 11), Norfolk and Western Railway Co. abandonment between New Castle and Rushville, in Henry and Rush Counties, IN, and No. AB 10 (Sub-No. 12), Norfolk and Western Railway Co. abandonment between Connersville and New Castle, in Henry, Wayne and Fayette Counties, IN, now assigned July 24, 1978, at New Castle, IN, are postponed to September 11, 1978 (1 week), at New Castle, IN, in a hearing room to be later designated.

MC-F-13499, B. J. McAdams, Inc.—Control—Southern Trucking Corp., is now assigned for hearing July 11, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 97876 (Sub-No. 206), Anderson Trucking Service, Inc., now being assigned for further Pre-hearing conference on the 31st day of May 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 1515 Sub-No. 7 M1, Greyhound Lines, Inc., is assigned for hearing June 26, 1978 at Phoenix, AZ and will be held at Room 235, P.O. Building, 522 North Central.

MC 143169 Sub-No. 1, Harry Brotton & Henry Lucero, d.b.a. Lucero Film Service, is assigned for hearing June 5, 1978, at Phoenix, AZ, and will be held in the Saguaro Room 1831, Second Floor, West Jefferson.

MC 144009, Allstates Transworld Van Lines, Inc., now assigned for prehearing conference May 23, 1978, at Washington, DC, is postponed to June 27, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 95876 (Sub-No. 206), Anderson Trucking Service, Inc., now assigned for further pre-hearing conference on May 30, 1978, at Washington, DC is canceled and application dismissed.

MC 121649 Sub-No. 5, Milan Express, Inc., is now assigned for hearing July 10, 1978 (1 week) at the Holiday Inn, Room 402, Junction I-40 and U.S. 45 Bypass, Jackson, TN; and will continue July 17, 1978 (1 week) at the Holiday Inn, Rhodes Room, Junction U.S. 45 and U.S. 78-North, Tupelo, MS.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14537 Filed 5-23-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1315, Exception No. 2]

GRAIN SHIPMENTS

Inspection and Grading

To: All railroads.

The grain tariffs of certain railroads provide additional free time for the furnishing of billing instructions authorizing the movement from origin of carloads of grain in order to provide sufficient time to secure inspection and grade prior to billing. Shipments inspected and graded at origin are not normally subject to inspection at destination prior to placement for unloading. The total time for loading, sampling and grading at origin is substantially less than the time required for loading and subsequent destination inspection and grading prior to placement. Because Revised Service Order No. 1315 limits to twenty-four (24) hours the free time allowed for loading and furnishing instructions for forwarding, many shippers of grain are reverting to destination inspection in order to avoid demurrage at origin, thus increasing the total time required for loading and inspection.

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by section (a)(1)(ix) of Revised Service Order No. 1315, car loads of grain which are inspected and graded at origin shall be granted the free-time periods provided by the applicable tariffs authorizing such services, subject to a maximum free-time period not to exceed thirty-six (36) hours.

It is further ordered, That cars of grain given thirty-six (36) hours free time for loading, inspection and billing shall not be eligible for inspection at destination or at any point intermediate between origin and destination. Billing on such cars must be endorsed:

Waive inspection—Inspected at origin

Effective 7:00 a.m., May 17, 1978.

Issued at Washington, D.C., May 16, 1978.

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

ROBERT S. TURKINGTON,
Acting Chairman,
Railroad Service Board.

[FR Doc. 78-14539 Filed 5-23-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1252; I.C.C. Order No. 56-A]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting Traffic

To all railroads:

Upon further consideration of I.C.C. Order No. 56 (Chicago, Rock Island and Pacific Railroad Company), and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 56 is vacated.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 12, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 12, 1978.

INTERSTATE COMMERCE
COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-14538 Filed 5-23-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409). 5 U.S.C. 552b(e)(3).

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[6320-01]

1

[M-130; Amdt. 2, May 19, 1978]

CIVIL AERONAUTICS BOARD.

Notice of deletion and addition of items to the May 19, 1978, meeting agenda.

TIME AND DATE: 9:30 a.m., May 19, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Addition: 6a. Clarification of the effective date of Order 78-5-85 granting a stay of the charter-scheduled service transfer provisions of the tour operator blanket waiver (BPDA). Deletion: 24. Dockets 29706, 31216 and 31956—Motion of Allegheny for immediate hearing on its application for Philadelphia-Bermuda nonstop authority and motion of Eastern to dispense with a hearing. (Memo No. 7541-B, BPDA, BIA).

STATUS: 1-27, open; 28, closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: On April 19, 1978, the Board orally granted a blanket waiver to all air carriers and charter operators of various provisions of the charter rules, including permitting charter operators who are forced to cancel a flight due to insufficient sales to transfer passengers to a comparable scheduled flight. By Order 78-5-85, dated May 15, 1978, the Board stayed, "effective immediately", the charter-scheduled service transfer provision of the blanket waiver. A number of questions have been raised as to the meaning of "effective immediately", and particularly whether agreements entered into before the date of the stay may still be honored. Because the Board's decision in Order 78-5-85 may affect numerous flights,

and to avoid further confusion, the Board must meet as soon as possible to clarify its action.

The Chief Judge wishes to attach some comments and he did not receive Item 24 on time to do so and still have the item considered at Friday's meeting. Accordingly, the following Members have voted that agency business requires Item 6a be added to the May 19th agenda and Item 24 be deleted and rescheduled for May 25, 1978 agenda and that no earlier announcement of these changes was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia

Member, Elizabeth E. Bailey

[S-1089-78 Filed 5-22-78; 3:51 pm]

[6320-01]

2

[M-130; Amdt. 3]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the May 19, 1978 meeting agenda.

TIME AND DATE: 9:30 a.m., May 19, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 13. Docket 27918, North Atlantic Fares Investigation, (Memo No. 5317-G, BPDA)

STATUS: 1-27, open; 28, closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: In order to provide OGC with sufficient time to do additional work Item 13, Docket 27918, North Atlantic Fares Investigation was deleted from the May 19, 1978 meeting agenda and will be rescheduled for the May 25, 1978 agenda. Accordingly, the following Members have voted that agency business requires the deletion of Item 13 and that no earlier announcement of this change was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1090-78 Filed 5-22-78; 3:51 pm]

[6320-01]

3

[M-132; Amdt. 1]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the May 25, 1978 meeting agenda.

TIME AND DATE: 10 a.m., May 25, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 10A Docket 27918, North Atlantic Fares Investigation (Memo No. 5317-G, BPDA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: In order to provide OGC with sufficient time to do additional work Item 13, Docket 27918 was deleted from the May 19th agenda and added to the May 25, 1978 meeting agenda. Accordingly, the following Members have voted that agency business requires the addition of Item 10a on the May 25th agenda and that no earlier announcement of this change was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1091-78 Filed 5-22-78; 3:51 pm]

[6320-01]

4

[M-132; May 18, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., May 25, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Dockets 28848, 29445, 29186, 28115, 21162, and 28800, *Improved Authority to Wichita Case; Las Vegas-Dallas/Fort Worth Nonstop Service Investigation; Memphis-Twin Cities/Milwaukee Case; Midwest-Atlanta Nonstop Service Investigations; Ohio/Indiana Points Nonstop Service Investigation; Phoenix-Des Moines/Milwaukee Route Proceeding* (Instructions to Staff) (OGC).

3. Dockets 30591 and 30587, Colonial Airlines (Instructions to Staff) (OGC).

4. Docket 28096, Petition for Reconsideration of order cancelling Category Y tariffs—Request for Instructions (Memo No. 7644-B, OGC).

5. Docket 32056, *Petition of Anthony R. Martin-Trigona to "Unbundle" Meal Service from Air Fares* (Memo No. 7877, OGC, BIA, BPDA, OEA).

6. Consumer Abuses by Tour Operators—Proposed Interpretive Letter (Memo No. 7497-A, 7497, BOE, BPDA, OGC, OCA, OEA).

7. Dockets 29910, 31083, 31086 and 32259, applications of Braniff, Frontier, North Central and American for unrestricted non-stop authority between Omaha and Dallas/Ft. Worth (Memo No. 7968, BPDA, BALJ).

8. Dockets 29706, 31216 and 31956—Motion of Allegheny for immediate hearing on its application for Philadelphia-Bermuda nonstop authority and motion of Eastern to dispense with a hearing (Memo No. 7541-A, BPDA, BIA).

9. Docket 26951, Petition of Trans International Airlines flight engineers for reimbursement of expenses involved in disputes surrounding integration of seniority lists with Saturn flight engineers (Memo No. 5763-D, BPDA).

10. Mainland-San Juan fare reductions proposed by Delta (BPDA).

11. Dockets 30777 and 30332, IATA agreements revalidating and amendment existing resolutions on currency matters and sleeper surcharges (Memo No. 7963, BPDA, BIA).

12. Docket 32214, Braniff's emergency exemption request to provide nonstop service between Dallas/Ft. Worth and Frankfurt, Paris, Amsterdam and Madrid for a period of one year (Memo No. 7973, BIA, OGC).

13. Docket 30790, *Miami-Luxembourg Low-fare Service Investigation*—Request for Instructions (BIA, BALJ, BPDA, OGC, OEA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-1092-78 Filed 5-22-78; 3:51 pm]

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 2 p.m., May 19, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Docket Nos. CI77-702, CI78-499, CI78-501, CI78-767, Pennzoil Louisiana and Texas Offshore, Inc.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, 202-275-4166.

[S-1084-78 Filed 5-22-78; 12:18 pm]

[7030-01]

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m. June 1, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public

Dockets 158 and 231, *Sac and Fox*; Docket 301, *Oneida*, Petition to Intervene; and Docket 332-C, *Yankton Sioux*.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, 202-653-6174.

[S-1085-78 Filed 5-22-78; 3:44 pm]

[7545-01]

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 11 a.m., Tuesday, June 20, 1978.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Consideration of applicant qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION:

William A. Lubbers, Executive Secretary, Washington, D.C. 20570, 202-254-9430.

Dated: Washington, D.C., May 22, 1978.

By direction of the Board.

GEORGE A. LEET,
Associate Executive Secretary,
National Labor Relations Board.

[S-1088-78 Filed 5-22-78; 3:44 pm]

[7910-01]

8

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, June 1, 1978; 9:30 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Hercules, Inc., affiliated with: Haveg Industries, Inc., Haskon, Inc.; fiscal year ending December 31, 1970.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: May 22, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-1086-78 Filed 5-22-78; 3:44 pm]

[7910-01]

9

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, June 8, 1978; 9:30 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Polaron Products, Inc. (Consolidated), Polaron Products of Pennsylvania, Inc., Polaron Products of Mississippi, Inc.; fiscal year ended November 30, 1969.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: May 22, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-1087-78 Filed 5-22-78; 3:44 pm]

[8010-01]

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 20612, May 12, 1978.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.,

PREVIOUSLY ANNOUNCED TIME AND DATE: Wednesday, May 17, 1978, 9 a.m.; Thursday, May 18, 1978, 1:30 p.m.,

CHANGES IN THE MEETINGS: Additional items considered or to be considered.

The following additional items were considered by the Commission at a closed meeting immediately following the open meeting on Wednesday, May 17, 1978:

Suspension of trading; Settlement of injunctive action; Formal orders of investigation; and Other litigation matter.

The following additional item will be considered by the Commission at the closed meeting on Thursday, May 18, 1978:

Formal order of investigation.

Chairman Williams, Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

MAY 18, 1978.

[S-1083-78 Filed 5-22-78; 12:18 pm]

**WEDNESDAY, MAY 24, 1978
PART II**



**SMALL BUSINESS
ADMINISTRATION**

**DEPARTMENT OF THE
ARMY, Corps of
Engineers**

**GENERAL SERVICES
ADMINISTRATION/Public
Buildings Service**

**DEPARTMENT OF THE
TREASURY**



**FLOODPLAIN
MANAGEMENT AND
WETLANDS PROTECTION**

**Implementation of Executive
Orders 11988 and 11990**

**Register
of
Federal
Property**

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

(Rev. 1, Amdt. 1)

PART 116—POLICIES OF GENERAL APPLICATION

Subpart D—Floodplain Management and Wetlands Protection

INTERIM RULE

AGENCY: Small Business Administration.

ACTION: Interim rule.

SUMMARY: This rule adds a new subpart to the Small Business Administration regulation part 116 in order to implement Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands). Policy and procedures are being established for carrying out the Agency's financial assistance programs in accordance with these Executive Orders.

DATES: Effective date: July 24, 1978. Comments by: June 23, 1978.

ADDRESS: Comments in duplicate, may be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, telephone 202-653-6470.

SUPPLEMENTARY INFORMATION: On May 24, 1977, Executive Order 11988 was issued for the following purposes: (1) To avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains; and (2) to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. This Executive Order applies to Federal agencies engaged, among other things, in conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. This Executive Order (Sec. 2(d)) directs that Federal agencies issue regulations and procedures by May 24, 1978, and this interim rule is intended to comply with that requirement. The U.S. Water Resources Council (WRC) published guidelines for implementing E.O. 11988 in the FEDERAL REGISTER on February 10, 1978 at 43 FR 6030. These regulations follow closely the WRC

guidelines in setting forth policy and procedures for floodplain management relating to disaster assistance granted under the Small Business Act, and the Small Business Investment Act, as amended. The main emphasis of these regulations is on compliance with Executive Order 11988, Floodplain Management. However, in cases where Executive Order 11990—Protection of Wetlands would apply, these regulations also set forth policy and procedures to implement that Executive Order. Further implementation of Executive Order 11990, as appropriate, will be included in revisions to other subparts of these regulations. Implementing this regulation is expected to increase processing time by 60 or 90 days for loans to which the Executive Order applies. Special reference is made to subpart B of this part. In order to insure that these regulations can be published in time to comply with the Executive Order's date of May 24, 1978, SBA has determined that it is necessary to publish this amendment as an interim rule effective upon July 24, 1978. Interested parties and government agencies are encouraged to submit written comments, suggestions, data, or arguments regarding this rulemaking to the Associate Administrator for Finance and Investment, whose address appears above. All submission received on or before June 23, 1978, will be evaluated and acted upon in the same manner as if this document were a proposal. All comments shall be available for inspection at the address listed.

A finding of inapplicability with respect to economic impact has been prepared in accordance with Executive Order 11821. A Finding of Inapplicability of section 102(2)(c) of the National Environmental Policy Act of 1969 has been made. It is the position of the signatories to the finding that this regulation in itself has no significant impact on the human environment beyond those impacts of Executive Orders 11988 and 11990.

NOTE.—The Small Business Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11281 and OMB Circular A-107.

Pursuant to Small Business Act, Pub. L. 85-536 (15 U.S.C. 631); Small Business Investment Act of 1958, Pub. L. 85-699 (15 U.S.C. 661); EO 11988, 42 FR 26951 and EO 11990, 42 FR 26961, title 13 part 116 is amended by the addition of the following subpart.

Subpart D—Floodplain Management and Wetlands Protection

Sec.

116.30 General.

116.31 Definitions.

116.32 Inapplicable actions.

116.33 Actions covered by Executive Orders 11988 and 11990.

Sec.

116.34 Policies.

116.35 Decisionmaking process.

Appendix A—Decisionmaking Process for E.O. 11988.

Appendix B—Sources of Floodplain Information and Technical Assistance Services for determining whether a location is in a floodplain.

AUTHORITY: Small Business Act, Pub. L. 85-536 (15 U.S.C. 631); Small Business Investment Act of 1958, Pub. L. 85-699 (15 U.S.C. 661); EO 11988, 42 FR 26951 and EO 11990, 42 FR 26961.

Subpart D—Floodplain Management and Wetlands Protection

§ 116.30 General.

(a) *Purpose.* The purpose of this subpart is to prescribe the policies and procedures for implementing Executive Orders 11988 and 11990.

(b) *Scope.* This subpart covers policies, procedures, standards, and criteria for determining the applicability of, Executive Orders 11988 and 11990 to all the financial assistance programs authorized by the Small Business Act and the Small Business Investment Act as amended. These regulations are intended for the use of Agency personnel who have specific responsibilities under the regulations and applicants for financial assistance from SBA.

(c) *Responsibilities.* The following personnel and agencies have responsibilities under these executive orders which are described briefly here and may be discussed in more detail elsewhere in this subpart.

(1) *Administrator.* The Administrator is responsible for assuring that all Federal assistance given under his statutory authority meets the requirements of these executive orders. Such authority may be delegated to Regional and District Directors and to other agency personnel with loan approval authority as is deemed appropriate and published in the FEDERAL REGISTER.

(2) *Participation.* Eligible financial institutions who intend to request SBA participation in financial assistance to an applicant for a loan on an immediate or deferred (guaranteed) basis must have complied with the requirements of these Executive Orders before submitting the application for participation to the SBA.

(3) *Direct.* Applicants for direct financial assistance from SBA shall present with their applications evidence: (i) as to whether the location for which financial assistance is proposed is in a floodplain; (ii) if in a floodplain, that such assistance is in compliance with local land use plans; (iii) that any necessary construction or use permits will be issued; and (iv) if the SBA approves such financial assistance, such assistance would be in accordance with the Executive Orders, these regulations and the "Guidelines

for Implementing Executive Order 11988—Floodplains Management" published by the U.S. Water Resources Council (USWRC); see 43 FR 6030, Feb. 10, 1978.

§ 116.31 Definitions.

Throughout this subpart, the following basic definitions shall apply:

(a) *Base flood.* Is that flood which has a 1 percent chance of occurring in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

(b) *Base floodplain.* An area subject to flooding by the base flood.

(c) *Channel.* A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.

(d) *Critical action.* Any activity for which even a slight chance of flooding would be too great.

(e) *Facility.* Any man placed item other than a structure.

