

Federal Register

WEDNESDAY, DECEMBER 7, 1977



highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for January are being accepted for the free Wednesday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409, from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

OUT OF TOWN WORKSHOPS PREVIOUSLY ANNOUNCED
Philadelphia, Pennsylvania, 12-12 and 12-13-77

(Details: Federal Register of November 15, 1977)

For reservations call: Joann Freedman, Area Code 215-597-9613

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Monday	Tuesday	Wednesday	Thursday	Friday
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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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List of Public Laws

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

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[3195-01]

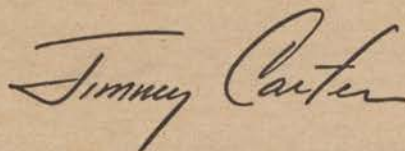
Title 3—The President

Executive Order 12026

December 5, 1977

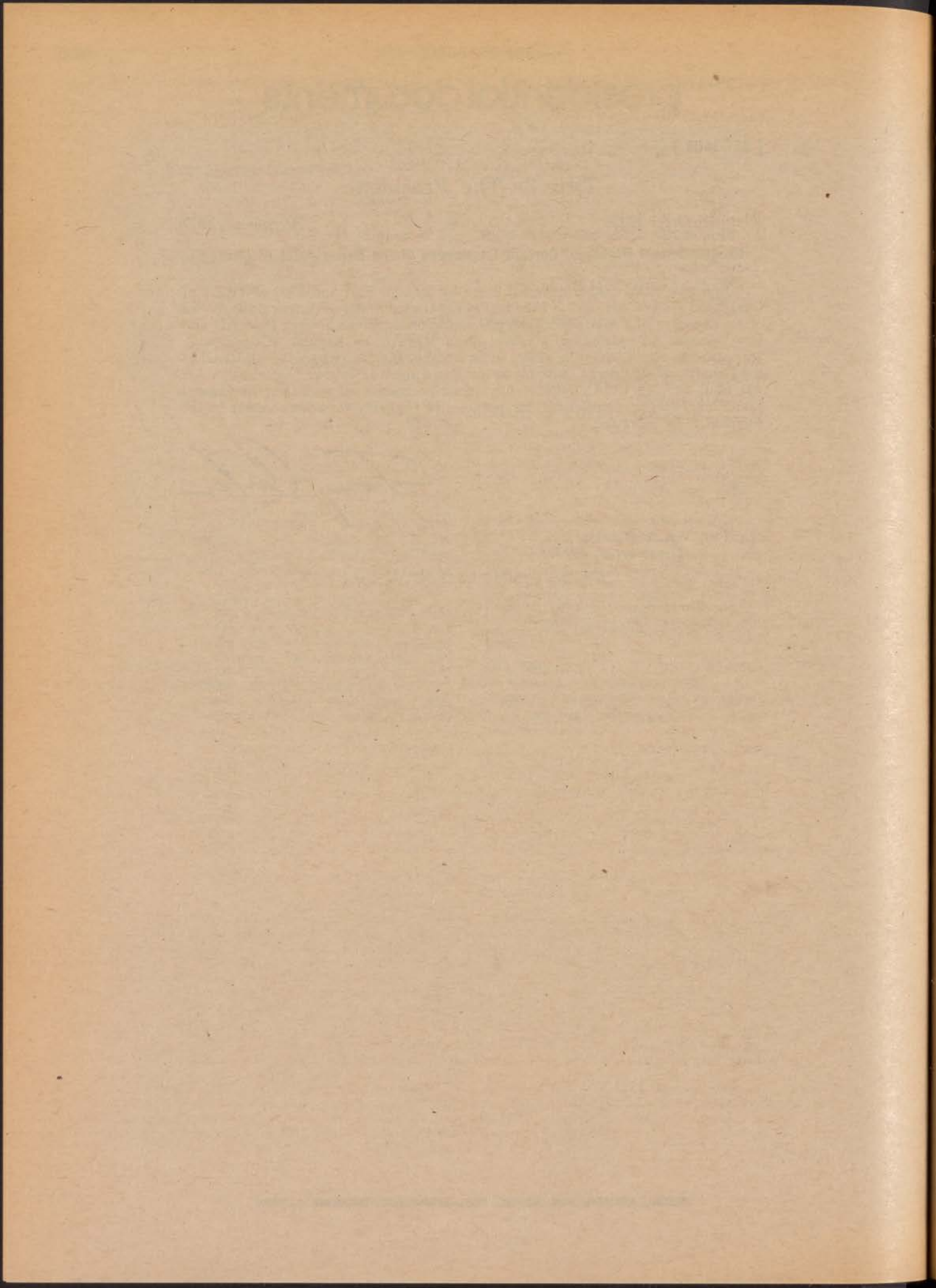
Reinstatement Rights of Certain Employees of the Department of Energy

By virtue of the authority vested in me by Sections 3301 and 3302 of Title 5 of the United States Code, and as President of the United States of America, the service of an employee of the Atomic Energy Commission or of the Energy Research and Development Administration pursuant to a Regular or Regular (Conditional) appointment, other than such service in an attorney position, who was transferred to the Department of Energy pursuant to the Department of Energy Organization Act (91 Stat. 565; 42 U.S.C. 7101 *et seq.*) shall be considered as Career or Career-Conditional service, respectively, for purposes of eligibility for reinstatement in the competitive Civil Service.



THE WHITE HOUSE,
December 5, 1977.

[FR Doc.77-35131 Filed 12-5-77;3:58 pm]



[3195-01]

Executive Order 12027

December 5, 1977

Relating to the Transfer of Certain Executive Development and Other Personnel Functions

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Reorganization Plan No. 2 of 1970 (5 U.S.C. App. II), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to transfer certain functions from the Director of the Office of Management and Budget to the United States Civil Service Commission, it is hereby ordered as follows:

SECTION 1. The following functions which heretofore have been performed by the Director of the Office of Management and Budget, either alone or in conjunction with the United States Civil Service Commission, are hereby reassigned and delegated to the United States Civil Service Commission:

(a) Providing overall Executive Branch leadership, regulation, and guidance in executive personnel selection, development, and management including:

(1) Devising and establishing programs and encouraging agencies to devise and establish programs to forecast the need for career executive talent and to select, train, develop, motivate, deploy and evaluate the men and women who make up the top ranks of Federal civil service;

(2) Initiating and leading efforts to ensure that potential executive talent is identified, developed and well utilized throughout the Executive Branch and;

(3) Ensuring that executive training and motivation meet current and future needs.

(b) Studying and reporting on issues relating to position classification and the compensation of Federal civilian employees, including linkages among pay systems, and providing reports on average grade levels, work-years and personnel costs of Federal civilian employees.

(c) Providing primary Executive Branch leadership in (1) developing and reviewing a program of policy guidance to departments and agencies for the organization of management's responsibility under the Federal Labor Relations program; and (2) monitoring issues and trends in labor management relations for referral to appropriate Executive Branch officials including the Federal Labor Relations Council.

SEC. 2. Section 1 of Executive Order No. 11541, as amended, is further amended by adding thereto the following new subsection:

"(d) The delegation to the Director of the Office of Management and Budget of the following executive development and personnel functions (which have been transferred to the Civil Service Commission) is terminated on December 4, 1977:

(1) Providing overall Executive Branch leadership, regulation, and guidance in executive personnel selection, development and management.

(2) Studying and reporting on issues relating to position classification and the compensation of Federal civilian employees, including linkages among pay systems, and providing reports on average grade levels, work-years and personnel costs of Federal civilian employees.

(3) Providing primary Executive Branch leadership in (i) developing and reviewing a program of policy guidance to departments and agencies for the organization of management responsibility under the Federal Labor Relations program; and (ii) monitoring issues and trends in labor management relations for referral to appropriate Executive Branch officials including the Federal Labor Relations Council."

SEC. 3. Executive Order No. 11491, as amended, is further amended by amending Section 25(a) to read as follows:

THE PRESIDENT

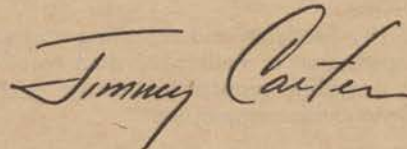
"The Civil Service Commission, in conjunction with the Director of the Office of Management and Budget, shall establish and maintain a program for the policy guidance of agencies on labor-management relations in the Federal service and shall periodically review the implementation of these policies. The Civil Service Commission shall be responsible for the day-to-day policy guidance under that program. The Civil Service Commission also shall continuously review the operation of the Federal labor-management relations program to assist in assuring adherence to its provisions and merit system requirements; implement technical advice and information programs for the agencies; assist in the development of programs for training agency personnel and management officials in labor-management relations; and, from time to time, report to the Council on the state of the program with any recommendations for its improvement."

SEC. 4. Section 5(a) of Executive Order No. 11636 of December 17, 1971, establishing an Employee-Management Relations Commission as a committee of the Board of the Foreign Service, is amended by deleting: "The representative of the Office of Management and Budget shall be the Chairman of the Commission" and substituting therefor "The representative of the Civil Service Commission shall be the Chairman of the Commission".

SEC. 5. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned by this Order from the Office of Management and Budget to the United States Civil Service Commission, are hereby transferred to the United States Civil Service Commission.

SEC. 6. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

SEC. 7. This Order shall be effective December 4, 1977.



THE WHITE HOUSE,
December 5, 1977.

[FR Doc.77-35132 Filed 12-5-77;3:59 pm]

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.

[1505-01]

Title 7—Agriculture

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

[Docket No. AO-85-A8]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Order Amending Order

Correction

In FR Doc. 77-33274 appearing at page 59367 in the issue for Thursday, November 17, 1977, in § 905.5(k) which appears on page 59368, "Navel oranges; and" should have read "Honey tangerines;".

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 40—LICENSING OF SOURCE MATERIAL

General License for Government Agencies' Operational Use of Small Quantities of Source Material

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to include Federal, State and local governmental agencies' research, development, education or operational use of small quantities of source material in the general license which authorizes certain persons to use small quantities of source material. This rule change, requested by the United States Air Force Radioisotope Committee, will lessen the existing administrative burden of specific licensing requirements for thorium coated lenses.

EFFECTIVE DATE: January 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Deborah A. Bozik, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone: 301-443-6911.

SUPPLEMENTARY INFORMATION: On September 1, 1977, the Nuclear Regulatory Commission (NRC) published a proposed rule (42 FR 43983-4) to amend its regulations to include Federal, State and local governmental agencies' research, development, education or operational use of small quantities of source

material in the general license in § 40.22 which authorizes certain persons to use small quantities of source material. The proposed rule was published in response to a petition for rule making (PRM 40-20) filed by the United States Air Force Radioisotope Committee, Wright-Patterson Air Force Base, Ohio, requesting that the Commission amend the general license in 10 CFR 40.22, "Small Quantities of Source Material," to (a) authorize use and transfer of source material under the general license by Federal agencies for operational purposes, and (b) authorize USAF possession and operational use of thorium, as a fluoride salt, in anti-reflective lens coatings on thermal imaging lenses of the Forward Looking Infrared (FLIR) imaging system. The public was invited to submit written comments on the proposed rule by October 3, 1977, and one comment was received. The one comment supports the proposal to extend the general license to government agencies but expresses the view that the term "Governmental agencies" is too narrow and should be expanded to include governmental installations, activities and laboratories. The terms "Government agency" and "person" used in the § 40.22 general license are broadly defined in 10 CFR 40.4 (c) and (e), and the general license should be read in the light of these definitions. Moreover, in order to permit the greatest flexibility in use of small quantities of source material under the general license, the rule does not restrict application of the general license to the largest unit in any class of persons specified. Rather, paragraph (a)(4) of this general license is applicable to any size unit, other than individuals, which is physically separate from other units. The purpose of the physical separation is to make it unlikely that more than 15 pounds of source material could be brought together in a single location.

Although the thermal imaging lenses which the Federal, State and local governmental agencies would be authorized to possess and use for operational purposes under this general license would not be used in eyepieces, the comment also pointed out that the use of lenses in eyepieces containing more than 0.05 percent by weight of source material should not be permitted. This comment raises questions about some manufacturers of lenses used in eyepieces distributing those products under the general license in § 40.22. Since the amendment does not include manufacturers, we consider the comment not applicable to this amendment. Nonetheless, a separate study is being planned to determine what additional restrictions, if any,

are needed in § 40.22 to restrict manufacture and distribution under the general license of products that may be in prolonged close proximity to human tissue during use.

Under 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 to Title 10, Chapter I, Code of Federal Regulations, Part 40 is published as a document subject to codification.

1. Section 40.22 of 10 CFR Part 40 is amended by revising paragraph (a)(4) to read as follows:

§ 40.22 Small quantities of source material.

(a) A general license is hereby issued authorizing use and transfer of not more than fifteen (15) pounds of source material at any one time by persons in the following categories:

(4) Commercial and industrial firms and research, educational and medical institutions and Federal, State and local governmental agencies for research, development, educational, commercial or operational purposes;

(Secs. 62, 63, 161, Pub. L. 83-703, 68 Stat. 932, 933, 948 (42 U.S.C. 2092, 2093, 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-97, 89 Stat. 413 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 11th day of November 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc. 77-34811; Filed 12-6-77; 8:45 am]

[3128-01]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION¹

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Amendment to Entitlements Program to Revise Factor Used to Determine Entitlement Value of Naphtha Feedstocks Imported Into Puerto Rico

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

¹ EDITORIAL NOTE.—Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending the domestic crude oil allocation ("entitlements") program (10 CFR 211.67) by revising the factor which is used in calculating the imputed cost of domestically produced naphtha for purposes of determining the entitlement value awarded with respect to the naphtha imports of firms operating petrochemical plants in Puerto Rico. The purpose of this amendment is to compensate more accurately under the entitlements program for the feedstock cost disadvantage of the petrochemical industry in Puerto Rico, which is reliant on imported naphtha, as compared with mainland petrochemical producers that have access to naphtha produced by domestic refiners.

EFFECTIVE DATE: ERA has determined that the revised factor will apply effective with naphtha imports for November 1977, which will be reflected in the January 1978 entitlement notice.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (FEA Reading Room), 12th and Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461, 202-566-9161.

Allen Hoffard (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Douglas McIver (Entitlements Program Office), 2000 M Street NW., Room 6128I, Washington, D.C. 20461, 202-254-8660.

Michael Paige or Judith Garfield (Office of the General Counsel), 12th and Pennsylvania Avenue NW., Room 7132, Washington, D.C. 20461, 202-566-9565 (Paige); 202-566-2085 (Garfield).

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Comments
 - A. General
 - B. Factor and Methodology
 - C. Calculation of Imported Naphtha Costs
 - D. Mainland Imports
- III. Amendment Adopted

I. BACKGROUND

On September 30, 1977, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking and public hearing (42 FR 54424; October 6, 1977) to amend the entitlements program (10 CFR 211.67) by revising the factor which is used in calculating the imputed cost of domestically produced naphtha for purposes of determining the entitlement value awarded with respect to the naphtha imported by firms operating petrochemical plants in Puerto Rico. Use of an imputed cost of domestically produced naphtha in these calculations is required to prevent overcompensation of Puerto Rican petrochemical firms in the event that foreign naphtha prices fall to an unusually low level. See 41 FR 30322; July 23, 1976.

The current regulations permit Puerto Rican petrochemical producers to receive entitlement benefits for imported naphtha feedstocks as a means of alleviating the competitive disadvantage of these firms, which are dependent upon higher priced naphtha imports for their feedstock, as compared with mainland petrochemical producers that have access to naphtha produced by domestic refineries. Under the regulations, eligible firms are issued entitlements with respect to each barrel of naphtha imported for use as a petrochemical feedstock on the same basis as for a barrel of crude oil included in a refiner's crude oil runs for the month, unless the weighted average imported naphtha costs of firms reporting imports into Puerto Rico for this purpose exceed the imputed cost of domestically produced naphtha for that month by less than the per barrel crude oil entitlement value. In the latter case, the entitlement value for each barrel of imported naphtha is equal to the differential between such weighted average imported naphtha costs and the imputed cost of domestic naphtha. For purposes of calculating the imputed costs of domestically produced naphtha, a factor of one hundred twenty percent (120%) has been applied to the weighted average cost of crude oil for all domestic refiners for the month in question.

In the September 30 notice FEA proposed to revise the factor for calculating the imputed cost of domestic naphtha from one hundred twenty percent (120%) to one hundred thirteen percent (113%). This proposal was based on FEA's review of current data relating to naphtha prices and crude oil costs which indicate that, due to fluctuations in world naphtha market prices and the steady decline in naphtha values over the past year, the factor used to calculate the imputed cost of domestic naphtha as currently set forth in the regulations is too high. FEA was concerned that, because of the discrepancy between the factor set forth in the regulations and the naphtha-to-crude oil price ratios for the first eight months of 1977, petrochemical procedures located in Puerto Rico may not be receiving sufficient entitlement value for the naphtha feedstocks that they import, thus resulting in a relative competitive disadvantage for these petrochemical producers as compared with mainland firms.

FEA also proposed that the naphtha costs of any firm receiving relief from FEA's Office of Exceptions and Appeals with respect to its naphtha imports into Puerto Rico be excluded from the calculation of the weighted average per barrel cost of naphtha imported into Puerto Rico for purposes of § 211.67(d) (5) (iii). FEA had tentatively concluded that inclusion of the average imported naphtha costs of a firm receiving the type of exception relief being provided Commonwealth Oil Refining Company (5 FEA ¶ 83,132, April 14, 1977) in the entitlement calculations for other affected companies was not appropriate,

since the value of such a firm's entitlement issuances is not calculated by reference to the regulatory provisions alone.

Effective October 1, 1977, all functions previously performed by FEA were transferred to the Department of Energy (Department of Energy Organization Act, Pub. L. 95-91 (DOE Act); Executive Order No. 12009, 42 FR 46267, September 15, 1977). Section 705(b) (1) of the DOE Act provides that:

The provisions of this Act shall not affect any proceedings * * * pending at the time this Act takes effect before any department, agency, commission, or component thereof, functions of which are transferred by this Act; but such proceedings * * * to the extent that they relate to functions so transferred, shall be continued.

Pursuant to this provision, this rulemaking proceeding, begun by FEA prior to the activation of DOE, was continued and transferred to DOE.

Further, in DOE Delegation Order No. 0204-4, the Secretary of Energy delegated to the Administrator of the ERA the authority to take such action, including the adoption of rules, as is necessary and appropriate to administer several functions, among which are the allocation and pricing of crude oil and refined petroleum products, pursuant to the provisions of the Emergency Petroleum Allocation Act of 1973, as amended. Pursuant to this delegation, the ERA hereby adopts the amendment set forth below.

II. DISCUSSION OF COMMENTS

Written comments were invited on the proposed amendments through November 15, 1977, and fifteen such comments were received. A public hearing was held in Washington, D.C., on November 3, 1977, at which six persons testified. In addition, seven persons presented their views at a public hearing held in Sanjurjo, P.R., on November 8, 1977, pursuant to a notice of public hearing issued by ERA on October 21, 1977 (42 FR 56618; October 27, 1977).

A. GENERAL

The ERA received a number of comments from refiners which expressed opposition not only to the proposed downward revision of the factor used in calculating the imputed cost of domestic naphtha, but also to the general concept of including within the entitlements program naphtha feedstocks imported into Puerto Rico for petrochemical use. These refiners set forth their opposition to awarding entitlements to Puerto Rican petrochemical firms for their naphtha imports on the ground that the entitlements program originally was designed to equalize crude oil costs among refiners and should not be used to provide special relief to the Puerto Rican petrochemical industry at the expense of the domestic refining companies. These commenters urged ERA to eliminate entirely the entitlement benefits for naphtha imported into Puerto Rico. In the alternative, how-

ever, most of these comments recommended retaining the naphtha-to-crude price ratio of one hundred twenty percent (120%) set forth in the current regulations rather than adjusting it downward as proposed.

On the other hand, ERA received testimony from representatives of the Puerto Rican petrochemical industry and the government of Puerto Rico concerning the severity of the feedstock cost disadvantage and its economic consequences for both the industry and the Commonwealth of Puerto Rico. These commenters were in favor of amending the current regulations to alleviate this situation and recommended that ERA award the full crude oil entitlement value to Puerto Rican petrochemical firms importing naphtha for feedstock use or, in the alternative, use a factor for calculating the imputed cost of domestic naphtha which is lower than the proposed factor of one hundred thirteen percent (113%).

ERA remains convinced of the need for and the appropriateness of alleviating the feedstock cost disadvantage of the Puerto Rican petrochemical industry through the entitlements program. By and large the comments received by ERA confirm ERA's preliminary view that an amendment to the current regulations is needed in order to compensate more accurately for this disadvantage. ERA, however, has determined to retain the regulatory factor based on the imputed cost of domestic naphtha due to the potential for fluctuations in naphtha prices in the world market. ERA does not believe that it would be appropriate to grant the full crude oil entitlement benefit to naphtha imports when the differential between the prices of imported and domestic naphtha is less than the per barrel crude oil entitlement value for a particular month.

B. FACTOR AND METHODOLOGY

The proposed factor for calculating the imputed costs of domestically produced naphtha, like the factor currently set forth in the regulations, was derived by comparing Rotterdam naphtha postings with the estimated delivered cost of Arabian Light crude oil to Rotterdam. In the proposed rulemaking specific comments were requested concerning the appropriateness of the proposed factor and the methodology used to obtain it. In this context, comments were also invited on: (1) The use of Arabian Light crude oil for purposes of the naphtha-to-crude price ratio; (2) the desirability of periodically reviewing and, if necessary, adjusting the factor ultimately adopted; and (3) the accuracy and feasibility of certain alternative methodologies.

In commenting upon the appropriateness of the proposed factor and the methodology used to obtain it, the affected Puerto Rican petrochemical firms were in agreement that ERA should continue to use this methodology, making certain modifications which, in their view, would yield a more accurate naphtha-to-crude oil price ratio. It was

suggested that it would be more appropriate for ERA to calculate the ratio using Average Freight Rate Assessments (AFRA) charter rates, upon which crude oil transportation costs generally are based, rather than the spot transportation rates used in deriving the proposed factor. The comments of the Puerto Rican petrochemical firms also recommended against exclusive use of Arabian Light crude oil in calculating the naphtha-to-crude oil price ratio, arguing that, because of its high sulfur and low naphtha content, Arabian Light is not representative of the crude oils used to produce naphtha in the United States. Instead, these comments urged ERA to use costs of a low sulfur crude oil such as Algerian-Saharan Blend or a composite cost based on the average of the costs of crudes used in processing naphtha in the United States. Most of these commenters also supported a periodic review of the factor by ERA.

As mentioned previously, the majority of the comments from the refining industry were opposed to the general concept of including naphtha feedstocks imported into Puerto Rico under the entitlements program. The majority of these comments also objected to lowering the factor from one hundred twenty percent (120%) to one hundred thirteen percent (113%), generally on the ground that present market conditions do not warrant such an adjustment. However, the basic methodology used to obtain both the current and proposed factors was acceptable to most of these commenters, although there was a suggestion to base the factor upon deliveries of crude and naphtha into Puerto Rico, rather than upon the Rotterdam market. Those refiners who addressed the issue supported the use of Arabian Light crude oil as a reasonable basis of comparison with naphtha postings.

Specific comments were solicited on whether any of the following alternative methodologies for imputing the cost of domestically produced naphtha would be more accurate than the methodology upon which the proposed factor was based: (1) Using the price of JP-4 (a naphtha-based jet fuel used by the military) as a surrogate for the cost of domestic naphtha; (2) determining the value of naphtha as a feedstock for gasoline by subtracting from an appropriate price for gasoline the cost of reforming naphtha into gasoline; and (3) identifying the actual market prices of domestically produced naphthas. The response to these alternative methodologies was generally negative. Although several comments supported the use of JP-4 prices as a surrogate for domestic naphtha costs, most were opposed on the grounds that the market for JP-4 is relatively small with essentially one purchaser, the Department of Defense, and that average prices for JP-4 do not accurately reflect the actual market factors influencing domestically produced naphtha. The majority of comments expressed the view that it would be difficult to impute the cost of domestically pro-

duced naphtha by determining the value of naphtha as a gasoline feedstock because of the variation in refining and reforming costs among refiners, the problem of deciding what would constitute an appropriate return on investment for reforming capacity, and the administrative complexity of such a methodology. Finally, the comments unanimously rejected the approach of identifying the actual market prices of domestically produced naphthas (the majority of which are not sold in the marketplace but are used for gasoline production in the refineries where they are produced) because of the difficulty in obtaining a representative sample on which to base an accurate price for domestic naphthas.

Based on its analysis of the comments which it received, ERA has decided to retain the basic methodology of comparing Rotterdam naphtha postings with the estimated delivered costs of crude oil to Rotterdam in order to establish the factor for calculating the imputed cost of domestically produced naphtha. ERA, however, has concluded that this methodology would yield a more accurate factor if AFRA charter rates are applied and a representative mix of crude oils is used as the basis of comparison with naphtha postings. Using this modified methodology, ERA has determined that the proper factor for calculating the imputed cost of domestic naphtha is one hundred eight percent (108%) rather than one hundred thirteen percent (113%) as proposed.

The revised factor was developed as follows. First, a composite crude oil price of \$13.55 per barrel was established, based on average prices of crudes delivered into Rotterdam in the first six months of 1977, as set out in the following table:

CRUDES DELIVERED INTO ROTTERDAM

Country	Jan. 1977 - June 1977 price	Percent volume delivered ¹	Composite price
Iran	\$13.80	2.232	\$3.20
Saudi Arabia	13.09	.305	3.99
Kuwait	13.26	.135	1.79
Nigeria	14.56	.161	2.34
U. A. E.	13.20	.083	1.10
Iraq	13.66	.083	1.13
Total			13.55

¹ Source: International crude oil and product prices, October 1977 (Middle East Petroleum and Economics publications), prepared by Energy Economics Research Ltd.

² Eliminating volumes less than 4 percent delivered into Rotterdam.

Second, the average tanker price of \$127.83 per metric ton for naphtha delivered into Rotterdam in the first six months of 1977 (derived from Platt's Oilgram) was divided by the conversion factor of 8.75 barrels per metric ton (used by the 1976 World Naphtha Survey and generally favored by the comments received) to determine an average naphtha price of \$14.61 per barrel. Finally, a comparison of the average naphtha price of \$14.61 per barrel with the composite crude oil price of \$13.55

per barrel yielded the naphtha-to-crude ratio of 1.08.

ERA will monitor the situation with respect to world market naphtha prices and, if conditions warrant, will propose appropriate adjustments to the factor which it is adopting today.

C. CALCULATION OF IMPORTED NAPHTHA COSTS

The Puerto Rican petrochemical firms that would be affected were strongly opposed to the proposed exclusion from the calculation of the weighted average per barrel cost of naphtha imported into Puerto Rico of the naphtha costs of any firm receiving exception relief. Testimony was received concerning the adverse impact on the Puerto Rican petrochemical industry of excluding from this calculation the naphtha imported by the Commonwealth Oil Refining Co., which is currently receiving this type of exception relief (5 FEA 83,132, April 14, 1977). It was pointed out that such an exclusion would result in a substantial reduction in the entitlements benefits for the rest of the Puerto Rican petrochemical industry and thus would undercut the purpose of granting entitlements for naphtha imported into Puerto Rico, which is to alleviate the feedstock cost disadvantage of that industry. In addition, several comments noted that the proposed change in the calculation of imported naphtha costs is inconsistent with the procedure used to implement exception relief under the entitlements program, where the crude oil costs of refiners receiving exception relief are not excluded from the calculation of the entitlement price. These arguments against changing the calculation of imported naphtha costs under the regulations have convinced ERA that this particular change should not be adopted.

D. MAINLAND IMPORTS

The proposal also requested specific comments as to whether naphtha imported by firms on the mainland for use as petrochemical feedstock (but not for use as synthetic natural gas feedstock) should be included under the entitlements program on the same basis as naphtha imported into Puerto Rico for that purpose. There was some support for granting entitlement benefits for mainland imports of naphtha, with one firm arguing that the non-integrated petrochemical producers on the mainland are at a competitive disadvantage as compared with petrochemical producers that are affiliated with petroleum refining firms. On the other hand, most comments were opposed to such an extension of the entitlements program, generally on the grounds that the volumes of mainland naphtha imports are insignificant and do not place the firms involved at enough of a competitive disadvantage to justify their inclusion under the entitlements program. ERA's conclusion in this regard is in agreement with the views of the preponderance of firms commenting on this issue, and therefore ERA has determined that the reliance by mainland petrochemical

producers on naphtha imports does not appear to be of sufficient magnitude to justify further extension of the entitlements program at the present time.