(f) *Flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

(g) *Floodplain.* The relatively flat area or lowlands adjoining a river, stream or other waterbody (ocean, lake, wetland, or other standing water) which has been or may be covered by floodwater. Properly stated, a reference to floodplain is accompanied by a modifier indicating which level of flooding will inundate the referenced floodplain, e.g., the 0.2 percent chance (500-year) floodplain.

(h) *1 percent chance flood.* The flood having 1 chance in 100 of being exceeded in any 1-year period (a large flood). The likelihood of exceeding this magnitude increases in a time period longer than 1 year. For example, there are two chances in three of a larger flood exceeding the 1 percent chance flood in a 100-year period.

(i) *Practicable.* Capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as the economic needs of the loan applicant who may be a disaster victim; the environment, cost, or technology.

(j) *Structures.* Walled or roofed buildings, including mobile homes and gas or liquid storage tanks that are primarily above ground (as set by the NFIP).

(k) *Wetlands.* Those areas that are inundated by surface or ground water with a frequency sufficient to support

and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds (as defined in Executive Order 11990, Protection of Wetlands).

§ 116.32 Inapplicable actions.

(a) *General.* The Administrator has determined that certain types of actions typically do not create adverse effects or incompatible development on wetlands or in the floodplain. Therefore public review and a finding of inapplicability on a case-by-case basis in such instances is not necessary. For the following types of actions the Administration by its responsible officials to whom the authority has been delegated may determine on a case-by-case basis that the situation does not warrant application of the full 8-step decision-making process after completion of Step 1:

(1) Actions located outside the base floodplain and critical actions located outside the 500-year floodplain which do not directly or indirectly support floodplain development and which do not impact on the base floodplain.

(2) Repairs to damaged Facilities. Repairs to Facilities in which the cost of the repairs, as determined immediately before the repairs, is less than fifty percent (50 percent) of the fair market value of the Facility.

(3) Replacement of building contents, materials and equipment. The determination of applicability of these procedures to this action will be guided by the determination for the Facility in which the materials and equipment are located. For instance, liquid gas storage Facilities might require the full determination process which non-degrading inventory and materials would not.

(4) Hazard Mitigation Measures. Actions taken by an applicant to mitigate natural hazards including safe land-use and construction practices.

(5) Generally, working capital loans of any amount solely for debt payment, carrying accounts receivables, acquisition of non-water degradable inventory and equipment as determined under subparagraph (3) of this paragraph;

(6) All SBA loan assistance of \$300,000 or less;

§ 116.33 Actions covered by Executive Orders 11988 and 11990.

This section includes actions which because of the potential for harm to the Facility or to the Floodplain will generally require application of the full review and 8-step decision-making process as set forth in this subpart.

(a) Construction or acquisition of new Facilities under either Section 7(a) of the Small Business Act (15 U.S.C. 636) or Section 502 of the Small Business Investment Act (15 U.S.C. 696).

(b) Repair and restoration of damaged Structures in which the cost of repairs, as determined immediately before the repairs, is equal to or greater than fifty percent (50 percent) of the market value of the structure or, is the case of a physical disaster, the pre-disaster value of the Structure.

(c) Replacement of destroyed structures.

(d) No designation of a Neighborhood Business Revitalization Area will be made within a 1 percent Floodplain.

§ 116.34 Policies.

(a) SBA will ascertain the accuracy and completeness of the material relating to compliance with the Executive Orders and determine whether (1) there are feasible alternatives to the provision of financial assistance to businesses located in Structures within the Floodplain; (2) whether Structures built in or repaired and restored as in § 116.33(b) and (c) herein, are to be repaired and restored in full compliance with the Flood Insurance Protection Act; (3) SBA will also discuss with any applicant for assistance or participating institution the economic consequences of remaining in or locating in a Floodplain area.

(b) SBA will continue to require Flood Insurance as set forth in Subpart B hereof and take appropriate action to assure that applicants are aware of their continuing responsibility to maintain such insurance and that no future Federal disaster assistance will be available if such insurance is not maintained.

(c) SBA will identify flood hazards and evaluate the potential effects of any non-exempt actions it may be requested to finance in Wetlands or in a Floodplain to achieve the goals and objectives set forth by the two executive orders.

(d) SBA will comply fully with the requirements of the two executive orders to give early public notice and full publicity to appropriate steps in the decision-making process set forth in this subpart.

(e) SBA will assure that its program implementation and budget requests reflect consideration of flood hazards, protection of the Wetlands, and Floodplain management in accordance with applicable standards and the WRC guidelines.

(f) SBA will coordinate its implementation of these two executive orders under this subpart with the implementation of NEPA to achieve the requirements of all these programs in the decisionmaking process with minimum duplication or conflict.

§ 116.35 Decision-Making Process.

(a) *General*—Individuals responsible to the Administrator for executing this decision-making process must be thoroughly familiar with the two Executive Orders, the USWRC Guidelines, and with this subpart. Questions requiring clarification of any aspect of this Subpart should be referred to the Associate Administrator for Finance and Investment for his review and determination. Any delegate is responsible to the Administrator for appropriate execution of this decision-making process in each case, involving any non-exempt action funded by an SBA loan in the Wetlands or in a Floodplain (See Appendix A for flow chart of this 8-step process).

(b) *Step 1—Determine if a proposed action is in the Base Floodplain.* The first step in complying with the Order is to determine whether or not a proposed action is located in the Base Floodplain.

(1) *Step 1.A. Types of Floodplain*—(i) *Riverine Floodplains.* Riverine Floodplains are valley areas adjacent to any size stream or river which can be covered by floodwaters. Flooding in these areas results from excessive rainfall, snowmelt, or a combination thereof. If runoff is increased to the point that the carrying capacity of the channel is exceeded, Flooding occurs. Flooding also occurs when the capacity of the stream channel is reduced by natural obstructions (ice or debris, dams, sediment, and vegetation) and man-placed obstruction (Structures and Facilities). Some areas Flood either from tributary stream overflow, backwater from a major stream, or from both simultaneously.

(ii) *Coastal Floodplains.* Coastal Floodplains border lakes, estuaries, oceans, or similar bodies of standing water. Flooding in these areas is due to landward flows caused by unusually high tides, waves from high winds, storm surges, tsunamis (large waves in the sea associated with very strong earthquakes or other impulsive disturbances), or by a combination of these causes.

(iii) *Special Floodplain Areas.* Special Floodplain areas encompass sheet flow or shallow Flooding areas, Wetlands, and sinkholes. Sheet flow occurs where a clearly defined channel is absent and where the path of Flooding is unpredictable and indeterminate. In some cases, high velocity flow may occur with sheet flow, as it does commonly on debris cone Floodplains (alluvial fans). These cones build up from eroded geological debris that is carried by mountain streams and deposited when the stream encounters an abrupt decrease in slope. Other Flood problems are caused when development occurs in areas drained by sinkholes which often become plugged.

(2) *Step 1.B. Limits of Flooding.* For purposes of the Order, SBA will be

concerned at a minimum with the Floodplain area which would be inundated by a Flood having a one percent chance of occurring in any year—the so called “100 year or Base Flood” because the Administrator or his delegate must support any decision to conduct, support, or allow an action (i.e., “Structure”, “Facility” or “activity”) to be financially assisted within this area. In addition, such delegation should consider the implications of the occurrence of a Flood larger than the Base Flood on the economics and safety of a proposed Floodplain action. If a proposed action would be especially dangerous when exposed to larger Floods, consideration must be given to the larger Floodplain area. (See (b)(4) “Critical Actions.”)

(3) *Procedures for Determining a Floodplain Location.* The following is a guide for obtaining the Floodplain information needed to make a determination.

(i) *Areas of Predominantly Private Land Ownership.* If a decision involves a publicly or privately owned site within an area of predominantly private ownership, a map showing the Flood hazard areas will usually be available in the community or SBA Office or can be obtained from the Federal Insurance Administration (FIA), HUD. Detailed maps showing the elevations and boundaries of the “100-year” (Zones A and V) and “500-year” (Zone B) Floodplains are known as “Flood Insurance Rate Maps” (FIRM). Many of the communities which have a FIRM also have a Flood Insurance Study Report (FIS) containing detailed Flood information. Some 13,000 less detailed maps showing the approximate areas of the base (Zone A) Floodplain are available for most of the remaining communities. These are called “Flood Hazard Boundary Maps” (FHBM). Similar information, some very detailed, is also available from the agencies in Appendix B. The search for Flood hazard information should follow the sequence below. The detailed map (FIRM) or the Flood Insurance Study (FIS) report should be consulted first. If a detailed map (FIRM) is not available, obtain an approximate boundary map (FHBM) from the same source as in the preceding step. If the proposed site is at or near the “100-year” boundary, if data on Flood elevations are needed, or if the map does not delineate the Flood hazard boundaries in the vicinity of the proposed site—seek detailed information and assistance from the agencies listed in Appendix B. If an approximate boundary map (FHBM) is not available or if the map does not delineate the Flood hazard boundaries in the vicinity of the proposed site—seek detailed information and assistance from the agencies listed in Appendix B. If the agencies listed do not

have or know of detailed information and are unable to assist in determining whether or not the proposed site is in the Base Floodplain—report this fact to the nearest SBA office director and obtain guidance.

(ii) *Areas of Predominately State Land Holdings.* If a decision involves an area or location within extensive State holdings, it is unlikely that FIS reports and FIRM or FHBM maps would be available. In this event, information should be sought from the State land administering agency before information and/or assistance is sought from the agencies listed in Appendix B.

(iii) *Actions located out of the Base Floodplains as shown on either the FIRM or FHBM would meet the minimum requirements and no further action is required for compliance with the Order, unless the action impacts on the Base Floodplain, indirectly supports Floodplain development, or is a Critical Action.*

(4) *Step 1.C.* As indicated previously, the minimum Floodplain of concern for certain Critical Actions is the area subject to inundation from a Flood having a 0.2 percent chance of occurring in any given year (500-Floodplain). This Floodplain includes both Zones A and B as shown on FIRM's. Some key questions in identifying critical actions are:

(i) If flooded, would the proposed action create an added dimension to the disaster as could be the case for liquified natural gas terminals and Facilities producing and storing highly volatile, toxic, or water-reactive materials?

(ii) Given the Flood warning lead-time available, would the occupants of buildings such as hospitals, schools, and nursing homes be insufficiently mobile to avoid loss of life and injury?

(iii) Would essential and irreplaceable records, utilities, and/or emergency services be lost or become inoperative if flooded?

(c) *Step 2—Early Public Review.*—(1) *General.* The objective of public involvement is to provide sufficient information early enough in the process of making decisions affecting Floodplains so that the public can have impact on the decision outcome. The order includes requirements that the public be provided adequate information, opportunity for review and comment, and an accounting for the rationale for proposed actions affecting Floodplains. Approval by such groups will not affect the financial determination to be made by SBA.

(2) *Procedures.* Compliance with the requirements of § 116.30 (c)(2) and (3) requires that applicants will have notified local and State officials of the proposed request for financial assistance, and any requirements for public hearings will have been initiated by

such requests for building permits, licenses, etc. However, SBA deciding officials will determine on a case-by-case basis if there is a need for further publicity and public hearing and arrange for such additional dissemination of information, hearings, or written comments as are appropriate and necessary to comply with the intent and spirit of these Executive Orders and implementing regulations. Such determination must recognize SBA's responsibility to reach as broad an audience as possible and provide for public input before alternative actions have been precluded. If there is a reasonable likelihood that a plan or proposed action or its alternatives will impact on a Floodplain, then it should be announced as early as that is known, and not delayed until much more detailed information is developed. Public notice must precede major site identification and analysis so the public can have an input early in the decision-making process of preliminary site screening and selection. If not, public choice options may be foreclosed, or decisions will not be based on similarly detailed information bases. It is recognized, because of the type of financial assistance available from SBA and the limited effect of such assistance which is authorized only to individual businesses or homeowners in disaster areas, that public involvement will be minimal. It is the intention of this provision for public involvement to emphasize SBA's commitment to and desire to comply with the spirit and letter of the Executive Orders. It should also be noted that no SBA actions are subject to OMB Circular A 95 procedures which is a recognition of the minor impact of SBA actions.

(d) *Step 3—Identify and Evaluate Practicable Alternatives to Locating in the Base Floodplain.* Having determined that a proposed action is located in the Base Floodplain, the designated official is required to identify and evaluate practicable alternatives to locating in the Base Floodplain. Alternatives to be evaluated include: carrying out the proposed action at a location outside the Base Floodplain (alternative sites); other means which accomplish the same purpose as the proposed action (alternative actions) and no action.

(1) *Step 3.A. Alternative Sites.* Alternative sites must be identified and the practicability of such sites evaluated. If a practical site exists outside the Base Floodplain, the proposed action must not be located in the Base Floodplain. Whenever a Floodplain site is the only practical alternative, the SBA analysis leading to this conclusion should be fully documented. In determining the practicability of a non-Floodplain site, the general concepts of site feasibility apply. At a minimum site practicability shall be addressed in the light of the following:

(i) Natural (topography, habitat, hazards, etc.);
(ii) Social (aesthetics, historic and cultural values, land use patterns, etc.);

(iii) Economic (cost of space, construction, services, relocation, and the needs of the applicant, who may be a disaster victim); and legal (deeds, leases, etc.).

(2) *Step 3.B. Alternative Actions.* Alternative actions must be considered before a decision is made to carry out an action in the Base Floodplain. These are actions which substitute for the proposed action in that they comprise new solutions or approaches which serve the same function or purpose as that proposed, but which have less potential for harm.

(3) *Step 3.C. No Action.* No action is also an alternative, and assessment of this course is required. The alternative of no action probably cannot be fully evaluated until a determination has been made in Step 4 of the harm to or within the Floodplain resulting from the proposed action.

(e) *Step 4—Identify Impacts of the Proposed Action.* If the designated official has determined that the only practicable alternative is locating in the Base Floodplain, the impacts of the proposed action must be identified. Similarly, where actions proposed to be located out of the Floodplain will affect the Base Floodplain, impacts resulting from these actions must be identified. Since the Order is based primarily on NEPA, SBA can draw upon the impact identification and assessment experience and guidance which it has developed in its implementation of NEPA. The concepts of impact assessment applicable to both NEPA and the Order are identical, with the Order's focus being narrower. The following discussion addresses general concepts of impact identification and assessment (Step 4.A), and the two areas of concern which are impacted as a result of the occupancy and modification of Floodplains; lives and property (Step 4.B), and Floodplain values (Step 4.C).

(1) *Step 4.A. General Concepts.* In his review of a proposed action that is not exempt, the designated official shall specifically consider and document:

(i) Impacts associated with modification of Wetlands or Floodplains regardless of its location; (ii) additional impacts which may occur when certain types of actions may support subsequent actions which have additional impacts of their own; (iii) adverse impacts of the proposed action on lives and property and on natural and beneficial Floodplain or Wetland values; (iv) the three basic types of impacts discussed in the following paragraphs.

(2) *Step 4.A.1. Direct and Indirect Support of Floodplain or Wetland De-*

velopment. An action supports Floodplain development if it encourages, allows, serves, or otherwise facilitates additional Floodplain development. The designated official may consider whether or not proposed repair or restorative work has the effect of maintaining the status that existed prior to a major disaster in evaluating its impacts. Direct support results from actions located in Wetlands or on the Floodplain, while indirect support results from those outside. All such impacts shall be evaluated.

(3) *Step 4.A.2. Types of Impacts.* The three basic types of impacts which must be addressed are:

(i) Positive and negative impacts: both must be identified, even though the focus of impact identification and assessment is on negative or adverse impacts. This is necessary in order to identify the full range of impacts against which to weigh the practicability of a proposed action. In addition, it must be recognized that impacts which are beneficial to some, may be harmful to others.

(ii) Concentrated and dispersed impacts: Both may result from any action. The impact is concentrated if it occurs at or near the site of the action and is dispersed if it occurs at a site remote from the action.

(iii) *Short and long-term impacts.* Both must be analyzed in order to evaluate the total impact of an action. Short-term impacts are temporary changes occurring during or immediately following an action and usually persist for a short while. Long-term impacts occur during or after an action and may take the form of delayed changes or changes resulting from the cumulative effects of many individual actions. Long-term impacts may persist for a considerable time and may continue indefinitely.

(4) *Step 4.A.3. Sources of Impacts.* Regardless of the source of impacts, the designated official is required to identify the types of impacts discussed above which arise from proposed actions when these impacts affect the Floodplain. Thus, this requirement applies to actions proposed both in and out of the Base Floodplain (or the 500-year Floodplain where a Critical Action is proposed). The location of the action causing the impact determines which of the requirements of the Order must be met. For actions proposed in the Base Floodplain (or the 500-year Floodplain where a Critical Action is proposed), all of the requirements of the Order must be met. For actions, proposed out of the Base Floodplain, however, the Order does not require that the public notice and findings discussed in Steps 2 and 7 be prepared. Similarly, since in these cases the action causing the impacts in the Base Floodplain is located outside of it, the practicability test (Step 3) is

not required. As a minimum, however, the designated official must identify these impacts and minimize ensuing harm to or within the Floodplain which would result if the action is taken as proposed. Because there is no requirement for public notice or the practicability test, the minimization responsibility (Step 5) takes on added significance. The designated official shall apply the public notice procedures and alternate site and action evaluation to actions proposed out of the Floodplain which will result in impacts to Floodplain.

(5) *Step 4.B. Lives and Property.* After determining that a proposed action is in the Base Floodplain, the risk to lives and property involved in using that site must be determined. This requires an understanding of the magnitude and consequences of Flooding that can be expected.