III. AMENDMENT ADOPTED

As indicated above, ERA has carefully considered the comments of all persons who participated in this rulemaking and has concluded that it should amend § 211.67(d)(5)(iii) to provide that for purposes of determining the volume of naphthas eligible for entitlement issuances in a particular month, the imputed per barrel cost of domestically produced naphtha will be calculated by applying to the weighted average per barrel cost of crude oil for all domestic refiners for that month a factor of one hundred eight percent (108%). ERA has determined that the revised factor will apply effectively with naphtha imports reported for November, 1977.

NOTE.—ERA has determined that the September 30 notice of proposed rulemaking does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below.

Issued in Washington, D.C., November 30, 1977.

DAVID J. BARDIN,
Administrator, Economic
Regulatory Administration.

Section 211.67 is amended in subparagraph (5)(iii) of paragraph (d) to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(d) *Adjustments to volume of crude oil runs to stills.*

* * * * *

(5) * * * * *

(iii) The volume of naphthas eligible for inclusion in the volume of a refiner's crude oil runs to stills for a particular month under this subparagraph (5) shall be reduced by the application of a fraction the denominator of which is equal to the entitlement value for a barrel of crude oil included in the volume of a refiner's crude oil runs to stills for that month (without giving effect to the provisions of paragraphs (e) and (d)(4) of this section), and the numerator of which is equal to the weighted average per barrel cost of all naphthas imported into Puerto Rico for that month as to which entitlement issuances are sought less the imputed per barrel cost of do-

mestically produced naphthas for that month. For purposes of this subparagraph (5)(iii), the imputed per barrel cost of domestically produced naphthas for a particular month, commencing with November, 1977, shall be equal to one hundred eight percent (108%) of the weighted average per barrel cost of all the crude oil receipts for all domestic refiners for that month.

[FR Doc. 77-34976 Filed 12-2-77; 1:18 pm]

[3128-01]

CHAPTER X—DEPARTMENT OF ENERGY (GENERAL PROVISIONS)

PART 1000—TRANSFER OF PROCEEDINGS TO THE SECRETARY OF ENERGY AND THE FEDERAL ENERGY REGULATORY COMMISSION

Procedures for Natural Gas Import and Export Proceedings

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Procedures for Natural Gas Import and Export Cases.

SUMMARY: The purpose of this notice is to inform the public of the procedures which will be followed by the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) in natural gas import and export proceedings. Until the ERA has sufficient time to promulgate its own rules and regulations the procedures to be followed will be those of the former Federal Power Commission contained in Title 18, Code of Federal Regulations, Part 1 et seq.

EFFECTIVE DATE: October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Finn K. Neilsen, Office of Fuels Regulation, Economic Regulatory Administration, 2000 M Street NW., Room 6318, Washington, D.C. 20461, telephone 202-254-9730.

James K. White, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5116, Washington, D.C. 20461, telephone 202-566-9380.

SUPPLEMENTARY INFORMATION: This notice applies to natural gas import and export proceedings: (1) For which application was first made on or after October 1, 1977; (2) that have been transferred to ERA following completion of certain procedures by the Federal Energy Regulatory Commission (FERC) pursuant to § 1000.1(c)(2) of the October 1, 1977, Final Rule entitled "Transfer of Proceedings to the Secretary of Energy and the Federal Energy Regulatory Commission" (42 FR 55534, October 17, 1977); and (3) that were transferred to the Secretary of Energy on October 1, 1977, pursuant to § 1000.1(b)(16)(i) of the Final Rule.

Until further notice, the procedures applicable to these proceedings are the procedures contained in the Rules and Regulations of the Federal Power Commission (FPC), Title 18, Code of Federal Regulations, Part 1 et seq. Applications

should contain the information required by 18 CFR 153.

All filings in proceedings over which the FERC retains temporary jurisdiction pursuant to § 1000.1(c)(2) of the Final Rule should continue to be submitted to the FERC until such time as the period for filing briefs on and opposing exceptions to the initial decision of the Administrative Law Judge has expired. Any subsequent filings should be submitted to ERA.

Those FPC proceedings subject to § 1000.1(c)(2) of the Final Rule that are still pending at the FERC as of the date of this notice, and with respect to which filings should continue to be submitted to the FERC, are:

- (i) Tenneco Atlantic Pipeline Co., et al., Docket No. CP77-100, et al.
- (ii) Distrigas of Massachusetts Corp., et al., Docket No. CP70-196, et al.
- (iii) Distrigas of Massachusetts Corp., et al., Docket No. CP77-216, et al.
- (iv) Easocog LNG, Inc., et al., Docket No. CP73-47, et al.

The two FPC proceedings covered by § 1000.1(c)(2) of the Final Rule that have been transferred to the ERA since October 1, 1977, and with respect to which filings should now be submitted to the ERA, are:

- (i) El Paso Eastern Co., et al., Docket No. CP77-330, et al.
- (ii) Pacific Indonesia LNG Co., et al., Docket No. CP74-160, et al.

Those natural gas proceedings of the FPC that were transferred by § 1000.1(b)(16)(i) of the Final Rule to the Secretary of Energy on October 1, 1977, and with respect to which all filings should now be submitted to the ERA, are:

- (i) Northwest Pipeline Corp., Docket No. CP75-340
- (ii) Midwest Gas Transportation Co., Docket No. CP77-458, et al.
- (iii) St. Lawrence Gas Co., Docket No. G-17500
- (iv) Tenneco InterAmerica Inc., Docket No. CP77-561

All filings (including applications) in these proceedings and in new proceedings before ERA and in other proceedings which have been transferred to ERA should be submitted to:

Office of Fuels Regulation, Economic Regulatory Administration, 2000 M Street NW., Room 6318, Washington, D.C. 20461.

Filings will reference the FPC/ERC docket number, if any, and, when an ERA docket number is assigned, the ERA number will be used as the lead docket designation.

The files of those proceedings transferred to ERA pursuant to §§ 1000.1(b)(16)(i) and (c)(2) of the Final Rule are sufficiently voluminous to preclude duplication for purposes of a public information copy. Arrangements to examine and copy the ERA files with regard to these proceedings can be made through:

Finn K. Nelsen, Office of Fuels Regulation, Economic Regulatory Administration, 2000 M Street NW., Room 6318, Washington, D.C. 20461, telephone 202-254-9730.

The files of natural gas import and export proceedings first submitted to ERA on or after October 1, 1977, are available for public inspection and copying at ERA, Public Docket Room, Room B-120, 2000 M Street NW., Washington, D.C. Copies of all ERA notices, orders, and other official actions will be posted in Room B-120 (with copies available to the public), and will also be posted and available in the Office of Public Information, FERC, 825 North Capitol Street NE., Washington, D.C. 20426. Business hours for the ERA Public Docket Room are 1 p.m. to 5 p.m., and for all other ERA offices 8 a.m. to 4:30 p.m., Monday through Friday, except for official holidays.

Issued in Washington, D.C., November 30, 1977.

DAVID J. BARDIN,
Administrator, Economic
Regulatory Administration.

[FR Doc. 77-34975 Filed 12-2-77; 1:18 pm]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS
ADMINISTRATION

PART 118—HANDICAPPED ASSISTANCE
LOANS

PART 122—BUSINESS LOANS

Waiver of Administrative Ceilings

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule authorizes SBA, in exceptional situations, to waive previously established administrative limits on the dollar amounts of Handicapped Assistance Loans and Business Loans. These administrative ceilings are a result of Pub. L. 94-305 which increased the statutory limit on such loans and Congressional intent as reflected in the Conference Report on that law. The intent of this rule is that while SBA will continue to make most of its loans below the administrative ceilings, it will have the authority in exceptional cases to make loans up to the statutory limits.

EFFECTIVE DATE: December 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Evelyn Cherry, Chief, Special Projects Division, Office of Financing, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6696

SUPPLEMENTARY INFORMATION: Section 7(a) of the Small Business Act, as amended by Pub. L. 94-305, authorized SBA to guarantee up to \$500,000 on a loan and to make direct or immediate participation loans of up to \$350,000. Section 7(h) of the Small Business Act, as amended, establishes a \$350,000 ceiling on handicapped assistance loans.

Since Congress intended that loans in the amount of the statutory limit should be made only in exceptional cases, ad-

ministrative ceilings were adopted by SBA. In the case of handicapped assistance loans, the administrative ceiling is \$100,000 for a direct loan, and \$150,000 on SBA's share of an immediate participation loan. In the case of business loans, the administrative ceiling on direct loans or on SBA's share of immediate participation loans is \$150,000; and on SBA's share of a guaranteed loan the administrative limit is \$350,000.

On February 15, 1977, SBA published notice of proposed rulemaking (42 FR 9184) stating that the above mentioned ceilings could be waived upon a determination that the particular loan furthered a National, Agency, or Regional program objective, and that standards or examples of such objectives would be published from time to time. Since no adverse comment was received, the proposed rules are adopted without change. SBA is also publishing a list of eight examples of National, Agency, or Regional program objectives. (See FR Doc. 77-34941 appearing elsewhere in this issue.)

Accordingly, pursuant to the authority of section 5 of the Small Business Act, as amended, 15 U.S.C. 631 et seq., Title 13 CFR is amended as follows:

Section 118.31(a) is amended by adding thereto new subparagraphs (2) and (3), to read as follows:

§ 118.31 Terms and conditions.

(a) HAL loans shall not be made, participated in, or guaranteed if the total amount of the Government's share of such assistance to a single borrower at any one time exceeds a total outstanding of \$350,000. The loan limit applies collectively to all HAL-2 loans to business entities owned or controlled by affiliated ownership and for all HAL-1 loans to the specific applicant nonprofit organization.

(1) The administrative ceiling on a direct loan is \$100,000, and \$150,000 as the SBA share of an immediate participation loan. Acceptance of such applications is subject to availability of funds.

(2) The respective administrative ceiling on direct loans and on SBA's share of immediate participation loans may, in exceptional situations, extend up to the statutory \$350,000 maximum authorized by section 7(h) of the Small Business Act where SBA determines that the particular loan furthers a National, Agency, or Regional program objective.

(3) SBA may from time to time hereafter publish in the FEDERAL REGISTER, on the basis of developing experience, standards or examples illustrating National Agency, and Regional objectives. SBA will not recognize any such objective unless it has first been so published.

(Catalog of Domestic Assistance Programs, No. 59.021, Handicapped Assistance Loans.)

Section 122.5 is amended by redesignating its present text as paragraph (a)

and adding thereto new paragraphs (b) and (c), to read as follows:

§ 122.5 Introduction.

(a) *General.* SBA's exposure of financial assistance to a borrower, including all affiliates, may not exceed \$500,000: *Provided*, That no such loan made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate basis shall exceed \$350,000. In assistance to Group Corporations, SBA's exposure may not exceed \$250,000 for each small business concern which formed and capitalized the Group Corporation.

(b) *Ceiling on loans to a single borrower.* The administrative ceiling (1) on loans to a single borrower made directly or on an immediate participation basis is \$150,000, and (2) on SBA's share of guaranteed loans to any borrower is \$350,000. However, in circumstances determined by SBA to constitute an exceptional situation, (3) direct loans and SBA's share of immediate participation loans to a borrower may extend to \$350,000, and (4) SBA's share of guaranteed loans to a single borrower may extend to \$500,000.

(c) *Exceptional situations.* (1) An exceptional situation will be deemed to exist where SBA determines that the particular loan furthers a National, Agency, or Regional program objective.

(2) *Publication in Federal Register.* SBA may from time to time hereafter publish in the FEDERAL REGISTER, on the basis of developing experience, standards or examples illustrating National, Agency, and Regional objectives. SBA will not recognize any such objective until it has first been so published.

(Catalog of Domestic Assistance Programs, No. 59.012, Small Business Loans.)

Dated: November 25, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-34940 Filed 12-6-77;8:45 am]

[6320-01]

Title 14—Aeronautics and Space
CHAPTER II—CIVIL AERONAUTICS
BOARD

SUBCHAPTER E—ORGANIZATION REGULATIONS
[Reg. OR-124, Amdt. 66]

PART 385—DELEGATIONS AND REVIEW
OF ACTION UNDER DELEGATION: NON-
HEARING MATTERS

Grant of Delegated Authority to Director,
Bureau of Fares and Rates

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This rule delegates authority to the Director, Bureau of Fares and Rates (BFR), to approve or deny applications by air carriers for loans or other financial aid from agencies of the United States, and to make recommendations requested by any Federal agency with

respect to such applications. The rule is being adopted at the initiative of the Board in order to expedite action on these matters.

DATES: Effective: December 1, 1977.
Adopted: December 1, 1977.

FOR FURTHER INFORMATION CON-
TACT:

Stephen Babcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: Section 410 of the Act authorizes the Board to approve or disapprove, in whole or in part, applications for loans or other financial aid from any agency of the United States to, or for the benefit of, any air carrier. This section also requires the Secretary of Transportation to consult with and consider the views and recommendations of the Board in acting on equipment loan guarantees. These applications are reviewed by the staff to determine the impact of the purchase of the aircraft or other property for which the loan is obtained on the carrier's system operations. The criteria for these evaluations have been developed by the Board over the years, making the review and preparation of recommendations by the staff fairly routine. In view of this, we have decided to delegate the authority to act on these requests to the Director, BFR.

Since these amendments are of an administrative nature, affecting rules of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rules may become effective immediately.

Accordingly, the Board amends Part 385 of its Organization Regulations (14 CFR Part 385) as follows:

1. Amend the Table of Contents, Subpart B, by redesignating existing § 385.14 as § 385.14a, and by adding a new § 385.14, identified as follows:

Subpart B—Delegation of Functions to Staff
Members

- | | | | | |
|---------|---|---|---|---|
| * | * | * | * | * |
| Sec. | | | | |
| 385.14 | Delegation to the Director, Bureau of Fares and Rates. | | | |
| 385.14a | Delegation to the Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates. | | | |

2. Redesignate § 385.14 as § 385.14a.
§ 385.14 [Redesignated as § 385.14a]
3. Add a new § 385.14 to read as follows:
§ 385.14 Delegation to the Director, Bureau of Fares and Rates.

The Board delegates to the Director, Bureau of Fares and Rates, its authority, under section 410 of the Act, to approve or disapprove in whole or in part, or to make recommendations requested by any Federal agency with respect to, applications by air carriers for loans and other financial aid.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324); Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-34930 Filed 12-6-77;8:45 am]

[1505-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE
COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURES
AND RULES OF PRACTICE

PART 1—GENERAL PROCEDURES

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

TRADE REGULATION RULEMAKING
PROCEDURES

Correction

In FR Doc. 77-34101, appearing at page 60561 in the issue of Monday, November 28, 1977, the sixth line of column two on page 60562 should read, "staff have the responsibility of seeing that a".

[6750-01]

[Docket C-2909]

PART 13—PROHIBITED TRADE PRACTICES,
AND AFFIRMATIVE CORRECTIVE
ACTIONS

Minnesota State Medical Association, et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a St. Paul, Minn., medical association and its component societies, to cease publishing, distributing or contributing to the development of relative value scales and monetary conversion factors which tend to establish prices or otherwise influence fees for medical and surgical services. Further, respondents are required to withdraw such material which has already been published or circulated, and to send copies of the complaint and order to their member societies.

DATES: Complaint and order issued October 31, 1977¹

FOR FURTHER INFORMATION CON-
TACT:

Owen M. Johnson, Jr., Director, Bureau of Competition, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3601.

SUPPLEMENTARY INFORMATION: On Thursday, April 21, 1977, there was

¹ Copies of the Complaint and the Decision and Order filed with the original document.

published in the FEDERAL REGISTER 42 FR 20669 a proposed consent agreement with analysis in the Matter of Minnesota State Medical Association, a corporation; and Clay-Becker County Medical Society, The Freeborn County Medical Society, Headwaters Medical Society, Hennepin County Medical Society, McLeod County Medical Society, Minnesota Southwestern Medical Society (d.b.a. Blue Earth County Medical Society), Ramsey County Medical Society, Scott-Carver County Medical Society, Stearns-Benton County Medical Society, Steele County Medical Society, Upper Mississippi Medical Society, Wabasha County Medical Society, Winona County Medical Society, Inc., corporations; and Blue Earth Valley Medical Society, Brown County Medical Society, Camp Release District Medical Society, East Central Minnesota Medical Society, Goodhue County Medical Society, Lyon-Lincoln County Medical Society, Mid Minnesota Medical Society, Mower County Medical Society, Nicollet-Le Sueur County Medical Society, Park Region District and County Medical Society, Range Medical Society, Red River Valley Medical Society, Rice County Medical Society, St. Louis County Medical Society, Sibley County Medical Society, Southwestern Minnesota Medical Society, Wakota Medical Society, Waseca County Medical Society, West Central Medical Society, Wright County Medical Society, Zumbro Valley Medical Society, unincorporated associations, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

Comments were received and considered by the Commission.

The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Aiding, Assisting and Abetting Unfair or Unlawful Act or Practice: § 13.290 Aiding, assisting and abetting unfair or unlawful act or practice. Subpart—Combining or Conspiring: § 13.430 To enhance, maintain or unify prices. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-53 Recall of merchandise, advertising material, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

CAROL M. THOMAS,
Secretary.

[FR Doc. 77-34962 Filed 12-6-77; 8:45 am]

[6355-01]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1201—SAFETY STANDARD FOR ARCHITECTURAL GLAZING MATERIALS

Amendment of Effective Date of Standard

AGENCY: Consumer Product Safety Commission.

ACTION: Amendment to rule.

SUMMARY: The Commission amends the Safety Standard for Architectural Glazing Materials to extend the effective date as it applies to fabricators, distributors and retailers of laminated glass used in Category II products. This amendment allows fabricators, distributors and retailers to incorporate laminated glass manufactured between July 6, 1977 and December 3, 1977 that conforms to ANSI Z97.1-72 or 1975 and is so labeled or certified, into the architectural products subject to the standard, and to distribute and sell such glazing material and products incorporating this glazing material through July 5, 1978.

DATES: The amendment is effective December 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry Cohen, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301-492-6453.

SUPPLEMENTARY INFORMATION: On January 6, 1977, the Consumer Product Safety Commission promulgated a standard for architectural glazing materials (16 CFR Part 1201) designed to eliminate or reduce the unreasonable risks of injury associated with architectural glazing materials (42 FR 1428). The standard is designed to insure that the glazing materials used in certain architectural products either do not break when impacted with a specified energy, or break with such characteristics that they are less likely than other glazing materials to present an unreasonable risk of injury. The standard with a few exceptions became effective on July 6, 1977.

On June 27, 1977, the Laminators Safety Glass Association (LSGA) filed with the Commission, among other documents, a petition to stay the effective date of the architectural glazing standard as it applied to laminated glass. LSGA alleged in its petition that laminated glass used in Category II products may not meet the requirements of the standard. It submitted preliminary test data in support of its petition. LSGA also submitted a petition under section 10 of the Consumer Product Safety Act, 15 U.S.C. 2059, requesting in part that the standard be amended to exclude laminated glass. Copies of the petition to

stay the standard and petition to amend the standard (CP 77-16) are available for review in the Office of the Secretary, 1111 18th Street, NW., Third Floor, Washington, D.C. 20207.

The Commission, in view of the allegations of LSGA, which if correct could have had a significant adverse economic effect on the laminated glass industry and on consumers' ability to obtain replacement glazing, on July 28, 1977 granted a temporary stay of the standard as it applies to laminated glass used in Category II products when such glazing complies with American National Standards Institute Standard, "Performance Specifications and Methods of Test for Safety Glazing Material used in Buildings," 1975, ANSI Z97.1-75. The stay applied for a period of 150 days beginning on the effective date of the standard, July 6, 1977 and ending December 3, 1977. The purpose of the stay was to allow LSGA to complete its testing of laminated glass.

On October 28, 1977, LSGA advised the Commission that based on its comprehensive testing, laminated glass could comply with the Commission's architectural glazing standard. Accordingly, LSGA withdrew its petition to amend the standard as it applied to laminated glass.

LSGA also requested that the Commission allow the sale and distribution of laminated glass manufactured between July 6, 1977 and December 3, 1977 in accordance with the provisions of the stay order, through July 6, 1978. (The July 6, 1978 date coincides with a previous extension of the effective date of the standard issued by the Commission for glazing manufactured prior to July 6, 1977 that complies with ANSI Z97.1-72 or 75. (42 FR 31165, June 20, 1977.) The purpose of the previous extension was to ensure that glazing materials would be available for consumer use and to allow existing inventories of glazing to be depleted. (42 FR 31165, June 20, 1977). The National Glass Dealers Association (NGDA), in a petition (CP 78-6) filed with the Commission November 4, 1977 requested that the effective date of the standard for the distribution and sale of laminated glass be extended until December 2, 1978.

In the instant case, LSGA points out that it is likely that laminated glass distributors and dealers will not have laminated glass in stock on December 4 (the expiration of the Commission ordered stay) that is certified to comply with the Commission's glazing standard. In addition, it points out that distributors and dealers will likely have in stock potentially useless inventories of laminated glass manufactured during the period of the stay. NGDA makes essentially the same points.

In view of the foregoing, the Commission believes that if an extension of the effective date for laminated glass in Category II products is not made, fabri-

cators, distributors and retailers might not have available laminated glass for use in Category II products certified as meeting the Commission's standard. This could lead to shortages of these architectural products at the consumer level. In addition, fabricators, distributors and retailers would likely be left with inventories of laminated glass manufactured between July 6, 1977 and December 3, 1977 for use in Category II products that potentially could no longer be used in these products. Unless laminated glass manufactured between July 6, 1977 and December 3, 1977 are certified for use in Category I products, they also could not be used in those products.

The amendment to the effective date for laminated glass used in Category II products does not affect persons who manufacture laminated glass. Effective December 4, 1977, the date the stay expires, those persons must manufacture laminated glass for use in the architectural products subject to the standard in conformance with the Commission's glazing standard and such glazing must be certified, in accordance with section 14(a) of the CPSA, that it conforms to the Commission's standard.

In view of the foregoing, the Commission believes it is appropriate to allow laminated glass manufactured during the period of the stay to be used in architectural products subject to the standard for a reasonable period of time. The Commission believes the period of time suggested by LSGA, through July 5, 1978, is reasonable. In its previous extension of the effective date, the Commission provided a one year extension for all types of glazing. Information available to the Commission at that time indicated that, except for tempered glass, most other inventories of glazing could be depleted in 6 months. There is no indication that market conditions have changed such that a significantly longer period than 6 months is necessary for distributors and retailers to deplete inventories.

The extension to July 5 also has the advantage of coinciding with the previously granted extension of the effective date for glazing material manufactured prior to July 6, 1977 that complies with ANSI Z97.1. Moreover, because laminated glass can be cut, it can be used in products other than those subject to the standard.

While NGDA sought a one year extension in the effective date, it provided no information to justify a one year extension. In view of the foregoing information, the Commission partially grants NGDA's request to extend the effective date of the standard by extending it to July 6, 1978 rather than to December 2, 1978, as requested.

The Commission finds that the amendment to the effective date of the standard for the distribution and sale of laminated glass manufactured during the period of the stay for use in Category II products must be issued by December 4, 1977 in order to ensure that

laminated glass will be available for use in Category II products. Accordingly, the Commission finds, in accordance with 5 U.S.C. 553(b)(3)(B), that it would be contrary to the public interest to publish general notice of the amendment for comment. For the same reason, and because the amendment relieves a restriction, the Commission finds in accordance with 5 U.S.C. 553(d)(1) and (3), that it is in the public interest to make the amendments effective December 4, 1977.

The Commission concludes that the standard should be amended as set forth below. Therefore, pursuant to provisions of the Consumer Product Safety Act (sec. 9(e)), Pub. L. 92-573, 86 Stat. 1215; 15 U.S.C. 2058(e); and 5 U.S.C. 553, the Commission amends the Safety Standard for Architectural Glazing Materials by adding a new § 1201.2 (d) and (e) to read as follows:

§ 1201.2 Definitions.

(d) Laminated Glass manufactured on or after July 6, 1977 through December 3, 1977 may be incorporated into Category II products as defined in § 1201.2(a)(4) through July 5, 1978 if

(1) The laminated glass conforms to ANSI Z97.1-1972 or 1975; and

(2) The laminated glass is permanently labeled to indicate that it conforms to ANSI Z97.1-1972 or 1975 or is accompanied by a certificate in accordance with section 14(a) of the CPSA certifying conformance to ANSI Z97.1-1972 or 1975.

(e) Architectural products identified in § 1201.2(a)(4) manufactured between July 6, 1977 and December 3, 1977 incorporating laminated glass in accordance with § 1201.7(d) may be distributed and sold without restriction.

Dated: December 2, 1977.

RICHARD E. RAPPS,
Secretary, Consumer
Product Safety Commission.

[FR Doc. 77-35042 Filed 12-6-77; 8:45 am]

[4810-22]

Title 19—Customs Duties

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

[T.D. 77-285]

PART 101—GENERAL PROVISIONS

Ports of Entry; Nogales, Ariz.

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

ACTION: Final rule.

SUMMARY: This document announces the extension of the port limits of the Customs port of entry at Nogales, Arizona, in the Nogales, Arizona, Customs district (Region VII). This extension will provide better Customs service to carriers, importers, and the public in the Nogales, Arizona, area.

EFFECTIVE DATE: This extension will become effective on January 6, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

BACKGROUND

On February 3, 1977, a notice of a proposal to extend the port limits of the Customs port of entry at Nogales, Arizona, in the Nogales, Arizona, Customs district (Region VII) was published in the FEDERAL REGISTER (42 FR 6609). Under the proposal the existing port limits of Nogales would be extended to include additional areas in Santa Cruz County, Arizona. The public was invited to comment on the proposal, but no comments were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 14 (42 FR 35239), the port limits of Nogales, Arizona, in the Nogales, Arizona, Customs district (Region VII), are extended. As extended, the boundaries of the port of Nogales, Arizona, will include the area in Santa Cruz County, Arizona, described as follows:

Sections 1, 12, 13, 24, 25, and 36 of Township 23 South, Range 13 East, Gila and Salt River Base and Meridian.

Sections 7, 18, 19, 30, 31, 32, 33 and Section 6 (excepting that part of section 6 designated as Lots 1, 2, 3, 4, 5, 6, 7, and 8) of Township 23 South, Range 14 East, Gila and Salt River Base and Meridian.

Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21 of Township 24 South, Range 14 East, Gila and Salt River Base and Meridian.

Sections 1, 12, 13, and 24 of Township 24 South, Range 13 East, Gila and Salt River Base and Meridian.

AMENDMENT TO CUSTOMS REGULATIONS

In order to reflect this change, the table in section 101.3(b) of the Customs Regulations (19 CFR 101.3(b)) is amended by deleting the language "including the territory described in T.D. 71-196," which appears after "NOGALES" in the column headed "Ports of entry" in the Nogales, Arizona, Customs district (Region VII) and adding in lieu thereof the language "including the territory described in T.D. 77-285."

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2).)

DRAFTING INFORMATION

The principal author of this document was Suellen M. Ferguson, Regulations and Legal Publications Division of the Office of Regulations and Rulings, U.S.

Customs Service. However, personnel from other Customs offices participated in its development, both on matters of substance and style.

Dated: November 28, 1977.

BETTE B. ANDERSON,
Under Secretary
of the Treasury.

[FR Doc.77-35008 Filed 12-6-77;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-212]

PART 101-27—INVENTORY MANAGEMENT

Subpart 101-27.2—Management of Shelf-Life Materials Marking Material to Show Extended Shelf Life

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation eliminates the requirement for marking inspection data on intermediate containers of material on which the shelf life has been extended. In the future, inspection data is required to be marked only on exterior containers. This regulation has been developed because placing inspection data on both intermediate and exterior containers is not essential to effectively control shelf-life items and requires manpower that in many instances is not available. The effect of this regulation will be to reduce the time spent in marking data on containers of shelf-life material.

EFFECTIVE DATE: December 7, 1977.

FOR FURTHER INFORMATION CONTACT:

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

Section 101-27.207-3 is revised to read as follows:

§ 101-27.207-3 Marking material to show extended shelf life.

When the shelf-life period of type II material (except for critical end-use items as described below) is extended, only the exterior containers of bulk stocks need be annotated or labeled to indicate the date of inspection and date material is to be reinspected. Individual units of issue not classified as having a critical end-use application are not required to be annotated or labeled as long as controls are established to preclude issuance of unserviceable material to a user. (A critical end-use item is any item which is essential to the preservation of

life in emergencies; e.g., parachutes, marine life preservers, and certain drug products, or any item which is essential to the performance of a major system; e.g., aircraft, the failure of which would cause damage to the system or endanger personnel.) At the time of shipment, the date of inspection and date for reinspection shall be affixed by label or marked by other means on each unit of issue of type II items having a critical end-use application.

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

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

Dated: November 29, 1977.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc.77-35006 Filed 12-6-77;8:45 am]

[6820-27]

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Subpart 105-61.52—Fees

FEEs FOR REPRODUCTION SERVICES: LOCATION OF RECORDS AND HOURS OF SERVICE

AGENCY: General Services Administration, National Archives and Records Service (NARS).

ACTION: Final rule.

SUMMARY: This rule revises the fee schedule for reproduction services established by the National Archives and Records Service (NARS) based on a detailed study conducted by NARS of all of the costs involved in producing reproductions. Any increase in fees will allow NARS to recover increases in the costs of materials, labor, and postage.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Ross Buffington, Planning and Analysis Division, Office of the Executive Director, National Archives and Records Service, General Services Administration (NAA), Washington, D.C. 20408, 202-523-3214.

SUPPLEMENTARY INFORMATION:

On October 25, 1977, there was published in the FEDERAL REGISTER (42 FR 56345) a notice of proposed rulemaking with proposed revisions to the schedule of fees for reproduction services. Interested persons were given 30 days in which to submit comments regarding the proposed regulations.

The comments received from members of the public questioned the proposed increases in fees for reproductions of cer-

tain archival materials. Prior to revising the fee schedule, the National Archives and Records Service (NARS) conducted a detailed study of all of the costs involved in producing reproductions. As a result of this study, all fees were set at the minimum level which would allow NARS to recover increases in the costs of materials, labor, and postage.

An editorial correction is made as follows:

§ 105-61.5208 Effective date.

The fees in § 105-61.5206 are effective beginning December 1, 1977, and ending on September 30, 1978. Orders received after September 30, 1978 will be subject to the fees in effect at that time.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)); 41 CFR 105-61.000-2)

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

Dated: November 28, 1977.

JAMES E. O'NEILL,
Acting Archivist
of the United States.

[FR Doc.77-35018 Filed 12-6-77;8:45 am]

[1505-01]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 36—INDIAN HEALTH

Subpart J—Indian Health Care Improvement Act Programs

Correction

In FR Doc. 77-33119 appearing at page 59643 in the issue for Friday, November 18, 1977, in § 36.351(b)(2) on page 59652, paragraph (i) now reading "(i) 1,000 or more;" should have read "(i) 9,000 or more;"

[1505-01]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6910-1b]

PART 1069—GRANTEE PERSONNEL MANAGEMENT

Subpart—Travel Regulations for CSA Grantees and Delegate Agencies

Correction

In FR Doc. 77-33458, appearing at page 59504 in the issue of Friday, November 18, 1977, make the following changes in the first column of page 59505:

1. The title following the signature should read, "Acting Director".
2. Both subpart headings should read, "Subpart—Travel Regulations for CSA Grantees and Delegate Agencies".

[6712-01]

Title 47—Telecommunication
 CHAPTER I—FEDERAL
 COMMUNICATIONS COMMISSION
 [FCC 77-795]
 PART 73—RADIO BROADCAST
 SERVICES

Power Maintenance for AM, FM and TV
 Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The Order was issued to clarify the intent of the rules concerning transmitter power maintenance requirements for AM, FM, and TV broadcast stations. Additionally, the intent of the rules which prescribe maintenance of antenna current ratios for AM stations with directional antenna systems was clarified. All of the effected rules now have greater specificity.

EFFECTIVE DATE: December 12, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Stanley Schmulewitz, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

ORDER

Adopted: November 22, 1977.

Released: December 2, 1977.

In the matter of amendment of §§ 73.51, 73.52, 73.267, 73.567 and 73.689 of the Commission's rules and regulations with respect to power maintenance.

1. The Commission herein takes action to clarify the intent of §§ 73.51, 73.52, 73.267, 73.567 and 73.689 of the rules. Sections 73.52(a), 73.267(b), 73.567(b), and 73.689(b) speak of maintenance of the "actual" antenna input power or transmitter operating power within specified limits but in point of fact there is no practical way to measure the "actual" power. This has given rise to the practice of using indicating instruments to show that the station is maintaining the indicated or calculated power within these limits. The intent of the change we are making is to remove the confusion and apparent conflict between the "actual" and the indicated values. Action is also taken herein to amend § 73.52(b) of the rules to clarify the intent of the rule to specify that the "indicated" relative amplitudes of the antenna currents are to be maintained within 5 percent of the ratios specified in the station authorization.

2. It has long been Commission and industry practice to accept indicated or calculated power as the actual transmitter output or operating power as long as the determinations of power are made in accordance with established Commission procedures with indicating instruments meeting minimum specifications. An ex-

ample of early acceptance of this practice is illustrated by § 3.54 of the Commission's rules dated June 25, 1940, which stated:

The antenna input power determined by direct measurement is the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency. Direct measurement of the antenna input power will be accepted as the operating power of the station, provided the data on the antenna resistance measurements are submitted under oath giving detailed description of the method used and the data taken. The antenna current shall be measured by an ammeter of accepted accuracy * * *.

However, since current language contained in § 73.52(a) of the rules specifies that the "actual" antenna input power of each station shall be maintained as near as practicable to the authorized antenna input power, this accepted practice was challenged in the United States District Court of the Eastern District of Virginia ("United States of America v. Rust Communications Group, Inc.," Civil Action No. 75-0624-R), by the licensee of Radio Station WNRL, Richmond, Virginia. This challenge followed action by the Commission to recover a forfeiture assessed against Rust Communications Group for alleged repeated violation of § 73.52(a) of the Commission's rules by operating with excessive power on seven occasions in 1972.

3. The Court ruled against the Commission and, in so doing, noted what it saw as the inconsistency of the Commission's rules pertaining to maintenance of "actual" power and § 73.39 (now §§ 73.1215) and 73.67 (which specifies the accuracy of the instruments used in determining power), which allow for instrument error. In effect, the licensee used this margin of error to operate with values above that permitted but successfully argued to the Court that using this margin of error, its operation was within the rule's tolerance. Our intent in this rule is not to permit this mode of operation. Rather, we intended to require the station to operate with the meters showing values within the accepted range. We recognized that the "actual" value could exceed that shown, but that could not be avoided.

4. As a result of the Court's decision, § 73.52(a) is being rewritten with greater specificity to recognize the long accepted intent and practice in maintaining antenna input power. Concurrently, we are amending the power maintenance rules for other broadcasting services which are contained in Part 73 of the rules to provide similarly greater specificity.

5. FCC rules specify procedures for determining antenna input power for AM stations and operating power for FM and TV stations. These determinations are made by either the direct method or the indirect method as appropriate. The direct method for AM stations involves taking the product of the antenna resistance at the operating frequency and the square of the unmodulated antenna current measured at the point where the

antenna resistance has been determined.¹ The direct method of FM and TV stations involves calibrating a transmission line meter by measurement of the power at the output terminal of the transmitter while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance.² The indirect method for AM, FM and TV stations involves taking the product of the final radio stage plate voltage, the final stage plate current and the efficiency factor.³

6. Procedures for determining power by the direct method for FM and TV stations require the use of electrical or temperature and coolant flow indicating devices with an accuracy of 5 or 4 percent respectively. All other measurements require the use of indicating instruments which must be accurate to within 2 percent of the full scale reading in accordance with § 73.1215 of the rules. The accuracy of all determinations can also be affected by reading errors, changes in antenna resistance and efficiency factor, etc.

7. Our standard practice of accepting as "actual," the power determined by the methods described above is both realistic and practicable. To do otherwise would require corrections for permissible errors in indicating instruments, scale reading, antenna resistance, etc. In many instances, calibration errors in remote meters would have to be considered as well.

8. Additionally, § 73.52(b) specifies that each station employing a directional antenna shall maintain the relative amplitudes of the antenna currents in the elements of its array within 5 percent (unless more stringent limits are specified) of ratios specified in its license or other instrument of authorization. Also in this instance the variations of indicating instruments within permitted tolerances will affect the result.

9. The intent of the rules is to require maintenance of power and antenna current ratios as near as practical to authorized values, within specified limits, as determined by designated procedures utilizing instruments of specified minimum accuracies. It is the responsibility of the licensee to insure that the accuracies of these instruments comply with minimum standards in order that the power and antenna current ratios determined will be as close to the actual values as is practicable. Whenever the accuracy or reliability of any indicating instrument is suspected, the licensee is obligated to have that instrument promptly calibrated, repaired, or replaced; during the interim, the licensee is also obligated to use prescribed alternative procedures for determining and maintaining operating power. Accordingly, the rules are being modified as set

¹ FCC rules and regulations § 73.51.

² FCC rules and regulations §§ 73.267(a), 73.567(a) and 73.689(a).

³ FCC rules and regulations §§ 73.51, 73.267(a), 73.567(a) and 73.689(a).

forth in the attached Appendix to specify use of "indicated" values for determining power and antenna current ratios.

10. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rulemaking and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments, clarifying in nature, impose no additional burdens and raise no issue upon which additional comments would serve any useful purpose.

11. Therefore, it is ordered, That pursuant to Sections 4(i) and 303 (j) and (r) of the Communications Act of 1934, as amended, Part 73 of the Commission's rules and regulations is amended as set forth below effective effective December 12, 1977.

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

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

1. Section 73.51 paragraph (a) and paragraph (e)(1) are amended to read as follows:

§ 73.51 Antenna input power; how determined.

(a) Except in those circumstances described in paragraph (d) of this section, the antenna input power shall be determined by the direct method, i.e., as the product of the licensed antenna resistance at the operating frequency (see § 73.54) and the square of the indicated unmodulated antenna current at that frequency, measured at the point where the antenna resistance has been determined.

(e) (1) Using the indirect method, the antenna input power is the product of the indicated input voltage of the last radio stage (Ep); the indicated input current of the last radio stage (Ip); and an efficiency factor (F) as follows:

$$\text{antenna input power} = E_p \times I_p \times F$$

2. Section 73.52 is amended to read as follows:

§ 73.52 Antenna input power; maintenance of.

(a) The antenna input power of each station as determined by the procedures specified in § 73.51 shall be maintained as near as is practicable to the authorized antenna input power and shall not be less than 90 percent nor greater than 105 percent of the authorized power: except that if, in an emergency, it becomes technically impossible to operate with the authorized power, the station may be operated with reduced power for a period of not more than 30 days without further authority from the Commission: *Provided*, That notification is

sent to the Commission in Washington, D.C. no later than the tenth day of the lower power operation. In the event normal power is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 30th day for such additional time as may be deemed necessary.

(b) In addition to maintaining antenna input power within the above limitations, each station employing a directional antenna shall maintain the indicated relative amplitudes of the antenna base currents and antenna monitor currents for the elements of its array within 5 percent of the values specified in its license or other instrument of authorization, unless more stringent limits are specified therein.

3. Section 73.267 paragraphs (a) (2) and (b) (1) are amended to read as follows:

§ 73.267 Operating power; determination and maintenance of.

(2) Using the indirect method, the operating power is the product of the indicated input voltage of the last radio stage (Ep); the indicated input current of the last radio stage (Ip); and an efficiency factor (F) as follows:

$$\text{Operating power} = E_p \times I_p \times F$$

(b) Maintenance—(1) The operating power as determined by the procedures specified in § 73.267(a) shall be maintained as near as practicable to the authorized power and shall not be less than 90 percent nor greater than 105 percent of authorized power except as indicated in paragraph (c) of this section.

4. Section 73.567 paragraphs (a) (2), (b) (1), and (b) (2) are amended to read as follows:

§ 73.567 Operating power; determination and maintenance of.

(2) Using the indirect method, the operating power is the product of the indicated input voltage of the last radio stage (Ep); the indicated input current of the last radio stage (Ip); and an efficiency factor (F) as follows:

$$\text{Operating power} = E_p \times I_p \times F$$

(b) (1) The operating power of stations licensed for transmitter output power greater than 10 watts, as determined by the procedures specified in § 73.567(a), shall be maintained as near as practicable to the authorized power and shall not be less than 90 percent nor greater than 105 percent of authorized power

except as indicated in paragraph (c) of this section.

(2) Stations licensed to operate with a transmitter output power of 10 watts or less may be operated at less than authorized power but in no event shall the operating power, as determined by the procedures specified in § 73.567(a), be greater than 105 percent of the authorized power. The transmitter of each such station shall be so maintained as to be capable of operation at maximum licensed power.

5. Section 73.689 paragraphs (a) (2) (ii), (b) (1), and (b) (2) (i) are amended to read as follows:

§ 73.689 Operating power.

(i) Using the indirect method, the operating power is the product of the indicated input voltage of the last radio stage (Ep); the indicated input current of the last radio stage (Ip); and an efficiency factor (F) as follows:

$$\text{Operating power} = E_p \times I_p \times F$$

(b) Maintenance—(1) Visual transmitter. The operating power as determined by the procedures specified in § 73.689(a) shall be maintained as near as is practicable to the authorized power and shall not be less than 80 percent nor more than 110 percent of the authorized power at any time, except as provided in subparagraph (3) of this paragraph. The peak power shall be monitored at the output terminals of the transmitter with a peak reading meter whose indications are proportional to peak voltage, current or power. The range and electrical accuracy of the meter and the physical characteristics of the meter scale shall be adequate to permit a determination that the power output does not exceed the prescribed tolerance. The meter shall be calibrated with the transmitter operating at 80, 100, and 110 percent of the authorized power as often as may be necessary to insure compliance with the requirements of this paragraph and in any event at intervals of no more than 6 months. In cases where the transmitter is incapable of operating at 110 percent of the authorized power output, the calibration may be made at a power output between 100 and 110 percent of the authorized power output. However, where this is done, the output meter shall be marked at the point of calibration of maximum power output, and the station will be deemed to be in violation of this rule if that power is exceeded. If any component in the power measuring circuit is replaced, the meter shall be recalibrated upon completion of such repairs. The upper and lower limits of permissible power deviation as determined by the prescribed calibration, shall be shown upon the meter either by means of adjustable red markers incorporated

in the meter or by red marks placed upon the meter scale or glass face. These markings shall be checked and changed, if necessary, each time the meter is calibrated.

(2) *Aural transmitter.* (i) The operating power as determined by the procedures of § 73.689(a) shall be maintained as near as practicable to the authorized power and shall not be less than 80 percent nor greater than 110 percent of authorized power except as indicated in subparagraph (3) of this paragraph.

[FR Doc. 77-35016 Filed 12-6-77; 8:45 am]

[6712-01]

PART 78—CABLE TELEVISION RELAY SERVICE

Editorial Order Relaxing and Clarifying Certain Cable Television Relay Service (CARS) Regulations

AGENCY: Federal Communications Commission.

ACTION: Editorial Amendment.

SUMMARY: Part 78 of the Commission's rules and regulations are revised to relax certain unattended operation application procedures for Cable Television Relay Service (CARS) applicants, to correct the address used for coordination with the Department of Commerce regarding coordination within the Table Mountain Radio Receiving Zone, relax the transmitting antenna requirements for mobile stations, and to add a more specific reference concerning environmental impact narratives.

EFFECTIVE DATE: December 13, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Steve Yelverton, Microwave Branch, Special Relief and Microwave Division, Cable Television Bureau, 202-254-3421.

ORDER

Adopted: November 28, 1977.

Released: November 30, 1977.

In the matter of: Editorial amendment of Part 78 of the Commission's rules to relax and clarify certain Cable Television Relay Service (CARS) Regulations.

1. A review of the Cable Television Relay Service (CARS) Rules, as contained in Part 78 of the Commission's rules and regulations, has disclosed that certain application and operating requirements for CARS stations can properly be relaxed and that certain nonsubstantive modifications to the rules would clarify application procedures.

2. Section 78.53 of the Commission's rules sets forth a series of requirements which must be met in order to permit un-

attended operation of a fixed CARS station. Paragraphs (a) and (b) of this section require that a showing as to the manner of compliance with these requirements be included in either a notification to the Commission or in any application requesting authority to construct new stations or to modify existing stations which propose unattended operation. The requirements of § 78.53, however, are explicit as to the manner of compliance and, hence, such showings made by applicants are generally merely a verbatim repetition of the requirements themselves. We feel that the submission of such showings does not provide any additional assurance that the requirements will be met and that the submission of such showings is an unnecessary burden upon the applicant. Accordingly, § 78.53 is amended by revising paragraph (a) and deleting paragraph (b), thereby deleting any reference to such detailed showings and requiring only a written statement of notification to the Commission of such unattended operations.

3. It has come to our attention that the address to be used by CARS applicants for consultation with the Department of Commerce regarding frequency coordination with the Table Mountain Radio Receiving Zone as outlined in § 78.19 of the rules has been changed. § 78.19(e) (2) therefore is amended to reflect this change.

4. Recent CARS applications have indicated that some applicants may be unaware of their responsibilities and obligations pursuant to the National Environmental Policy Act of 1969 as set forth in Subpart I of Part 1 of the Commission's rules. Accordingly, paragraph (c) of § 78.15, Contents of Applications, is amended to add a more specific reference to the requirements of Subpart I.

5. Lastly, it appears that the present beamwidth requirements for CARS station transmitting antennas, as stated in § 78.105 of the rules, may place an unnecessary restriction upon CARS mobile stations. Since CARS mobile stations are authorized on a secondary, non-interference basis they could advantageously utilize antennas having a wider beamwidth than the maximum presently allowed and not restrict our frequency assignments to fixed stations. The relaxation of the present requirement for mobile stations would permit the utilization of antennas currently available for mobile transmission equipment which are less expensive and are more easily oriented toward the receiving equipment. Accordingly, § 78.105(a) of the rules is amended by limiting the present beamwidth requirement to only fixed CARS stations.

6. Authority for the attached amendments is contained in 47 U.S.C. 151, 152, 301, and 307; and in § 0.231(d) of the Commission's rules. Inasmuch as the amendments ordered are nonsubstantive editorial revisions of the Commission's rules and regulations, impose no new requirements, and are intended only to relax or clarify existing requirements,

compliance with the prior notice, procedural and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, would serve no useful purpose and is unnecessary.

7. Accordingly, it is ordered, That effective December 13, 1977, Part 78 of the Commission's rules and regulations is amended as set forth below.

(Secs. 1, 2, 301, 303, 307, 48 Stat., as amended; 1064, 1081, 1082, 1083; (47 U.S.C. 151, 152, 301, 303, 307).)

FEDERAL COMMUNICATIONS
COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

Part 78 of Chapter I of Title 47 of the Code of Federal Regulations is amended in the following manner:

1. Section 78.15(c) is revised as follows:

§ 78.15 Contents of applications.

(c) CARS applicants for construction permits or modifications of construction permits must follow the procedures prescribed in Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) regarding the filing of environmental impact narrative statements, unless Commission action authorizing construction of a CARS station would be a minor action within the meaning of Subpart I of Part 1 of this chapter.

2. Section 78.19(e) (2) is revised as follows:

§ 78.19 Interference.

(e) * * *

(2) Applicants concerned are urged to communicate with the Radio Frequency Management Coordinator, Department of Commerce, Research Support Service, NDAA/R5X3, Boulder Laboratories, Boulder, Colorado 80302; telephone 303-499-1000, extension 6548 or 6549, in advance of filing their applications with the Commission.

3. In § 78.53, paragraph (a) is amended and (b) is deleted and reserved to read as follows:

§ 78.53 Unattended operation.

(a) A CARS station other than a CARS pickup station may be operated unattended: *Provided*, That such operation is conducted in accordance with the conditions listed below: *And provided further*, That the Commission, in Washington, D.C., is notified at least 10 days prior to the beginning of unattended operation if such operation is not indicated on the station authorization.

(b) [Reserved]

4. Section 78.105(a) is revised as follows:

§ 78.105 Antennas.

(a) Fixed CARS stations shall use directive transmitting antennas. The maximum beamwidth in the horizontal

plane between half power points of the major lobe shall not exceed 3°: *Provided, however,* That, upon adequate showing of need to serve a larger sector, or more than a single sector, greater beamwidth or multiple antennas may be authorized for LDS stations. Either vertical, horizontal, or elliptical polarization may be employed. The Commission reserves the right to specify the polarization of the transmitted signal. Mobile stations are not so limited.

[FR Doc.77-34990 Filed 12-6-77;8:45 am]

[4910-62]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-131]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to the Commandant of the Coast Guard

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: This document delegates to the Commandant of the United States Coast Guard authority to (1) promulgate joint regulations for the conduct of marine casualty investigations with the National Transportation Safety Board and (2) relinquish to a state, Coast Guard jurisdiction over Federal land.

EFFECTIVE DATE: December 7, 1977.

FOR FURTHER INFORMATION CONTACT:

For information as to the Marine Casualty investigations delegation: Captain Alfred E. Hampton, Chief, Marine Investigation Division, Department of Transportation, United States Coast Guard, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1455. For information as to the land jurisdiction delegation: Clarence N. Lee, Chief, Real Property Branch, Department of Transportation, United States Coast Guard, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-2031.

SUPPLEMENTARY INFORMATION: The persons principally responsible for the drafting of this document are:

Barbara Kover (administrative), Management Analysis Division.

Lt. Edward Gill (legal), Office of the Chief Counsel, United States Coast Guard.

Booker T. Wade, Jr. (legal), Office of the General Counsel, Office of the Secretary.

The purpose of this amendment is to delegate to the Commandant of the Coast Guard the authority vested in the Secretary by: (1) Section 304(a)(1) of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 49 U.S.C. 1903(a)(1)) to conduct accident investigations at the request of the National Transportation Safety Board (NTSB) and to prescribe jointly with NTSB regulations governing investigations of major marine casualties and casualties involving pub-

lic and non-public vessels; (2) Section 307 of that Act (49 USC 1906) to respond to Board recommendations regarding marine casualties; and (3) Section 2683 of Title 10, U.S. Code, to relinquish to a state the legislative jurisdiction of the United States over lands and interests under the control of the Coast Guard in that state.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be effective in fewer than 30 days following publication in the FEDERAL REGISTER.

In consideration of the foregoing:

a. Paragraph (n) of § 1.46 of Part 1 of Title 49, Code of Federal Regulations, is amended by adding at the end thereof a new subparagraph (10) to read as follows:

§ 1.46 Delegation to Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to:

(n) Carry out the functions vested in the Secretary by the following statutes: * * *

(10) (i) Section 304(a)(1) of the Independent Safety Board Act of 1974 [49 U.S.C. 1903(a)(1)] insofar as it relates to the promulgation of joint regulations with the National Transportation Safety Board (NTSB) governing investigations of major marine casualties and casualties involving public and non-public vessels, and the conduct of accident investigations upon request of the Board.

(ii) Section 307 of the Independent Safety Board Act of 1974 (49 U.S.C. 1906) insofar as it relates to responses to NTSB recommendations regarding marine casualties.

b. A new subparagraph (x) is added following § 1.46(w) to read as follows:

(x) Carry out the functions vested in the Secretary by 10 U.S.C. 2683 insofar as it relates to the relinquishment to a state of legislative jurisdiction of the United States over lands and interests under the control of the Coast Guard in that state.

(Section 9(e), Department of Transportation Act, 49 U.S.C. 1657(e).)

Issued in Washington, D.C., on November 25, 1977.

BROCK ADAMS,

Secretary of Transportation.

[FR Doc.77-35007 Filed 12-6-77;8:45 am]

[4910-22]

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Amendment No. 76-3]

PART 394—NOTIFICATION, REPORTING AND RECORDING OF ACCIDENTS

Reporting of Accidents

AGENCY: Federal Highway Administration.

ACTION: Final rule.

SUMMARY: This rule amends the Federal Motor Carrier Safety Regulations (49 CFR 394.9(a)) by extending the accident reporting requirement from 15 to 30 days. Petitions were received asking for an extension of the filing time because of the current difficulty in submitting meaningful reports within the current 15-day requirement. The additional time will serve to insure the completeness and accuracy of the report that is filed.

EFFECTIVE DATE: December 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, 202-426-9767; Mr. Gerald M. Tierney, Office of Chief Counsel, 202-426-0346, Federal Highway Administration, 400 7th Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday-Friday.

SUPPLEMENTARY INFORMATION:

On April 18, 1977, the National Association of Motor Bus Owners (NAMBO) filed a petition to amend § 394.9(a) by increasing from 15 days to 30 days the time within which motor carriers must file accident reports. The American Trucking Associations, Inc., (ATA) by letter of May 19, 1977, expressed support of the petition filed by NAMBO.

The Regulation presently requires that the carrier must file the original and two copies of Form MCS 50-B (passengers) or Form MCS 50-T (property) with the Director, Regional Motor Carrier Safety Office of the Federal Highway Administration within 15 days after a reportable accident occurs. This revision does not affect the immediate telephone notice of fatal accidents required by § 394.7.

The original petitioner, NAMBO, contends that there are occasions when all the required information cannot be accurately and properly completed within the 15-day filing schedule. The NAMBO points out that it is not uncommon, when accidents do occur, to have numerous passengers involved, as well as other vehicles.

Also, depending on the size of the carrier, NAMBO indicates that the report may be required to be forwarded through several offices throughout the country before it can be mailed to the Regional Motor Carrier Safety Office, which cuts into the time that they have to accurately complete the form.

The joining petitioner, ATA, agrees that the 15-day deadline now prescribed causes difficulty in submitting meaningful reports. They also report that there are estimating problems, such as, reporting accidents which were overestimated and failing to report those accidents which were underestimated.

Both petitioners contend that the mail service adds to the problem of getting the report to its destination within the time allowed.

The contention that it is sometimes difficult to accurately complete and file

the accident report within 15 days has merit. On the other hand, since past experience has proven postponement of completing the reports can result in forgotten accident details making the reports less accurate, it is requested that the reports be filed as expeditiously as possible.

The amendment constitutes a relaxation of a rule, therefore, no Notice is needed and no comments are requested.

Accordingly, § 394.9 of the Federal Motor Carrier Safety Regulations (Subchapter B of Chapter III, Title 49 CFR) is amended by revising paragraph (a) as follows:

§ 394.9 Reporting of accidents.

(a) Within 30 days after a reportable accident occurs, the motor carrier must file the original and two copies of Form MCS 50-T (property) or Form MCS 50-B (passengers), completed as specified in paragraph (b) of this section, with the Director, Regional Motor Carrier Safety Office of the Federal Highway Administration region in which the car-

rier's principal place of business is located. The addresses and jurisdictions of the Federal Highway Administration regions are specified in § 390.40 of this subchapter.

* * * * *

(Sec. 204, Interstate Commerce Act, as amended (49 U.S.C. 304), Section 6, Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administration of 49 CFR 1.48 and 301.60 respectively.)

Effective date: This amendment is effective on the date of issuance.

NOTE.—It has been determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821, as amended and OMB Circular A-107.

Issued on November 21, 1977.

ROBERT A. KAYE,

Director,

Bureau of Motor Carrier Safety.

[FR Doc. 77-34963 Filed 12-6-77; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

HANDLING OF PAPAYAS GROWN IN HAWAII

Proposed Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes minimum grade and size requirements for shipments of Hawaiian papayas and is needed to provide for orderly marketing in the interest of producers and consumers.

DATES: Comments must be received by December 22, 1977. Proposed effective dates: January 1 through December 31, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447,3545.

SUPPLEMENTARY INFORMATION: The proposed regulation was recommended by the Papaya Administrative Committee, established under the marketing agreement and Order No. 928, regulating the handling of papayas grown in Hawaii. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The committee estimates that 1978 production of Hawaiian papayas will total 70 million pounds, 11 percent more than the estimated record large 1977 crop. Fresh sales are expected to total 57 million pounds and the remaining 13 million processed. In-State fresh sales are projected at 13.5 million pounds for 1978, compared to 13 million estimated for 1977. It is anticipated that out-of-State sales will amount to 76 percent of the total fresh sales next year and reach a record large 43.5 million pounds, 2.5 million more than in 1977.

Under the proposed regulation, papayas in intrastate shipment must grade at least Hawaii No. 1 during the period January 1-May 15, 1978, and weigh at least 14 ounces (16 ounces for Hawaii Fancy). During the period May 16-De-

ember 31, 1978, such papayas must grade at least Hawaii No. 1 with 5 percent tolerance for defects and weigh at least 16 ounces.

Export shipments during the period January 1-May 15, 1978, must grade at least Hawaii No. 1 with 5 percent tolerance for defects and weigh at least 11 ounces. During the period May 16-December 31, 1978, such papayas must grade Hawaii Fancy with 3 percent tolerance for defects, including brown spot, and weigh at least 14 ounces.

The proposed regulation is based upon an appraisal of the prospective supply and market situation for papayas during the period January 1-December 31, 1978. It is designed to assure consumers of an adequate supply of acceptable quality papayas consistent with the quality and size composition of the crop.

As proposed § 928.308 Papaya Regulation 8 would read as follows:

§ 928.308 Papaya Regulation 8.

Order. (a) No handler shall ship any container of papayas (except immature papayas handled pursuant to § 928.152 of this part):

(1) During the period January 1 through May 15, 1978, to any destination within the production area unless said papayas grade at least Hawaii No. 1 and are of a size which individually weigh not less than 14 ounces: *Provided*, That papayas handled as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces.