(6) *Step 4.B.1. Nature of Hazard and Risk.* Two basic types of Floods are used in determining flood hazards:

(i) *Historic Floods.* Often these can be the basis for deciding whether a proposed site is in a hazardous area. However, the fact that a certain level of Flooding has been observed indicates little about how Floods are likely to occur in the future. Even where records extend over a long period of time, the highest observed Flood must not be used as the only guide for decision-making. With very few exceptions, Flooding at any site can be expected to reach higher levels than those previously recorded because larger storms, urbanization, Floodplain encroachment, or other factors affect Flooding.

(ii) *Probability Flood.* These are statistically derived Floods. The one percent chance (100-year or Base) Flood is the term which describes the magnitude of Flooding, used by FIA as the minimum acceptable level to which a community must regulate the Floodplain in order to qualify for the National Flood Insurance Program.

(7) *Step 4.B.2. High Hazard Areas.* High hazard areas are those portions of riverine and coastal Floodplains nearest the source of Flooding. These are the frequently flooded areas that become areas of major flood dynamics during large Floods. Here Flood waters exert their maximum pressures, erosion is greatly accelerated and loss potential is increased. Additionally, these are the areas of coastal and riverine Floodplains within which many of the most critical Floodplain values are concentrated. In riverine situations, the high hazard area is that portion of the Floodplain where impedance to flood flow resulting from man's occupancy can increase Flood heights and consequently the area subject to Flooding. In coastal Floodplains the high hazard area is usually confined to the beach area in front of

high bluffs or the crest of primary or foredunes, where wave impact is the most significant inducing factor. In light of the high loss potential and the likelihood of significant adverse effects to Floodplain values associated with the conduct, support or allowance of actions in these portions, the designated official must rigorously apply the Order's charge to avoid these areas.

(8) *Step 4.B.3. Evaluation of Flood Hazard.* In preparing the Damage Survey Report for a proposed action in the Wetlands or in the Floodplain, the designated official shall make a determination in the field whether the 8-step decision making process may be involved and shall record his determination on the Damage Survey Report. If his determination is affirmative, he shall clearly identify and describe the hazard involved and shall answer the following questions:

(i)—Is the proposed action to be located in the floodway portion of the riverine Floodplain, or the coastal high hazard area?

(ii)—Is the proposed action in a flood-fringe area such as the flood-fringe portion of a riverine Floodplain or the backwater areas of a coastal Floodplain?

(iii)—Is the flood hazard aggravated by the presence of, or potential for, destructive velocity flows, Flood-related erosion, subsidence or sinkholes, or other special problems?

(iv)—Is there a combination of Flood sources present which may Flood simultaneously in the area (e.g., river and ocean)?

(9) *Step 4.C. Natural and Beneficial Floodplain Values.* Water and the adjacent Floodplain exist in nature in a state of dynamic equilibrium. If one part of a coastal or riverine system is disturbed, the entire system usually readjusts toward a new equilibrium. Thus, Floodplain actions must be viewed with caution and a careful assessment made of their impact on natural and beneficial Floodplain values. Floodplains in their natural or relatively undisturbed state serve water resource values (natural moderation of Floods, water quality maintenance, and groundwater recharge), living resource values (fish, wildlife, and plant resources), cultural resources values (open space, natural beauty, scientific study, outdoor education, and recreation), and cultivated resource values (agriculture, aquaculture, and forestry).

(f) *Step 5—Minimize, Restore, Preserve.*—(1) *General.* The requirements of the Order to minimize, restore, and preserve, apply if a proposed action will result in harm to or within the Floodplain. The term "harm," as used in the context of the Order, applies to both lives and property (Step 4.B.), and natural and beneficial Floodplain

values (Step 4.C.). The concept of minimization (Step 5.A.), applies to harm. The concept of restoration and preservation (Step 5.A.) applies only to Floodplain values. Step 5.C. discuss some mechanisms which may be applied to achieve these three requirements.

(2) *Step 5.A. Minimize.* Minimize is a demanding standard and requires that harm be reduced to the smallest possible degree. From the standpoint of lives and property, potential harm to or within the Floodplain must be reduced to the smallest possible amount or degree. The goal is to avoid increasing the Flood loss potential associated with the level of the Base Flood prior to the proposed action. Where a Critical Action is proposed (see Step 2.C.) the goal is associated with higher levels of Flooding. The Order's requirement to minimize potential harm applies to (i) the investment at risk, or the Flood loss potential of the action itself, (ii) the impact the action may have on others, and (iii) the impact the action may have on Floodplain values. In his review and findings the designated official shall specify how actions will be designed and modified to minimize harm to or within the Floodplain.

(3) *Step 5.B. Restore and Preserve.* In the context of this Order, "restore" focuses upon conditions existing as a result of prior actions, while "preserve" focuses upon the impacts of a proposed action. Restore means to reestablish a setting or environment in which the natural and beneficial Floodplain values can again operate. Where Floodplain values have been degraded by past actions, the designated official must identify, evaluate, and implement measures to restore the values diminished or lost. Preserve means to prevent modification to the natural Floodplain environment, or to maintain it as closely as possible to its natural state. If an action will result in harm to or within the Floodplain, the designated official must design or modify the action to assure that it will be carried out in a manner which preserves as much of the natural and beneficial Floodplain values as is possible.

(4) *Step 5.C. Methods of Minimize, Restore and Preserve.* A wide range of methods have been developed over time to minimize harm to lives and property from Flood hazards. In the recent past, other methods directed toward minimizing harm to natural and beneficial environmental values, including those associated with the Floodplain, have also been developed. The technology and methodologies for achieving restoration and preservation are not as well documented nor understood, but currently are receiving increasing attention. The tools and approaches, which are directed toward

attaining these three goals of the Order, should be considered and applied at all stages of a proposed action, as appropriate, e.g., during the planning, design, construction, operation and maintenance of a proposed project.

(g) *Step 6—Reevaluate Alternatives.*—(1) *General.* Having identified the impacts the proposed action would have on the Floodplain (Step 4), methods to minimize these impacts, and opportunities to restore and preserve Floodplain values (Step 5); the proposed action should now be reevaluated. For proposed actions in the Base Floodplain, the reevaluation should consider if the action is still feasible at this site. If not, consider limiting the action to make non-Floodplain sites practicable. If neither is acceptable, the alternative is no action. If the proposed action is outside the Base Floodplain but has impacts which cannot be minimized (Step 5), consider whether the action can be modified or relocated to eliminate or reduce the identified impacts, or if the no action alternative should be chosen. The reevaluation should also include a provision for comparison of the relative adverse impacts associated with the proposed action located in and out of the Floodplain. The comparison should emphasize Floodplain values. However, a site out of the Floodplain should not be chosen if the overall harm is significantly greater than that associated with the Floodplain site.

(2) *Step 6.A Location in the Base Floodplain.* In determining whether the proposed action will be located in the Base Floodplain, the designated official must ascertain that the Floodplain site is the only practicable alternative. Further, the importance of the location must clearly outweigh the requirements of the Order to:

- (i)—Avoid direct or indirect support of floodplain development wherever there is a practicable alternative;
- (ii)—Reduce the risk of flood loss;
- (iii)—Minimize the impact of floods on human safety, health and welfare; and
- (iv)—Restore and preserve the natural and beneficial Floodplain values.

(3) *Step 6.B Limit Action.* If an action proposed to be located in the Floodplain cannot satisfy the four requirements in Step 6.A., consider reducing the criteria for the proposed

action. This would lower the threshold for what constitutes a practicable alternative. New alternative actions and sites could then be identified and previously rejected ones reevaluated for practicability based on scaled-down expectations.

(4) *Step 6.C. No Action.* If neither of the above courses of action are feasible, reevaluate the no action alternative.

(h) *Step 7—Findings and Public Explanation.*—(1) *General.* If reevaluation results in the determination that there is no practicable alternative to locating in or impacting the Floodplain, a statement of findings and public explanation must be provided for the proposed action. The SBA Public Statement of Findings and Explanation should explain how any tradeoff analysis was conducted by the agency in making its findings. Some existing Regional public notice procedures may already satisfy part of the requirements of the Order. However, procedures must incorporate the development and issuance of a written statement of findings and public explanation which includes:

(i)—A description of why the proposed action must be located in the Floodplain;

(ii)—A description of all significant facts considered in making the determination including alternative sites and actions;

(iii)—A statement indicating whether the actions conform to applicable State or local Floodplain protection standards;

(2) In addition, and in keeping with the concept of the overall public involvement process discussed in Step 2, the following items should be included in the statement of findings and public explanation:

(i)—A statement, if appropriate, indicating why the NFIP criteria are demonstrably inappropriate for the proposed action (for instance, marinas, piers, docks, etc. must be at the water level);

(ii)—A provision for publication in the FEDERAL REGISTER or other appropriate vehicle;

(iii)—A provision for a brief comment period prior to agency action (15 to 30 days);

(iv)—A description of how the activity will be designed or modified to

minimize harm to or within the Floodplain.

(v)—A statement indicating how the action affects natural or beneficial Floodplain values;

(vi)—A statement listing other involved agencies and individuals.

(3) *Step 7.A.* The Administrator must develop procedures to provide for similar notice and explanation of why a proposed action is to be located in a Floodplain.

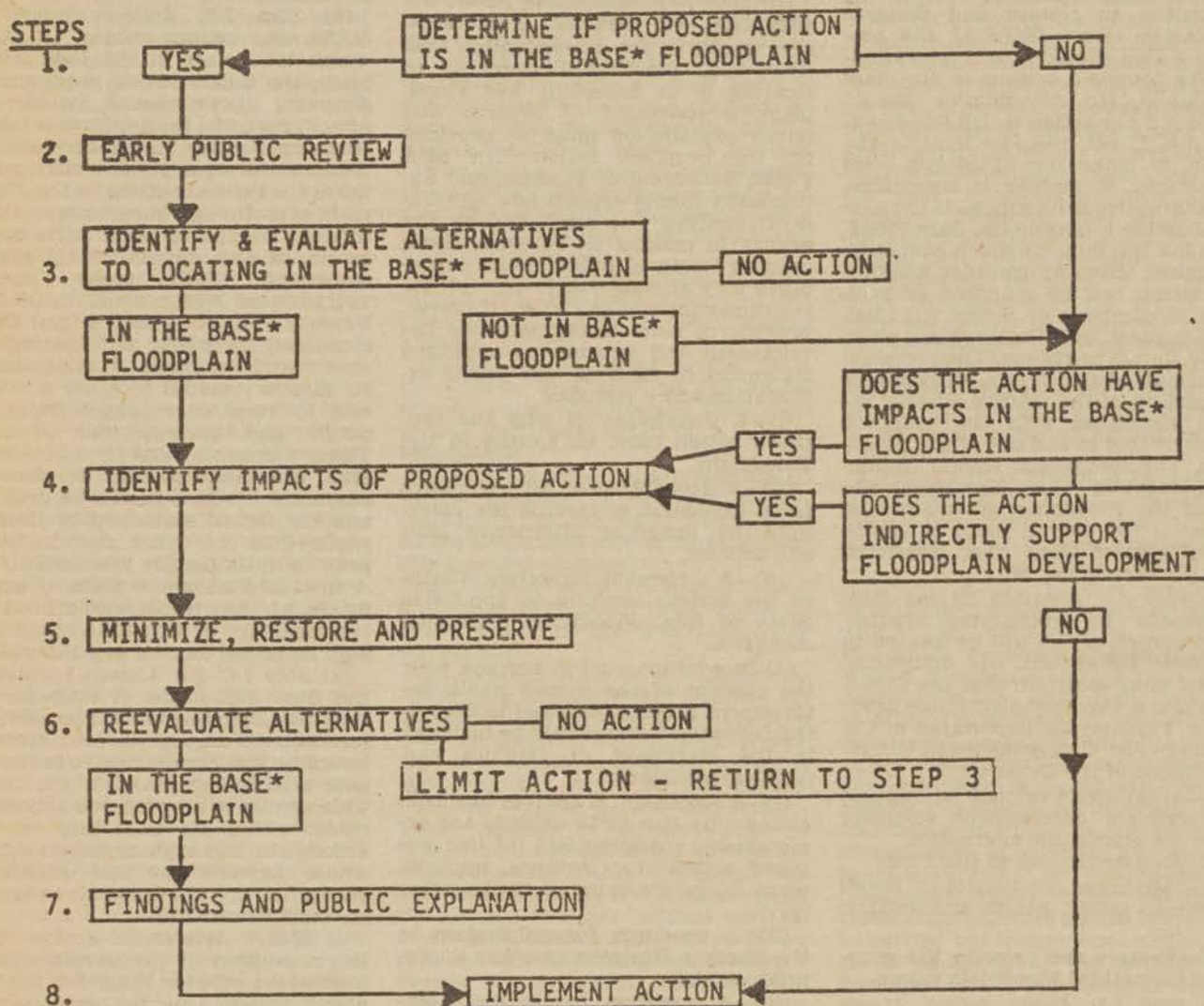
(4) *Step 7.B. Actions Subject to NEPA.* For actions subject to NEPA which take place in the Base Floodplain, the public review requirements discussed above should include the nine items listed in the introduction to this step. Section 2(a)(4) of the Order requires the same public notice procedures for Federal actions in the Floodplain even though impacts are not significant enough to require the preparation of any environmental impact statement (EIS) under Section 102(2)(C) of NEPA (Pub. L. 91-190). Under NEPA procedures, a final EIS is circulated for public and interagency review and comment. A minimum of 30 days is required to allow a review and to receive responses from the public and governmental agencies. These comments must then be considered. The findings must be made in conjunction with a final SBA decision, and the formal statement of findings required by the Order must be issued prior to initiating the proposed action. A final EIS should explain, if appropriate, why the responsible official has recommended or why SBA might support an action located in a Floodplain.

(5) *Step 7.C. All Actions Located in the Base Floodplain.* A statement of findings (including the explanatory information discussed in 7.A.) must be issued by the Administrator in compliance with Section 2(a)(2) of the Order. This applies to all proposed actions located within or impacting on the Floodplain, including proposed actions whose impacts are not significant enough or are not otherwise required to complete and EIS.

(i) *Step 8—Implement Action.* With the conclusion of the decisionmaking process described in Steps 1-7, the proposed action can be implemented. However, there is a continuing responsibility for insuring that the action is carried out in compliance with the Order.

APPENDIX A

DECISION-MAKING PROCESS FOR E.O. 11988



* FOR CRITICAL ACTIONS SUBSTITUTE "500 YEAR" FOR "BASE".

APPENDIX B

SOURCES OF FLOODPLAIN INFORMATION AND TECHNICAL ASSISTANCE SERVICES
FOR DETERMINING WHETHER A LOCATION IS IN A FLOODPLAIN

Agency*	Floodplain Maps And Profiles		Technical • Assistance Services
	Riverine	Coastal	
Department of Agriculture: Soil Conser- vation Service.....	0	0	0
Department of the Army: Corps of Engineers.....	0	0	0
Department of Commerce: National Oceanic Atmospheric Administration.....	.....	0	0
Department of Housing and Urban Develop- ment: Federal Housing Administration..	.....	.....	0
Federal Insurance Administration.....	0	0	0
Department of the Interior: Geological.. Survey.....	0	0	0
Bureau of Land Management.....	0	0	.....
Bureau of Reclamation.....	0	.....	0
Tennessee Valley Authority.....	0	.....	0
Delaware River Basin Commission.....	0	0	0
Susquehanna River Basin Commission.....	0	.....	0
States.....	Varies from State to State.		

*See Appendix A, WRC Guidelines, for detailed description.

A. VERNON WEAVER,
Administrator.

Dated: May 19, 1978.

[FR Doc. 78-14502 Filed 5-23-78; 8:45 am]

[3710-92]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 239]

**WATER RESOURCES POLICIES AND
AUTHORITIES**Implementation of Executive Order 11988 on
Floodplain Management

AGENCY: U.S. Army Corps of Engineers.

ACTION: Proposed regulation.

SUMMARY: This proposed regulation prescribes policies to be used by the Corps of Engineers in implementing Executive Order 11988, Floodplain Management as it pertains to the planning, design and construction of civil works projects, and to the activities under the operation and maintenance and the regulatory programs of the Corps.

DATE: Comments must be received by June 24, 1978.

**FOR FURTHER INFORMATION
CONTACT:**

Mr. Maurice B. Jackson, 202-693-6807, or write: Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attn: DAEN-CWR-R.

Dated: May 19, 1978.

C. A. SELLECK, Jr.,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

**PART 239—WATER RESOURCES POLICIES AND
AUTHORITIES: IMPLEMENTATION OF EXECUTIVE
ORDER 11988 ON FLOOD PLAIN MAN-
AGEMENT**

- Sec.
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AUTHORITY: E.O. 11988, 43 FR 6030, February 10, 1978.

§ 239.1 Purpose.

The purpose of this regulation is to provide policy and guidance for Corps of Engineers implementation of Executive Order 11988, Floodplain Management, as it pertains to the planning, design and construction of Civil Works projects, and to the activities under the operation and maintenance and the regulatory programs of the Corps.

§ 239.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 239.3 References.

- (a) Executive Order 11988, Floodplain Management, May 24, 1977.
(b) Water Resources Council, Floodplain Management Guidelines for Implementing E.O. 11988, February 10, 1978 (43 FR 6030).
(c) Water Resources Council, A Unified National Program for Flood Plain Management, July 1976.
(d) 33 CFR Parts 320 through 329 (42 FR 37121-37164, July 19, 1977).
(e) ER 1105-210.
(f) ER 1105-2-230.
(g) ER 1105-2-240.
(h) ER 1105-2-250.
(i) ER 1105-2-351.
(j) ER 1105-2-502.
(k) ER 1105-2-800.
(l) ER 1105-2-811.
(m) ER 1120-2-117.
(n) ER 1165-2-500.