(2) During the period May 16 through December 31, 1978, to any destination within the production area unless said papayas grade at least Hawaii No. 1, except that the allowable tolerances for defects shall be 5 percent: *Provided*, That not more than 3 percent shall be permitted for serious damage, not more than 1 percent for immature fruit, and not more than 1 percent for decay: *Provided further*, That such papayas individually weigh not less than 16 ounces.

(3) During the period January 1 through May 15, 1978, to any export destination unless said papayas grade at least Hawaii No. 1, except that the allowable tolerances for defects shall be 5 percent: *Provided*, That not more than 3 percent shall be permitted for serious damage, not more than 1 percent for immature fruit, and not more than 1 percent for decay: *Provided further*, That such papayas shall individually weigh not less than 11 ounces each.

(4) During the period May 16 through December 31, 1978, to any export destination unless such papayas at least meet the requirements of Hawaii Fancy grade

except for the defect of brown spot; that with respect to the brown spot defect, such fruit at least meet the requirements of Hawaii No. 1 grade; and further that allowable tolerances for total defects, including brown spot, shall not exceed 3 percent: *Provided*, That not more than 1 percent shall be permitted for immature fruit and not more than 1 percent for decay: *Provided further*, That such papayas shall individually weigh not less than 14 ounces each.

(b) When used herein "Hawaii Fancy" and "Hawaii No. 1" shall have the same meaning as set forth in the Standards for Hawaii Grown Papayas, as amended, Subsection 5.32, Section 5, Regulation 1, Division of Marketing and Consumer Services, Department of Agriculture, State of Hawaii, issued pursuant to Section 147-4, Part I and Section 147-22, Part II, Chapter 147, Title 11, Volume 3, Hawaii Revised Statutes. All other terms shall have the same meaning as when used in the marketing agreement and order.

Dated: December 2, 1977.

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

[FR Doc.77-34983 Filed 12-6-77; 8:45 am]

[3410-02]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of onions grown in designated counties in South Texas to be inspected and meet minimum size and quality requirements. The regulation should promote orderly marketing of such onions by keeping less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due: December 22, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959) regulate the handling of onions grown in designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The South Texas Onion Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Laredo, Tex., on October 26, 1977. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1978 early spring crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin about March 6, 1978.

The grade and size requirements would be similar to last season's and are designed to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels.

Thus, only onions that contain not more than 20 percent defects of U.S. No. 1 grade and are not packed or loaded on Sunday except for export could be shipped from March 6 through May 13, 1978. Again this season in order to provide more orderly marketing from all districts, the inspection and container requirements would be extended through June 10, 1978.

The container requirements would prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, they would not preclude the use of containers customarily packed for the retail trade. The prohibition on packaging and loading onions on Sunday is recommended principally to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings. Again this season handlers would be permitted, with the approval of the committee, to grade, package and load onions on Sunday for export, provided that they shut down packing and loading operations on the first working day after shipment for the same length of time as they operated on Sunday. This would prevent handlers who ship on Sunday for export from gaining a competitive advantage due to longer packing hours over handlers who do not have export orders.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 110 pounds of onions could be handled, other than for resale, per day without regard to requirements of this section in order to avoid placing

an unreasonable burden on persons handling noncommercial quantities of onions.

The requirements with respect to special purpose shipments would allow the shipment of onions for experimental purposes or the use of containers including bulk bins which have been the subject of test shipments during past seasons, and would encourage exports by allowing the use of containers required for such purposes. Shipments for relief or charity would be exempt since no useful purpose would be served by regulating such shipments.

The regulation is as follows:

§ 959.318 Handling regulation.

During the period March 6 through June 10, 1978, no handler may package or load onions on Sunday or handle any onions except red varieties, unless they comply with paragraphs (a) through (d) or (e) or (f) of this section. However, the requirements of paragraphs (a) and (b) and the Sunday prohibition shall terminate at 11:59 p.m. on May 13, 1978.

(a) *Grade requirements.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. onion standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) "Medium"—2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(5) Tolerances for size in the U.S. onion standards shall apply except that for "repacker" and "medium" sizes not more than 20 percent, by weight, of onions in any lot may be larger than the maximum diameter specified. Application of tolerances in the U.S. onion standards shall apply.

(c) *Container requirements.* Except as provided in paragraph (f) of this section, only the following containers may be used:

(1) 25-pound bags, with an average net weight in any lot of not more than 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with an average net weight in any lot of not more than 55 pounds per bag, and with outside dimensions not larger than 33 inches by 39½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies or for export.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder, except pursuant to paragraphs (e) or (f) (3) (ii) of this section, unless an inspection certificate has been issued cov-

ering them and the certificate is valid at the time of shipment.

(2) No handler may transport by motor vehicle or cause such transportation of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document is surrendered upon request to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(4) Handlers shall pay assessments on all assessable onions according to the provisions of § 959.218.

(e) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 110 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 110 pounds of onions.

(f) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2-, 3-, and 5-pound containers customarily packed for the detail trade, or 50-pound cartons, if they meet the grade, size, and inspection requirements of paragraphs (a), (b), and (d) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments. Shipments of 2-, 3-, and 5-pound containers and 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report to the committee the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled. Such report, in accordance with § 959.80, shall be furnished to the committee in such a manner, on such

forms and at such times as it may prescribe. Each handler shall maintain records of such shipments pursuant to § 959.80(c), and the records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Experimental shipments.* (i) Upon approval of the committee, onions may be shipped in bulk bins with inside dimensions of 47 inches x 37½ inches x 36 inches deep and having a volume of 59,440 cubic inches, or similar containers. Each container shall have a new perforated 2-mil polyethylene liner. Also, onions may be shipped in 40-pound cartons, but not to exceed 4,000 cartons. Such experimental shipments shall be exempt from paragraph (c) of this section but shall not exceed ten percent of a handler's total weekly onion shipments and shall be handled in accordance with safeguard provisions of § 959.54 and this paragraph. The receiver shall furnish the committee with a report on the arrival condition of each shipment.

(ii) Upon approval of the committee, onions may be shipped for other experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52 and 959.60, provided they are handled in accordance with safeguard provisions of § 959.54.

(4) *Export shipments.* (i) Upon approval of the committee, the prohibition against packaging or loading onions on any Sunday may be modified or suspended to permit the handling of onions for export provided such handling complies with the procedures and safeguards specified by the committee.

(ii) Following approval, if the handler grades, packages and ships onions for export on any Sunday, such handler shall on the first workday following shipment, cease all grading, packaging and shipping operations for the same length of time as the handler operated on Sunday. Upon completion of such shipments, the handler shall report thereon as prescribed by the committee.

(iii) Export shipments shall also be exempt from all container requirements of this section.

(5) *Onions for charity, relief, canning and freezing.* Onions for charity, relief, canning and freezing shall be exempt from the requirements of paragraphs (a) through (d). Such onions shall be handled according to the provisions of § 959.126(b).

(6) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempt under paragraphs (e) or (f) (4) of this section, may be handled only pursuant to § 959.126. Calls may be handled pursuant to § 959.126(a) (1).

(g) *Definitions.* "U.S. onion standards" mean the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 2851.3195-2851.3209), or the United States Standards for Grades

of Onions (Other Than Bermuda-Granex-Grano and Creole Types) (7 CFR 2851.2830-2851.2854), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "U.S. No. 1" shall have the same meaning as set forth in these standards. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

(h) *Applicability to imports.* Onions imported during the period March 20 through May 13, 1978, will be in most direct competition with onions produced in South Texas and regulated under Marketing Order No. 959, as amended. Therefore, under Section 8e and § 980.117 "Import Regulations" (7 CFR 980.117) of the act such imported onions shall have not more than 20 percent defects of U.S. No. 1 grade and be at least 1 inch in diameter for white varieties and at least 1¾ inches in diameter for all other varieties. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in the U.S. Grade Standards shall apply to in-grade lots.

Dated: December 1, 1977.

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

[FR Doc. 77-34984 Filed 12-6-77; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Purchases of Equity Securities

AGENCY: Small Business Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would revise the conditions under which Small Business Investment Companies (SBICs) may make purchases of Equity Securities through or from underwriters. Changes made are of a technical nature, the primary purpose of which is to assure that SBICs purchase only newly-issued Equity Securities as distinguished from previously-issued and outstanding securities in the hands of individual and other holders.

DATE: Comments must be received on or before January 6, 1978, in triplicate.

ADDRESS: Associate Administrator for Finance and Investments, Small Business Administration, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The proposal would add a new § 107.505 Purchases of Equity Securities through or from Underwriters, which would permit Licensees to make such purchases, provided that: (1) Such purchases be consummated within 90 days after a public offering of Equity Securities (defined in § 107.302(b)) issued by a Small Concern; (2) the purchase price not exceed the original offering price; (3) the underwriter certify in writing that the portion of the offering purchased represents newly-issued Equity Securities, and the amount paid by the Licensee (less reasonable and customary underwriting and related charges) will be received by the Small Concern; (4) if the underwriter is an Associate of any Licensee, no fees or charges may be paid with respect to the portion of the offering purchased by it; and (5) Licensee shall retain records available for SBA inspection showing relevant details of the transaction, including date, price, and underwriter's certificate. "Associate of a Licensee" is defined in existing § 107.3 of the Part 107-SBIC Regulation.

The proposal, which would replace existing provisions on purchases from underwriters contained in paragraph (e) of the § 107.3 definition of Financing, incorporates the following major changes: (1) Instead of permitting purchases to be made as part of a mixed offering, on condition that a minimum 80 percent of the sales proceeds are received by the Small Concern, purchases would be restricted to newly-issued Equity Securities; (2) the underwriter must certify that Licensee's payment (minus reasonable underwriting charges) will be received by the issuer Small Concern; (3) instead of limiting Licensee to purchases from non-Associate underwriters, Equity Securities could be acquired from Associate as well as non-Associate underwriters, but no fees could be charged where the underwriter is an Associate of any Licensee; and (4) records shall be kept by Licensee showing relevant details of the transaction. The present requirement limiting the aggregate offering price to \$10,000,000 would be eliminated. SBA has determined that such restriction serves no useful purpose as long as the issuer Small Concern is eligible for SBIC Financing.

Cross references to § 107.505 would be incorporated into paragraph (e) of the § 107.3 definition of Financing, and § 107.504(b) (3) Other permissible financing; Securities purchased from non-issuers.

Notice is hereby given that pursuant to the authority contained in Section 308 of the Small Business Investment Act of

1958, as amended, 15 U.S.C. 661, et seq., it is proposed to amend, as set forth below, §§ 107.3, 107.504, and 107.505 of Part 107, Chapter I of Title 13 of the Code of Federal Regulations.

1. Paragraph (e) of the definition of "Financing" in § 107.3 would be amended to read as follows:

§ 107.3 Definition of Terms.

Financing. "Financing" or "Financed" means outstanding financial assistance provided to a Small Concern by a Licensee, whether through * * * (e) Purchases of Equity Securities (see § 107.302 (b)) of a Small Concern through or from an underwriter (see § 107.505).

2. Section 107.504 Other permissible financing would be amended by adding the following sentence at the end of paragraph (b) (3):

§ 107.504 Other permissible financing.

(b) *Investments permitted.* * * *

(3) *Securities purchased from non-issuers.* * * * See § 107.505 for purchases of Equity Securities through or from an underwriter.

3. A new § 107.505 would be added reading as follows:

§ 107.505 Purchase of Equity Securities through or from underwriter.

A Licensee may purchase Equity Securities (see § 107.302(b) issued by a Small Concern through or from an underwriter, within 90 days after a public offering is first lawfully made: *Provided, however,* That (a) such purchase may not be made at more than the original public offering price; (b) the underwriter certifies in writing whether it is an Associate of any Licensee and that the portion of the offering purchased by the Licensee represents newly-issued Equity Securities, and that the amount paid by the Licensee (less reasonable and customary underwriting and related charges) will be received by the Small Concern; (c) if the underwriter is an Associate of any Licensee, no fees or charges may be retained by such underwriter with respect to the portion of the offering purchased by any Licensee; and (d) Licensee maintains records available for SBA inspection showing relevant details of the transaction, including date, price, commissions, etc., paid, if any, and underwriter's certificate. See also § 107.301 (e) regarding size status and nondiscrimination certification.

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

Dated: September 27, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-34961 Filed 12-6-77;8:45 a.m.]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[EDR-340; Docket No. 31769; Dated: December 1, 1977]

AIR CARRIERS AND FOREIGN AIR CARRIERS

Inclusion in Tariffs of a Notice Describing Suspension/Replacement Agreements

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to require each certificated carrier to include in its tariffs on file with the Board a notice describing agreements whereby an air taxi provides service on behalf of the carrier. The Board proposes this requirement to provide public notice of the substitution relationship.

DATES: Comments by January 6, 1978.

ADDRESSES: Comments should be sent to Docket 31769, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mr. John Freeman, Office of the General Counsel, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5492.

SUPPLEMENTAL INFORMATION: The Board has permitted carriers on numerous occasions to suspend service between points in the 48 contiguous States, so long as the carrier enters into an agreement whereby a Part 298 air taxi will provide substitute service. Similarly, in Part 293 of its Economic Regulations, the Board permits certificated air carriers to subcontract with air taxi operators to provide scheduled service over the Alaskan bush routes of the certificated carrier. In both situations, the replacement air taxi satisfies the service obligations of the certificated air carrier and the Board typically requires the replacement service to be subject to various rate conditions in the certificated carrier's tariff—e.g., maintenance of joint fares at the level that certificated carrier would charge.

The Board tentatively concludes that certificated carriers should include in their tariffs a notice stating when, where, and the extent to which replacement service is being provided by a Part 298 carrier. Such a notice would provide formal and legal notice of the replacement service to the public and would

ensure that the tariff of the certificated carrier, including liability provisions, is applicable to substitute service. We believe it is particularly important that passengers using substitute service are guaranteed the standards of protection set forth in the certificated carriers' tariffs.

Many carriers already have a similar tariff notice. Additionally, we note that, for Alaskan subcontract agreements, the Board's regulations require notice to the traveling public that the air taxi is operating as an agent of the certificated air carriers, and that the certificated air carrier is responsible for the services rendered. Thus, the proposal does not create additional substantive obligations and should not constitute an undue burden on the carriers.

PROPOSED RULE

Accordingly, it is proposed to amend Part 221 of the Board's Economic Regulations (14 CFR Part 221) as follows:

Amend § 221.38(a) by adding a new subparagraph (11) to read as follows:

§ 221.38 Rules and regulations.

(a) *Contents.* Except as otherwise provided in this part, the rules and regulations of each tariff shall contain:

(11) When an air carrier operating pursuant to Part 298 provides substitute air service for a certificated air carrier pursuant to Part 293 or as otherwise authorized by the Board, a rule describing the substitute service. The rule shall name the Part 298 carrier, the air carrier, the airport cities between which such service is to be provided, and shall state that the air carrier's traffic apply to the substitute service.

REQUEST FOR COMMENTS

Interested persons may take part in the rulemaking by submitting 20 copies of written data, views, or arguments on the subjects discussed. All relevant material received by the date shown at the beginning of this notice will be considered by the Board before taking final action on the proposed rules.

Individual members of the general public who wish to express their interest as consumers by informally taking part in this proceeding may do so by submitting comments in letter form to the Docket Section, without having to file additional copies.

(Secs. 102, 204, 403, Federal Aviation Act of 1958, as amended, 72 Stat. 740, 743, 758; (49 U.S.C. 1302, 1324, 1373).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-34931 Filed 2-6-77;8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 441]

MOBILE HOME SALES AND SERVICE

Additional Hearings on Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Additional public hearings scheduled at Washington, D.C.

SUMMARY: On May 23, 1977, the Presiding Officer published in the FEDERAL REGISTER a Final Notice of a proposed trade regulation rule proceeding concerning Mobile Home Sales and Service. Hearings in addition to those listed in that notice have been scheduled.

DATES: Public hearings will commence in Washington, D.C. at 9:30 a.m. on three dates: January 10, January 16, and January 23, 1978.

ADDRESSES: Hearing locations: Room 532 Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D.C., and Room 2010 New Executive Office Building, 17th Street between Pennsylvania Avenue and H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Charles A. Taylor III, 202-523-3660, Federal Trade Commission, Pennsylvania Avenue at Sixth Street NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On May 23, 1977, the Presiding Officer published in the FEDERAL REGISTER (42 FR 26398) a Final Notice of a proposed trade regulation rule proceeding concerning Mobile Home Sales and Service. The Notice included a schedule of dates and places of public hearings to be held in the proceeding.

In that Notice a public hearing was scheduled for San Francisco, Calif., commencing December 5, 1977. Prospective witnesses for that hearing were instructed to file their word-for-word statements or comprehensive outlines of their testimony no later than November 14, 1977. There was not sufficient time scheduled at San Francisco to allow all those who complied with the instructions of the Final Notice and filed their statements by November 14, 1977, to testify at that hearing location. Therefore, the Presiding Officer has scheduled additional hearings for those remaining witnesses to testify. The hearings will be held in Washington, D.C. as follows:

1. One day only, January 10, 1978, commencing at 9:30 a.m. in Room 532, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street, NW.

2. Commencing January 16, 1978, at 9:30 a.m. in Room 532, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street, NW.

3. Commencing January 23, 1978, at 9:30 a.m. in Room 2010 of the New Executive Office Building, 17th Street between Pennsylvania Avenue and H Street, NW.

Although these are public hearings, only those witnesses who had previously filed statements and outlines by November 14, 1977 will be allowed to testify.

Issued: December 2, 1977.

RAYMOND L. RHINE,
Presiding Officer.

[FR Doc.77-34954 Filed 12-6-77;8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[19 CFR Part 200]

EMPLOYEE RESPONSIBILITIES AND CONDUCT

Proposed Canons of Ethics for Commissioners

AGENCY: United States International Trade Commission.

ACTION: Notice of Proposed Rules.

SUMMARY: The Commission, desiring to foster and to maintain the highest standards of ethical conduct among Commissioners and to avoid even the appearance of impropriety in each and every action of Commissioners, and seeking to enhance the public perception of the Commission as an objective, fact-finding agency with a quasi-judicial role in assisting the Congress and the President in the formulation and implementation of the trade policy of the United States, is hereby proposing Canons of Ethics containing policies, standards, and proscriptions to govern the conduct of Commissioners. These Canons of Ethics not only are to be promulgated as part of the Commission's ethical regulations but also are to be included in the Commission's Policy Manual.

DATES: Comments must be received on or before January 6, 1978.

ADDRESS: The Commission invites interested persons to comment on the proposed Canons of Ethics by submitting their comments in writing to the Secretary of the Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT:

The Honorable George M. Moore, Counselor for Employee Responsibilities and Conduct, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0144.

SUPPLEMENTARY INFORMATION: During the course of legislative oversight concerning the administration of, and authorization of appropriations to, the Commission, the Committee on Ways and Means of the House of Representatives encouraged the Commission to "adopt a code of personal conduct with respect to employment of staff, travel, speaking engagements, prohibition on political speeches and partisan political activity, and other matters concerning

personal conduct of Commissioners and staff." (H. Rep. No. 95-217, 95th Cong., 1st Sess., at 13 (April 1977)). These proposed Canons of Ethics, specifically applicable to Commissioners are in partial response to the Committee's request and will comprise a new Subpart D of Part 200, Title 19, Code of Federal Regulations (19 CFR 200.735-124 through 200.735-141). Standards of conduct specifically applicable to both Commissioners and staff presently in here in Subpart B of Part 200, Title 19, Code of Federal Regulations (19 CFR 200.735-104a) through 200.735-113).

Title 19, Part 200 of the Code of Federal Regulations is proposed to be amended by the addition of a new Subpart D, to be comprised of §§ 200.735-124 through 200.735-141, as follows:

Subpart D—Canons of Ethics for Commissioners

Sec.	Purpose.
200.735-124	Standards of conduct for Commissioners, generally.
200.735-125	Constitutional obligations.
200.735-126	Statutory obligations.
200.735-127	Maintenance of independence.
200.735-128	Political activity.
200.735-129	Public statements.
200.735-130	Funds and travel.
200.735-131	Relationships with other Commissioners.
200.735-132	Relationships with persons who may have interests before the Commission.
200.735-133	Qualification to participate in particular matters.
200.735-134	Impressions of influence.
200.735-135	Ex parte communications.
200.735-136	Investigations.
200.735-137	Conduct toward parties and their counsel.
200.735-138	Business interests.
200.735-139	Supervision of internal organization.
200.735-140	Post-employment responsibilities.
200.735-141	

AUTHORITY: E.O. 11222, 3 CFR 306, 311, (1964-1965, Comp.); 19 U.S.C. 1330(c)(5); 19 U.S.C. 1331(a)(3); 19 U.S.C. 1335.

Subpart D—Canons of Ethics for Commissioners

§ 200.735-124 Purpose.

Desiring to foster and to maintain the highest standards of ethical conduct among its Commissioners and to avoid even the appearance of impropriety in each and every action of Commissioners; and

Seeking to enhance the public perception of the Commission as an objective, fact-finding agency with a quasi-judicial role in assisting the Congress and the President in the formulation and the implementation of the trade policy of the United States; and

Considering the solemn oath of office of Commissioners and their duties to perform their constitutional and statutory functions efficiently, without malfeasance or neglect of duty in office;

The Commissioners of the United States International Trade Commission hereby declare that the policies, standards and proscriptions established by this subpart shall govern the conduct of Commissioners.

§ 200.735-125 Standards of conduct for Commissioners, generally.

The members of the Commission shall at all times conduct themselves in the discharge of their responsibilities in a manner which commands the respect and confidence of others in the integrity and impartiality of the Commission. Commissioners shall completely familiarize themselves with, and abide by, the standards of ethical conduct prescribed in (a) Executive Order 11222 (May 11, 1965); (b) House Concurrent Resolution 175 (85th Cong., 2nd Sess., July 11, 1958); and (c) Subpart B of this part. Commissioners shall avoid conduct which either results in a conflict of interest or creates the appearance of conflict of interest. The personal interests of each Commissioner shall in no way influence a decision of that or any other Commissioner concerning one's official duties and responsibilities.

§ 200.735-126 Constitutional obligations.

The members of the Commission shall fully and faithfully abide by their oaths of office in the performance of their responsibilities as a Commissioner.

§ 200.735-127 Statutory obligations.

In administering the law, members of the Commission should enforce compliance with the law by all persons affected thereby. In the exercise of the investigative power delegated the Commission by the Congress, Commissioners should confine exercise of that power to the proper limits of the law. In the exercise of their functions, Commissioners shall honestly, fairly and impartially determine the rights of all persons under the law.

§ 200.735-128 Maintenance of independence.

The Commission is, by design and historic expectation, unique among agencies of the Federal Government. Among its primary functions, the Commission provides objective fact-finding and technical assistance in its historic function as the advisor to the President or Congress in international trade and economic matters. It is intended to be an independent, nonpartisan body, one of the primary functions of which is to ascertain the facts upon which the tariff and other foreign trade policies may be determined by those responsible for such policy, i.e., the Congress and the President. The functions of the Commission are both quasi-legislative and quasi-judicial. In performing their duties, Commissioners should exhibit firm independence and reject all efforts by the executive or legislative branches of the government to influence their determination of any matter being considered by the Commission. A Commissioner shall not be swayed by partisan demands, public clamor, or considerations of personal popularity or notoriety; so also a Commissioner should be above fear of unjust criticism by anyone.

§ 200.735-129 Political activity.

(a) Recognizing that active participation by members of the Commission in a partisan political campaign of any candidate for statewide or national office may tend to undermine the confidence of the public in the impartiality of the decisional processes of the Commission, Commissioners should refrain from actively participating in any such political campaign, including the making of partisan political speeches or the issuance of partisan political statements to the media in the furtherance of any such candidacy. Nothing herein shall be interpreted to preclude a member of the Commission from lawfully contributing to the party or candidate of one's choice or otherwise supporting such candidate or political party in a manner not inconsistent with this section.

(b) No member of the Commission shall use one's official authority or influence for the purpose of interfering with or affecting the result of an election (5 U.S.C. 7324).

(c) No member of the Commission shall use funds or facilities of the Commission to campaign for or to further the candidacy of a candidate for a political office.

(d) Members of the Commission shall make available for public inspection in the Office of the Secretary the extent of one's participation in the political campaign of a resident of the Commissioner's immediate household when that resident runs for political office during the Commissioner's tenure. This report shall be made available not later than 30 days following the date of the election.

§ 200.735-130 Public statements.

No member of the Commission, in making public statements with respect to any policy matter for which the Commission has responsibility, shall represent oneself as speaking for the Commission, or represent one's views as being the views of the Commission, with respect to such matter except to the extent that the Commission has adopted the policy being expressed (Pub. L. 95-106).

§ 200.735-131 Funds and travel.

A Member of the Commission shall only expend public funds for purposes, including travel, which that Commissioner determines to be necessary and authorized for the proper discharge of one's responsibilities.

§ 200.735-132 Relationships with other Commissioners.

Each Commissioner should recognize that differing shades of opinion should be anticipated. The free expression of opinion is a safeguard against the domination of the Commission by a majority, and is a keystone of the Commission type of administration. However, a Commissioner should not express a personal opinion in conflict with that of another Commissioner in such a manner as to develop animosity or un-

friendliness in the Commission, and every effort should be made to promote harmony within the Commission.

§ 200.735-133 Relationships with persons who may have interests before the Commission.

In all matters, members of the Commission should administer the law without regard to any personality involved, and with regard only to the issues. Members of the Commission shall not accept gifts, entertainment, or favors from persons who are, or may become subject to their jurisdiction except in accordance with the provisions of Part 200, Subpart B of this part.

§ 200.735-134 Qualification to participate in particular matters.

The question of participation by a Commissioner in a particular matter rests with that individual Commissioner in the first instance. Each Commissioner should weigh carefully the question of one's qualification with respect to any matter. If an interested person suggests that a Commissioner should disqualify oneself in a particular matter because of bias or prejudice, the Commissioner concerned shall, after consultation with the Commission's Ethics Counselor, determine whether to disqualify oneself.

§ 200.735-135 Impressions of influence.

A Commissioner should not, by one's conduct, permit the impression to prevail that any person can improperly influence one, that any person unduly enjoys one's favors or that one is affected in any way by the rank, position, prestige, or influence of any person.

§ 200.735-136 Ex parte communications.

With respect to any proceeding subject to the provisions of section 8 of the Administrative Procedure Act (60 Stat. 237, 242), as amended (5 U.S.C. 557), members of the Commission shall comply with the provisions of subsection (d) thereof and the provisions of this chapter governing ex parte communications.

§ 200.735-137 Investigations.

The power to investigate carries with it the power to defame and destroy. In determining to exercise their investigatory power, Commissioners shall concern themselves only with the facts known to them and the reasonable inferences from those facts known to them and the reasonable inferences from those facts. A Commissioner should never suggest, vote for, or participate in any investigation for reasons of personal animosity, prejudice or vindictiveness, or for reasons of publicity or personal interest. The requirements of the particular case alone should induce the exercise of the investigatory power.

§ 200.735-138 Conduct toward parties and their counsel.

Commissioners should be temperate, attentive, patient and impartial when

hearing the arguments of parties or their counsel. Commissioners should not condone unprofessional conduct by attorneys in their representation of parties. The Commission should continuously assure that its staff follows the same principles in their relationships with parties and counsel.

§ 200.735-139 Business interests.

No Commissioner shall actively engage in any other business, vocation, or employment than that of serving as Commissioner.

§ 200.735-140 Supervision of internal organization.

Consistent with the Chairman's duties to (a) appoint and fix the compensation of such employees of the Commission as one deems necessary (other than the personal staff of each Commissioner), including the Secretary, (b) procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and (c) exercise and be responsible for all other administrative functions of the Commission, the Chairman, subject to disapproval by a majority vote of all the Commissioners in office, shall review periodically the internal organization of the Commission in order to assure that such organization handles all matters before it efficiently and expeditiously, and to assure that the policies and delegations described in the Commission's Policy Manual are implemented faithfully and efficiently. Commissioners and particularly the Chairman are responsible for developing and maintaining a continuity of responsible staff at the agency who are capable of supervising the agency's staff work.

§ 200.735-141 Post-employment responsibilities.

No former Commissioner who personally and substantially participated in a matter which was pending in any manner or form in the Commission during one's employment shall be eligible to appear before the Commission as attorney or agent in connection with such matter. No former Commissioner shall be eligible to appear as attorney or agent before the Commission in connection with any matter which was pending in any matter or form in the Commission during one's employment, unless one first obtains written consent from the Commission.

Issued: December 1, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 77-34955 Filed 12-6-77; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 171]

[FRL 806-7; OPP 40004A]

FEDERAL CERTIFICATION OF PESTICIDE
APPLICATORS IN STATES OR ON INDIAN
RESERVATIONS WITHOUT AN
EPA-APPROVED CERTIFICATION PLAN

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

ACTION: Proposed Rule.

SUMMARY: The Environmental Protection Agency proposes to amend Part 171 of Title 40 of the Code of Federal Regulations by adding a § 171.11 to enable EPA to conduct a Federal program for the certification of applicators of restricted use pesticides in those States and on those Indian Reservations where there is no approved State or Indian Certification plan in effect.

The proposed regulations specify the requirements which will apply to applicators of restricted use pesticides under a Federal certification program.

DATE: Comments due on or before January 6, 1978.

ADDRESSES: Communications should bear the identifying notation OPP-40004A and be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Comments filed pursuant to this proposed rule will be available for public inspection in the office of the Federal Register Section during normal work days from 8:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT:

Lois W. French, Acting Chief, Regional Support Branch, Operations Division (WH-570), Office of Pesticide Programs, EPA, at the above address, telephone 202-755-0356.

SUPPLEMENTARY INFORMATION: On October 21, 1972, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq., was amended. The amended Act requires, among other things, EPA to register all pesticides and to classify them into "general use" or "restricted use" categories. It also mandates that after October 21, 1977, those pesticides classified as "restricted use" may only be used by or under the direct supervision of a certified applicator. The applicator certification program is designed to ensure safe use of pesticides to prevent injury to humans and the environment.

Section 4(a) (1) of the amended FIFRA requires EPA to "prescribe standards for the certification of applicators of pesticides." On October 9, 1974 (39 FR 36446), EPA published standards for the certification of applicators of restricted use pesticides at 40 CFR Part 171. The same section of the Act also provides that if a State desires to certify applicators, then the Governor of such State shall submit to EPA for approval a State plan. On March 12, 1975 (40 FR 11698), EPA published regulations to govern State plans at 40 CFR Part 171.

EPA has pursued and will continue to pursue a policy of encouraging States to develop, implement, maintain and enforce their own certification programs. Such an approach recognizes that States are in the best position to construct programs that best meet the needs and problems of their particular State. Most States have existing staff, experience, and knowledge which should better equip them to carry out their own certification programs. For these and other reasons, Congress established a State/Federal cooperative program which called for States to assume primary responsibility for actual certification of applicators.

However, the Agency has no authority to require a State to pass enabling legislation and/or to submit a State plan for certifying applicators. This leads inevitably to the possibility that one or more States will not submit certification plans to which the Agency can grant approval. It is EPA's position that Congress intended the Agency to directly certify applicators under these circumstances. The proposed regulations which follow will serve as the basis for the development, implementation, and conduct of the Federal certification plan carried out in any State where such action by EPA becomes necessary.

On June 30, 1977, an Advance Notice of Proposed Rulemaking (42 FR 33352) was published in the FEDERAL REGISTER advising of the Agency's intent to develop Federal certification regulations and inviting public comment. Comments were received from twenty-one individuals and organizations.

One commenter expressed concern that the Agency intends to implement Federal certification in any State which does not have a fully approved State plan by October 21, 1977, regardless of circumstances. This commenter suggested that States making a good faith effort to comply with the requirements for full plan approval, but unable to complete that effort by October 21, be given an extension beyond that date. By memorandum from the Deputy Assistant Administrator for Pesticide Programs to the Regional Administrators dated August 22, 1977, the Agency adopted a policy dealing with this issue. In sum, the Agency policy is to extend

the period for satisfying the requirements for full plan approval to those States where there is a reasonable expectation that the requirements will be met by the time pesticides classified and labeled for restricted use begin appearing in the marketplace in January, 1978. While the amended FIFRA requires applicators of restricted use pesticides after October 21, 1977, to be either certified or under the direct supervision of a certified applicator, the date itself has relevance only in the availability of pesticides classified for restricted use. Therefore, the Agency will consider the status of State plans on a State-by-State basis, and will initiate Federal certification only in those States where there is no reasonable expectation that the Agency will be able to grant full plan approval by or shortly after the end of this year.

Two commenters stated their view that the Agency lacks authority to carry out a Federal certification program, citing the absence of express authorization in the amended FIFRA. The Agency does not share this view. EPA believes that, in the event of State inaction or the inability of the Agency to approve a State plan, Congress did not intend an absence of certification to result. Rather, it is EPA's view that Congress implicitly but clearly mandated certification by EPA as the viable and proper alternative to State action. Reading the whole of the amended FIFRA along with the record of its development leads the Agency to no other conclusion.

Several commenters suggested that EPA hold public hearings on the proposed regulations in order to provide full opportunity for public comment. The Agency believes that the requirements contained in the proposed regulations do not vary so significantly from those imposed by most States in their own certification programs so as to make hearings necessary to protect the public interest. Given the parallelism of requirements, and the broad distribution of copies of a draft of the regulations on August 3, 1977, EPA believes that full opportunity to study and comment on the proposed requirements will have been given to all interested parties through this notice.

Several commenters stated that the requirements of Federal certification should be no more stringent than those of State plans approved thus far by the Agency. They also expressed concern that EPA might seek to limit access to certification through difficult education or experience requirements. These comments were generated apparently in response to a statement in the June 30 Advance Notice that " * * * it is the view of the Agency that it is not required to carry out a program identical to one which may conceivably have been carried out by the State itself, nor must the program be structured or enforced so as to only satisfy minimally the national standards." The intent of the Agency in making that statement was not to forewarn recalcitrant States that

Federal certification would be punitive or overly restrictive in nature, but rather to make clear the EPA is not bound to implement a plan identical to any State's nor to construct the plan so that it is no more demanding than the least difficult of those State plans approved by the Agency. The purpose of Federal certification is to provide opportunity which otherwise would have been denied to applicators of restricted use pesticides to become certified through a reasonable, comprehensive program. The Agency does not believe that strict educational or experience requirements are appropriate to that purpose at this time. Neither does the Agency intend through any other mechanism to limit opportunity to become certified. The standards for certification under the Federal program will be those as previously specified in 40 CFR 171.4 through 171.6.

Four commenters suggested that subcategories of commercial applicator categories be specifically established in these regulations. The Agency intends to use the ten categories contained in 40 CFR 171.3, but does not believe, given the diversity of use situations among the States, that specific subcategories should be made applicable nation-wide, as would be the case if they were contained in the regulations. However, provision is made in proposed § 171.11(b)(2) to adopt subcategories "as * * * necessary, consonant with the needs of the individual State or Reservation." Subcategories, if adopted, would be specified in the Federal certification plan to be implemented in a particular State. As with these regulations, opportunity will be given for public review and comment on each Federal plan prior to implementation.

Four commenters urged the Agency to recognize as valid under the Federal program certification obtained by applicators from other States pursuant to approved plans, and, implicitly, in those States in which Federal certification is being carried out, to recognize certification granted by the State prior to rejection or lapse of contingency approval of the State plan. The Agency agrees that any valid certification held by an applicator should be given consideration. Provision is made in proposed § 171.11(d) to certify applicators " * * * possessing any other valid Federal, State or Tribal certificate without further demonstration of competency," subject to certain requirements and criteria specified in the proposed section.

One commenter also urged EPA to make a certificate issued by the Agency valid in all States. The Agency cannot agree to this concept. The validity of the certificate will, and should properly, be limited to the boundaries of the particular State in which the Federal program is being carried out. The decision as to whether to accept an EPA-issued certificate as valid in any other State will, and again should properly, be made by each State, and by each EPA Regional Office conducting a Federal program in any State, in accordance with the certi-

fication procedures and requirements applicable in the State.

Several commenters questioned the authority of the Agency to require applicator recertification, but also suggested that, if requirements are established, they be no more stringent than those imposed by the average State. As to authority to require recertification, the Agency considers that it derives from the general authority to conduct Federal certification discussed above. It should be pointed out that the term "recertification" has become a short-form means of expressing the concept embodied in the State Plan Regulations at 40 CFR 171.8(a)(2) which requires States to make "(p)rovisions to ensure that certified applicators continue to meet the requirements of changing technology and to ensure a continuing level of competency and ability to use pesticides safely and properly." Most States have chosen periodic "recertification," i.e., certification again, as the best means for fulfilling this requirement. Such will also be the case under the Federal certification program. With respect to the requirements for recertification, the Agency recognizes that the average periodicity under State programs is approximately four years for commercial applicators and five years for private applicators. However, since EPA intends the Federal program to be not "average" but as close to a model as possible, the Agency proposes to require recertification every two years for commercial applicators and every three years for private applicators. Further, the Agency intends to require written examinations for recertification of commercial applicators. While many States offer attendance at periodic training courses as an alternative, the Agency does not believe that this approach is the best means for ensuring a "continuing level of competency" of commercial applicators under a Federal program. Private applicators will be offered the option of completing any certification mechanism in order to satisfy the recertification requirement. A final point should be made. The differing proposed recertification requirements for commercial and private applicators, in the Agency's view, are not only reasonable, but are also consistent with the mandate of Section 11(b) of the Act which requires the Administrator to " * * * establish separate standards for commercial and private applicators."

Three commenters questioned the authority of the Agency to require commercial applicators to keep and maintain records. In the preamble to the State Plan Regulations (40 CFR 171.7-10) published March 12, 1975, the Agency addressed this issue and stated:

The Agency recognizes that record keeping places some burdens on commercial applicators. However, such burdens are justified by the great need for records on the use of restricted use pesticides in order to manage an effective and meaningful regulatory program. As for the Agency's authority to require record keeping by certified commercial applicators, it is clear that Congress authorized the imposition of such a re-

quirement, although it expressly prohibited the Agency from requiring record keeping by certified private applicators.

The Agency sees no reason to modify its position. Accordingly, the proposed regulations make provision for commercial applicator record keeping.

One comment was received concerning private applicator certification. This commenter advocated completion of training as the certification method, and suggested that non-readers be afforded the opportunity to become certified. The proposed regulations include such provisions. In addition, the proposed regulations make provision for written examinations and self-study to be available as alternatives to formal training. Provision is not made, however, for single purchase/single use or emergency certification. Each of these mechanisms would require a level of personnel resource commitment beyond the capability of the Agency.

Three commenters expressed concern that EPA intends to establish a Federal certification program on all Indian reservations lacking approved Tribal plans, regardless of the status of the State plan of the State within which geographical boundary the reservation might be located. The Agency has no intention at this time of conducting a Federal certification program on any reservation located within a State which has its own approved State plan. The purpose of including Indian Reservations in these proposed regulations is solely to enable EPA to conduct a program on Reservations should circumstances later warrant.

Pursuant to Section 25(a)(3) of FIFRA, as amended, a copy of these proposed regulations was forwarded to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture and Forestry of the Senate. These regulations were also submitted for review to the Scientific Advisory Panel as required by Section 25(d). The Panel " * * * determined that the proposed regulation was procedural in nature and does not involve scientific matters which would directly impact on health and the environment." The Panel also concluded that " * * * further review and comment by the Panel is not warranted."

A copy of these regulations was also provided to the Secretary of Agriculture for comment in accordance with Section 25(a)(2)(A). The Department of Agriculture stated in response that "(w)e have reviewed this proposal as well as earlier drafts and have no recommended changes." The Department also stated that "(t)here is no need to publish this response (in its entirety) in the FEDERAL REGISTER."

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

The Agency proposes to amend 40 CFR Part 171 as follows:

40 CFR Part 171 is amended by adding § 171.11 to read as follows:

§ 171.11 Federal certification of pesticide applicators in States or on Indian reservations without an approved State or tribal certification plan.

This section applies to applicators in States and on Indian Reservation where there is no plan developed by the State or Tribal government, and approved by the Administrator, in effect.

(a) *Certification requirement.* Every person using or supervising the use of any pesticide classified for restricted use shall first comply with the applicator certification requirements of the amended FIFRA and the regulations promulgated thereunder, except that a competent person who is not certified may use a restricted use pesticide under the direct supervision of a certified applicator. The certification requirements may be fulfilled under an approved State, Tribal or Federal certification plan, whichever is appropriate.

(b) *Certification of commercial applicators.*—(1) *Categories for commercial applicators.*—Categories used in this section are the same as those listed in 40 CFR 171.3(b). Determination of competency in each category shall conform to the requirements of 40 CFR 171.4(a).

(2) *Subcategories.* The Administrator may adopt subcategories as he or she deems necessary, consonant with the needs of the individual State or Reservation.

(3) *Standards for certification.* The standards of competency for certification of commercial applicators under this section are the same as those listed in 40 CFR 171.4 (b) and (c) and 171.6.

(4) *Certification procedure.* Any individual who desires to be certified or recertified under this paragraph shall complete the EPA certification form and submit the form to the appropriate EPA Regional Office. In order to be certified as a commercial applicator under this paragraph, an individual must take and pass written examinations approved by the Administrator and administered by the Administrator or any other party approved by him or her. The written examinations will be based on general standards found in 40 CFR 171.4(b), the specific category standards found in 40 CFR 171.4(c), as appropriate, and the standards for supervision found in 40 CFR 171.6. The Administrator will notify the individual in writing of the results of the examinations within 45 days unless special circumstances justify a longer time period. The Administrator will issue each successful individual a commercial applicator certificate for the category(ies) and/or subcategory(ies) in which he or she has qualified. A commercial applicator certificate is valid for a period of two years from the date of issuance, unless earlier suspended or revoked by the Administrator, and is valid within the State or Indian Reservation named on the certificate.

(5) *Reexamination.* Individuals failing to pass the required certification examination(s) may be reexamined after notification of failure. Each individual seeking reexamination need take only the examination(s) which he or she originally failed. Individuals taking more than one category or subcategory examination will be certified only for the category(ies) and/or subcategory(ies) for which examinations have been passed, provided he or she has passed the general examination.

(6) *Renewal of commercial applicator certification.* Each certified commercial applicator may be recertified every two years by taking and passing written examinations as specified in subparagraph (4) of this paragraph.

(7) *Record keeping requirements.* (i) Each certified commercial applicator shall keep and maintain true and accurate records of the use and application of restricted use pesticides, including the following information:

- (A) Name and address of the person for whom the pesticide was applied;
- (B) Location of pesticide application;
- (C) Target pest(s);
- (D) Specific crop, commodity, and site to which the pesticide was applied;
- (E) Year, month, day and time of application;
- (F) Trade name and EPA registration number of pesticide applied;
- (G) Amount and concentration in pounds or gallons per unit or percentages of active ingredient per unit of the pesticide used;
- (H) Types and amounts of pesticides disposed, methods of disposal, date(s) of disposal, and location of disposal sites; and
- (I) Other information as the Administrator may deem appropriate.

(ii) *Availability of required records.* Each certified commercial applicator shall keep all records required under this paragraph current and shall make such records available for inspection and copying by representatives of EPA for a period of at least two years from the date of use or application of the pesticides.

(c) *Certification of private applicators.*—(1) *Certification procedures.* An individual who desires to be certified or recertified under this paragraph shall complete the EPA certification form and submit the form to the appropriate EPA Regional Office. In order to be certified or recertified as a private applicator to use restricted use pesticides, an individual must be determined competent with respect to the use and handling of pesticides. Standards for such determination are the same as those listed in 40 CFR 171.5 and 171.6. The Administrator will offer one or more of the following certification options, at least one of which does not require the applicator to take an examination:

(i) *Approved training course.* The individual may successfully complete an approved training course. Approved training courses may include, but are not limited to, courses sponsored by EPA, State cooperative extension services, State vocational agriculture courses, or

private educational groups. Each training course for certification must be approved for that purpose by the Administrator and include, at a minimum, (A) coverage of the private applicator standards listed at 40 CFR 171.5 and 171.6; and (B) a demonstration that the individual has successfully completed the training course. This demonstration may be accomplished by the following, or other equivalent, methods as may be approved by the Administrator: Completion of a no pass/no fail written questionnaire, a workbook, or receipt of a passing grade in approved course offered by an educational institution.

(i) *Written examination.* The individual may pass a written examination approved by the Administrator and administered by the Administrator or any other party approved by him or her.

(ii) *Self-study program.* The individual may successfully complete a self-study learning program approved by the Administrator and administered by the Administrator or any other party approved by him or her.

(iv) *Non-reader certification.* Non-readers may be certified for use of a single product for specific use(s) by successfully completing an approved training course as specified in subdivision (i) of this subparagraph, or by passage of an oral examination approved by the Administrator and administered by the Administrator or any other party approved by him or her. Such training or testing shall incorporate a specific procedure relating to label comprehension, as described in 40 CFR 171.5(b)(1). The Administrator will issue a private applicator certificate to each individual who successfully completes any available certification option. A private applicator certificate is valid for a period of three years from the date of issuance, unless earlier suspended or revoked by the Administrator, and is valid within the State or Indian Reservation named on the certificate. Individuals who, for any reason, fail to successfully complete a certification option may attempt to complete the same option or, if available, an alternative option.

(2) *Renewal of private applicator certification.* An individual may renew his or her private applicator certificate by successfully completing any available certification option.

(d) *Recognition of other certificates.* The Administrator may issue a certification to an individual possessing any other valid Federal, State or Tribal certificates without further demonstration of competency. The individual shall submit the EPA certification form and written evidence of valid certification to the appropriate EPA Regional Office. The Administrator may deny issuance of such certificate if the standards of competency for each category or subcategory identified in the Federal, State or Tribal certificate are not sufficiently comparable

to justify waiving further demonstration of competency. The Administrator may revoke, suspend, or modify such certificate if the Federal, State or Tribal certificate upon which it is based is either revoked, suspended, or modified. Unless suspended or revoked a certificate issued under this section is valid for two years for commercial applicators and three years for private applicators or until the termination date of the original Federal, State or Tribal certificate, whichever occurs first.

(e) *Grounds for denial, suspension, modification or revocation of a certificate.* (1) The Administrator may deny issuance of, or suspend, revoke, or modify, any certificate if he or she finds that the individual seeking certification or the holder of a certificate has been convicted under Section 14(b) of the amended FIFRA, has been subject to a final order imposing a civil penalty under Section 14(a) of the amended FIFRA, or has committed any of the following acts:

(i) Used any registered pesticide in a manner inconsistent with its labeling;

(ii) Made available for use, or used, any registered pesticide classified for restricted use other than in accordance with Section 3(d) of the amended FIFRA and any regulations promulgated thereunder;

(iii) Refused to keep and maintain any records required pursuant to this section;

(iv) Made false or fraudulent records, invoices or reports;

(v) Failed to comply with any limitations or restrictions on or in a duly issued certificate; or,

(vi) Violated any provision of the amended FIFRA and the regulations promulgated thereunder.

(2) If the Administrator denies or revokes a certificate, he or she will notify the individual seeking certification or the holder of a certificate of:

(i) The reason(s) for the denial or revocation; and

(ii) The conditions, if any, under which the individual may become certified or recertified.

(3) If the Administrator suspends or modifies a certificate, he or she will notify the holder of:

(i) The reason(s) for the suspension or modification;

(ii) The time period during which the suspension or modification is effective; and

(iii) Any additional conditions the Administrator may impose.

(Sec. 4, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136 et seq.))

Dated: November 30, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 77-34929 Filed 12-6-77; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 67]

[Docket No. 21264]

COMMON CARRIERS BETWEEN THE
UNITED STATES MAINLAND AND HAWAII,
ALASKA, AND PUERTO RICO/
VIRGIN ISLANDS

Integration of Rates and Services for the
Provision of Communications by Authorized;
Extension of Comment Period

AGENCY: Federal Communications
Commission.

ACTION: Extension of time, Docket
21264.

SUMMARY: Pursuant to the request of
Puerto Rico Telephone Authority and
Puerto Rico Telephone Company, the
date for filing comments and replies before
the Joint Board are extended.

DATES: Comments due December 12,
1977; Replies due January 24, 1978.

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

FOR FURTHER INFORMATION: CONTACT:

Francis L. Young, Common Carrier
Bureau, 632-5550.

SUPPLEMENTARY INFORMATION:

Adopted: November 28, 1977.

Released: November 29, 1977.

In the matter of integration of rates
and services for the provision of communications
by authorized common carriers between the
United States Mainland and Hawaii, Alaska,
and Puerto Rico/Virgin Islands.

By Chief, Common Carrier Bureau,
1. The Puerto Rico Telephone Authority
and Puerto Rico Telephone Company
(PRTA/PRTC) have petitioned the Federal
State Joint Board for an extension of
time in which to file comments in this
proceeding. In Memorandum Opinion
and Order, FCC 77-659, released September
28, 1977, the Joint Board adopted the
Commission's procedures applicable to
notice and comment rulemaking and
authorized the Chief, Common Carrier
Bureau to conduct the routine matters
of this Joint Board including rulings on
requests for extensions of time. The
instant motion will, therefore, be acted
upon by the Chief, Common Carrier
Bureau consistent with Commission rules
and practice.

2. Motions for extensions of time can
be granted upon showings of good cause
for an extension and for the period
requested. The PRTA/PRTC motion
merely alleges that the complexity of
issues involved in this proceeding necessitates
the grant of an extension in order
that a full and complete presentation
can be prepared for the Joint Board's

consideration. No justification for the twenty-two day period is presented. At this time, the Joint Board has no record before it to determine the complexity of the issues involved. Until the comments and replies have been reviewed, the Joint Board is not able to determine what further proceedings would be appropriate in order to carry out its mandate. Thus, it is imperative that this proceeding not be delayed. However, since the present petition was filed during a holiday period which resulted in a delay in issuance of this order, a ten day extension of time is warranted for filing initial comments. Since the Joint Board, upon a proper showing, can also entertain late filed material, this action will not prejudice PRTA/PRTC and will enable the Joint Board to proceed expeditiously and fairly.

3. Accordingly, it is ordered, That the Motion for Extension of Time in which to file comments is granted to the extent indicated herein and is denied in all other respects, and the times for filing comments and replies are extended to:

Comments: December 12, 1977.

Replies: January 24, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc. 77-34989 Filed 12-8-77; 8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 21484; RM-2974]

**FM BROADCAST STATION IN FORKS,
WASH.**

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM channel to Forks, Wash. Petitioners, Ben E. and Marjorie C. Howard, state the proposed station would provide an isolated area in the Upper Olympic Peninsula with local nighttime aural service.

DATES: Comments must be received on or before January 5, 1978, and reply comments on or before January 25, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:
In the matter of amendment of § 73.-

202(b), Table of Assignments, FM Broadcast Stations. (Forks, Wash.), Docket No. 21484, RM-2974.

Adopted: November 21, 1977.

Released: November 29, 1977.

1. *Petitioner, proposal, comments.* (a) Petition for rulemaking,¹ filed September 21, 1977, by Ben E. and Marjorie C. Howard ("petitioners"), licensees of AM Station KVAC, Forks, Wash., proposing the assignment of Channel 280A to Forks, Wash., as a first FM assignment to that community. There were no responses to the petition.

(b) The channel could be assigned in full conformity with the minimum distance separation requirements.

2. *Community data.*—(a) *Location.* Forks is situated in the upper Olympic Peninsula in Clallam County, approximately 145 kilometers (90 miles) northwest of Seattle, Wash.

(b) *Population.* Forks—1,328; Clallam County—34,770.²

(c) *Local Broadcast Service.* Local service is provided by Class IV AM Station KVAC, licensed to petitioners.

(d) *Economic considerations.* Petitioners state that, because of the proximity of the Olympic National Park to Forks, the population swells during the summer months to approximately 15,000. They add that there are winter sports, hunting and fishing in the area. As a result of this activity, petitioners state there are generally a substantial number of non-resident campers and visitors in the area year-round.

3. *Additional considerations.* Petitioners assert that, although Station KVAC does provide adequate coverage to the area during the daytime, its 250 watts nighttime power and high nighttime limit of 8.9 mV/m restrict its coverage to Forks and the area within a mile and a half of the transmitter site. Therefore, they contend, critically needed information such as weather, road and fire conditions, etc. cannot reach the bulk of the population residing in the outlying rural areas. Petitioners have submitted numerous letters from public and governmental officials attesting to the need for an FM station to provide a nighttime broadcast service to Forks and the surrounding area.

4. In light of the above information and the fact that the proposed FM station would extend the nighttime aural service to the isolated upper Olympic Peninsula area, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, with regard to Forks, Wash., as follows:

¹ Public Notice of the petition was given on October 11, 1977, Report No. 1082.

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

City	Channel Nos.	
	Present	Proposed
Forks, Wash.....		280A

5. Since Forks is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 280A to that community requires coordination with the Canadian Government.

6. Authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix below and the incorporated herein.

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

7. Interested parties may file comments on or before January 5, 1978, and reply comments on or before January 25, 1978.

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

APPENDIX

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

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before

the dates set forth in the Notice of Proposed Rulemaking to which this Appendix is attached below. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments, reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-34991 Filed 12-6-77;8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 20418; RM-2346; RM-2727;
FCC 77-783]

TELEVISION TABLE OF ASSIGNMENTS

Adding New VHF Stations in the Top 100 Markets

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The Commission denied a request by Springfield Television of Utah, Inc., an applicant for a new UHF TV station at Salt Lake City, Utah, to extend the time for comments in Docket 20418, the VHF Drop-In proceeding, defer action in the proceeding until its proposed station could be built and operated, or in the alternative to delete the proposed VHF dropped-in assignment at Salt Lake City. Thus comments remain due December 1, 1977 and reply comments January 6, 1978.

DATE: Nonapplicable.

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

FOR FURTHER INFORMATION CONTACT:

Carol P. Foelak, Broadcast Bureau,
202-632-7792.

SUPPLEMENTARY INFORMATION:

MEMORANDUM OPINION AND ORDER

Adopted: November 29, 1977.

Released: November 30, 1977.

In the matter of petition for rulemaking to amend Television Table of Assignments to Add New VHF Stations in the Top 100 Markets and to Assure that the New Stations Maximize Diversity of Ownership, Control and Programming, Docket No. 20418, RM-2346, RM-2727.¹

¹ See 42 FR 59092, November 15, 1977.

1. On March 18, 1977, the Commission released a Memorandum Opinion and Order and Notice of Proposed Rulemaking in this proceeding, VHF TV Top 100 Markets, 63 F.C.C. 2d 840 (1977). The present dates for filing comments and reply comments are December 1, 1977, and January 6, 1978, respectively.

2. On November 10, 1977, Springfield Television of Utah, Inc. ("Springfield"), filed a request to extend the time for filing comments entitled "Petition to Defer the Time for the Filing of Comments or in the Alternative to Modify Notice of Proposed Rulemaking."

3. Springfield has on file an application for construction permit for a new UHF station on Channel 20, Salt Lake City, Utah, and it views the proposals in this proceeding, which include a VHF assignment dropped-in at Salt Lake City, as a threat to UHF development and to its proposed station in particular. It states that our proposals rely on hypotheses to forecast that new UHF stations could not be profitable enough to provide new program service in as short a time as could new VHF stations on the dropped-in channels. Rather than rely on hypotheses, it urges the Commission to wait for facts. If its proposed station on Channel 20 is built and operated, the Commission will be able to determine from its success or failure whether a new VHF assignment should be added at Salt Lake City.

4. Accordingly, Springfield asks the Commission to "defer further action in this proceeding and expeditiously grant" its application so that the operating record of the station would then provide the Commission with a basis on which to assess the proposals in this proceeding. In the alternative, Springfield asks the Commission to delete the proposed assignment at Salt Lake City, to remove the potential competitor of its proposed station.

5. With reference to its first request, the Commission cannot grant Springfield's application now. It was accepted for filing October 31, 1977, and has not yet been placed on a cut-off list. A minimum of 60 days would have to elapse, even assuming no competing applications were filed, after the date of the cut-off list before it could be granted. Further, we are unwilling to defer the dates for comments for an unknown number of years to wait for Springfield's application to be processed, possibly go through a hearing, for the station to be built, and then operated for a few years to determine whether it will be a success.

6. Springfield's alternative request, to delete the Salt Lake City proposal from this proceeding, is untimely. Our decision on that proposal will be made in our final order in this proceeding after we have evaluated all the comments, as we stated in the Notice, 63 F.C.C. 2d at 892. However, we will consider Springfield's pleading as a comment to the Notice.

7. It is ordered, That Springfield's petition to extend the time for filing comments and for other relief is granted to the extent stated in paragraph 6 and is otherwise denied.

FEDERAL COMMUNICATIONS
COMMISSION,²

WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc.77-35015 Filed 12-6-77;8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

WATERFOWL HUNTING

Proposed Rule Describing Areas in the States of Oregon and Washington in Which Non-Toxic Shot Will Be Required in Hunting Seasons Commencing in 1978

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Amendment to Proposed Rulemaking.

SUMMARY: In the November 23, 1977 issue of the FEDERAL REGISTER (42 FR 59987-90), the Service published a proposed rule which contained descriptions of zones where non-toxic shot would be required for waterfowl hunting in the hunting seasons commencing in 1978 and terminating in 1979. A proposed non-toxic shot zone in the State of Oregon was inadvertently omitted from these descriptions and a zone in the State of Washington was described incorrectly. This proposal amends the proposal of November 23, 1977 with respect to these two States.

DATES: Comments on this proposed rulemaking will be accepted until January 6, 1978.