§ 239.4 Definitions.

(a) "Action" is any Federal activity including (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

(b) "Base Floodplain" is the one percent chance floodplain.

(c) "Minimize" is to reduce to the smallest possible amount or degree.

(d) "Practicable" is capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost or technology.

(e) "Preserve" is to prevent modification to the natural floodplain environment or to maintain it as closely as possible to its natural state.

(f) "Restore" is to re-establish a setting or environment in which the natural functions of the floodplain can again operate.

§ 239.5 Background.

Executive Order 11988, Floodplain Management, signed May 24, 1977, revoked and replaced Executive Order 11296 issued August 10, 1966. The new Order is based in part on the National Environmental Policy Act of 1969 (NEPA) and adds new prominence to the environmental aspects of floodplains that were not present in Executive Order 11296. Federal agencies are required, during the decisionmaking process, to recognize significant public

values of floodplains and to consider the public benefits that will be derived from the restoration and preservation of floodplains. The new Order requires agencies to amend their existing procedures and regulations within one year in consultation with the Water Resources Council (WRC), Federal Insurance Administration (FIA) and the Council on Environmental Quality (CEQ). In this regard, a task force was formed under the leadership of WRC for the purpose of developing broad guidance on the interpretation of the Order to assist Federal agencies in developing their procedures and regulations. The efforts of the task force resulted in the publication of the Floodplain Management Guidelines for Implementing EO 11988 in the FEDERAL REGISTER on February 10, 1978, (43 FR 6030) (Reference 3b). The guidelines provide an explanation of key terms in the Order, floodplain management concepts, and procedures necessary to comply with the EO. The Order requires that agency procedures incorporate the conceptual framework of floodplain management as set out in the "Unified National Program for Flood Plain Management." (Reference 3c). The Unified Program has as a goal sound floodplain management that embodied the "wise use, conservation, development and utilization of interrelated land and water resources to serve objectives of economic efficiency, environmental quality and social well-being as consonant with responsibilities assigned to respective levels of government by law."

§ 239.6 The objective of the order.

The objective of the Executive Order is to avoid to the extent possible the long and short term adverse impacts associated with occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. The Order requires Federal agencies to provide leadership and take action to:

(a) Avoid the base floodplain unless it is the only practicable alternative;
(b) Reduce the hazard and risk of flood loss;

(c) Minimize the impact of floods on human safety, health and welfare; and

(d) Restore and preserve the natural and beneficial floodplain values. Direct support of floodplain development is an action in the floodplain that encourages, allows, serves or otherwise facilitates additional floodplain development. An example of direct support would be provision of flood protection measures to undeveloped or underutilized floodplain lands for the purposes of permitting future development and growth.

§ 239.7 General policy.

It shall be Corps policy to formulate projects which, to the extent possible,

avoid the adverse impacts associated with use of floodplains and avoid inducing development in the base floodplain unless there is no practicable alternative to the development. The decision on whether a practicable alternative exists shall be based on the advantages and disadvantages of floodplain sites and non-floodplain sites. Factors to be considered include conservation, economics, aesthetics, natural and beneficial values served by floodplains, impact of floods on human safety, locational advantage, the functional need for locating the development in the floodplain, historic values, fish and wildlife habitat values, endangered and threatened species, Federal and State designations of wild and scenic rivers, refuges, etc., recreation, water supply, water quality, food production, and, in general, the needs and welfare of the people. The test of practicability will apply to both the Corps action and to any induced development caused by the action. When it is determined that no practicable alternative to actions in the floodplain exist, the features or qualities of the floodplain that make it advantageous over alternative non-floodplain sites shall be described and adequately supported. The practicability analysis is not required for lots or small tracts of vacant lands in closely spaced urban areas, unless these vacant areas have retained most of the unique environmental values associated with undisturbed floodplains.

§ 239.8 General procedures.

The basic determinations necessary to implement the Executive Order are:

(a) Determine whether the proposed action is in the base floodplain.

(b) If so, determine whether there is a practicable alternative to locating the action in the base floodplain as outlined in 7 above.

(c) Identify adverse impacts due to the action and the induced development and identify losses of natural and beneficial values of the floodplain.

(d) If the proposed action induces development in the base floodplain, determine if there is a practicable alternative to the development as outlined in § 239.7.

(e) As part of the multiobjective planning approach under the Principles and Standards, determine viable methods to minimize the adverse impacts of the action and the induced development and methods to restore and preserve the natural and beneficial values of the floodplain. Successive iterations of the planning process as called for in ER 1105-2-200 should be used to develop methods for minimization (see paragraphs 10 and 11). This includes reevaluation of the no action alternative.

(f) Advise the general public if the proposed action will be located in the

floodplain. The policies and procedures of ER 1105-2-502 shall be utilized to the extent possible to advise the public.

(g) Recommend the most desirable plan responsive to the established planning objectives and consistent with the requirements of the Executive Order stated in § 239.6 above.

§ 239.9 Assessment of impacts.

The determination called for in § 239.8c above, requires an assessment of the impacts of the action. Impact identification and assessment apply to both the Corps action and to the induced development, if any, that would occur in the base floodplain with the proposed action, but not in the absence of the action. Existing procedures and guidance for identifying and assessing impacts are contained in ER 1105-2-240 for multiobjective planning and ER 1105-2-507 for responding to NEPA requirements. These procedures are designed to ensure that all significant adverse and beneficial effects of actions are identified and measured. ER 1105-2-240 requires identifying sources of impacts, tracing impacts, describing the magnitude of impacts and specifying the location, timing, and duration of impacts. ER 1105-2-507 generally requires the identification of impacts and effects of an action on the environment. In this regard, impact identification and assessment procedures required by existing regulations meet the requirements of the EO and shall be followed.

§ 239.10 Minimize.

As previously defined, minimize is to reduce to the smallest possible amount or degree. The goal of minimization is to avoid the adverse impacts associated with induced floodplain use. "Minimize" as defined in the WRC guidelines is broad and open-ended. There is an implicit acceptance of practical limitations which makes it consistent with the Principles and Standards. It is expected that all practicable workable means and measures will be utilized to minimize adverse impacts. Application of "minimization" to Corps activities and programs will require careful consideration and evaluation of the floodplain action and any adverse impacts of induced floodplain development. For example, successive iterations of the planning process should normally result in the deletion of separable segments of a project when such segment protects undeveloped land and induces development in the floodplain for which there would be another practicable non-floodplain alternative.

§ 239.11 Restore and preserve.

Restoration and preservation are methods of enhancing the natural and beneficial values of floodplains. Such

values are primarily environmental quality (EQ) objectives. Therefore, restoration and preservation should be considered as EQ components of overall plans or as EQ Plans under the Principles and Standards and the ER 1105-2-200 series. The implementation of actions or measures to restore or preserve floodplain values shall be recommended in reporting documents if they fall under existing Corps authorities. If they are not within existing authorities of the Corps, the report shall describe how the measures can be implemented. Example of actions that could be taken to restore floodplain values are as follows:

(a) Relocate non-conforming structures and facilities out of the floodplain.

(b) Reestablish damaged floodplain ecosystems.

(c) Restore, preserve, and create wetlands, marshes, and etc.

(d) Implement measures that will enhance fish and wildlife values.

(e) Restore and revegetate damaged beaches and dunes.

§ 239.12 Regulatory.

The policy in this regulation is consistent with the general policies for evaluating permit applications under the Corps of Engineers regulatory program as contained in reference 3d. Section 2(c) of the Order pertaining to the issuance of permits or licenses requires agencies to: (a) Consider and evaluate flood hazards for actions in floodplains; (b) provide early public review of plans or proposals in floodplains for which the impact is not significant to require preparation of an EIS; and (c) provide guidance to applicants to enable them to evaluate the effects of their proposal on the floodplain prior to submitting an application. Parts 320.4 and 325.3 of reference 3d contain policies and procedures that comply with the intent of the Order for items 1 and 2 above, respectively, and shall be continued. A forthcoming Corps of Engineers regulation will provide broad general guidance that will assist an applicant in preparing an application for a permit to evaluate early in the planning process the effects the proposal will have on the floodplain.

§ 239.13 Reporting requirements and public involvement.

When a determination has been made that there is no practicable alternative to locating an action in the floodplain, the EO requires the reporting of this finding by various procedures. In addition, the Order requires early public review of plans whenever an action is proposed for the floodplain. The Order requirements generally include and relate to reporting procedures that are presently accomplished under existing Corps regula-

tions, with some minor exceptions. The following additional information shall be included in existing reporting requirements, as appropriate, for general investigation studies, projects in engineering and design stages, studies under the special continuing authorities program, and activities under the operations and maintenance program.

(a) *Section 2(a)(2)*. If there is no practicable alternative to locating an action in the floodplain, a public notice shall be prepared and circulated to the general public. The notice shall include the following: (1) A description of why the action must be located in the floodplain; (2) a description of significant facts considered in making the determination to locate in the floodplain, including alternative sites and actions considered and any tradeoffs that were made; and (3) a statement indicating whether the proposal conforms to applicable State or local floodplain protection standards. The public notice issued upon completion of a study action or its equivalent will serve as the means to satisfy this requirement of the Order. Public notices shall provide specific information pertaining to subparagraphs (1), (2) and (3) of this paragraph, and the notices shall be appropriately disseminated to the general public in the affected area.

(b) *Section 2(a)(3)* requires the submission of a notice, not to exceed three pages in length, including a location map, to State and areawide A-95 Clearinghouse for the geographic area affected, when an action is to be located in the floodplain. Continuation of existing procedures and requirements stated in ER 1105-2-811 will comply with the intent of the Order with the exception that future notices to clearinghouses shall also include the additional information requested in paragraph (a) of this section.

(c) *Section 2b*. Requests for new authorizations or new appropriations for construction starts transmitted to the Office of Management and Budget shall provide information on whether a proposed Corps action will be located in the floodplain. If the proposed action is located in the floodplain the transmittal to OMB shall provide information on compliance with the EO. This shall include statements on whether the action affects the natural and beneficial values of the floodplains; steps taken to minimize potential harm to or within the floodplain caused by the action; and steps taken to restore and preserve the natural and beneficial floodplain values of the floodplain area.

(d) *Statement of findings*. Since Corps actions in the floodplain are subject to NEPA, the Statement of

Findings that accompanies the EIS (paragraph 6b of ER 1105-2-509), or covered in the feasibility report will include, in addition to existing requirements, the following:

(1) Reasons why the proposed action must be located in the floodplain.

(2) Facts considered in making the determination to locate in the floodplain, including alternative sites and actions considered.

(3) Statement on whether the proposed action conforms to applicable State or local floodplain protection standards.

(4) Statement on whether the action affects the natural and beneficial values of the floodplain.

(5) Description of steps taken to design or modify the proposed action in order to minimize potential harm to or within the floodplain; and

(6) A general listing of other involved agencies, groups, and organizations.

(e) *Public involvement*. To insure that adequate information and opportunities are provided early in the decision-making process to allow the public to participate effectively in floodplain management decisions, a public involvement program shall: (1) Include as broad an audience as possible; (2) provide continuous interaction and involvement opportunities for the public during the decision-making process; (3) provide information which promotes the fullest understanding of the proposed action; and (4) provide timely opportunities for all segments of the public to affect an action or plan before alternative actions have been precluded. The policies and objectives for public involvement contained in ER 1105-2-800 for planning Civil Works projects are generally parallel to the requirements of the Order. However, public participation programs shall include early, specific reference to Executive Order 11988 and its objectives. The public in the affected area shall be advised early, through the public participation process, whenever a proposed plan will result in action in the base floodplain.

§ 239.14 Application of EO to Civil Works program.

The provisions of Executive Order 11988 shall be implemented by each agency not later than May 24, 1978.

(a) *Preauthorization studies*. At the earliest stages of planning, the policy and procedures of this regulation shall be incorporated in the multiobjective planning process (ER 1105-2-200 series of regulations) to a scope and level of detail appropriate for preauthorization studies. For those studies for

which reports have been completed and forwarded by the reporting officers, supplemental information concerning the implementation of the Executive Order has been requested by DAEN-CWP under a separate action.

(b) *Advanced engineering and design*. Reporting officers shall insure that projects in the advanced engineering and design stage comply with the intent and objective of the Executive Order as set forth in this regulation.

(c) *Continuing authorities program* (ER 1105-2-50). The policies and procedures of this regulation are applicable to the planning and design of projects under the Continuing Authorities Program. Current studies under the Continuing Authorities Program shall incorporate the policies and procedures of this regulation early in the multi-objective planning process as required by ER 1105-2-50.

(d) *Projects under construction*. The Order does not apply to projects presently under construction, or to projects for which all of the funds have been appropriated through fiscal year 1978, or to projects and programs for which a draft or final environmental impact statement was filed prior to October 1, 1977, as part of AE&D activities.

(e) *Operation and Maintenance Activities*. The policies and procedures of this regulation are applicable to operation and maintenance activities of the Corps of Engineers. District Engineers shall insure that projects operated and maintained by the Corps comply with the policies and procedures set forth in this regulation and 33 CFR 209.145.

(f) *Emergency Activities*. Emergency and flood-related activities conducted under Pub. L. 84-99 essential to saving lives and protecting property and public health and safety, are exempt from the provisions of the Order (e.g. the requirement to prepare and circulate a notice of a proposed activity in the floodplain). However, rehabilitation activities performed under Pub. L. 84-99 by the Corps shall be carried out in a manner that reflects compliance with the spirit and intent of the Executive Order. This shall include providing leadership and taking actions to:

(1) Avoid harm to the natural and beneficial values of floodplains;

(2) Minimize the impact of floods on human safety, health and welfare;

(3) Restore the natural and beneficial floodplain values that have been impacted by an emergency action.

[FR Doc. 78-14541 Filed 5-23-78; 8:45 am]

NOTICES

[6820-23]

GENERAL SERVICES
ADMINISTRATION

[GSA Order ADM 1095.]

CONSIDERATION OF FLOOD PLAINS AND
WETLANDS IN DECISIONMAKINGGSA Procedures Regarding Floodplains and
Wetlands

AGENCY: General Services Administration.

ACTION: Request for public comments.

SUMMARY: This notice announces that GSA is publishing internal procedures to be followed in implementing the laws and Executive orders concerning all GSA actions that affect flood plains and wetlands. This notice is intended to inform the public of the actions that will be taken within GSA to minimize the impact of floods on human safety, health, and welfare; to minimize the destruction, loss, or degradation of wetlands; and to preserve and enhance the natural beneficial value of flood plains and wetlands.

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

ADDRESS: Comments should be addressed to the General Services Administration (PRE), Washington, D.C. 20405.

FOR FURTHER INFORMATION
CONTACT:

Mr. Carl W. Penland, Acting Director, Environmental Affairs Division, Office of Space Management, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202-566-1416.

Dated: May 18, 1978.

JAMES B. SHEA, Jr.,
Commissioner,
Public Buildings Service.

[ADM 1095.]

GSA ORDER

CONSIDERATION OF FLOOD PLAINS AND
WETLANDS IN DECISIONMAKING

1. *Purpose.* This order prescribes the uniform procedures to be followed in implementing the laws and Executive orders concerning all GSA actions that affect flood plains and wetlands, consistent with the basic statutory responsibilities governing GSA program operations. This order also provides a basis for publication, when required, of service and staff office orders and instructions explicitly directed toward the particular functions, activities, and personnel of each organization.

2. *Background.* a. The laws and Executive orders to be implemented include the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et

seq.), hereinafter referred to as NEPA; the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001, et seq.); the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975); Executive Order 11988, of May 24, 1977, entitled "Floodplain Management," hereinafter referred to as the Flood Plains Order; the Guidelines issued by the Water Resources Council for implementing Executive Order 11988, published in the FEDERAL REGISTER on February 10, 1978, 43 FR 6030; and Executive Order 11990, of May 24, 1977, entitled "Protection of Wetlands," hereinafter referred to as the Wetlands Order.

b. Section 1 of the Flood Plains and Wetlands Orders requires that each agency shall provide leadership and shall take action to minimize the impact of floods on human safety, health, and welfare, to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of flood plains and wetlands. The Flood Plains and Wetlands Orders were issued to restrict Federal activities in flood plains and wetlands and in furtherance of the National Environmental Policy Act, the National Flood Insurance Act, and the Flood Disaster Protection Act. They are intended to prevent to the extent possible the long- and short-term adverse impacts associated with the occupancy, destruction, or modification of flood plains and wetlands and to avoid direct or indirect support of flood plain development and new construction in wetlands wherever there is a practicable alternative.

c. Compliance with the Flood Plains and Wetlands Orders is required for the following Federal activities;

(1) The acquisition, management, and disposition of Federal lands and facilities;

(2) The provision of federally undertaken, financed, or assisted construction and improvements; and

(3) The planning for and conducting of Federal activities and programs affecting land use, including but not limited to water and related resources planning, regulating, and licensing activities.

d. The more detailed requirements of the Flood Plains Order apply to actions which impact upon both flood plains and wetlands.

3. *Responsibilities.* The Head of the Service or Staff Office or Regional Administrator under whose jurisdiction the action is being planned, hereinafter referred to as the responsible official, is responsible for the implementation of this order.

4. *Requirements.* a. Before taking any action in or affecting a flood plain or wetland, the responsible official shall:

(1) Determine if the proposed action is in a base flood plain or wetland, as defined in par. 1 of the attachment.

(2) Provide public notice and allow early public review of the preliminary proposal.

(3) Identify and evaluate alternatives which do not affect the base flood plain or wetland.

(4) Determine whether the action would adversely impact or indirectly support development in the base flood plain or wetland.