ADDRESS: Submit comments to Director (FWS/MBM), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Robert I. Smith, Special Projects Coordinator, Office of Migratory Bird Management, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-8827.

SUPPLEMENTARY INFORMATION: The background information relating to this proposal is presented in the November 23, 1977 issue of the FEDERAL REGISTER (42 FR 59987-59988). That proposal and this amendment were authored by Robert I. Smith, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-8827.

Accordingly, the proposed ruling de-

² Commissioners Lee and Quello dissenting.

scribing areas in which non-toxic shot would be required in hunting seasons commencing in 1978 (42 FR 59990) is amended for the State of Washington, zone 2, line 10, by removing the word westerly and replacing it with the word easterly. Also, the State of Oregon should be added to the list of Pacific Flyway States and the non-toxic shot zone being proposed for Oregon is described as follows:

OREGON

Beginning at the Longview Bridge on the Columbia River, thence south on State Highway 30 to Portland, thence east from Port-

land along Interstate Highway 80N to the Bonneville Dam, thence down the Columbia River along the Oregon-Washington boundary to the Longview Bridge and point of origin.

NOTE.—The Fish and Wildlife 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: December 1, 1977.

ROBERT S. COOK,
*Acting Director, United States
Fish and Wildlife Service.*

[FR Doc.77-34932 Filed 12-6-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A529]

CALIFORNIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Tulare County, Calif., as a result of excessive rainfall August 17, 1977.

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

Applications for emergency loans must be received by this Department no later than May 18, 1978, for physical losses and November 22, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 29th day of November 1977.

GORDON CAVANAUGH,
Administrator,

Farmers Home Administration.

[FR Doc. 77-34970 Filed 12-6-77; 8:45 am]

[3410-07]

[Notice of Designation No. A530]

INDIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Indiana counties as a result of tornadoes and/or tornado-like winds accompanied by hallstorms and heavy rains September 30 and October 1, 1977:

Fountain; Montgomery; Putnam; Vermillion; and Warren.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Otis R. Bowen that such designation be made.

Applications for emergency loans must be received by this Department no later than May 18, 1978, for physical losses and November 22, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 29th day of November 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 77-34968 Filed 12-6-77; 8:45 am]

[3410-07]

[Notice of Designation No. A531]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Jefferson Davis Parish, La., as a result of drought May 7 through July 14, 1977, and excessive rainfall August 3 through September 10, 1977.

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

Applications for emergency loans must be received by this Department no later than May 18, 1978, for physical losses and November 22, 1978, for production losses, except that quali-

fied borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 29th day of November 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 77-34971 Filed 12-6-77; 8:45 am]

[3410-07]

[Notice of Designation No. A534]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following North Carolina counties as a result of drought June 1, 1977, through July 19, 1977, in Hyde county, and excessive rainfall May 23 through 31, 1977, and drought June 4, 1977, through July 31, 1977, in Washington county.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor James B. Hunt, Jr., that such designation be made.

Applications for emergency loans must be received by this Department no later than May 18, 1978, for physical losses and November 22, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 29th day of November 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 77-34969 Filed 12-6-77; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Domestic and International Business
AdministrationNATIONAL RADIO ASTRONOMY
OBSERVATORYDecision on Application for Duty-Free Entry of
Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No.: 77-00267. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Boulevard, suite 100, Tucson, Ariz. 85705. Article: Klystron Model VRT-2123B and Matching Heat Sink VAT-2002B14. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency, and direction of cosmic radiation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a frequency in the range between 110-140 gigahertz. The National Bureau of Standards (NBS) advises in its memorandum dated October 25, 1977, that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc. 77-34997 Filed 12-6-77; 8:45 am]

[3510-25]

REGENTS OF THE UNIVERSITY OF CALIFORNIA,
ET AL.Consolidated Decisions on Applications for
Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00330. Applicant: Regents of the University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electron Microscope, Model JEM 100 CX/SEG/SQH and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for investigations of crystalline and non-crystalline solids, including nickel-base alloys, titanium alloys, steels, glass-ceramics, oxides, sulphides and minerals. Experiments to be conducted involve characterization of defects in crystalline solids, determination of chemical composition of phases in minerals, glass-ceramics and alloys, and mechanisms of phase transformations in the various materials mentioned above. In addition, the article will be used for educational purposes in the courses: Engr. 145-A. Introduction to Materials Characterization and Engr. 244. Transmission Electron Microscopy. Application received by Commissioner of Customs: August 9, 1977. Article ordered: June 15, 1977.

Docket Number: 77-00331. Applicant: University of Utah, University of Utah Medical Center, Salt Lake City, Utah 84132. Article: Electron Microscope, Model JEM-100S with Sheet film camera. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used to examine specimens of the nervous system suitably fixed, stained, embedded in plastic, thin sectioned and placed on formvar coated grids. Var-

ious fixation, embedding and staining procedures are used to reveal different structures in the nerve cells and glial cells in the intercellular matrix. The experiments are designed to reveal the cellular types and their three-dimensional architecture, including the intercellular relationships in the nervous system of fishes and frogs during development. The article will be used by postdoctoral trainees, and will be part of their training. Application received by Commissioner of Customs: August 11, 1977. Article ordered: July 28, 1977.

Docket Number: 77-00333. Applicant: Regents of the University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electron Microscope, Model JEM-200 with High Resolution Universal Goniometer Double Tilting Stage, and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the investigation of the microstructure of heavy-ions irradiated Ni-base alloys; deformation microstructure of ferrous and non-ferrous alloys and minerals such as quartz and olivine; and phase transformations in materials. Microstructural studies will be conducted in relation to mechanical and physical properties of metal, alloys, ceramics and minerals, and irradiation-induced swelling in alloys. The article will also be used for educational purposes in the courses: Engr. 145-A. Introduction to Materials Characterization, Engr. 244. Transmission Electron Microscopy, and in Individual Graduate Study courses. The objectives of these courses are to familiarize the students with the principles, operation, and applications of the techniques of TEM, SEM, STEM, and X-ray microanalysis. Application received by Commissioner of Customs: August 12, 1977. Article ordered: June 15, 1977.

Docket Number: 77-00336. Applicant: Michigan State University, East Lansing, Mich. 48824. Article: Electron Microscope, Model EM 201 and Plate Camera Lot and accessories. Manufacturer: Philips Electronics Instruments NVD, the Netherlands. Intended use of article: The article is intended to be used for instructional use by graduate students. However, research of these students as related to their M.S. or Ph.D. programs in biology, geology, metallurgy, biomedicine, etc. will be carried out. The article will be used in two courses. "Methods in Transmission Electron Microscopy" and "Special Problems in Electron Microscopy." These courses are intended to provide "hands on" experience so that future research activities can be carried out. Application received by Commissioner of Customs: August 12, 1977. Article ordered: June 20, 1977.

Docket Number: 77-00343. Applicant: Baylor College of Medicine, De-

partment of Cell Biology—1200 Mour-sund Avenue, Houston, Tex. 77030. Article: Electron Microscope, Model JEM-100CX with side entry goniometer and accessories. Manufacturer: The article is intended to be used for high resolution transmission and scanning transmission electron microscopic studies of the cytoskeletal changes associated with neoplastic progression in fibroblastic tissue and mammary epithelial cells. Specifically, the article will be used in conjunction with an energy dispersive spectrophotometer to perform microanalysis of particulate material within the fibroblasts and mammary epithelial cells both in normal and pathological samples. Studies will be conducted regarding the effects of estrogen on the synthesis of plasma lipoprotein produced in the cockeral as studied in the liver. The article will also be used for the training of medical and graduate students, faculty and technical staff in electron microscopy. Application received by Commissioner of Customs: August 22, 1977. Article ordered: June 29, 1977.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM that was being manufactured in the United States at the time each of the articles described above was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc. 77-34996 Filed 12-6-77; 8:45 am]

[3510-25]

UNIVERSITY OF CHICAGO, ET AL.

Consolidated Decision on Applications for Duty Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No.: 77-00303. Applicant: University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Ultramicrotome, Model LKB 8800A and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of the ultrastructure of cellular and subcellular membranes in heart muscle cells under conditions of interest for the understanding and treatment of heart disease. Various forms of heart disease will be produced in rats and rabbits whose hearts will subsequently be examined by electron microscopy. The article will also be used in the course, "Pharmacological and Physiological Sciences 401," which trains graduate students working for their Ph. D. in the ultrastructural analysis of heart muscle. Application received by Commissioner of Customs: July 14, 1977. Advice submitted by the Department of Health, Education, and Welfare: October 21, 1977.

Docket No.: 77-00306. Applicant: New York State Department of Health, Division of Laboratories and Research, Empire State Plaza, Albany, N.Y. 12201. Article: Ultramicrotome, Model LKB 8800A and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for cutting alternate thin and thick sections of tumor tissues and other pathological tissues which will be investigated to aid diagnosis, typing, and grading of disease states. The article will also be used as part of a training program for predoctoral and postdoctoral fellows (collaborative programs with Rennsler Polytechnic Institute and Albany Medical College). The training program adds advanced ultrastructural analysis training to the training of medical students and research scientists. Application received by Commissioner of Customs: July 19, 1977.

Advice submitted by the Department of Health, Education, and Welfare: October 21, 1977.

Docket No.: 77-00307. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Ultramicrotome, Model LKB 8800A and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning mammalian cells and microbial specimens of varying density and fragility. Investigations will include ultrastructural studies on normal and cancerous animal tissues, developmental studies on microbial systems, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions of various cell types, and subcellular changes in cells induced by changes in their biochemical and physical environments. The objectives pursued in the course of these investigations is to understand the distributions of protein in cell surfaces and the mechanisms by which hormones function in their interaction and postdoctoral fellows will learn the techniques of ultrastructure and cytochemistry through their research use. Application received by Commissioner of Customs: July 19, 1977. Advice submitted by the Department of Health, Education, and Welfare on: October 21, 1977.

Docket No.: 77-00309. Applicant: Edgewater Hospital, 5700 North Ashland Avenue, Chicago, Ill. 60660. Article: Ultramicrotome, Model LKB 2128-010 and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to cut ultrathin sections from materials of biopsies collected by the surgeons in the institution. The biopsies are from various organs such as lymph nodes, lung, eye, uterus, kidney, liver, bone marrow, and blood. Morphological examination of the various malignant and benign tumors and other pathologic lesions in humans will be conducted to help in the diagnosis of various diseases. The electron microscopic study of various human organs will contribute to the education of the medical staff, residents, and medical students. Application received by Commissioner of Customs: July 20, 1977. Advice submitted by the Department of Health, Education, and Welfare: October 21, 1977.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds 0.1 to 20 millimeters per second. The most

closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness, and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such other) factors as knife edge condition and angle, is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc. 77-34998 Filed 12-6-77; 8:45 am]

[3510-25]

UNIVERSITY OF MASSACHUSETTS, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 77-00350. Applicant: University of Massachusetts, Department of Polymer Science and Engineering, Amherst, Mass. 01003. Article: Electron Microscope, Model JEM-100CX/SEG/BST and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for investigation of the microstructure, including distribution of phases, crystal structure; phase transformations and distribution of elements using X-ray microanalysis. The materials to be studied are crystalline and noncrystalline solids including polymers and biopolymers, metal alloys, minerals, ceramics. Experiments to be conducted include: low dose STEM imaging of radiation sensitive polymer crystal and spherulites; BF-DF studies of phase distribution in polymer blends; lattice imaging high resolution defect studies of metal alloys; X-ray microanalysis of phases in polymers, minerals, metals, frozen microemulsion, frozen biological tissues for spatial distribution maps of elements (Z011); crystal structure determination of fine second phases using micro diffraction; secondary electron imaging of fracture surfaces. In addition, the article will be used for educational purposes in the courses: PSE 721. Electron Microscopy and Diffraction and PSE 722. Electron Microscopy Laboratory. Application received by Commissioner of Customs: August 29, 1977. Article ordered: June 10, 1977.

Docket No. 77-00354. Applicant: State University of New York, Downstate Medical Center, Department of Anatomy and Cell Biology, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: JEM 100C/SEG Electron Microscope with eucentric goniometer stage and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in

conducting the following research projects:

(i) The ultrastructure of membrane fusion sites during myodifferentiation.

(ii) The structure and chemistry of cytofilament insertions at plasma membranes of developing skeletal and cardiac muscle, platelets, and leukocytes.

(iii) The structure of newly formed intercellular junctions in embryonic cardiac muscle.

(iv) The mapping of membrane antigens potentially involved in cellular recognition of various embryonic cell types.

(v) The analysis of Rous sarcoma virus (RSV) attachment, entry and release in cultured, embryonic muscle.

(vi) The structure of isolated contractile filaments from embryonic muscle, heart and platelets.

Most of the cell biology experiments will concentrate on various aspects of membrane structure and function. In all the projects, the objectives of the studies will be to provide structural bases for important physiological processes. In addition, the article will be used for advanced graduate study in Cell Biology 201, a laboratory course open to Ph. D. candidates in the School of Graduate Studies and to M.D. students who elect to do advanced work in cells biology. Application received by Commissioner of Customs: August 30, 1977. Article ordered: May 26, 1977.

Docket No. 77-00357. Applicant: Indiana University, Purchasing Department, 1101 East 17th Street, Bloomington, Ind. 47401. Article: Electron Microscope, Model EM 301 with Goniometer Stage and Accessories. Manufacturer: Philips Electronics Instruments NVD, the Netherlands. Intended use of article: The article is intended to be used for the investigation of ultrastructural organization of eukaryotic gene activity. The temporal sequence involved in the assembly of ribosomal proteins during RNA transcription and ribosome biogenesis will be studied using high resolution immune electron microscopy, histochemistry and autoradiography. In addition, the article will be used to teach graduate students who are working towards their Ph. D.'s and M.S.'s as well as postdoctoral fellows in various programs that are conducted by the Department of Biology. Application received by Commissioner of Customs: September 1, 1977. Article ordered: August 24, 1977.

Docket No. 77-00359. Applicant: The University of Chicago, Department of Pharmacology and Physiology Sciences, 951 East 58th Street, Chicago, Ill. 60637. Article: Electron Microscope, Model EM 201, Plate Camera and Accessories. Manufacturer: Philips Electronics Instruments NVD, the Netherlands. Intended use of article:

The article is intended to be used for fine structural studies of the brain, by a group of neurobiologists. Thin sections of the central nervous system in which particular neuronal processes have been labeled by chemical or degenerative techniques will be studied, looking especially at the contact relationships that are established by the fine neuronal processes. The article will also be used in the training of senior level undergraduate students, graduate students and postdoctoral fellows in methods and concepts of contemporary neurobiology. Application received by Commissioner of Customs: September 1, 1977. Article ordered: July 22, 1977.

Docket No. 77-00360. Applicant: University of Utah, University of Utah Medical Center, Salt Lake City, Utah 84132. Article: Electron Microscope, Model JEM-100S with sheet film camera and SP1 specimen position indicator and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine various types of biological specimens, principally, pathological and normal tissues obtained from experimental animals from biopsy or autopsy. The article will also be used to examine delicate freeze-fracture replicas and negatively stained preparations of isolated large molecules. The various objectives to be pursued in these investigations are: (a) To determine the biological effects and hazards of internally deposited radioisotopes including plutonium and radium, (b) to better understand the normal physiology and morphology of the skeleton, particularly the adult skeleton and mineral metabolism, (c) to determine the biological events and sequences of radiation induced cancer, particularly leukemia and osteosarcomas, (d) to understand the role of the cell surface in immune recognition and escape in cancer cells, and (e) to determine membrane and junctional changes due to radiation and effect on cancer induction. Application received by Commissioner of Customs: August 31, 1977. Article ordered: June 23, 1977.

Docket No. 77-00370. Applicant: University of California, 3175 Miramar Road, La Jolla, Calif. 92093. Article: Electron Microscope, Model H-500-5 and Accessories. Manufacturer: Hitachi, Japan. Intended use of article: As part of ongoing extensive studies on the role of silicon in cellular metabolism the article will be used to define the composition of newly discovered silicon-containing granule in mitochondria of the diatom and animal cells which may have an important role in the processes of biological mineralization, e.g., bone formation, production of kidney calculi, etc. Another project involves the study of the nucleation and condensation behavior of

refractory materials in which it is important to be able to characterize the composition, structure and morphology of these grains to compare with theoretical prediction. A third research project involves the study of manganese oxidizing bacteria and the characterization of viruses which attach to marine bacteria. Application received by Commissioner of Customs: September 12, 1977. Article ordered: July 15, 1977.

Docket No. 77-00304. Applicant: National Institutes of Health, NINCDS, Medical Neurology Branch, Building 10, room 10D20, Bethesda, Md. 20014. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of human muscle biopsies the objective of which is to delineate the diagnosis and ultimate cause of human neuromuscular diseases. In addition, the article will be used in training approximately six physician-investigators each year in the newest ultrastructure research of human neuromuscular diseases. Application received by Commissioner of Customs: July 14, 1977. Article ordered: February 25, 1977.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States at the time each of the articles described above was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc. 77-34995 Filed 12-6-77; 8:45 am]

[3510-24]

Economic Development Administration BOSTONIAN SHOE CO.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Bostonian Shoe Co., Marble Street, Whitman, Mass. 02382, a subsidiary of Kayser-Roth Corp. and a producer of footwear for men, was accepted for filing on November 28, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the U.S. Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the 10th calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 77-34999 Filed 12-6-77; 8:45 am]

[3510-24]

FOX SHOE MFG. CORP.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Fox Shoe Manufacturing Corp., 826 Broadway, New York, N.Y. 10003, a producer of footwear for women, was accepted for filing on November 30, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the U.S. Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A re-

quest for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the 10th calendar day following the publication of this notice

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 77-35001 Filed 12-6-77; 8:45 am]

[3510-24]

INDIAN FOOTWEAR MANUFACTURING CORP.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Indian Footwear Manufacturing Corp., 431 Southern Boulevard, Bronx, N.Y. 10455, a producer of footwear for women, was accepted for filing on November 29, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the U.S. Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the 10th calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 77-35000 Filed 12-6-77; 8:45 am]

[3510-24]

SHEPHEARD SHIRTMAKERS, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Shephard Shirtmakers, Inc., 358 Fifth Avenue, New York, N.Y. 10001, a producer of men's shirts, was accepted for filing on November 30, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and

Communities (13 CFR Part 315). Consequently, the U.S. Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 77-35002 Filed 12-6-77; 8:45 am]

[3510-03]

Maritime Administration

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN NORTH VIETNAM SINCE JANUARY 25, 1966

The National Security Action Memorandum No. 340, dated January 25, 1966, which prohibited the shipment of U.S. Government-owned or financed cargoes from the United States on foreign-flag vessels if such vessels had called at a North Vietnamese port on or after January 25, 1966, was rescinded by the National Security Council effective June 10, 1977.

In accordance with this action, the list of free world and Polish flag vessels arriving in North Vietnam since January 25, 1966, as noticed in the FEDERAL REGISTER issue of February 12, 1966 (FR Doc. 66-1631), and subsequent notices, is hereby discontinued.

By Order of the Assistant Secretary for Maritime Affairs.

Dated: December 1, 1977.

ROBERT J. BLACKWELL,
Assistant Secretary for Maritime Affairs.

[FR Doc. 77-35037 Filed 12-6-77; 8:45 am]

[3510-13]

National Bureau of Standards

COMMERCIAL STANDARD

Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of

Commercial Standard CS 243-62, "Stainless Steel Plumbing Fixtures (Designed for Residential Use)."

It has been determined that this standard is technically inadequate and that revision would serve no useful purpose. The subject matter of CS 243-62 is adequately covered by the American National Standards Institute's standard ANSI A112.19.3, "Stainless Steel Plumbing Fixtures (Designed for Residential Use)." This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of October 3, 1977 (42 FR 53651), to withdraw this standard.

The effective date for the withdrawal of this standard will be February 6, 1978. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: December 2, 1977.

ERNEST AMBLER,
Acting Director.

[FR Doc. 77-34993 Filed 12-6-66; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS PHILIPPINES

Increasing the Import Level for Certain Man-Made Fiber Gloves and Mittens

DECEMBER 1, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the import restraint level established for certain man-made fiber gloves and mittens in category 214 from the Philippines during the agreement period which began on October 1, 1976 and extends through December 31, 1977.

SUMMARY: Paragraph 9(b) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 15, 1975, as amended, between the Governments of the United States and the Republic of the Philippines provides that under certain specified conditions shortfalls in category ceilings during one agreement year may be carried forward and applied to ceilings in the succeeding agreement year. Under the terms of this provision of the bilateral agreement, the level for category 214 is being increased by 81,542 dozen to a limit of 1,437,767 dozen pairs for the fifteen month period which began on October 1, 1976 and extends through December 31, 1977.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION:

Donald R. Foote, International Trade Specialist, Office of Textiles,

U.S. Department of Commerce,
Washington, D.C. 20230, 202-377-
5423.

SUPPLEMENTARY INFORMATION:
On September 27, 1976, a letter from the Chairman of the Committee for the implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER (40 FR 42234) which established the levels of restraint applicable to certain specified categories of cotton and man-made fiber textile products, produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on October 1, 1976 and extends through September 30, 1977. A subsequent letter, dated August 5, 1977, and published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40304), amended and extended the bilateral agreement three months through December 31, 1977, and increased the previously established specific levels of restraint to reflect the extension. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level of restraint established for man-made fiber textile products in Category 214, produced or manufactured in the Philippines and exported to the United States during the fifteen-month period which began on October 1, 1976.

ARTHUR GAREL,
*Acting Chairman, Committee for
the Implementation of Textile
Agreements, U.S. Department
of Commerce.*

COMMITTEE FOR THE IMPLEMENTATION
OF TEXTILE AGREEMENTS,
December 1, 1977.

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

DEAR MR. COMMISSIONER: On September 22, 1976, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the 12-month period beginning on October 1, 1976 and extending through September 30, 1977, of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of the Philippines, and exported to the United States, in excess of designated levels of restraint. The directive of September 22, 1976 was amended on August 5, 1977 to increase the previously established level of restraint in accordance with a 3-month extension of the agreement, through December 31, 1977. The Chairman advised you that the levels of restraint are subject to adjustment.¹

¹The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool,

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 9(b) of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 15, 1975, as amended, between the governments of the United States and the Republic of the Philippines, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on December 1, 1977 to amend the level of restraint established for cotton textile products in Category 214 to 1,437,767 dozen pairs.²

The action taken with respect to the Government of the Republic of the Philippines and with respect to imports of man-made fiber textile products from the Philippines has 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,

ARTHUR GAREL,
*Acting Chairman, Committee for
the Implementation of Textile
Agreements, U.S. Department
of Commerce.*

[FR Doc. 77-35003 Filed 12-6-77; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON ICBMs/M-X

Advisory Committee Meeting

The Defense Science Board Task Force on ICBMs/M-X will meet in closed session January 5-7, 1978 in the Pentagon, Arlington, Va.

and Man-Made Fiber Textile Agreement of October 15, 1975, as amended, between the Governments of the United States and the Republic of the Philippines which provide, in part, that: (1) Within the aggregate and applicable group limits, specific levels of restraint may be exceeded by specified percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and 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.

²The level of restraint has not been adjusted to reflect any entries made after September 30, 1976.

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 will evaluate alternative basing modes for U.S. land-based ICBMs. Concepts will be examined against survivability, cost and SALT verification considerations.

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.

MAURICE W. ROCHE,
*Director, Correspondence and
Directives OASD (Comptroller).*

DECEMBER 2, 1977.

[FR Doc. 77-34974 Filed 12-6-77; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of November 11 Through November 18,
1977

Notice is hereby given that during the week of November 11 through November 18, 1977, the appeals and applications for exception or other relief listed in the appendix to this notice were filed with the Office of Administrative Review of the Economic Regulatory Administration 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 Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
*Acting Director, Office of
Administrative Review.*

NOVEMBER 29, 1977.

Date	Name and location of applicant	Case No.	Type of submission
11/11/77 ..	Consumer Federation of America, Washington, D.C. (If granted: the Consumer Federation of America's Energy Policy Task Force would be granted a payment of \$16,264 for professional services rendered during the period Mar. 17, 1977, to Sept. 30, 1977, in connection with FEA's rulemaking proceedings on post-exemption monitoring of midlife distillate fuel prices).	DSC-0004	Request for special redress.
11/11/77 ..	Ponderosa Oil Co., Wooster, Ohio. (If granted: The DOE's Oct. 20, 1977, remedial order would be modified and the royalty owners and overriding interest owners of eight crude oil producing properties located in Stark and Wayne Counties, Ohio, would be required to contribute their pro rata share of the total overcharges which Ponderosa is required to refund).	DRA-0034	Appeal of DOE Region V's remedial order issued Oct. 20, 1977.
11/11/77 ..	Union Oil Co. of California, Los Angeles, Calif. (If granted: The Union Oil Co. of California would receive an extension of the exception relief granted in the FEA's June 20, 1977, decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Adena, Dominquez, and Rio Bravo plants).	DXE-0123, DXE-0124, DXE-0125	Extension of exception relief granted in <i>Atlantic-Richfield Co.</i> , Case Nos. FXE-4179 through FXE-4181 (decided June 20, 1977) (unreported decision).
11/14/77 ..	Atlantic Richfield Co., Dallas, Tex. (If granted: The Atlantic Richfield Co. would receive an extension of the exception relief granted in the FEA's June 23, 1977, and June 17, 1977, decisions and orders to permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the following plants: Adair, Camrick, Chesterville, Crossett, Elmwood, Elk Basin, Empire Abo, Gillette, Headlee, Hull, Kernit, Knox-Bromide, Lapeyrouse, Ojal Timber, Pledger, Riverton Dome, Selling, West Bee, South Coles Levee, Taft, West Lake, West Seminole, and Worland).	DXE-0128 through DXE-0150	Extension of exception relief granted in <i>Atlantic-Richfield Co.</i> , Case Nos. FXE-4159 through FXE-4173 (decided June 23, 1977) (unreported decision); (<i>Atlantic-Richfield Co.</i> , Case Nos. FEE-4332, FEE-4274 through FEE-4268 (decided June 17, 1977) (unreported decision).
11/14/77 ..	Fueigas, Inc., Riviera Beach, Fla. (If granted: Fueigas, Inc., would be granted an exception which would permit to reclassify its classes of purchaser on a retroactive and prospective basis.	DEE-0126	Price exception (sec. 212.93).
11/14/77 ..	Inger Oil Corp., Metairie, La. (If granted: Inger Oil Corp., Inc., would be granted a stay of its September 1977 obligation to repurchase entitlements valued at \$16,877.40 to correct an error which occurred in the April 1977 entitlements list).	DES-0032	Stay request.
11/14/77 ..	Kansas-Nebraska Natural Gas Co., Inc., Hastings, Nebr. (If granted: Kansas-Nebraska Natural Gas Co., Inc., would receive an extension of the exception relief granted in the FEA's June 30, 1977, decision and order to permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Yencer plant).	DXE-0127	Extension of exception relief granted in <i>Kansas-Nebraska Natural Gas Co., Inc.</i> , case No. FXE-4301 (decided June 30, 1977) (unreported decision).
11/14/77 ..	Navajo Refining Co., Artesia, N. Mex. (If granted: The FEA's Sept. 30, 1977, decision and order would be rescinded and the Navajo Refining Co. would be granted an allocation for its Artesia, N. Mex., refinery under the crude oil buy/sell program).	DEA-0035	Appeal of decision and order issued Sept. 30, 1977, denying application for allocation under crude oil buy/sell program.
11/14/77 ..	TOSCO Corp., Washington, D.C. (If granted: Tosco Corp., would be granted a stay of its September 1977 entitlement purchase obligations in an amount equal to the exception relief granted in the August 1977 entitlement notice).	DES-0033	Stay request.

Date	Name and location of applicant	Case No.	Type of submission
11/15/77 ..	Arkansas Louisiana Gas Co., Shreveport, La. (If granted: Arkansas Louisiana Gas Co. would receive an extension of the exception relief granted in the FEA's Aug. 3, 1977, decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Hamilton processing plant).	DXE-0173	Extension of the relief granted in <i>Arkansas Louisiana Gas Co.</i> , case No. FEE-4352 (decided Aug. 3, 1977) (unreported decision).
11/15/77 ..	Austral Oil Co. (South Thornwell) (TSMMA), Houston, Tex. (If granted: The Austral Oil Co. would receive an extension of the exception relief granted in the FEA's June 8, 1977, decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the South Thornwell and TSMMA plants).	DXE-0151, DXE-0152	Extension of exception relief granted in <i>Austral Oil Co.</i> , case Nos. FEE-4036 and FEE-4037 (decided June 8, 1977) (unreported decision).
11/15/77 ..	E. B. Brooks, Jr., Dallas, Tex. (If granted: The Neis Lease would be classified as a stripper well property and E. B. Brooks, Jr., would not be required to refund overcharges made on sales of crude oil).	DEE-0154	Price exception (sec. 212.73)
11/15/77 ..	Continental Oil Co., Houston, Tex. (If granted: Continental Oil 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 its Hennessy plant).	DEE-0174	Do.
11/15/77 ..	Sanford P. Fagadau (Bluegery), Dallas, Tex. (If granted: Sanford P. Fagadau would receive an extension of the exception relief granted in the FEA's June 24, 1977, decision and order which would permit him to increase his prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Bluegrove and Maryetta plants).	DXE-0171, DXE-0172	Extension of exception relief granted in <i>Sanford P. Fagadau</i> , case Nos. FXE-4212 and FXE-4213 (decided June 24, 1977) (unreported decision).
11/15/77 ..	Gas Systems, Inc. (McGregor), Dallas, Tex. (If granted: Gas Systems, Inc., 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 McGregor plant).	DEE-0164	Price exception (sec. 212.165).
11/15/77 ..	General Motors Corp., Washington, D.C. (If granted: The DOE's Oct. 13, 1977, assignment order issued to the Consumers Power Co. would be modified to reduce the feed stock allocation to consumers).	DEA-0036	Appeal of assignment order dated Oct. 13, 1977, issued to the Consumers Power Co.
11/15/77 ..	Kerr-McGee Corp. (Milfay), Oklahoma City, Okla. (If granted: The Kerr-McGee Corp. would receive an extension of the exception relief granted in the FEA's June 20, 1977, decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Milfay plant).	DXE-0153	Extension of exception relief granted in <i>Kerr-McGee Corp.</i> , case No. FXE-4147 (decided June 20, 1977) (unreported decision).
11/15/77 ..	Mid-Michigan Truck Service, Inc., Kalamazoo, Mich. (If granted: Mid-Michigan Truck Service, Inc., would receive an extension of the exception relief granted in the FEA's July 5, 1977, decision and order which permits the firm to be supplied motor gasoline directly by the Gulf Oil Corp.).	DXE-0155, DES-0155	Extension of exception relief granted in <i>Mid-Michigan Truck Service, Inc.</i> , case No. FEA par. 87,012 (July 5, 1977).
11/15/77 ..	Flag Oil Co., Washington, D.C. (If granted: The Flag Oil Co. would receive an extension to permit crude oil produced from a proposed 8-well drilling program to be sold at prices above the maximum level permitted under the mandatory petroleum price regulations).	DEE-0156	Price exception (sec. 212.74).

APPENDIX.—List of cases received by the Office of Administrative Review, November 11 through November 18, 1977—Continued

Date	Name and location of applicant	Case No.	Type of submission
11/17/77	Champion Petroleum Co., Fort Worth, Tex. (If granted: The Champion Petroleum Co. would receive an extension of the exception relief granted in <i>Champion Petroleum Co.</i> , case Nos. FFE-4267 through FFE-4271 (decided June 30, 1977) (unreported decision).)	DXE-0196, DXE-0199	Extension of exception relief granted in <i>Champion Petroleum Co.</i> , case Nos. FFE-4267 through FFE-4271 (decided June 30, 1977) (unreported decision).
11/17/77	Florida Hydrocarbons Co., Winter Park, Fla. (If granted: The Florida Hydrocarbons Co. would receive an extension of the exception relief granted in the FEA's July 8, 1977 decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal. for natural gas liquid products produced at the Gulf Plains, Mayfield, Peoria, and South Fullerton plants.)	DXE-0193	Extension of exception relief granted <i>Florida Hydrocarbons Co.</i> , case No. FFE-4383 (decided July 8, 1977) (unreported decision).
11/17/77	Klotzman, Melvin & Pendleton, Jess d.b.a. Victoria Equipment & Supply Co., Victoria, Tex. (If granted: Melvin Klotzman and Jess Pendleton would receive a stay of the provisions of the FEA's July 7, 1977 remedial order pending a final determination of their appeal of that order and would not be required to refund overcharges made on sales of crude oil to the Scurlock Oil Co.)	DRS-0014	Stay request.
11/17/77	Austen Moss d.b.a. Otto Shine Car Wash, Des Moines, Iowa. (If granted: Austen Moss would be supplied motor gasoline by Don's bulk and station service in place of his base period supplier, Parker Oil Co.)	DEE-0202	Exception to change supplier (sec. 211.9).
11/17/77	Standard Oil Co. (Indiana) Chicago, Ill. (If granted: The Standard Oil Co. (Indiana) would receive an extension of the exception relief granted in the FEA's July 25, 1977 and June 20, 1977 decisions and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal. for natural gas liquid products produced at the Empire Abo, Lake Boeuf, Ropes, South Jennings, and South Thornwell plants.)	DXE-0188, DXE-0192	Extension of exception relief granted in <i>Standard Oil Co. (Indiana)</i> , case Nos. FFE-4302 through FFE-4306 (decided July 25, 1977) (unreported decision); <i>Standard Oil Co. (Indiana)</i> , case Nos. FFE-4201 through FFE-4203, FFE-4207 (decided June 20, 1977) (unreported decision).
11/17/77	Ruth Anne Ashby Storey (R. M. Stephens), Shreveport, La. (If granted: Ruth Anne Ashby Storey would receive an extension of the exception relief granted in the FEA's Jan. 25, 1977 decision and order which would permit it to increase her prices to reflect nonproduct cost increases in excess of \$0.005/gal. for natural gas liquid products produced at the R. M. Stephens plant.)	DXE-0201	Extension of exception relief granted in <i>Ruth Anne Ashby Storey et al.</i> , case No. FFE-3325 (decided Jan. 25, 1977) (unreported decision).
11/17/77	Superior Linen & Apparel Service, Inc., Cincinnati, Ohio. (If granted: Superior Linen & Apparel Service, Inc. would receive an extension to 211.12(g) with regard to imported propane for "industrial use".)	DEE-0203	Exception to sec. 211.12.
11/17/77	Texaco, Inc., New Orleans, La. (If granted: Texaco, Inc. would be permitted to sell the crude oil produced from the Bayou Fordoche Reno RA Sand Unit located in Pointe Coupee Parish, La., at upper-tier ceiling prices.)	DEE-0200	Price exception (sec. 212.73).

APPENDIX.—List of cases received by the Office of Administrative Review, November 11 through November 18, 1977—Continued

Date	Name and location of applicant	Case No.	Type of submission
11/15/77	Shell Oil Co., Houston, Tex. (If granted: The Shell Oil 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 Calumet, Conley, Cow Island, Grand Chenier, Houston Central, Lake Washington, and North Terrebonne plants.)	DEE-0157—DEE-0163	Price exception (sec. 212.165).
11/15/77	Shell Oil Co., Houston, Tex. (If granted: The Shell Oil Co. would receive an extension of the exception relief granted in the FEA's June 24, 1977 and June 17, 1977 decisions and orders which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Edmwood, Goodwater, Indian Basin, Mollino, Seeligson, and Tippett-Crossett plants.)	DXE-0165—DXE-0170	Extension of exception relief granted in <i>Shell Oil Co.</i> , case Nos. FFE-4220 through FFE-4223 (decided June 24, 1977) (unreported decision); <i>Shell Oil Co.</i> , case Nos. FFE-4231 and FFE-4233 (decided June 17, 1977) (unreported decision).
11/16/77	Adobe Oil & Gas Corp., Martin County, Tex. (If granted: Adobe Oil & Gas Corp. would receive an extension of the exception relief granted in the FEA's July 25, 1977 decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Adobe Sale Ranch Gas plant.)	DXE-0183	Extension of the relief granted in <i>Adobe Oil & Gas Corp.</i> , case No. FFE-4295 (decided July 25, 1977) (unreported decision).
11/16/77	C. H. Sprague & Son Co., Boston, Mass. (If granted: C. H. Sprague & Son Co. would receive a stay of paragraphs (1)(a) and (2)(a) of the DOE's Nov. 7, 1977 remedial order pending a final determination of an appeal of that order which the firm intends to file.)	DRS-0013	Stay request.
11/16/77	Citadel Corp., Belvoir Terminal Corp., Washington, D.C. (If granted: The DOE Economic Regulatory Administration would convene a formal evidentiary hearing regarding Citadel Corp. and Belvoir Terminal Corp. charges against the Plantation Pipe Line Co.)	DOP-0001	Request for evidentiary hearing.
11/16/77	Kerr-McGee Corp., Washington, D.C. (If granted: The DOE's Oct. 17, 1977 information request denial would be modified and the Kerr-McGee Corp. would receive access to certain FEA records regarding crude oil transfer pricing program.)	DFA-0037	Appeal of DOE information request denial dated Oct. 17, 1977.
11/16/77	Marathon Oil Co., Findlay, Ohio. (If granted: Marathon Oil Co. would receive an extension of the exception relief granted in the FEA's May 27, 1977 and June 17, 1977 decisions and orders which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Camrick, Cotton Valley, Heyser, Indian Basin, Markham, Scipio, South Coles Levese and Stephens plants.)	DXE-0175—DXE-0182	Extension of the relief granted in <i>Marathon Oil Co.</i> , case Nos. FFE-3953-3955, FFE-3962 (decided June 17, 1977) (unreported decision); <i>Marathon Oil Co.</i> , case Nos. FFE-3958-3961 (decided May 27, 1977) (unreported decision).
11/16/77	Upham Oil & Gas Corp., Mineral Wells, Tex. (If granted: Upham Oil & Gas Corp. would receive an extension of the exception relief granted in the FEA's June 30, 1977 decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal. for natural gas liquid products.)	DXE-0184	Extension of the relief granted in <i>Upham Oil & Gas Corp.</i> , case No. FFE-4286 (decided June 30, 1977) (unreported decision).
11/17/77	Breckenridge Gasoline Co., Breckenridge, Tex. (If granted: The Breckenridge Gasoline Co. would receive an extension of the exception relief granted in the FEA's June 17, 1977 decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal. for natural gas liquid products produced at the Eliasville and Lodi plants.)	DXE-0184, DXE-0195	Extension of exception relief granted in <i>Breckenridge Gasoline Co.</i> , case Nos. FFE-4134 and FFE-4135 (decided June 17, 1977) (unreported decision).

APPENDIX.—List of cases received by the Office of Administrative Review, November 11 through November 18, 1977—Continued

Date	Name and location of applicant	Case No.	Type of submission
11/17/77 ..	Vickers Energy Corp., Wichita, Kans. (If granted: Vickers Energy Corp. would receive an extension of the exception relief granted in the FEA's June 17, 1977 decision and order which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal. for natural gas liquid products produced at the Mayfield, Patterson, and Putnam-Oswego plants..)	DXE-0185— DXE-0187.	Extension of exception relief granted in <i>Vickers Energy Corp.</i> , case Nos. FEE-4116 through FEE-4118 (decided June 17, 1977) (unreported decision).

Notice of objections received, November 11 through November 18, 1977

Date	Name and location of applicant	Case No.
11/11/77 ..	Hewit & Dougherty, Refugio, Tex..... Maurice L. Brown Co., Kansas City, Mo.....	DXE-0055. FEE-4402.

[FR Doc. 77-34820 Filed 12-6-77; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 825-6; OPP-33000/527 and 528]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data to be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the recent amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protec-

tion Agency, Room 209, East Tower, 401 M Street SW., Washington, D.C. 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant names in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315
PM 21 and 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, and 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a 60-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: December 1, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/527)

EPA File Symbol 201-UNR. Shell Chemical Co., a division of Shell Oil Co., Agricultural Chemicals, One Shell Plaza, Houston, Tex. 77001. PYDRIN INSECTICIDE 2.4 EMULSIBLE CONCENTRATE. Active ingredients: Cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate 30 percent. Method of support: Application proceeds under 2(b) of the interim policy. PM17

EPA Reg. No. 352-342. E. I. du Pont de Nemours & Co. (Inc.), Blochemicals Department, Wilmington, Del. 19898. LANNATE METHOMYL INSECTICIDE. Active ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90 percent. Method of support: Application proceeds under 2(b) of interim policy. Republished: Geographical expansion. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.). LANNATE METHOMYL INSECTICIDE. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24 percent. Method of support: Application proceeds under 2(b) of the interim policy. Republished: Geographical expansion. PM12

EPA Reg. No. 352-372. E. I. du Pont de Nemours & Co. (Inc.). VYDATE L OXAMYL INSECTICIDE/NEMATOCIDE. Active ingredients: Methyl N,N dimethyl-N-[(methylcarbamoyl)oxy]-1-thio-oxamimidate 24 percent. Method of support: Application proceeds under 2(b) of the interim policy. Republished: Added sites. PM12

EPA File Symbol 464-LLN. The Dow Chemical Co., P.O. Box 1706, Midland, Mich. 48640. BROMINE CHLORIDE ANTIMICROBIAL. Active ingredients: Bromine Chloride 99 percent. Method of support: Application proceeds under 2(a) of the interim policy. PM34

EPA File Symbol 491-EEU. Selig Chemical Industries, Atlanta, Ga. 30336. GERMICIDAL DYNAMITE. Active ingredients: n-alkyl (68 percent C12, 32 percent C14) 3.00

- percent; dimethyl ethylbenzyl ammonium chloride n-alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) 3 percent; dimethyl benzyl ammonium chloride tetrasodium ethylenediamine tetraacetate 2.30 percent; Sodium metasilicate 0.50 percent. Method of support: Application proceeds under 2(b) of the interim policy. PM33
- EPA Reg. No. 1471-35. Elanco Products Co., a division of Eli Lilly and Co., P.O. Box 1750, Indianapolis, Ind. 46206. TREFLAN. Active ingredients: trifluralin (a,a,a-trifluoro-2,6-dinitro-N, N-dipropyl-p-toluidine) 44.5 percent. Method of support: Application proceeds under 2(a) of the interim policy. Republished amendment. PM23
- EPA Reg. No. 1624-104. United States Borax & Chemical Corp., 3075 Wilshire Boulevard, Los Angeles, Calif. 90010. COBEX. Active ingredients: dinitramine(N3, N3-Diethyl-2,4-dinitro-6-trifluoromethyl-m-phenylenediamine 25 percent. Method of support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM24
- EPA Reg. No. 7001-148. Occidental Chemical Co., P.O. Box 198, Lathrop, Calif. 95330. DURSBAN INSECT SPRAY. Active ingredients: Chlorpyrifos (0,0-diethyl 0-[3,5,6-trichloro-2-pyridyl] phosphorothioate) 6.7 percent. Method of support: Application proceeds under 2(b) of interim policy. Republished: Adding fire ants. PM12
- EPA File Symbol 8959-EA. Applied Biochemists, Inc., 5300 West County Line Road, 96 North, Mequon, Wis. 53902. POOLTRINE. Active Ingredients: Polyoxyethylene (dimethylimino) ethylene(dimethylimino) ethylene dichloride 30 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34
- EPA Reg. No. 10120-18. Cerfact Laboratories, P.O. Box 988, Tucker, Ga. 30084. VIRO CERF AEROSOL. Active Ingredients: Ortho-phenylphenol 0.10 percent; Para-tetraryl-amyphenol 0.05 percent; Essential Oils 0.75 percent; Alcohol 57 percent. Method of support: Application proceeds under 2(a) of interim policy. PM32
- EPA File Symbol 32741-E. Custom Chemical Co., 119 E. Palatine Road, Palatine, Ill. 60067. FORMULA 04.5CD. Active ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 2.25 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 2.25 percent; Sodium Carbonate 3 percent. Method of support: Application proceeds under 2(b) of interim policy. PM31
- EPA File Symbol 32741-G. Custom Chemical Co., FORMULA 03.2CD. Active ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 1.6 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 1.6 percent; Sodium Carbonate 3 percent. Method of support: Application proceeds under 2(b) of interim policy. PM31
- EPA File Symbol 32741-L. Custom Chemical Co., FORMULA 09.ONP. Active ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 4.5 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 4.5 percent; tetrasodium ethylenediamine tetraacetate 2 percent; Sodium Carbonate 4 percent. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31
- EPA File Symbol 39839-E. Triple T. Enterprises, 10335 Ironwood Road, Palm Beach Gardens, Fla. 33410. SODIUM HYPOCHLORITE. Active ingredients: Sodium Hypochlorite 9.0 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34
- EPA File Symbol 40643-R. Rumianca S.p.A., Via Grazioli 27, 20161 Milano (Italy). RUMIANCA ATRAZINE TECHNICAL. Active ingredients: Atrazine (2-chloro-4-ethyl-amino-6-isopropylamino-s-triazine) 95 percent, Related Compounds 3 percent. Method of support: Application proceeds under 2(b) of interim policy. PM25
- EPA File Symbol 41199-R. U.S. International Enterprises, P.O. Box 6127, Orange Calif. 92667. FRESHPHONE. Active ingredients: Paraformaldehyde 0.8 percent. Method of support: Application proceeds under 2(a) of interim policy. PM33
- EPA File Symbol 40954-R. Classic Pools, 6531 Sunset Strip, Sunrise, Fla. 33313. CLASSIC CHLOR. Active ingredients: Sodium Hypochlorite 9 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34
- EPA File Symbol 41156-R. Hearn's Hardware, 1833 North 66 Avenue, Hollywood, Fla. 33023. HEARN'S CHLORINATING SOLUTION. Active ingredients: Sodium Hypochlorite 9 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34
- APPLICATIONS RECEIVED (OPP-33000/528)
- EPA File Symbol 201-UNE. Shell Chemical Co., division of Shell Oil Co., Agricultural Chemicals, One Shell Plaza, Houston, Tex. 77001. TECHNICAL PYDRIN INSECTICIDE. Active ingredients: Cyano (3-phenoxyphenyl) methyl 4-chloro-alpha-(1-methylethyl) benzeneacetate 90 percent. Method of support: Application proceeds under 2(b) of interim policy. PM17
- EPA File Symbol 201-UNG. Shell Chemical Co., suite 200, 1025 Connecticut Avenue, Washington, D.C. 20036. BLADDEX/ATRAZINE (2:1) 80W HERBICIDE FOR CORN. Active ingredients: 2-[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino-2-methylpropionitrile 53.4 percent; 2-chloro-4-(ethylamino)-6-(isopropylamino)-s-triazine 25.3 percent. Method of support: Application proceeds under 2(a) of interim policy. PM25
- EPA Reg. No. 270-110. Farnam Co., 2230 East Magnolia, Phoenix, Ariz. 85001. SUPER SWAT FLY REPELLENT. Active ingredients: Pyrethrins 0.39 percent; Piperonyl Butoxide Tech. 0.72 percent; (equivalent to 0.58 percent (Butylcarbityl) (6-Propylpiperonyl) Ether and 0.14 percent of related compounds); N octyl bicycloheptene dicarboximide 1.20 percent; 2,3,4,5-bis (2-butylene) tetrahydro-2-furaldehyde 1 percent; Butoxypolypropylene Glycol 10 percent. Method of support: Application proceeds under 2(a) of interim policy. Republished amendment. PM17
- EPA Reg. No. 432-449. Penick, S. B. Penick & Co., 1050 Wall Street West, Lyndhurst, N.J. 07071. SBP-1382 PRESSURIZED HORNET AND WASP SPRAY. Active ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropane carboxylate 0.150 percent; Related Compounds 0.020 percent; Aromatic Petroleum Solvent 0.199 percent; Petroleum Distillate 56.62 percent. Method of support: Application proceeds under 2(b) of interim policy. PM17
- EPA Reg. No. 432-455. Penick, S. B. Penick & Co. SBP-1382 PRESSURIZED HORNET AND WASP SPRAY 0.25 A SYNTHETIC PYRETHROID. Active ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropane carboxylate 0.250 percent; Related Compounds 0.030 percent; Aromatic Petroleum Solvent 0.332 percent; Petroleum Distillate 56.375 percent. Method of support: Application proceeds under 2(b) of interim policy. PM17
- EPA Reg. No. 769-58. Woolfolk Chemical Works, Inc., P.O. Box 938, Fort Valley, Ga. 31030. SECURITY LIME SULPHUR SOLUTION. Active ingredients: Calcium Polysulphide 30 percent. Method of support: Application proceeds under 2(a) of interim policy. PM21
- EPA Reg. No. 1109-24. Cities Service Co., Minerals Group, P.O. Box 5360, Atlanta, Ga. 30302. CITCO COPPER CARBONATE. Active ingredients: Copper (in Basic Copper Carbonate) 55 percent. Method of support: Application proceeds under 2(b) of interim policy. PM22
- EPA File Symbol 1124-IA. Purex Corp., Carson, Calif. 90749. GUARDEX ALGAE-CIDE 60. Active ingredients: Polyoxethylene (dimethylimino) ethylene(dimethylimino) ethylene dichloride 60 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34
- EPA File Symbol 1203-AN. Delta Foremost Chemical Corp., 3915 Air Park Street, Memphis, Tenn. 38130. FOREMOST 4949-ES WEED-FREE. Active ingredients: Petroleum Distillate 93.95 percent; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 1 percent. Method of support: Application proceeds under 2(b) of interim policy. PM25
- EPA File Symbol 1757-AA. Drew Chemical Corp., One Drew Chemical Plaza, Boonton, N.J. 07005. BIOSPERSE 240. Active ingredients: 2,2-Dibromo-3-nitropropionamide 5 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34
- EPA File Symbol 2724-ETL. Zoecon Industries, Inc., 12200 Denton Drive, Dallas, Tex. 75234. PROPOXUR FLEA COLLAR RF-101 FOR CATS. Active ingredients: 0-Isopropoxyphenyl methylcarbamate 9.4 percent. Method of support: application proceeds under 2(b) of interim policy. PM12
- EPA File Symbol 4581-GGL. Agchem Division, Pennwalt Corp., P.O. Box C, King of Prussia, Pa. 19406. KNOX OUT 2FM. Active ingredients: 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl)phosphorothioate 23 percent; Aromatic petroleum derivative solvent 3.4 percent. Method of support: Application proceeds under 2(b) of interim policy. PM15
- EPA Reg. No. 4816-240. Fairfield American Corp., 100 Niagara Street, Middleport, N.Y. 14105. DRI-DIE INSECTICIDE. Active ingredients: Amorphous Silica Gel 95.3 percent; Ammonium Fluosilicate 4.7 percent. Method of support: Application proceeds under 2(b) of interim policy. PM17
- EPA File Symbol 6720-EAI. Southern Mill Creek Products Co., Inc., P.O. Box 1096, Tampa, Fla. 33601. SMCP SBP-1382 0.25 percent AQUEOUS INSECTICIDE

SPRAY. Active ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250 percent; Related Compounds 0.034 percent. Method of support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 12050-T. Chemco Chemical Co., 115 Cole Street, Dallas, Tex. 75207. HYDROTREAT 300. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 12711-G. Ike Carter Pool Maintenance, P.O. Box 11064, Fort Lauderdale, Fla. 33308. IKE-CHLOR POOL SANITIZER. Active ingredients: Sodium Hypochlorite 9 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 21713-G. Durand Cooperatives, P.O. Box 160, Durand, Wis. 54736. 9-23-30 SYSTEMIC-D FERTILIZER PLUS INSECTICIDE. Active ingredients: 0,0-Diethyl S-(2- (ethylthio) ethyl) phosphorodithioate 0.67 percent. Method of support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 30948-EA. Bionomical Chemicals & Services, Inc., P.O. Box 4292, Chattanooga, Tenn. 37405. CT-500 ALGAECIDE. Active ingredients: Poly[oxyethylene-(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 5 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39026-R. H & F HDW, 14455 South Dixie Highway, Miami, Fla. 33176. H & F EVER-CLEAR. Active ingredients: Sodium Hypochlorite 9 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40708-R. TriChem Industries, Inc., P.O. Box 60462, Austin, Tex. 78702. KILLS FIRE ANTS. Active ingredients: 1,1,1, Trichloroethane 94.5 percent. Method of support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 40955-R. Miller Associates, Division of Hill Bros. Inc., 2605 Northwest 75th Avenue, Miami, Fla. 33122. ULTRASWIMM LIQUID CHLORINATING SOLUTION. Active ingredients: Sodium Hypochlorite 9 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40959-R. Chemical Solvent Co., P.O. Box 487, Birmingham, Ala. 35201. CSCO-CIDE 205. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 5 percent. Method of support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc. 77-34933 Filed 12-6-77; 8:45 am]

[6560-01]

[FRL 826-7; OPP-50347]

AMERICAN CYANAMID CO.

Issuance of Experimental Use Permit

The Environmental Protection Agency (EPA) has issued an experimental use permit to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA

procedures with respect to the use of pesticides for experimental purposes.

No. 241-EUP-85. American Cyanamid Co., Princeton, N.J. 08540. This experimental use permit allows the use of 320 pounds of the herbicide N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine on peas to evaluate control of various annual grasses and broadleaf weeds. A total of 232 acres is involved; the program is authorized only in the States of California, Delaware, Idaho, Maryland, Michigan, Minnesota, New York, Oregon, Washington, and Wisconsin. The experimental use permit is effective from February 1, 1978 to February 1, 1979. A temporary tolerance for residues of the active ingredient in or on peas (succulent) has been established.

Interested parties wishing to review the experimental use permit are referred to room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.)

Dated: December 1, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 77-35035 Filed 12-6-77; 8:45 am]

[6560-01]

[FRL 826-6; OPP-50350]

CIBA-GEIGY CORP.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 100-EUP-56. Ciba-Geigy Corp., Greensboro, N.C. 27409. This experimental use permit allows the use of 220 pounds of the insecticide 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate on wheat to evaluate the control of brown wheat mite, grasshoppers, and green bugs. A total of 220 acres is involved; the program is authorized only in the States of Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. The experimental use permit is effective from November 10, 1977 to November 10, 1978. A temporary tolerance for residues of the active ingre-

dient in or on wheat forage has been established.

No. 1471-EUP-58. Elanco Products Co., Indianapolis, Ind. 46206. This experimental use permit allows the use of 622.25 pounds of the herbicide oryzalin on winter wheat and soybeans to evaluate control of annual weeds and grasses. A total of 830 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from November 9, 1977 to November 9, 1979. A temporary tolerance for residues of the active ingredient in or on wheat has been established.

No. 11273-EUP-13. Sandoz, Inc., Homestead, Fla. 33030. This experimental use permit allows the use of 240 pounds of the herbicide norflurazon on apples, pears, citrus crop, almonds, and grapes to evaluate control of various grass weeds and broadleaf weeds. A total of 148 acres is involved; the program is authorized only in the States of Arizona, California, Oregon, and Washington. The experimental use permit is effective from November 9, 1977 to November 9, 1978. Temporary tolerances for residues of the active ingredient in or on grapes, apples, pears, citrus, almonds, and almond hulls have been established.

Interested parties wishing to review the experimental use permits are referred to room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.)

Dated: December 1, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 77-35033 Filed 12-7-77; 8:45 am]

[6560-01]

[FRL 826-5; OPP-50330A]

ISSUANCE OF EXPERIMENTAL USE PERMITS

Correction

In FR Doc. 77-28023, appearing on page 48922 in the issue for Monday, September 26, 1977, in No. 524-EUP-18, Monsanto Co., in the 14th line, "August 23, 1978" should have read "August 23, 1979."

Dated: December 1, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[6560-01]

[FRL 826-1; OPP-180164]

**MICHIGAN STATE DEPARTMENT OF
AGRICULTURE**

Issuance of Specific Exemption To Use Thiabendazole To Control Fungi in Stored Sugar Beets

The Environmental Protection Agency (EPA), has granted a specific exemption to the Michigan State Department of Agriculture (hereafter referred to as the "Applicant"), for post-harvest application of thiabendazole to control various fungi threatening 100,000 tons of sugar beets in storage areas in Michigan. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., room E-315, Washington, D.C. 20460.

According to the Applicant, about 100,000 tons of sugar beets are awaiting processing and could become infested with various fungi such as *Penicillium*, *Botrytis*, *Phoma*, and others. These fungi cause deterioration while the beets are in storage, resulting in a decline of the sugar content of the beets. These fungal diseases occur naturally in sugar beets; however, only those beets to be stored for more than seventy-five days could be seriously affected. Fungal deterioration results in loss of processed sugar, loss of stored beets, and causes filter fouling which increases discharges of suspended solids and decreases sugar recovery. The Applicant anticipates that this treatment will increase production by 9.6 pounds per ton of beets; the estimated savings resulting from treatment of 100,000 tons of sugar beets is valued at \$144,000.

There are no registered alternative pesticides that can be applied as a post-harvest treatment to control fungal deterioration in sugar beets. The logistics and economics of the processing equipment made immediate processing of the beets undesirable.

The Applicant proposed to use Mertect 340-F, EPA Reg. No. 618-75-AA; this product is already registered for preharvest field use on sugar beets to control *Cercospora* leaf spot. The rate of application is 42 ounces Mertect 340-F added to 100 gallons of water; one (1) gallon of this suspension will be applied to one (1) ton of sugar beets. The maximum amount of the product that could be used would be

330 gallons on 100,000 tons of sugar beets. Applications will be made by employees of the Monitor Sugar Co., under the direct supervision of a State-certified commercial applicator.