(5) Determine how to minimize the adverse impacts.

(6) Present the finding to the public for review.

(7) Reevaluate the alternatives to the proposed action.

b. The responsible official shall take no action in or affecting flood plains or wetlands unless the Administrator determines that it is the only practicable alternative.

5. *Applicability.* a. This order applies to the following actions involving flood plains and wetlands, including, but not limited to:

(1) Real property acquisition, (2) facility design and construction, (3) buildings alteration, (4) buildings operation, (5) stockpile management and operation, and (6) real property disposal to non-Federal public or private parties.

b. If a Federal agency requests conveyance of a property containing a flood plain or wetland, that agency is responsible for compliance with the Flood Plains and Wetlands Orders.

ATTACHMENT

1. *Definitions.* a. *Flood plains.* "Flood plains" are the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including, at a minimum, that area subject to a 1 percent or greater chance of flooding in any given year. Flood plains may be, but are not necessarily, wetlands.

b. *Wetlands.* "Wetlands" are those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, pot-holes, wet meadows, river outflows, mud flats, and natural ponds. Wetlands may be, but are not necessarily, located in flood plains.

c. *Based flood plains.* "Based flood plains" are those areas which have a 1 percent or greater chance of flooding in any given year, the so-called 100-year flood plains.

d. *Critical actions.* "Critical actions" are those actions which should not be exposed to even a slight chance of flooding. For example, activities for storage of volatile, toxic, or water-re-

active materials; hospitals and schools which may not be sufficiently mobile to avoid loss of life and injury; and utilities and emergency services which would be inoperative if flooded.

e. *Critical action flood plains.* "Critical action flood plains" are those areas which have a 0.2 percent chance of flooding any given year, the so-called 500-year flood plains.

2. *Meeting goals.* The goals of the Flood Plains and Wetlands Orders shall be met by the following:

a. The GSA site selection processes shall be amended to preclude the acquisition of facilities through purchase or lease within:

(1) Base flood plains and wetlands,
(2) Areas in which the action would adversely impact or indirectly support development in the base flood plain or wetland, and

(3) Critical action flood plains, if the proposed use would be especially dangerous when exposed to larger floods.

Exceptions are permissible only when the Administrator determines that no practicable alternative exists.

b. Land use plans shall be formulated in a manner which will avoid adverse impacts to flood plains and wetlands.

c. The alteration of facilities shall be discouraged within base flood plains and wetlands if the action would enlarge or modify the use of the facility and increase or change the environmental impacts on natural or human resources. Normal maintenance and repair to existing buildings are exempt from this requirement.

d. When it is proposed to dispose of any interest in surplus real property located in a flood plain or wetland to non-Federal public or private parties, the advertisement and conveyance documents shall reference and identify those uses that are restricted under Federal, State, or local regulations and shall attach other appropriate property use restrictions or withhold the properties from conveyance.

3. *The decisionmaking process.* The decisionmaking process for those GSA activities listed in par. 5. of the transmittal order shall include the following steps.

a. *Determination.* In the early stages of planning an action, the responsible official shall determine if the action will involve the disposal of a base flood plain or wetland or if it could involve the use of a base flood plain or wetland.

(1) A determination regarding flood plains should be made by inspecting Department of Housing and Urban Development flood plain maps of the property or by referring to a more detailed source, if available. This process and sources of flood plain information and technical assistance services are described in part II, step 1 of the Water Resources Council Guidelines.

(2) A determination regarding wetlands should be made by inspecting the property and by applying the definition in subpar. 1b. However, if a determination cannot be made on the basis of the definition and inspection, the information should be obtained from the Department of the Interior, the Corps of Engineers, the Environmental Protection Agency, or from city or county planning and zoning agencies.

(3) When a determination is made that the action will not involve the use or disposal of a base flood plain or wetland, the responsible official shall determine if the proposed action will have any indirect impact by performing the analysis in d, below.

b. *Early public review.* As soon as it becomes apparent that the proposed action may involve a base flood plain or wetland, the action shall undergo early public review to allow interested parties the opportunity to offer their views.

(1) Distribution of notices for early public review shall occur:

(a) Immediately after determining that a surplus property is in a flood plain or wetland,

(b) As soon as possible after the establishment of a delineated area which does not specifically exclude base flood plains and wetlands as acceptable sites, or

(c) As soon as possible after it becomes apparent that any GSA action may involve the use of or have an impact upon a base flood plain or wetland.

(2) The responsible official shall provide those individuals and groups who normally receive EIS's and those groups having specific interest in flood plain and wetland management a description of the property, plan, or proposal and (for flood plains only) as much of the material that has been developed to date to satisfy the A-95 clearinghouse review requirements of the Floodplains Order.

c. *Alternatives.* If the proposed action could be in a base flood plain or wetland or could affect a base flood plain or wetland, the responsible official shall consider the following alternatives:

(1) Carrying out the proposed action at a location outside the base flood plain or wetland (alternative sites),

(2) Using other means which accomplish the purpose of the proposed action (alternative actions), and

(3) Taking no action.

d. *Impacts.* The impacts of each alternative shall be identified and analyzed as discussed in part II, step 4 of the Water Resources Council Guidelines.

(1) The responsible official shall consider economic, environmental, and other pertinent factors when evaluating the impacts of the alternatives.

The NEPA implementation processes are the principal means of identifying impacts. The three basic types of impacts which must be assessed are: (a) Positive and negative, (b) concentrated and dispersed, and (c) short- and long-term.

(2) The responsible official may assume that he has complied with this order if the proposed action is not located in a base flood plain or wetland and the impact analysis concludes that the action will have neither direct nor indirect impact on the base flood plain or wetland.

e. *Decision.* (1) After the environmental assessment, final EIS, or other impact analyses and alternative studies have been completed on an action which would be located in or which may have an impact upon a base flood plain or wetland, the responsible official shall recommend a course of action to the Administrator. The Administrator may decide to take the action only if: (a) No practicable alternative exists, or (b) the requirements of subpar. 2d are followed for real property disposal actions.

(2) If the conditions in a or b, above, are met and the action is the subject of an environmental assessment or an EIS, the environmental assessment or the final EIS shall state that the preferred alternative involves a base flood plain or wetland.

f. *Minimize impacts.* (1) If the action is to be undertaken in a base flood plain, it must be in accordance with the standards and criteria, and consistent with the intent of, the National Flood Insurance Program (24 CFR 1909). It may deviate from this only to the extent that the standards of the flood insurance program are demonstrably inappropriate for the action. This means that projects will be designed and carried out as they would be to meet the substantive requirements for eligibility under the Flood Insurance Program even through GSA projects are not insured under this program.

(2) All reasonable actions shall be taken to "floodproof" the project and to design or modify the project to minimize potential harm to or within the flood plain. Elevation of the structure above the flood level shall always be taken instead of filling in land.

(3) If the action is to be undertaken in a wetland, the action shall be designed or modified using all practicable measures consistent with the intent of the National Environmental Policy Act and the Wetlands Order to minimize harm to the wetland.

g. *Public notice.* Public notices are not required by the Wetlands Order. However, the responsible official shall consider the impacts of the action and the level of concern the public has shown, or would show if it were aware of the action, and determine whether

the public interest would be served by a public notice. The public notice shall be prepared and issued as follows.

(1) The responsible official shall prepare the public notice, not exceeding three pages in length, which shall include: (a) An explanation why the action is proposed in the base flood plain or wetland, (b) a statement indicating whether the action conforms to State and local flood plain or wetland standards, (c) a list of the alternatives considered, and (d) a location map.

(2) The public notice shall be transmitted to: (a) State and areawide A-95 clearinghouses, (b) individuals and groups who normally receive EIS's on the actions in the geographical area, and (c) groups which have special interest in flood plain or wetland management.

(3) Distribution of the public notice for actions affecting a base flood plain or wetland shall occur as soon as possible after: (a) The distribution of a final EIS which states a preferred alternative, (b) the approval of an environmental assessment and negative declaration, or (c) the decision to take an action which is not included in categories a and b, above.

The transmittal letter for the final EIS may serve as the public notice if the transmittal letter meets the content requirements of subpar. 1, above.

(4) The public notice shall be circulated for a commenting period of not less than 15 days prior to commencement of the action. The 15 days may run concurrently with the 30-day commenting period on the final EIS if the final EIS transmittal letter serves as the public notice.

(5) All GSA notices on actions subject to OMB Circular A-95 must state, if known, whether or not the action is located in a base flood plain or wetland.

(6) Public hearings may be held when the responsible official determines that public hearings are the best method of notifying the public about the proposed action. A decision to hold a public hearing shall be based on the significance of the impact of the action on the base flood plain or wetland and the degree of interest the public has expressed or would express if it were aware of the action. If public hearings are held under the EIS process on the proposed action, these hearings will meet the requirement for hearings under the Flood Plains Order.

h. *Reevaluate.* The Administrator shall reevaluate his decision to take an

action affecting a base flood plain or wetland if significant new information is revealed in comments on the final EIS or comments received during the public review period.

1. *Implement.* When the actions in a thru h, above, have been taken, the proposed action may be implemented.

4. *Critical actions.*

The development of proposals which are critical actions shall follow the decisionmaking process in par. 3, substituting the term "critical action flood plain" for "base flood plain."

5. *Requests for authorization or appropriation.* When the proposed action necessitates a request for Congressional authorization or appropriation, the request to OMB must indicate the action is in compliance with the policy and mandatory provisions of the Flood Plains and Wetlands Orders.

[FR Doc. 78-14521 Filed 5-23-78; 8:45 am]

[4810-25]

DEPARTMENT OF THE TREASURY

Office of the Secretary

FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

Implementation of Executive Order 11988 and 11990

AGENCY: Department of the Treasury.

ACTION: Implementation of Executive Orders 11988 and 11990, dated May 24, 1977, in accordance with section 2(d) of Executive Order 11988, and section 8 of Executive Order 11990.

SUMMARY: This Treasury memorandum is published for public review as required by Council on Environmental Quality (CEQ) and U.S. Water Resources Council (WRC) guidelines for implementing Executive Order 11988.

COMMENT DATE: Written comments must be received on or before June 23, 1978.

ADDRESS: Comments should be mailed or delivered to: Director of Administrative Programs, room 2438, Main Treasury, Department of the Treasury, Washington, D.C. 20220, Attention: AAE.

FOR FURTHER INFORMATION CONTACT:

Mr. James M. Wright or Mr. Gerald W. Coe at 202-376-0289.

SUPPLEMENTARY INFORMATION: Since the Department of the Treasury does not, as a general rule, engage in activities which would impact upon floodplains or wetlands, no separate Departmental procedures will be issued to implement these Executive Orders. The Treasury Procedures for Preparation and Coordination of Environmental Impact Statements (39 FR 14796, April 26, 1974) will, however, be revised to include requirements concerning floodplain management and protection of wetlands.

Dated: May 18, 1978.

ROBERT R. FREDLUND,
Director of Administrative Programs.

EXECUTIVE ORDERS 11988, FLOODPLAIN MANAGEMENT, AND 11990, PROTECTION OF WETLANDS

MAY 18, 1978.

My memorandum of October 28, 1977, subject as above, provided you with copies of Executive Orders 11988 and 11990 and advised that further Departmental instructions would be forthcoming. Since the Department does not, as a general rule, engage in activities which would impact upon floodplains or wetlands, no separate Departmental procedures will be issued to implement these Executive Orders. The Treasury Procedures for Preparation and Coordination of Environmental Impact Statements (39 FR 14796, April 26, 1974) will, however, be revised to include requirements concerning floodplain management and protection of wetlands.

In the event any bureau should contemplate action within or adjacent to, or which would impact upon a floodplain or wetlands, it shall be the joint responsibility of the Bureau Environmental Quality Officer and Bureau Facility Managers to assure compliance with the provisions of Executive Orders 11988 and 11990 in accordance with the Treasury Environmental Impact Statement (EIS) Procedures. Floodplain management and protection of wetlands should be addressed, as necessary, in the current format of Treasury environmental impact statements or assessments until such time as the Treasury EIS Procedures are revised, or the Council on Environmental Quality issues its new regulations under the National Environmental Policy Act (NEPA).

All matters pertaining to floodplains and wetlands shall be immediately brought to the attention of the Assistant Director (Environmental Programs), Office of Administrative Programs.

Treasury Administrative Circular No. 243, Evaluation of Flood Hazards, dated August 27, 1973, is hereby rescinded.

ROBERT R. FREDLUND,
Director of Administrative programs.

[FR Doc. 78-14529 Filed 5-23-78; 8:45 am]

WEDNESDAY, MAY 24, 1978
PART III



DEPARTMENT OF
STATE

FISHERY
CONSERVATION AND
MANAGEMENT ACT OF
1976

Applications for Permit to Fish
off Coasts of U.S.

Register
of
Permits

[4710-09]

DEPARTMENT OF STATE

[Public Notice 609]

FISHERY CONSERVATION AND MANAGEMENT
ACT OF 1976Applications for Permits To Fish Off the Coasts
of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional applications for fishing during 1978 have been received from the Governments of the Republic of Cuba, Mexico, the Polish People's Republic, and the Union of Soviet Socialist Republics, and are published herewith.

Dated: May 17, 1978.

JAMES A. STORER,
Director,
Office of Fisheries Affairs.

NOTICES

22315

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0138

1. Name of Vessel "Golfo de Guacanayabo" 2. Visual Identifier (Call Sign) COGY
 3. Type of Vessel REFRIGERATED CARGO 4. Length 163.00 mts.
 5. Gross Tonnage 10,549.07 T. 6. Net Tonnage 6,436.66 T. 7. Speed (knots) 21
 8. Owner's Name and Address Empresa "Flota Cubana de Pesca", Muelle "Osvaldo Sanchez", Desamparados y Mercado, Luyano, Apartado 74, Habana, Cuba.
 9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested: Silver and Red Hake directed fisheries.

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
					X (including cargo transport resupply and crews transfer)

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. MX-78-0034

1. Name of Vessel CONCHITA PELAYO 2. Visual Identifier (Call Sign) XCAF
 3. Type of Vessel STERN TRAWLER 4. Length 38 M
 5. Gross Tonnage 380 6. Net Tonnage 250 7. Speed (knots) 12
 8. Owner's Name and Address SALMEDINA DE MEXICO S. A.
AV. JUAREZ NO. 14, 7° Piso - Mexico, D. F.
 9. Types of Processing Equipment FREEZER, MECHANICAL WASHER, and Eviscerator

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
NWA	LONG FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT FINNED	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. PL-78-0042

1. Name of Vessel CRATER 2. Visual Identifier (Call Sign) SPXA
 3. Type of Vessel STERN TRAWLER B-15 4. Length 83 m
 5. Gross Tonnage 2327 6. Net Tonnage 949 7. Speed (knots) 12.5
 8. Owner's Name and Address DEEP SEA FISHERY AND FISHING SERVICE
ENTERPRISE "DALMOR" B1 - 953 GDYNIA POLAND
 9. Types of Processing Equipment BADER I 181, 47 x 2, II-188, 47 x 2, 413, 47
III - 181, 47 x 2

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
WOC	HAKE JACK MACKEREL	MID-WATER TRAWL	X	X	
GOA	POLLOCK ATKA MACKEREL OTHER GROUND FISH	BOTTOM TRAWL MID-WATER TRAWL	X X	X X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. PL-78-0043

1. Name of Vessel TURK 2. Visual Identifier (Call Sign) SOGS
 3. Type of Vessel STERN TRAWLER 4. Length 89.89 m
 5. Gross Tonnage 2395 6. Net Tonnage 988 7. Speed (knots) 15.0
 8. Owner's Name and Address DEEP SEA FISHING COMPANY NORWAY
72-602 STHOLISLOT JAMA GORPANA 1
 9. Types of Processing Equipment FLASH FREEZER, PLATE FREEZER, PILLED, FISH, MEAL AND OIL PLANT

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
WOC	HAKE PAC JACK MACKEREL	Pelagic Trawl - " -	X X	X X	
GOA	POLLOCK ATKA MACKEREL OTHER GROUND FISH	BOTTOM TRAWL - " - - " -	X X X	X X X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

NOTICES

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **UR-78-0238**

1. Name of Vessel SULAK Visual Ident-
2. Flag (Call Sign) UPTO

3. Type of Vessel FISH PROCESSING BAZE 4. Length 174

5. Gross Tonnage 18011 6. Net Tonnage 11076 7. Speed (knots) 14.3

8. Owner's Name and Address BAZE OF TRAWLING AND REFRIGERATING MARINE,
VLADIVOSTOK, USSR

9. Types of Processing Equipment FREEZER, PRESERVES LINE, FISHMEAL PLANT,
FISH DRESSING LINE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
GOA	Pollock	-	x		x

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☐ No ☒ Yes (If yes, attach supplemental sheet showing flag of other vessels,
fishery, species, quantities, dates, locations and specific
activities requested.)

To conduct the support operation to U.S. catchers working for
Marine Resources Co., Inc.

UR-78-0238

Support of approximately 5-6 U.S. flag vessels
fishing for Marine Resources Co. of Seattle.

FISHERY - G.O.A.

SPECIES - pollock and about 20% of other finfish
as a by-catch

QUANTITIES - approximately 10,000 MT to be processed
for Marine Resources Co. from catches they
will purchase from U.S. fishing vessels

DATES - July - December 1978

[FR Doc. 78-14474 Filed 5-23-78; 8:45 am]

WEDNESDAY, MAY 24, 1978
PART IV



IMPROVING GOVERNMENT REGULATIONS

Proposals for
Implementing Executive
Order 12044

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Treasury Department	22319

Register
of
Proposals

PREVIOUSLY PUBLISHED PROPOSALS

Listed below are other documents on implementation of Executive Order 12044 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Selective Service System	April 11	15211
Energy Department	May 1	18634
National Capital Planning Commission.....	May 15	20945
National Aeronautics and Space Administration ...	May 22	21981
Veterans Administration	May 22	21983
Farm Credit Administration	May 22	21984
Agriculture Department	May 22	21986
Federal Mediation and Conciliation Service	May 22	21993
Defense Department	May 22	21994
Administrative Committee of the Federal Register	May 22	21995
Office of Management and Budget	May 22	21997
Civil Service Commission	May 23	22157

PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978 Date of Issue
Interior Department.....	May 25
Postal Service	May 25
State Department	May 25
National Foundation on the Arts and the Humanities	May 25
Council on Environmental Quality.....	May 25
Railroad Retirement Board	May 25
Housing and Urban Development Department	May 25
American Battle Monuments Commission	May 25
Community Services Administration	May 25
Small Business Administration	May 25
Pension Benefit Guaranty Corporation	May 25
Equal Employment Opportunity Corporation	May 25
Labor Department	May 26
Health, Education, and Welfare Department.....	May 30
Environmental Protection Agency	May 31
Transportation Department	June 1

[4810-25]

DEPARTMENT OF THE TREASURY

Office of the Secretary

DRAFT REPORT FOR IMPLEMENTATION OF EXECUTIVE ORDER 12044 ON IMPROVING GOVERNMENT REGULATIONS

AGENCY: Department of the Treasury.

ACTION: Draft implementation report required by Executive Order 12044.

SUMMARY: This draft report is published for public comment as required by section 5(a) of Executive Order 12044. A copy has also been provided to the Office of Management and Budget. Subsequent to review and comment, a revised report will be submitted to the Office of Management and Budget for approval before final publication in the *FEDERAL REGISTER* in accordance with section 5(b) of the Order.

COMMENT DATE: Written comments must be received on or before July 24, 1978.

ADDRESS: Comments must be mailed or delivered to: the Assistant Secretary (Administration), Room 3442 Main Treasury, Department of the Treasury, Washington, D.C., 20220, Attention: RIIP.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony V. DiSilvestre, Regulatory Improvement Implementation Project (RIIP) Coordinator, at 202-566-2966.

SUPPLEMENTARY INFORMATION: This draft report is in three parts. Part One briefly describes the current process by which the Treasury Department develops regulations. Part Two describes the proposed process for future development of regulations in accordance with Executive Order 12044. The proposed process, in the form of a draft Treasury directive, includes criteria for defining significant regulations, for identifying which regulations will require regulatory analyses, and for selecting existing regulations to be reviewed. Part Three provides a list of Treasury regulations proposed to be considered for an initial review in accordance with sections 4 and 5(a) of the Executive Order.

Consideration will be given to public comments on Parts Two and Three of this draft report in the preparation of a revised Treasury report. Comments received on the draft report will be available for public inspection, and reproduction (at a cost of ten cents per page), in the Treasury Library, Room 5030 Main Treasury.

PART ONE

CURRENT PROCESS BY WHICH THE DEPARTMENT OF THE TREASURY DEVELOPS REGULATIONS

PREFACE

The Department of the Treasury is a decentralized agency which has no single "regulations office" preparing regulations for the Department as a whole. This function is performed by an organizational unit within each Treasury bureau or office that issues regulations. Consequently, the following process for developing Treasury regulations is a composite of the current procedures used by the various bureaus and offices. Exceptions to this general process are indicated in the text. In order to develop this material, each Treasury bureau or office which drafts regulations was asked to submit a description of the specific process by which they do so. Copies of the individual descriptions are available for public inspection, or reproduction, in the Treasury Library, Room 5030 Main Treasury.

I. ESTABLISHMENT OF REGULATIONS

A. *Responsibility.* All bureaus, offices, or other components of the Treasury Department (hereafter referred to as "bureaus") which draft regulations: (1) have a distinct organizational unit responsible for drafting regulations; or (2) assign responsibility for drafting regulations to their legal counsel. The unit responsible for drafting regulations will be referred to as the "regulatory office".

B. *Source of Regulations.* Treasury regulatory proposals are generated by:

- (1) New legislation;
- (2) Requests from the Office of the Secretary of the Treasury;
- (3) Requests from offices within the bureau;
- (4) Legal decisions in court cases; and
- (5) Suggestions or petitions from taxpayers, industry, or consumers.

C. *Study of Regulatory Proposal.* Proposals for regulations are evaluated by the regulatory office or by other offices within the bureaus or Office of the Secretary. In some cases, information may be solicited from other Government agencies or interested members of the public prior to beginning regulatory action. After establishment of a regulatory project, the regulatory office may notify officials in the Office of the Secretary of the expected scope and content of the regulation and furnish a brief description of any significant policy issues.

D. *Requirement for Notice of Proposed Rulemaking.*

(1) Normally a notice of proposed rulemaking will be prepared before a final regulation is issued.

(2) Under 5 U.S.C. 553, certain regulations may be issued without notice

of proposed rulemaking. If a regulation is issued without notice, the reason is generally stated in the final document.

(3) In some cases, the U.S. Customs Service and the Bureau of Alcohol, Tobacco and Firearms issue an advance notice of proposed rulemaking to solicit information from the public or to involve the public at an early stage in the rulemaking process.

II. PROPOSED RULEMAKING

A. *Preliminary Draft:*

(1) A specialist or attorney in the regulatory office prepares a preliminary draft of the document. A senior specialist or attorney within the office then reviews the document.

(2) The preliminary draft is furnished to and informally reviewed by staff members of the office within the bureau having primary operation or legal responsibility. The preliminary draft is typically reviewed by the appropriate legal counsel and the head of the bureau, and may be reviewed by officials within the Office of the Secretary, or other Government agencies.

(3) Comments from offices to which the preliminary draft was circulated are reviewed. The regulatory office may modify the draft regulation accordingly. Informal meetings may be held to discuss changes or to resolve questions. In some cases, policy differences are resolved by the bureau heads.

B. *Final Draft:*

(1) The regulatory office then prepares a final draft of the document. This document is reviewed by affected program personnel, managers, and the legal counsel for the bureau.

(2) The head of the bureau signs the document.

(3) If the regulation has significant effect on State and local governments, it is sent to the Advisory Commission on Intergovernmental Relations for comment under the provisions of Office of Management and Budget Circular A-85. In such cases, thirty days are usually allowed for comment.

(4) The document is then sent to the responsible Assistant Secretary of the Treasury or the General Counsel for review and approval, as appropriate.

(5) After approval by the Assistant Secretary or General Counsel, the document is transmitted to the Executive Secretary of the Treasury in accordance with Treasury Directive 50-04.E, "Procedures for Preparing Documents Which Impact the Public", dated September 26, 1977. The transmittal memorandum describes any important policy considerations and recommends whether the document should be reviewed by the Secretary or Deputy Secretary.

(6) Upon approval by the appropriate official within the Office of the Secretary, the document is returned to

the regulatory office within the bureau.

C. Federal Register Publication:

(1) The proposed regulation is certified by the regulatory office and sent to the FEDERAL REGISTER for publication. The U.S. Customs Service also publishes proposed rulemaking in the Customs Bulletin.

(2) The notice of proposed rulemaking allows the public 30-60 days to comment on the proposed regulation. All written comments are ordinarily available for public inspection. Some bureaus also schedule public hearings or allow members of the public to request hearings on proposed regulations.

(3) If a public hearing is held on a proposed regulation, officials from the bureau or Office of the Secretary will attend. Transcripts of hearings, when recorded, are made available to the public at cost.

III. FINAL REGULATION (TREASURY DECISION)

A. *Evaluation of Comments.* Written comments and oral testimony from public hearings are evaluated by the bureau. The regulatory office usually summarizes comments received and furnishes them to other offices within the bureau.

B. *Preliminary Draft.* The regulatory office then may prepare a preliminary draft of the final regulation, modified, if necessary, by public comments. If radical changes are made, the notice of proposed rulemaking may be withdrawn and a new one issued. The preliminary draft is next reviewed within the bureau as outlined in section II.A above.

C. *Final Draft.* The regulatory office will then prepare a final draft of the regulation which will be reviewed within the bureau and Office of the Secretary as outlined in section II.B above. For some regulations, an Economic Impact Statement may be prepared in accordance with Treasury Directive 50-04.D, "Inflation Impact Statements for proposed Legislation, Regulations or Rules", dated October 8, 1976.

D. Federal Register Publication.

(1) After approval of the final regulation by the Office of the Secretary, it is returned to the regulatory office, certified, and sent to the FEDERAL REGISTER for publication. The U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms, and the Internal Revenue Service also publish final regulations in their own publications.

(2) Final regulations will ordinarily be effective not less than 30 days after publication in the FEDERAL REGISTER. A bureau may, however, under 5 U.S.C. 553(d), determine that an earlier effective date is necessary.

(3) After FEDERAL REGISTER publication, the regulation is incorporated

into the next annual revision of the appropriate title of the Code of Federal Regulations.

PART TWO

PROPOSED PROCESS BY WHICH THE DEPARTMENT OF THE TREASURY WILL DEVELOP AND REVIEW REGULATIONS

PREFACE

Part Two describes the proposed new process by which Treasury will develop and review regulations. This description is in the form of a proposed Treasury directive which will instruct Treasury bureaus and offices on the procedures they shall follow in compliance with Executive Order 12044. Treasury directives are not normally made available for public comment. As part of this report, however, public comment is being solicited on the proposed procedures outlined in the directive.

Although this proposed Treasury directive has not as yet received final approval, all Treasury bureaus and offices will be expected to comply with it effective May 22, 1978, even though it is subject to change as a result of public comment on this report as a whole. *Summary of the New Process.* The key element in Treasury's proposed procedures is a work plan. This work plan will be required before a bureau or office may initiate any action, other than preliminary studies, relating to the development or review of a regulation. The work plan will provide a summary description of the regulation, and a statement as to its need and statutory authority, policy issues raised, potential alternatives, and whether the regulation should not be considered significant. Secretarial approval of the work plan will allow the originating office to proceed with the regulatory action. Major changes involving regulations described in any work plan may necessitate that the plan be revised and reapproved.

Under the proposed procedure, all Treasury regulations codified in the Code of Federal Regulations will be defined as significant regulations unless they are identified and approved in the work plan as being non-significant. The proposed directive also establishes criteria which may be used to identify non-significant regulations.

Treasury bureaus or offices issuing regulations will be required by the proposed procedures to publish a semi-annual agenda of significant regulations being developed or reviewed. The agenda itself will be compiled from the approved work plans for each regulation, and will be published by the responsible bureau or office with the approval of the Secretary.

Each bureau or office will be required also to periodically review its regulations to determine if they meet

the policy objectives of Executive Order 12044. The proposed procedures list criteria to be used in identifying those regulations for review. Significant regulations so identified will appear in each bureau or office's semi-annual agenda.

Some significant regulations may have a major economic impact on the general economy, on individual industries, geographical regions, or levels of government. For these regulations, the originating office will be required to prepare a regulatory analysis. Criteria for the selection of regulations for this analysis are outlined in the proposed procedure. The bureau or office will make the draft regulatory analysis publicly available when regulations are proposed; a final copy will be available upon publication of final regulations.

Under the proposed procedures, Secretarial approval is required for the issuance of all significant regulations. This approval would be conditioned upon the determination that the regulations meet certain important criteria specified in the procedures.

PROPOSED DIRECTIVE

The text of the proposed Treasury directive is as follows:

Subject: Criteria and Procedures for the Preparation, Review, and Approval of Regulations.

1. *Purpose.* This Directive establishes policies, criteria, and procedures for the issuance of new regulations, the review of existing regulations, and the preparation of regulatory analyses, and makes assignments of related responsibilities. This Directive is intended to improve the quality of Treasury regulatory practices. It is not intended to create delay in the process.

2. *Scope.* This Directive applies to the Office of the Secretary and all bureaus.

3. *Authority and References.* a. Executive Order 12044, "Improving Government Regulations," dated March 23, 1978 (43 FR 12661).

b. FEDERAL REGISTER Document Drafting Handbook, dated January 1975.

c. 1 CFR 18.12, Preparation of Preambles for FEDERAL REGISTER Documents.

d. TD 50-04.A "Filing Documents for Publication with the FEDERAL REGISTER", dated September 22, 1975.

4. *Cancellation.* a. TD 50-04.D, "Inflation Impact Statements for Proposed Legislation, Regulations or Rules", dated October 8, 1976.

b. TD 50-04.E, "Procedures for Preparing Documents Which Impact the Public", dated September 26, 1977.

5. *Applicability.* a. *In general.* The Department through its bureaus and offices issues regulations which, for

the purposes of this Directive, are divided into three categories. The first category consists of internal directives, generally published in Treasury directives systems. The second consists of regulations which impact on the public and which are published in the FEDERAL REGISTER and codified in the Code of Federal Regulations. The third consists of notices and other essentially nonpermanent matters published in the FEDERAL REGISTER, but not codified in the Code of Federal Regulations. The policies set forth in paragraph 7 and the responsibilities assigned by paragraph 14 of this Directive govern all three categories. The principal purpose of this Directive is to implement Executive Order 12044. In recognition of this, the criteria and procedures described in paragraphs 8 through 13 relate principally to the second category of regulations.

b. *Specific nonapplicability.* Specifically, the criteria and procedures set forth in paragraphs 8 through 13 do not apply to:

(1) Internal management documents issued in the Department of the Treasury Directives Manual, the Treasury Personnel Manual, the Treasury Fiscal Requirements Manual, the Treasury Procurement Regulations, and similar or related constituent unit directives systems;

(2) Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557); and

(3) Regulations issued with respect to a military or foreign affairs function of the United States.

c. *Notice section material.* Materials which are published in the Notice section of the FEDERAL REGISTER are also not subject to the criteria and procedures set forth in paragraphs 8 through 13. The FEDERAL REGISTER publication of these materials shall include an express statement to the effect that the published material does not meet the Department's criteria for significant regulations. However, in the discretion of the office or person proposing issuance, or when directed by higher authority, material to be published in the Notice section may be made subject to the criteria and procedures to the extent possible.

d. *Waiver.* The provisions of paragraphs 8 through 13 may be waived with respect to regulations, otherwise subject to those provisions, when the regulations are issued in response to an emergency, or are governed by short-term deadlines imposed by a statute or judicial decision. However, when such waiver is necessary, the FEDERAL REGISTER publication of the regulation shall include a statement of the reasons why it is impractical or contrary to the public interest to follow the procedures of this Directive, together with the name and title

of the policy official responsible for the determination.

6. *Effective date.* The provisions of this Directive are effective as of May 22, 1978. However, any regulation in the process of preparation on that date, which, on or prior to September 1, 1978, either is published in the FEDERAL REGISTER in proposed form, or has been, or was scheduled to be, the subject of a public hearing, will not require a work plan (paragraph 9.b.) or a regulatory analysis (paragraph 12) unless otherwise directed by higher authority. This period of transition is provided in order that the issuance of any regulation, which has already been published or is now close to publication as a notice of proposed rulemaking, will not be delayed. Also, in the case of any regulation on which work has been commenced prior to May 22, 1978, but which has not been published in the FEDERAL REGISTER in proposed form, or has not been, or has not been scheduled to be, the subject of a public hearing, a work plan will not be required until further work is performed with respect to that regulation.

7. *Policy.* It is the policy of the Department of the Treasury that the spirit as well as the letter of Executive Order 12044 be followed in the development of regulations. To achieve this objective, regulations shall be developed through a process which ensures that:

a. The need for, and the purposes of, the regulation are clearly established;

b. The Secretary and other policy officials are able to exercise effective oversight;

c. Opportunity exists, as otherwise required, for early participation and comment by other Federal agencies, State and local governments, businesses, organizations, and individual members of the public;

d. Meaningful alternatives are considered and analyzed before the regulation is issued; and

e. Compliance costs, paperwork and other burdens on the public are minimized.

8. *Criteria for Significant Regulations.* Each regulation or amendment to an existing regulation which is to be (or has been) issued by the Department of the Treasury or a component thereof, published in the FEDERAL REGISTER, and codified in the Code of Federal Regulations is considered to be a significant regulation. Any document which is not published in the FEDERAL REGISTER, or published there, but not codified in the Code of Federal Regulations, is not significant and may not be a regulation. A regulation which would otherwise be eligible for consideration as a significant regulation may, nonetheless, with Secretarial approval, be determined not to be a significant regulation. Such determina-

tion shall be expressly justified. Examples of qualifying justifications are the following. The regulation or amendment:

a. Is required to implement a statute, an international agreement, a court decision, or a regulatory action of another agency, bureau, or office, and no substantial element of discretion is afforded the rulemaker;

b. Is non-substantive;

c. Is essentially procedural;

d. Does not materially change existing, or establish new, policy;

e. Does not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected thereby; or

f. Is addressed to, and primarily impacts, Federal officials or employees, and not the general public, business entities or State and local governments.

9. *Development or Review of Regulations—*a. *Approval to develop or review regulations.* No action, other than preliminary studies, on any regulation which is to be, or has been, published in the FEDERAL REGISTER and codified in the Code of Federal Regulations, shall be undertaken without Secretarial approval of a work plan.

b. *Work plan to be furnished the Secretary.* The initiating office wishing to gain approval of such a regulation project shall prepare a work plan in memorandum form from the bureau or office head, through the appropriate policy review officials to the Secretary. Each work plan shall be serially numbered by the bureau or office. The work plan shall contain the following information:

(1) A description of the subject matter of the regulation project and whether a new regulation, or revision or rescission of an existing regulation is proposed;

(2) A justification of the need for a new or revised regulation or other action proposed;

(3) The statutory basis for the regulation;

(4) The name and telephone number of a knowledgeable official;

(5) If applicable or possible, a statement of whether a regulatory analysis will be prepared, or a statement as to when and how it will be determined whether such an analysis will be prepared;

(6) A brief description of the policy issues involved;

(7) A brief discussion of potential alternative approaches to be explored for solving the issues;

(8) The plan for obtaining public comments, which shall address whether a public hearing or conference will be held;

(9) The target dates for completion of the following steps in the development of the regulation:

(a) Completion of advance notice of proposed rulemaking or notice of intent (if any), and proposed publication date for such notice;

(b) Completion of the draft regulatory analysis, if applicable, and the preliminary draft of the notice of proposed rulemaking;

(c) Completion of the final draft of proposed rulemaking, the period of review within Treasury, and the proposed date for publication in the *FEDERAL REGISTER*;

(d) Expiration of the period for written comments and completion of hearing, if any;

(e) Completion of the final regulatory analysis, if applicable, and the preliminary draft of the final rulemaking; and

(f) Completion of the final draft, the period for review within Treasury, and the proposed date for publication in the *FEDERAL REGISTER*;

(10) If applicable, the reasons why the regulation should not be considered significant in accordance with paragraph 8; and

(11) A recommendation that the work plan receive Secretarial approval.

c. *Work plan for non-significant regulations.* If a work plan in accordance with b.(10) above states reasons why the regulation should not be considered significant, the work plan shall fully address the matters in b.(1) through b.(5) and b.(10), and may address all other matters in an abbreviated, conclusionary manner. For example, with respect to b.(9), only the information in b.(9)(f) need be specified.

d. *Approval of work plan.* Any reviewing official may disapprove or direct that work plan be revised. By concurring and forwarding the work plan to the next reviewer, each reviewing official will be deemed to recommend approval of the work plan as presented. Approval of a work plan is limited to the Secretarial level. The initiating office may be required to revise the work plan prior to, or as a condition of, approval. An approved work plan is a commitment by the initiating bureau or office that the regulation project will be undertaken in conformity with the approved plan. Bureau and office heads will be held accountable for carrying out the plan as approved, whether revised or amended.

e. *Revision or amendment of work plan.* (1) The originating office may, at any time during the development or a regulation, initiate a revision of an approved work plan. Unless the Secretary has determined the regulation not to be significant, a material, substantive revision of items (1), (2), (3), (5), (6), (7), or (8) of the work plan, prior to publication of a notice of proposed rulemaking, requires resubmission for Secretarial approval. Any such revision made to the work plan

after such publication does not require resubmission, but shall be explained in connection with approval of the final regulation under paragraph 13.c. A revision of item (9) also requires resubmission, if the target dates under (a), (c), or (f) are to be delayed for more than three months. In such event, the resubmission for approval shall state the reasons for the delay. Revision of item (10), at any time, requires resubmission for Secretarial approval.

(2) Non-material, non-substantive changes in any item, and changes in item (9), other than as specified in e.(1) above, of approved work plans for significant regulations, or any changes (other than to item (10)) to work plans covering regulations identified as non-significant, may be accomplished by amendment. Amendments do not require Secretarial approval.

(3) Revisions or amendments to approved work plans shall be made by placing brackets "[]" around material to be deleted and underlining new language. This will permit immediate focus on changes and will provide a continuous history of the work plan.

f. *Opportunity for public participation.* As otherwise required, and in accordance with paragraph 7.c., each bureau and office shall give the public, in general, and State and local governments or their representatives, in particular, an early and meaningful opportunity to participate in the regulatory process. Bureaus and offices may consider a number of ways to provide this opportunity, including:

(1) Publishing an advance notice of proposed rulemaking;

(2) Holding open conferences or public hearings;

(3) Sending notices of proposed regulations to publications likely to be read by those affected; and

(4) Notifying interested parties directly. Bureaus and offices shall allow at least 60 days for comment on proposed significant regulations. If this is not possible, the regulation shall be accompanied by a brief statement of the reason why a shorter time period is necessary.

10. *Semiannual Agenda*—a. *Schedule of semiannual agenda.* Each year, by September 1, starting in 1978, the head of each bureau or office shall submit to the Executive Secretary, a statement of the dates on which the bureau or office proposes to publish its semiannual agenda. The Executive Secretary shall compile the Department's publication schedule on the basis of these submissions and, with Secretarial approval, submit the schedule for publication in the *FEDERAL REGISTER* on the first Monday in October of each year, starting in 1978.

b. *Semiannual agendas.* Each bureau or office shall publish its semiannual agenda in accordance with the schedule published in the *FEDERAL REGISTER*

in October of each year, and may publish a supplement at any time. The head of each bureau or office shall submit the semiannual agenda, or supplements thereto, for *FEDERAL REGISTER* publication by signing below the subscription, "By direction of the Secretary of the Treasury".

(1) Each semiannual agenda shall be composed of two parts, a list of significant regulations under development, and a list of significant existing regulations to be reviewed. Regulations determined to be nonsignificant may also be listed. For each regulation, the semiannual agenda shall contain items (1) through (5) of the approved work plan. The semiannual agenda shall also indicate the status of regulations listed on prior semiannual agendas.

(2) Upon publication of a semiannual agenda or supplement, the bureau or office shall also furnish a copy to the Executive Secretary.

11. *Review of Existing Regulations*—a. *Criteria.* Bureaus or offices shall periodically review their existing regulations to determine if they are achieving the policy goals set forth in paragraph 7. Selection of regulations for review shall be made on the basis of the following criteria listed in the order of their significance. Regulations which:

(1) Were issued prior to enactment of legislation which either materially alters the statute under which the regulations were issued or provides significantly different rules concerning the subject regulatory matter from the rules contained in the regulations;

(2) Are the subject of meaningful criticism directed at the agency by the public;

(3) Apply only with respect to a period of time for which the opportunity has expired for the agency to secure compliance;

(4) Were issued with respect to circumstances or conditions which are no longer material;

(5) Have not been invoked by those affected or the government for more than 1 year;

(6) The bureau or office considers are complied with at an unacceptable level by a significant portion of the public;

(7) By their terms (and without regard to the requirements of an underlying statute or court decision) impose a reporting, recordkeeping, or other burden on those affected thereby;

(8) May duplicate or overlap other regulations of the Federal Government;

(9) Have been the subject of a significant volume of litigation questioning their validity or interpretation;

(10) Contain substantive rules that are not simply interpretative rules, general statements of policy or rules of agency organization, procedure, or

practice and which have not been significantly revised in the preceding 6 years; and

(11) Are complex and can be clarified and simplified.

b. *Identification.* The head of each bureau or office shall ensure that the bureau or office maintains a systematic process for the identification of regulations for review using the criteria set forth above.

c. *Work plan.* The bureau or office proposing a regulation for review shall prepare and obtain Secretarial approval of a work plan in accordance with paragraph 9, prior to starting the review of the regulation. Review of a regulation shall follow the procedural steps applicable to the development of new regulations.

d. *Agenda.* Significant regulations approved for review shall be included in the semiannual agenda as provided in paragraph 10.

12. *Regulatory Analysis—*a. *Responsibility.* Some significant regulations may have major economic consequences for the general economy, for individual industries, geographic regions, or levels of government. For these regulations, a regulatory analysis shall be prepared. Such an analysis shall be a careful examination of alternative approaches, which is undertaken early in the regulatory process in order to be available to reviewers and the Secretary.

b. *Criteria.* A regulatory analysis shall be prepared for significant regulations or amendments to existing regulations which will, or can reasonably be calculated or estimated to, result in:

(1) An annual impact (positive, negative, or combination) on the general economy of \$100 million or more;

(2) An annual increase in costs or prices for an individual industry, geographic region, level of government, or identifiable class of individuals or business entities of \$40 million or more; or

(3) An effect on an individual industry, geographical region, or level of government which is of such a magnitude, without reference to a particular dollar threshold, that:

(a) The continued existence of an industry, or significant sector thereof, is seriously threatened;

(b) Severe dislocation, market disruptions, or shortages of labor would result; or

(c) The ability of a governmental unit to continue to carry out its governmental functions is seriously undermined. A regulatory analysis will not be required if the economic or other consequences meeting the above criteria flow directly from the statute, international agreement, or court decision being implemented. In such event, an abbreviated, conclusionary statement setting forth these facts shall be prepared in lieu of a regulatory analysis.

c. *Discretion.* In addition to the specific criteria in b. above, a work plan submitted for Secretarial approval may provide that a regulatory analysis shall be prepared on any proposed significant regulation or amendment to an existing regulation. The Secretary may also direct that such an analysis be prepared as part, or as a condition, of Secretarial approval of the original or revised work plan.

d. *Preparation of draft regulatory analysis.* When an approved work plan requires a regulatory analysis, the originating office shall prepare a draft prior to, or at the time of, the actual drafting of the proposed regulation. The originating office shall obtain such information, expertise, assistance, or review as is necessary from any available source within and outside the Government. However, no essential data shall be sought (other than data protected from disclosure by law) from the private sector that is already available to the Government, even if in some other form. If it, nonetheless, becomes necessary to seek essential data from the private sector, it shall be done in the least burdensome manner, and in accordance with applicable laws concerning reports by the public and the safeguarding of proprietary information. Each regulatory analysis shall contain, as a minimum, the following:

(1) A succinct statement of the problem;

(2) A description of the major alternative ways of dealing with the problem that were considered; and

(3) An analysis of the economic consequences of each alternative and a detailed explanation of reasons for choosing one alternative over the others.

e. *Preparation of final regulatory analysis.* The originating office shall prepare the final regulatory analysis, using the same process as with the draft, to reflect changes resulting from public participation in the rulemaking process. The final regulatory analysis shall accompany the final rulemaking through all review and approval levels, including Secretarial approval.

f. *Availability.* An explanation of the regulatory approach selected or favored and a short description of other alternatives considered shall be included in both the notice of proposed rulemaking and the final rulemaking. Also, a statement shall be included as to how the public may obtain a copy of the draft or final regulatory analysis.

13. *Approval of regulations—*a. *Proposed regulations.* Each advance notice of proposed rulemaking, or notice of intent to hold a public hearing or conference, or notice of proposed rulemaking issued in accordance with an approved work plan shall be

signed by, or at the direction of, the bureau or office head, approved, if otherwise required, by the appropriate policy official, and submitted by the bureau or office to the FEDERAL REGISTER for publication. If the approval work plan includes a determination that the rulemaking does not involve a significant regulation, a statement shall be included in the notice that the regulation does not meet the Treasury criteria for a significant regulation.

b. *Nonsignificant final regulations.* Final regulations which have been determined not to be significant in an approved work plan shall be signed by the bureau or office head, approved, if otherwise required, by the appropriate policy official, and submitted by the bureau or office to the FEDERAL REGISTER for publication. The final rulemaking shall include a statement that the regulation does not meet the Treasury criteria for a significant regulation.

c. *Significant final regulations.* Regulations which are significant shall be signed by the bureau or office head, approved, if otherwise required, by the appropriate policy official, and forwarded to the Executive Secretary for the Secretarial determination that the regulation should be approved for publication in the FEDERAL REGISTER. The Secretarial determination shall be requested by a memorandum from the appropriate policy official. The memorandum shall contain or transmit the following:

(1) The justification of the need for the new or revised regulation or other final action;

(2) A brief discussion demonstrating the adequacy of consideration given to both the direct and indirect effects of the regulation;

(3) A brief discussion of alternative approaches considered and the reason(s) why the approach chosen is considered the least burdensome of the acceptable alternatives;

(4) Evidence that public comments received during the development of the regulation have been considered and that an adequate response has been prepared, addressing the issues raised by the comments;

(5) Documentation of new reporting burdens or recordkeeping requirements necessary for compliance;

(6) A plan for evaluating the effectiveness of the regulation after its issuance;

(7) A copy of the final regulatory analysis, where applicable; and

(8) A recommendation for Secretarial authorization to publish the regulation.

Approval of the recommendation to authorize publication of the regulation will evidence that the Secretary has determined the regulation to be needed and that all steps preliminary

to publication have been satisfactorily completed. It will also evidence that the regulation has been reviewed, that it is written in plain English, and that it contains the name, address, and telephone number of a knowledgeable, responsible official. After approval, the regulation shall be submitted to the Federal Register for publication by the bureau or office.

14. *Responsibilities*—a. Heads of bureaus of offices shall ensure that:

(1) The initiation, preparation, publication, and review of regulations by their respective organizations are conducted in accordance with this Directive;

(2) Proposed regulation projects, which require a work plan, are submitted for Secretarial approval with well articulated work plans responsive to the requirements of this Directive and that work plans are accomplished as approved and by the specified target dates; and

(3) The President's objectives as expressed in Executive Order 12044 and this Directive are met as fully as possible.

b. Under Secretaries, the General Counsel, and Assistant Secretaries shall ensure that heads of bureaus and offices reporting to them receive the cooperation and assistance they may require to carry out their responsibilities under this Directive, and that every responsibility is carried out.

c. The Assistant Secretary for Economic Policy and, where appropriate, the Assistant Secretary for Tax Policy shall assist and cooperate with heads of bureaus and offices in preparing regulatory analyses, when required, and review, and advise the Secretary on, the adequacy of such analyses. The Office of Tax Analysis shall prepare those portions of regulatory analyses respecting Internal Revenue Service regulations dealing with economic consequences.

d. The Executive Secretary shall serve as the principal point of contact with the Office of Management and Budget and other agencies on the improvement of regulations and provide staff support to the Secretary by:

(1) Compiling and publishing the annual listing of semiannual agenda publication dates;

(2) Reviewing work plans;

(3) Maintaining a current file of approved work plans;

(4) Monitoring bureau and office publication and compliance with semiannual agendas and, for that purpose, maintaining a current file of published agendas;

(5) Reviewing, and maintaining a current file of, regulatory analyses in draft and final form;

(6) Reviewing final rulemaking requests and ensuring that each such request and final rule complies with this Directive and is ready for Secretarial approval; and

(7) Monitoring and evaluating the effectiveness of this Directive, in terms of the Executive Order which it implements, and providing a report on such effectiveness to the Secretary by January 15, 1980.

15. *Judicial Review*—Nothing in this Directive is intended to provide new grounds for judicial review or to be interpreted as superseding any existing statutory obligation governing rule-making.

16. *Expiration*—Unless extended, this Directive expires on September 30, 1980.

17. *Office of Primary Interest*—Office of the Executive Secretary, Immediate Office of the Secretary.

W. MICHAEL BLUMENTHAL.

PART THREE

LIST OF EXISTING REGULATIONS SELECTED FOR INITIAL REVIEW

The following Department of the Treasury regulations have been selected for the initial review required by section 5(a)(4) of Executive Order 12044. The regulations are listed by bureau or office, in alphabetical order, and are identified by: (1) Code of Federal Regulations (CFR) or United States Code (U.S.C.) citation; (2) title or subject matter; and (3) the reason(s) for the proposed review based on the numbered criteria of paragraph 11.a., of the proposed directive set forth in part Two.

A. BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

(1) 27 CFR part 4, Labeling and advertising of wine (10).

(2) 27 CFR part 5, Labeling and advertising of distilled spirits (10).

(3) 27 CFR part 6, Inducements furnished to retailers (10).

(4) 27 CFR part 7, Labeling and advertising of malt beverages (10).

(5) 27 CFR part 201 subpart Q, Distilled spirits plants, stamps (1).

(6) 27 CFR part 211, Distribution and use of denatured alcohol and rum (10, 11).

(7) 27 CFR part 213, Distribution and use of tax-free alcohol (10, 11).

(8) 27 CFR part 240, Wine (10, 11).

(9) 27 CFR part 245, Beer (10, 11).

B. COMPTROLLER OF THE CURRENCY

(1) 12 CFR part 1, Investment securities regulation (11).

(2) 12 CFR 4.1a, Central and field organization; delegations (4).

(3) 12 CFR part 7 subpart B, Loans secured by real estate (1, 4).

(4) 12 CFR part 9, Fiduciary power of national banks and collective investment funds (4).

C. CUSTOMS SERVICE

(1) 19 CFR part 4, Vessels in foreign and domestic trades (10, 11).

(2) 19 CFR part 6, Air commerce regulations (10, 11).

(3) 19 CFR part 7, Customs relations with insular possessions and Guantanamo Bay Naval Station (10, 11).

(4) 19 CFR part 10, Articles conditionally free, subject to a reduced rate, etc. (10, 11).

(5) 19 CFR part 11, Packing and stamping; marking (10, 11).

(6) 19 CFR part 12, Special classes of merchandise (10, 11).

(7) 19 CFR part 18, Transportation in bond and merchandise in transit (10, 11).

(8) 19 CFR part 19, Customs warehouses, container stations, and control of merchandise therein (10, 11).

(9) 19 CFR part 22, Drawback (10, 11).

(10) 19 CFR part 24, Customs financial and accounting procedure (10, 11).

(11) 19 CFR part 54, Certain importations temporarily free of duty (10, 11).

(12) 19 CFR 4.71 and 6.8, Exportation of livestock by air (10).

(13) 19 CFR 6.14(d), Color of aircraft to be furnished Customs (10).

(14) 19 CFR parts 10, 18, 125, 162, 171, and 172, Relief from fines, penalties, forfeitures, and liquidated damages (2).

(15) 19 CFR 101.3, Realignment of Customs stations; extension of port of entry limits (2, 4).

(16) 19 CFR 101.4, Elimination of Customs stations; designation of port of entry (2, 4).

(17) 19 CFR part 103, Availability of information (1).

(18) 19 CFR 111.30, Annual status report/customhouse brokers (1).

(19) 19 CFR 141.89, Classification of imported footwear (7).

(20) 19 CFR part 146, Foreign Trade Zone processing costs (9).

(21) 19 CFR 152.24, American selling price for footwear (2).

(22) 19 CFR 6.7(d), Foreign repairs and equipment purchases by U.S. aircraft (2).

(23) 19 CFR 123.9, Correction of manifest; border traffic (9, 10).

(24) 19 CFR 4.22 and part 148, Conforming amendments required by Panama Canal Treaty (1).

(25) 19 CFR part 6, Control of aircraft liquor kits (6, 10, 11).

(26) 19 CFR part 6, Designation of international and landing rights airports (4).

(27) 19 CFR 6.2(a), Compensation for aircraft inspection at other than international airports (10).

(28) 19 CFR 6.10, Use of navigation lights by aircraft from contiguous foreign country (10).

(29) 19 CFR 6.13, Revocation of international airport status—Akron, Ohio (4).

(30) 19 CFR parts 10, 18, 19, 54, 112, 148, and 151, Record retention requirements (10).

(31) 19 CFR 10.68, Duty-free return of articles without formal entry (10).

(32) 19 CFR part 12, Noise Control Act of 1972; implementation (1).

(33) 19 CFR 12.73, Motor vehicle emission standards (1).

(34) 19 CFR 12.85, Boat safety regulations (1).

(35) 19 CFR parts 19 and 144, Landing certificates; control of merchandise in bonded warehouses (10).

(36) 19 CFR 19.2(a), 19.40, and 24.12(a)(iii), Fees for establishment of container stations and bonded warehouses (4, 10).

(37) 19 CFR 19.4, 19.6, 19.12, and 144.38, Supervision of bonded warehouses (7).

(38) 19 CFR 22.13(a), 22.13(h), and 22.20a, Identification of merchandise for drawback (10, 11).

(39) 19 CFR 101.3, Changes in Customs field organization—Flint, Saginaw/Bay City, Sault Ste. Marie, Mich; Dalton Cache, Alaska (2, 4).

(40) 19 CFR 111.30(a), Customhouse broker's records (2, 4).

(41) 19 CFR 113.14, 151.42, and 151.47, Licensing of public gaugers; delegation of authority (2, 4, 10, 11).

(42) 19 CFR part 114, ATA/ECS carnets; conforming changes (10, 11).

(43) 19 CFR 127.29, Sale and disposal of unclaimed and abandoned chemicals (10, 11).

(44) 19 CFR 127.31, Disposition of proceeds of sale of unclaimed or abandoned merchandise (10, 11).

(45) 19 CFR 132.15 and 142.11(c), Quota merchandise (2, 4).

(46) 19 CFR part 133, Conforming amendments required by Copyright Act of 1976 (1).

(47) 19 CFR 133.21(c), Trademarks; obliteration (10, 11).

(48) 19 CFR part 141, Statistical information on Customs forms (10, 11).

(49) 19 CFR 142.1 and 142.2, Special permits for immediate delivery of quota-class merchandise (10, 11).

(50) 19 CFR 143.3, Waiver of surety on importations less than \$1,000 (7, 10, 11).

(51) 19 CFR 144.36, Entry of restricted merchandise (4, 10, 11).

(52) 19 CFR part 146, Foreign Trade Zones; letters of credit (4, 10, 11).

(53) 19 CFR part 148, Importations; foreign government; waiver of entry if merchandise undutiable (4, 10, 11).

(54) 19 CFR 148.73, Baggage declaration requirement; military personnel (4, 10, 11).

(55) 19 CFR 151.13, Transportation of containerized merchandise by non-bonded carrier (4, 10, 11).

(56) 19 CFR 153.10, Antidumping—fair value: circumstances of sale (4, 10, 11).

(57) 19 CFR 174.11, Matters subject to protest; notice (4, 10, 11).

D. BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

(1) 31 CFR part 120, Proclamations and Executive Orders concerning banking (3, 4, 5).

(2) 31 CFR part 240, Indorsement and payment of checks drawn on the U.S. Treasury (1).

(3) 31 CFR part 245, Issue of substitutes of lost, destroyed, mutilated, and defaced checks drawn on the U.S. Treasury (1).

(4) 31 CFR part 248, Issue of substitutes of lost, stolen, destroyed, mutilated, and defaced checks of the United States drawn on accounts maintained in depository banks in foreign countries or U.S. territories or possessions (1).

(5) 31 CFR part 253, Payments under the Act of Congress approved August 31, 1962, on unpaid balances of awards Philippine War Damage Commission (1, 3).

(6) 31 CFR part 254, Payments on account of awards and appraisals in favor of nationals of the United States on claims against the Government of Mexico (1, 3).

(7) 31 CFR part 256, Payments under judgments and private relief acts (1).

(8) 31 CFR part 270, Availability of records (1, 8).

(9) 31 CFR part 290, Loans to public or private agencies under Refugee Relief Act of 1953 (1, 3).

E. INTERNAL REVENUE SERVICE

(1) 26 U.S.C. 3, Tax tables for individuals (1).

(2) 26 U.S.C. 11, Tax on corporations (1).

(3) 26 U.S.C. 37, Credit for the elderly (1).

(4) 26 U.S.C. 105, The exclusion for disability pay (1).

(5) 26 U.S.C. 217 Deduction for moving expenses (1).

(6) 26 U.S.C. 303, Distributions in redemption of stock to pay death taxes (1).

(7) 26 U.S.C. 368 Treatment of exchange funds in corporate reorganizations (1).

(8) 26 U.S.C. 501, Social clubs (1).

(9) 26 U.S.C. 584, Definition of common trust funds of banks (1).

(10) 26 U.S.C. 856-859, Definition and taxation of real estate investment trusts (1).

(11) 26 U.S.C. 902 and related sections, Gross-up of dividends from less developed country corporations (1).

(12) 26 U.S.C. 904, Treatment of capital gains for purposes of the foreign tax credit (1).

(13) 26 U.S.C. 904, Transitional rules for carryback and carry over of foreign tax credits as a result of repeal of the per country limitation (1).

(14) 26 U.S.C. 995, DISC: Military sales and incremental export gross receipts (1).

(15) 26 U.S.C. 1234, Options to buy or sell (1).

(16) 26 U.S.C. 1250, Recapture of depreciation on real property (1).

(17) 26 U.S.C. 1348, The 50 percent maximum tax on earned income (1).

(18) 26 U.S.C. 1491 and 1057, The excise tax on transfers of property to foreign persons to avoid U.S. income tax (1).

(19) 26 U.S.C. 4041, The retailer's excise tax on special fuels (1).

(20) 26 U.S.C. 4061-4063, Manufacturer's excise tax concerning motor vehicle (1).

(21) 26 U.S.C. 4071-4073, The manufacturer's excise tax concerning tires and inner tubes (1).

(22) 26 U.S.C. 4081-4102, The Manufacturer's excise tax concerning gasoline and lubricating oil (1).

(23) 26 U.S.C. 6012, Returns by fiduciaries (1).

(24) 26 U.S.C. 6851 and 7429, Jeopardy and termination assessments (1).

(25) 26 U.S.C. 7502, Timely mailing treated as timely filing (1).

F. OFFICE OF REVENUE SHARING

(1) 31 CFR part 51 subpart E, Non-discrimination in programs funded with entitlement funds, fiscal assistance to State and local governments (6, 8, 11).

(2) 31 CFR part 51 subpart G, Proceedings for reductions in entitlement, withholding or repayment of funds, fiscal assistance to State and local governments (11).

G. OFFICE OF THE SECRETARY

(1) 31 CFR part 1 subpart A, Disclosure of records under 5 U.S.C. 552, as amended (11).

(2) 31 CFR part 1 subpart C, Disclosure of records pertaining to individuals (11).

This report consisting of three parts is submitted for the Department of the Treasury.

Dated: May 19, 1978.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc. 78-14501 Filed 5-19-78; 2:46 pm]

[6050-01]

ACTION

IMPROVING ACTION REGULATIONS

Response to Executive Order 12044

AGENCY: ACTION.

ACTION: Request for Public Comment.

SUMMARY: ACTION is issuing this notice to obtain comments on its proposals for implementing Executive Order No. 12044, Improving Government Regulations (43 FR 12661, March 24, 1978) "the Executive

Order". The proposals include procedures for developing new regulations and analyzing their potential impact, revising existing outdated or burdensome regulations, and increasing public participation in the development of regulations. New regulations will include a statement classifying them as major, significant, or non-significant.

DATE: Comments by July 31, 1978.

ADDRESS: Send comments to Harry N. MacLean, General Counsel, ACTION, Room M-607, 806 Connecticut Avenue NW., Washington, D.C. 20525, 202-254-3116.

FOR FURTHER INFORMATION CONTACT:

Harry N. MacLean, General Counsel, ACTION, Room M-607, 806 Connecticut Avenue NW., Washington, D.C. 20525, 202-254-3116.

DRAFT REPORT:

- I. Background
- II. Proposals for Implementation
- III. Comment Procedure

I. BACKGROUND

In the Executive Order the President directed each Executive Agency to improve existing and future regulations so that they are clear, effective, efficient, and not unnecessarily burdensome. The Director of ACTION supports the objectives of the Executive Order, especially the objective of providing for early and meaningful public participation in the development of ACTION regulations.

Public awareness of and participation in ACTION programs focuses on the agency's assignment of Volunteers in Service to America (VISTA) to public agencies and private nonprofit organizations, the award of grants to operate Older American Volunteer Programs (OAVP) to such agencies and organizations, and the assignment of Peace Corps Volunteers for service abroad.

ACTION's proposals for improving its regulations emphasize the goals of early participation by interested members of the public in the development of clearly written regulations.

For purposes of the draft report, "regulations" include advance notices of proposed rulemaking, proposed regulations, final regulations, and guidelines which are published in the FEDERAL REGISTER.

II. PROPOSALS FOR IMPLEMENTATION

This draft report outlines ACTION's response to Section 5 of the Executive Order, Implementation. In accordance with the requirements of Section 6 of the Executive Order, Coverage, this draft report covers regulations concerning grants awarded by ACTION. Regulations concerning volunteers are exempt from coverage under Section

6.(b)(3), as they are matters related to agency management and personnel. The draft report proposals are divided into the four (4) areas described in Section 5.

1. A BRIEF DESCRIPTION OF THE PROCESS FOR DEVELOPING REGULATIONS AND THE CHANGES THAT HAVE BEEN MADE TO COMPLY WITH THE EXECUTIVE ORDER.

In the past, ACTION has not used a formal process to develop regulations. The agency intends to set up a process in which:

a. Employees responsible for initiating and implementing agency programs and policies will propose the regulation and indicate whether they consider the proposed regulation significant;

b. A working group composed of representatives of the Evaluation Division of the Office of Policy and Planning, the Office of Administration and Finance, the Office of General Counsel, the relevant program office (Domestic and Anti-Poverty Operations, International Operations, Policy and Planning, Voluntary Citizen Participation) will evaluate the proposed regulation to determine whether a regulation is necessary to accomplish the stated purpose, to examine alternatives to the issuance of the proposed regulation, and to determine the potential effect of the proposed regulation on agency policy and the public;

c. If the working group finds that the proposed regulation is significant, a notice and brief synopsis of the proposed regulation will be published in the FEDERAL REGISTER setting a time 60 days later and place for an open meeting at which interested members of the public may submit oral and/or written comments; comments will also be solicited from state and local governments or their representative organizations through notices in their trade journals; if it is not deemed significant, a notice providing for a 60-day comment period only will be published in the FEDERAL REGISTER.

d. The Director of Communications, or her designee, will review and edit the proposed regulation to ensure that it is clearly and simply written;

e. The General Counsel, or his designee, will review the proposed regulation to ensure that it is legally sufficient and consistent with agency policy;

f. After the meeting or at the end of the comment period, the working group, the Director of Communications (or her designee) and the General Counsel, or his designee, will review the proposed regulation and the comments received in response to the FEDERAL REGISTER and trade journal notices; if it is deemed significant it will be forwarded to the Director of ACTION with information sufficient for him to determine whether:

(1) There is a need for such a regulation;

(2) There are direct and indirect effects of such a regulation;

(3) The issuance of such a regulation is the least burdensome of the listed alternatives considered;

(4) Public comments have been considered and responded to adequately;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens and record-keeping requirements necessary for compliance with it;

(7) The name, address, and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed by the Evaluation Division of the Office of Policy and Planning;

g. When the Director is satisfied that the criteria for significant regulations under paragraph f have been met, he shall sign the regulation and it shall be published in the FEDERAL REGISTER as a final regulation; if the proposed regulation is not significant, it will be forwarded to the responsible official for signature and publication as a final regulation in the FEDERAL REGISTER.

2. THE PROPOSED CRITERIA FOR DEFINING SIGNIFICANT AGENCY REGULATIONS.

An ACTION regulation concerning grant eligibility, grant requirements, or other grant-related factors, will be considered significant if it falls within one or more of the following categories:

a. the regulation causes substantial public interest or controversy;

b. the regulation affects an important agency policy or program;

c. The regulation imposes substantial compliance and reporting requirements.

3. THE PROPOSED CRITERIA FOR IDENTIFYING WHICH REGULATIONS REQUIRE REGULATORY ANALYSIS.

ACTION does not issue regulations with major economic consequences which will result in (a) an annual effect on the economy of \$100 million or more; or (b) a major increase in costs or prices for individual industries, levels of government or geographic regions. Therefore, no criteria are proposed. If, in the Director's discretion, a regulatory analysis is necessary, ACTION will establish and publish criteria at that time.

4. THE PROPOSED CRITERIA FOR SELECTING EXISTING REGULATIONS TO BE REVIEWED AND A LIST OF REGULATIONS THAT THE AGENCY WILL CONSIDER FOR ITS INITIAL REVIEW.

a. ACTION's proposed criteria for selecting existing grant-related regula-

tions to be reviewed will be the same as those for defining significant regulations:

- (1) The regulation causes substantial public interest or controversy; or
- (2) The regulation affects an important agency policy or program; or
- (3) The regulation imposes substantial compliance and reporting requirements.

b. ACTION will consider for its initial review the following regulations:

(1) 45 CFR § 1209.2-3, Retired Senior Volunteer Program (RSVP) Cost Sharing. This regulation section sets forth required percentages of local cost sharing for ACTION-funded RSVP grants. The agency proposes to alter both the policy of requiring local cost sharing and the RSVP program by rescinding § 1209.2-3 and abolishing the local cost sharing requirement.

(2) 45 CFR Part 1206, Grants and Contracts—Suspension and Termination and Denial of Application for Refunding. This part sets forth the rules and procedures for the suspension and termination of financial assistance to grantees and for the denial of applications for refunding of continuation grants. There are no current proposals to alter agency policy regarding this part, but ACTION intends to review the regulation and examine its impact on affected grantees.

(3) 45 CFR Part 1222, Participation of Project Beneficiaries. This part pro-

vides the requirements for the meaningful participation of specified project beneficiaries in the planning, development, and implementation of project activities. ACTION will review the requirements of this part as they affect project beneficiaries who receive assistance from the Office of Policy and Planning to run demonstration grant programs.

c. In addition to reviewing existing published regulations, ACTION intends to review the agency's internal directives that affect grant assistance and recipients to determine whether any such directives should be developed and published in accordance with the regulation development process described in this draft report.

d. ACTION will publish semiannually an agenda of significant regulations under development or review. On October 2, 1978, ACTION will publish a schedule in the FEDERAL REGISTER showing the dates during fiscal year 1979 when the semiannual agenda will be published. Each agenda will:

- (1) Be approved by the Director of ACTION prior to publication;
- (2) Describe the existing or proposed regulations being considered;
- (3) Explain the need and legal basis for the action being taken;
- (4) Contain the status of regulations previously listed on the agenda; and

(5) Include the name and telephone number of a knowledgeable agency official.

If ACTION receives comments on specified regulations in the agenda from state and local governments or national organizations representing general purpose state and local governments, ACTION will develop a plan for consultation with state and local governments in the development of those regulations.

III. COMMENT PROCEDURE

ACTION invites interested members of the public to participate in the development of the procedures to implement the Executive Order. Written comments should be submitted to Harry N. MacLean, General Counsel, ACTION, Room M-607, 806 Connecticut Avenue NW., Washington, D.C. 20525. Indicate "Executive Order Comments" on the envelope. ACTION will consider all comments received by July 31, 1978, before taking further action on these matters.

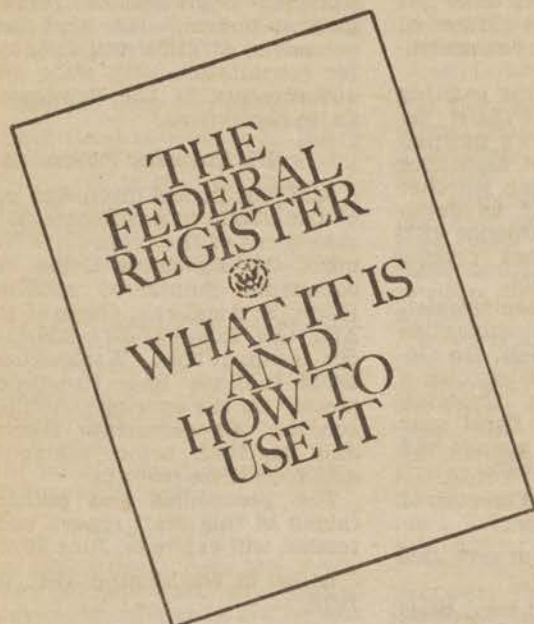
The procedures and policies contained in this draft report, unless extended, will expire on June 30, 1980.

Issued in Washington, D.C., May 18, 1978.

SAM BROWN,
Director.

[FR Doc. 78-14546 Filed 5-19-78; 4:37 pm]

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