Permanent pesticide tolerances of 0.25 ppm on sugar beets, 10.0 ppm on sugar beet tops, and 0.1 ppm in milk and meat have been established (40 CFR 180.242). Based on an existing registered product for field application of thiabendazole to sugar beets, no serious adverse effects on the environment are expected. The requested use will add only an insignificant amount of thiabendazole to the human diet.

It should be noted that an experimental use permit under the section 5 regulations of the amended FIFRA was issued in 1975 for the use of Mertect 340-F on sugar beets in North Dakota and Washington. Quarterly reports regarding that permit indicated that the product was efficacious for that use.

After reviewing the application and other available information, EPA determined that (a) a pest outbreak of various fungi has or is about to occur, (b) there is no pesticide presently registered and available for use to control the fungi on stored sugar beets in Michigan, (c) there are no alternative means of control, taking into account the efficacy and hazard, (d) significant economic losses may result if the various fungi are not controlled, and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 30, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The thiabendazole product Mertect 340-F, EPA Reg. No. 618-75-AA, will be used;
2. The rate of application will not exceed 42 ounces of the product in 100 gallons of water per 100 tons of sugar beets;
3. A maximum of 330 gallons of the product may be applied;
4. A maximum of 100,000 tons of sugar beets may be treated;
5. All applications will be made at Monitor Sugar Co., under the direct supervision of a State-certified commercial applicator;
6. The Applicant is responsible for ensuring that all the provisions of this specific exemption are met, and must submit a report to EPA summarizing the results of this program by October, 1978;
7. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed;
8. The EPA shall be immediately informed of any adverse effects resulting from use of thiabendazole in connection with this exemption;

9. This exemption is not a modification of any NPDES permits issued to Monitor Sugar Co., and does not constitute a waiver of State or Federal discharge limitations. Monitor Sugar Co., is required to contact the Michigan Department of Natural Resources on possible amendments to NPDES permits;

10. Effluent from the processing plant will be monitored for residues of thiabendazole. Data from these tests will be submitted to EPA by October 1978; and

11. Thiabendazole residue levels not exceeding six (6) ppm in or on sugar beets, fifty (50) ppm for sugar beet pulp, and forty (40) ppm for sugar beet molasses have been determined to be adequate to protect the public health. A residue level of 40 ppm for sugar beet molasses will not result in significant residues in poultry or eggs. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare has been advised of this action.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.)

Dated: November 30, 1977.

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

[FR Doc. 77-35029 Filed 12-6-77; 8:45 am]

[6560-01]

[FRL 826-3; OPP-180152]

**NORTH CAROLINA DEPARTMENT OF
AGRICULTURE**

**Issuance of a Specific Exemption To Use
Methomyl To Control the Fall Armyworm**

The Environmental Protection Agency (EPA) has granted a specific exemption to the North Carolina Department of Agriculture (hereafter referred to as the "Applicant") to use methomyl to control heavy infestations of the Fall Armyworm on Coastal Bermudagrass in the Coastal Plain and Piedmont counties of North Carolina. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., room E-315, Washington, D.C. 20460.

According to the Applicant, the Fall Armyworm (*Spodoptera frugiperda*)

has been a particularly devastating pest this year, not only on Coastal Bermudagrass, but also on several other crops including corn, cotton, and peanuts. The Applicant was in the process of preparing a specific exemption request when the current outbreak occurred; a crisis exemption was declared on September 16, 1977. A specific exemption was issued at the end of September. The amount of pesticide used in both the crisis and the specific exemption did not exceed the amount authorized under the specific exemption.

Carbaryl and trichlorfon are registered by EPA for control of the Fall Armyworm on Coastal Bermudagrass; however, the Applicant reported that neither carbaryl nor trichlorfon are providing adequate control. Without an effective pesticide, economic losses may run high. The Applicant stated that the price of Coastal Bermudagrass may reach \$100 per ton this winter. Armyworm infestations can result in the loss of one ton of hay per acre. Due to the drought conditions prevalent throughout the United States this year, there has been a shortage of hay; thus, the Applicant stated, livestock producers have had to pay high prices for this commodity. Further reduction in the hay supply caused by Armyworm damage would raise the price even higher. The Applicant also informed EPA that commercial processing plants had to be temporarily shut down in previous years because of shortage of raw Bermudagrass as a result of Armyworm infestation.

Up to 50,000 acres in the Coastal Plain and Piedmont counties of North Carolina may be treated, due to the unusually severe infestation of the Fall Armyworm in the Southeast. One application of methomyl is anticipated. However, if overlapping generations of this pest occur in certain fields, more than one application, at a dosage rate of 0.25 to 0.50 pound active ingredient per acre, may be needed. The Applicant estimated that no more than 25,000 pounds active ingredient will be used. Applications of methomyl will be made by State-licensed commercial applicators or certified private applicators either with air or ground equipment.

Since the treated grass and subsequent dehydrated grass is used as animal feed and since residues of methomyl are not expected to occur in meat, milk, poultry, and eggs, the public health will not be jeopardized through the use of this pesticide. Further, we have consulted with the Fish and Wildlife Service, U.S. Department of the Interior, and have determined that the proposed use of methomyl does not pose a threat to an endangered species. However, methomyl is toxic to fish and wildlife, and precau-

tion should be taken to avoid drift to nontarget areas.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of fall armyworms has occurred; (b) there is no pesticide presently registered and available for use to control the fall armyworm in North Carolina; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the fall armyworms are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until October 15, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Insecticidal products such as Lannate L or Nudrin, containing the active ingredient methomyl (S-methyl N-[(methylcarbamoyl) oxylthioacetimidate], may be used at a dosage rate of 0.25 to 0.50 pound a.i. methomyl/acre. Up to 25,000 pounds a.i. are authorized;
2. Applications may be made by ground or air by either certified private applicators or by State-licensed commercial applicators;
3. There must be a waiting period of 7 days before grazing animals on treated grass and a preharvest interval of 7 days for cutting hay that is to be air-dried, and 7 days for grass that is to be dehydrated and processed into meal and pellets;
4. Green grass, with residue levels of methomyl not exceeding 5 ppm, and cured hay, or ground or pelletized meal with residue levels of methomyl not exceeding 10 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action.
5. Methomyl is toxic to fish and wildlife. All precautions must be taken to avoid drift to nontarget areas;
6. The Applicant is responsible for insuring that all of the provisions of this specific exemption are met and must submit a report summarizing the result of this program by October 1978; and
7. The EPA shall be immediately informed of any adverse effects resulting from the use of methomyl in connection with this exemption.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.)

Dated: November 30, 1977.

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

[FR Doc. 77-35031 Filed 12-6-77; 8:45 am]

[6560-01]

[FRL 826-2; OPP-30000/21A]

REBUTTABLE PRESUMPTION AGAINST REGISTRATION AND CONTINUED REGISTRATION OF CERTAIN PESTICIDE PRODUCTS CONTAINING MALEIC HYDRAZIDE

Extension of Period for Submission of Rebuttal Evidence and Comments

On October 19, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient maleic hydrazide. This notice was published in the FEDERAL REGISTER on October 28, 1977 (42 FR 56920). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted [40 CFR 162.11(a)(1)(i)].

A request for an additional 60 days in which to present evidence to the Agency has been received from one of the major registrants who was affected by the notice of presumption. The requester has specified a need for additional time to collect, review, collate and assemble necessary data and other information in order to adequately rebut and respond to this notice.

The Agency agrees that additional time would be beneficial for the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown, all registrants, applicants for registration, and other interested persons shall have until February 13, 1978, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/21A". Comments and information received on or before February 13, 1978, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after February 13, 1978, shall be considered only to the extent feasible consistent with the time limits imposed by 40

CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Reviews, room 447, East Tower, during the same time period.

Dated: November 30, 1977.

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

[FR Doc. 77-35028 Filed 12-6-77; 8:45 am]

[6560-01]

[FRL 825-8; OPP-30000/17A]

REBUTTABLE PRESUMPTION AGAINST REGISTRATION AND CONTINUED REGISTRATION OF CERTAIN PESTICIDE PRODUCTS CONTAINING PENTACHLORONITROBENZENE

Extension of Period for Submission of rebuttal Evidence and Comments

On October 13, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient Pentachloronitrobenzene (PCNB). This notice was published in the FEDERAL REGISTER on October 20, 1977 (42 FR 56072). The regulations governing rebuttable presumptions provide that the applicant or registrants of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumptions. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted (40 CFR 162.11(a)(1)(i)).

Requests for an additional 60 days in which to present evidence to the Agency have been received. These requests have specified a need for additional time to review a National Cancer Institute Carcinogen study on PCNB due to be released after December 5, 1977; and adequate time to contact universities, government agencies, research institutions and consumers concerning data on PCNB benefits and toxicology.

The Agency agrees that additional time would be beneficial to ensure the submission of a complete and accurate response to the notice of presumption. Therefore, because good cause has been shown, interested persons shall have until February 6, 1978 to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register

Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in them. All comments should bear the identifying notation "OPP-30000/17A." Comments and information received on or before February 6, 1978 shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 135(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after February 6, 1978, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4:30 p.m. on normal business day. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Review, Room 447, East Tower, during the same time period.

Dated: December 1, 1977.

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

[FR Doc. 77-35030 Filed 12-6-77; 8:45 am]

[6560-01]

[FRL 827-2; OPP-240001A]

STATE OF NEW MEXICO

Approval of Amendment of Request for Interim Certification To Register Pesticides To Meet "Special Local Needs"

Pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.), the State of New Mexico submitted to the Environmental Protection Agency (EPA) a request for Interim Certification to register pesticides for special local needs (Request), which was subsequently approved on October 10, 1975. Notice of approval of this Request was published in the FEDERAL REGISTER on December 10, 1975 (40 FR 57482). This initial request sought authority to amend EPA registrations which do not involve "changed use patterns," as that term is defined in section 162.152(c) of the proposed regulations as they were published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40538).

On August 30, 1977, the State of New Mexico sought to amend its request to include authority to register "new products," as that term is de-

defined in section 162.152(g) of the proposed regulations, and to amend EPA registrations which involve changed use patterns. This Agency has found that the specific requirements of the Interim Certification program are satisfied in the request, in that New Mexico's registration program provides for both efficacy determination and product hazard review.

Accordingly, notice is hereby given that the Administrator, EPA, has approved the amendment from the State of New Mexico for Interim Certification. The State agency designated responsible for issuance of such registrations, the New Mexico Department of Agriculture, was notified on October 7, 1977, that the amendment to its Request had been approved.

Copies of the amendment to the Request for Interim Certification from New Mexico, along with the letter reflecting the Agency's decision to approve the amendment, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 1201 Elm Street, 1st International Building, Dallas, Tex. 75270.

Dated: December 2, 1977.

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

[FR Doc. 77-35036 Filed 12-6-77; 8:45 am]

[6560-01]

[FRL 826-8]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on October 18, 1977, the Environmental Protection Agency received an application from the Bendix Corp., Lewisburg, W. Va., to determine if its model 8303 Sulfur analyzer should be designated by the Administrator of the EPA as a reference or equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

STEPHEN J. GAGE,
Acting Assistant Administrator
for Research and Development.

DECEMBER 2, 1977.

[FR Doc. 77-35034 Filed 12-6-77; 8:45 am]

[6712-01]

**FEDERAL COMMUNICATIONS
COMMISSION**

[Docket No. 21417]

**AMERICAN TELEPHONE AND TELEGRAPH CO.
LONG LINES DEPARTMENT**

Memorandum Opinion and Order (Initiating
Inquiry); Extension of Time

Adopted: November 25, 1977.

Released: November 25, 1977.

In the matter of American Telephone and Telegraph Co. Long Lines Department, Revisions of Tariff FCC No. 260, Private Line Services, Series 1000 (Telegraph), Docket No. 21417.

1. For consideration is a "Motion for Extension of Time" filed by the American Telephone and Telegraph Co. (AT&T), which requests an extension of time from November 27, 1977, until December 15, 1977, in which to submit certain cost information requested by the Commission in its October 21, 1977 Order herein, FCC 77-691 at para. 13. AT&T states that it desires the extension of time so that it may file the most current data available and obviate the need for updating older data.¹ Good cause having been shown, the request will be granted. Delegated authority to the Chief, Common Carrier Bureau to so order is contained in § 0.303(c) of the Commission's rules and regulations, 47 CFR 0.303(c).

2. Accordingly, it is ordered, That the "Motion for Extension of Time" filed by AT&T is hereby granted.

For the Federal Communications Commission.

WALTER R. HINCHMAN,
Chief,
Common Carrier Bureau.

[FR Doc. 77-35017 Filed 12-6-77; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[No. AC-45]

**VIRGINIA MUTUAL SAVINGS AND LOAN
ASSOCIATION, PETERSBURG, VA.**

Approval of Conversion; Final Action

DECEMBER 2, 1977.

Notice is hereby given that on November 30, 1977, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corp., by Resolution No. 77-707, approved the application of Virginia Mutual Savings and Loan Association, Petersburg, Va., for permission to convert to the stock form of organization. Copies of the application are

¹See 42 FR 56793, October 28, 1977.

available for inspection at the Office of the Secretary of said Corporation, 320 First Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of said corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street NW., Atlanta, Ga. 30303.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 77-34987 Filed 12-6-77; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review staff, GAO, on November 28, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received, the name of the agency sponsoring the proposed collection of information, the agency form number, if applicable, and the frequency with which the information is proposed to be collected.

Written comments on the proposed OSM request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate), must be received on or before December 27, 1977, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

**OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT**

The OSM, Interior Department, is requesting clearance of a new Form OSM-705-1, Statement of Employment and Financial Interest (For Use by State Employees). This form will be required to be filed by State employees who will be performing functions or duties under Pub. L. 95-87, the Surface Mining Control and Reclamation Act of 1977. The information collected by the form will be maintained by the State Regulatory Authority subject to State law, and may be reviewed by appropriate officials of the OSM, Interior Department, to determine whether

a conflict of interest exists and what the proper remedial action should be. If the statement is provided to the OSM, Interior Department, the statement will be subject to the requirements of Federal law, including the Privacy Act of 1974, 5 U.S.C. 552a, as stated on the form. The OSM estimates potential respondents to be initially approximately 500 State employees, their spouses, minor children, or other relatives who are full-time residents of their immediate household, and that reporting time will average 30 minutes per annual response.

JOHN M. LOVELADY,
Assistant Director,
Regulatory Reports Review.

[FR Doc. 77-34972 Filed 12-6-77; 8:45 am]

[1610-01]

REGULATORY REPORTS REVIEW

Receipt and Approval of Report Proposal

A request for clearance of a proposed report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on November 21, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice is to inform the public of such receipt and the action taken by GAO.

INTERSTATE COMMERCE COMMISSION

The Interstate Commerce Commission (ICC), requested emergency clearance of Statistical Series Circular No. 450, Additions and Betterments—Supplemental Data. This form will collect information which provides a useful index for present and future activities in the capital market and business in general. The Department of Commerce, the Council of Economic Advisers, the Federal Reserve System, and the Treasury Department will use this information to varying degrees in their policymaking activities. In addition, this information is regularly published in the "Survey of Current Business" and will be used by the Council of Economic Advisers as they prepare the Economic Report of the President.

The ICC uses this voluntary form to collect information from railroads, motor carriers, water carriers, and pipelines. The ICC sponsors this information collection because it is, by statute, responsible for the economic regulation of surface transportation carriers operating in interstate and foreign commerce.

The form submitted for clearance is an extension without change of an identical form which has been used for several years. Emergency clearance was requested for this form because the information must be received from carriers by December 15, 1977. This deadline was set so that the information could be analyzed and incorporated

ed in the Economic Report of the President, which will be presented in January 1978, and other economic policy documents. The absence of this information would reduce the quality of these reports and could produce errors in economic policy actions. The form was not submitted for a normal clearance because of a misunderstanding between the sponsoring agency, ICC, and the primary user, the Department of Commerce.

Approximately 1,500 companies—60 Class I line-haul railroads, 1,250 motor carriers, 100 pipelines, and 75 water carriers—will be asked to respond on a voluntary basis. The ICC estimates that 30 minutes is required per response and, therefore, the total compliance burden will be 750 hours.

The GAO granted clearance for this form on November 23, 1977, under number B-180230 (R0489). This clearance will expire on September 30, 1978. If the ICC and the Department of Commerce intend to continue using this form, they must submit it to GAO for a normal clearance before this expiration date.

JOHN M. LOVELADY,
Assistant Director,
Regulatory Reports Review.

[FR Doc. 77-34973 Filed 12-6-77; 8:45 am]

[6820-25]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 45; Formal Case No.
RPU 77-211]

IOWA STATE COMMERCE COMMISSION, NORTHWESTERN BELL CO.

Proposed Intervention In Rate Increase Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Iowa State Commerce Commission concerning an application for an increase in its tariffed rates for intrastate telecommunications service. The Administrator of General Services represents the interests of the executive agencies of the U.S. Government, as users of utility services.

Persons desiring to make inquiries concerning this case to GSA 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, 202-566-0750, on or before January 6, 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. 210(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)).)

Dated: November 22, 1977.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 77-35005 Filed 12-6-77; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
[AA-6674-A]

ALASKA

Alaska Native Claims Selection

On September 10, 1974 the Karluk Native Corp., for the native village of Karluk, filed selection application AA-6674-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 the surface estate of certain lands in the Karluk area, including lands within the Kodiak National Wildlife Refuge (Public Land Order (PLO) 1634).

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

This decision approves approximately 49,034 acres of national wildlife refuge lands for conveyance to the Karluk Native Corp., for a cumulative total of approximately 49,034 acres. This does not exceed the 69,120 acres permitted under section 12(a)(1).

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a), aggregating approximately 83,767 acres, is considered proper for acquisition by the Karluk Native Corp., and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

LANDS WITHIN THE KODIAK NATIONAL WILDLIFE REFUGE (PLO 1634)

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 30 S., R. 30 W.

Secs. 19 and 30, all.
Containing approximately 1,238 acres.

T. 29 S., R. 31 W.

Sec. 14 (fractional), that portion within PLO 1634;
Secs. 23, 26, and 35, those portions within PLO 1634.
Containing approximately 705 acres.

T. 30 S., R. 31 W.

Secs. 2 and 11, those portions within PLO 1634;
Sec. 13, all;
Secs. 14 and 23, those portions within PLO 1634;

Secs. 24 and 25, all;
Sec. 29, that portion within PLO 1634;
Sec. 36, all.
Containing approximately 3,400 acres.

T. 31 S., R. 31 W.

Sec. 1, all.
Containing approximately 640 acres.

T. 30 S., R. 32 W.

Secs. 25 to 30, inclusive, those portions within PLO 1634;
Sec. 31, excluding Native allotment AA-7308, Parcel A;
Secs. 32 to 36, inclusive, all.
Containing approximately 3,920 acres.

T. 31 S., R. 32 W.

Secs. 1, 2, and 3, all;
Secs. 6 and 7, all;
Secs. 18 and 19, all;
Secs. 30 and 31, all.
Containing approximately 5,679 acres.

T. 32 S., R. 32 W.

Secs. 5 to 9, inclusive, all;
Sec. 11, all;
Secs. 14 to 17, inclusive, all.
Containing approximately 6,385 acres.

T. 30 S., R. 33 W.

Secs. 25 and 26 (fractional), those portions within PLO 1634;
Sec. 34 (fractional), all;
Sec. 35 (fractional), excluding U.S. Survey 1951 and Native allotments AA-7312 and AA-7314;
Sec. 36 (fractional), excluding Native allotments AA-7308, Parcel B, AA-7310, AA-7311, and AA-7312.
Containing approximately 300 acres.

T. 31 S., R. 33 W.

Sec. 1 (fractional), excluding Native allotment AA-7313;
Sec. 2 (fractional), excluding Native allotments AA-7309, AA-7313, and AA-7314;
Sec. 11, excluding Native allotment AA-7320;
Sec. 12 (fractional), excluding Native allotments AA-7315 and AA-7320;
Secs. 13 to 17, inclusive, all;
Sec. 18 (fractional), excluding U.S. Survey 1971;
Sec. 19 (fractional), all;
Secs. 20 to 25, inclusive, all;
Secs. 27, 28, and 29, all;
Sec. 30 (fractional), excluding Native allotment AA-7103;
Sec. 31 (fractional), all;
Secs. 32, 33, and 34, all;
Sec. 36, all.
Containing approximately 14,728 acres.

T. 32 S., R. 33 W.

Sec. 1, all;
Secs. 4 to 8, inclusive, all;
Secs. 17 to 20, inclusive, all.
Containing approximately 6,376 acres.

T. 31 S., R. 34 W.

Sec. 24 (fractional), all;
Sec. 25 (fractional), excluding U.S. Survey 1970 and Native allotment AA-7103.
Containing approximately 53 acres.

T. 32 S., R. 34 W.

Secs. 10 and 11 (fractional), all;
Secs. 12 and 13, all;
Sec. 14 (fractional), excluding Native allotment AA-7247;
Sec. 23 (fractional), excluding Native allotments AA-7246 and AA-7247;
Secs. 24, 25, and 26, all;
Sec. 27 (fractional), excluding Native allotment AA-7244;
Secs. 29 and 31 (fractional), all;
Sec. 32 (fractional), excluding U.S. Survey 2311 and Native allotment AA-7245;

Sec. 33 (fractional), excluding U.S. Survey 2304 and Native allotment AA-7245;
 Sec. 34 (fractional), excluding Native allotment AA-7244;
 Sec. 35 (fractional), all.
 Containing approximately 5,610 acres. Aggregated acreage within PLO 1634, approximately 49,034 acres.

LANDS OUTSIDE THE KODIAK NATIONAL WILDLIFE REFUGE (PLO 1634)

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 29 S., R. 31 W.

Sec. 14 (fractional), that portion outside PLO 1634, excluding U.S. survey 1695;
 Secs. 15, 20, 21, and 22 (fractional), all;
 Secs. 23 and 26, those portions outside PLO 1634;
 Sec. 27, all;
 Sec. 28 (fractional), excluding U.S. Survey 1692;
 Secs. 29 and 30 (fractional), all;
 Secs. 31 to 34, inclusive, all;
 Sec. 35, that portion outside PLO 1634.
 Containing approximately 7,046 acres.

T. 30 S., R. 31 W.

Sec. 2, that portion outside PLO 1634;
 Secs. 3 to 10, inclusive, all;
 Secs. 11 and 14, those portions outside PLO 1634;
 Secs. 15 to 22, inclusive, all;
 Secs. 23 and 29, those portions outside PLO 1634.
 Containing approximately 12,504 acres.

T. 29 S., R. 32 W.

Sec. 25 (fractional), excluding U.S. Survey 152, U.S. Survey 1691, and ANCSA 3(e) application AA-14633;
 Sec. 34 (fractional), all;
 Sec. 35 (fractional), excluding U.S. Survey 1882;
 Sec. 36 (fractional), excluding U.S. Survey 152 and U.S. Survey 153.
 Containing approximately 787 acres.

T. 30 S., R. 32 W.

Secs. 1 and 2, all;
 Sec. 3 (fractional), excluding U.S. Survey 154, U.S. Survey 1455, and U.S. Survey 1731;
 Sec. 9 (fractional), excluding U.S. Survey 427;
 Sec. 10 (fractional), excluding U.S. Survey 154 and U.S. Survey 1881;
 Secs. 11 to 15, inclusive, all;
 Sec. 16 (fractional), all;
 Sec. 17 (fractional), excluding U.S. Survey 24, U.S. Survey 40, U.S. Survey 82, U.S. Survey 162, U.S. Survey 469, Tracts A and B, U.S. Survey 1454 and U.S. Survey 2030;
 Sec. 18 (fractional), excluding U.S. Survey 77 and U.S. Survey 425;
 Sec. 19, excluding U.S. Survey 77;
 Sec. 20 (fractional), excluding U.S. Survey 162 and U.S. Survey 2006;
 Sec. 21 (fractional), all;
 Sec. 22 (fractional), excluding U.S. Survey 362;
 Secs. 23 and 24, all;
 Secs. 25 to 30, inclusive, those portions outside PLO 1634.
 Containing approximately 12,937 acres.

T. 30 S., R. 33 W.

Sec. 13 (fractional), excluding U.S. Survey 77, U.S. Survey 425, U.S. Survey 1691, and U.S. Survey 1950;
 Sec. 14 (fractional), excluding U.S. Survey 1891;
 Sec. 24 (fractional), all;

Sec. 25 (fractional), that portion outside PLO 1634, excluding U.S. Survey 1949;
 Sec. 26 (fractional), that portion outside PLO 1634, excluding U.S. Survey 1949.
 Containing approximately 1,459 acres. Aggregated acreage outside PLO 1634, approximately 34,733 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, as prescribed and directed by the act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act March 12, 1914, 38 Stat. 305, 43 U.S.C. 975d;

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)(Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file AA-6674-EE, are reserved to the United States and subject to further regulation thereby:

(a) (EIN 3 C5, D9) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

(b) (EIN 6 L) A two and one-half (2½) acre site easement upland of the mean high tide line in section 22, T. 30 S., R. 32 W., Seward Meridian, on the north shore of Karluk Lagoon. The site is for camping, staging, and vehicle use.

(c) (EIN 7 D9) An easement for an existing access trail twenty-five (25)

feet in width from the village of Karluk easterly along the north bank of Karluk Lagoon to the shore of the Karluk River in section 24, T. 30 S., R. 32 W., Seward Meridian. Usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(d) (EIN 8 C1, C6, D9, L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the Karluk River beginning from marine tidal influence at the outlet of the river upstream through the selected lands to Karluk Lake. Purpose is to provide for public use of waters having highly significant present recreational use.

(e) (EIN 11 D9) An easement for an existing access trail twenty-five (25) feet in width from site EIN 13b C6, D9, L in Larsen Bay's selection at the portage on the Karluk River southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(f) (EIN 12 C6, D9, L) An easement for an existing access trail twenty-five (25) feet in width from the head of Larsen Bay westerly to the Karluk River. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(g) (EIN 13a, C6, D9, L) A site easement upland of the ordinary high water mark in sections 30 and 31, T. 30 S., R. 30 W., Seward Meridian, on the right bank of the Karluk River at the portage area. The site is ten (10) acres in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

(h) (EIN 13b, C6, D9, L) A site easement upland of the ordinary high water mark in sections 30 and 31, T. 30 S., R. 30 W., Seward Meridian on the left bank of the Karluk River. The site is two and one-half (2½) acres in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

(i) (EIN 24 D9) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the Sturgeon River from the outlet upstream to the southern border of section 13, T. 31 S., R. 33 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.

(j) (EIN 26 D9) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 29 C4 on the Sturgeon River easterly along an unnamed creek to public lands. The

usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(k) (EIN 29 C4) A one (1) acre site easement upland of the mean high tide line in section 12, T. 31 S., R. 33 W., Seward Meridian, on the east side of Sturgeon Lagoon at the head of trail EIN 26 D9. The site is for camping, staging, and vehicle use.

(l) (EIN 30 C4) A site easement upland of the ordinary high water mark in section 15, T. 30 S., R. 31 W., Seward Meridian, on an island in the Karluk River. The site is to encompass the entire island with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping and vehicle use.

(m) (EIN 32 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.

(n) (EIN 33 D1) An easement for a proposed access trail twenty-five (25) feet in width from the Karluk River in the southeast ¼ of section 20, T. 30 S., R. 31 W., Seward Meridian, southeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(o) (EIN 34 D1) An easement for a proposed access trail twenty-five (25) feet in width from the Karluk River in the southwest ¼ of section 20, T. 30 S., R. 31 W., Seward Meridian, southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(p) (EIN 35 C4) An easement for a proposed access trail twenty-five (25) feet in width from the bank of the Sturgeon River in section 14, T. 31 S., R. 33 W., Seward Meridian, southerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation. The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Requirements of section 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;

4. Requirements of section 22(g) of the Alaska Native Claims Settlement Act (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g) (Supp. V, 1975)) that (a) the portion of the above-described lands, which has been withdrawn by PLO 1634, on May 9, 1958, and is now a part of the Kodiak National Wildlife Refuge, remains subject to the laws and regulations governing use and development of such Refuge, and that (b) the United States reserve from the conveyance the right of first refusal if the said portion of land in such Refuge, or any part thereof, is ever sold by the above-named corporation; and

5. The terms and conditions of the agreement dated November 12, 1976, between the Secretary of the Interior, Koniag, Inc., the Karluk Native Corp., and other Koniag village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for the Karluk Native Corp., serialized AA-6674-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

The Karluk Native Corp. is entitled to conveyance of 92,160 acres of land selected pursuant to section 12(a) of the Alaska Native Claims Settlement Act; to date, 83,767 acres of this entitlement have been approved by conveyance. The remaining entitlement will be conveyed at a later date. Conveyance to the subsurface estate of the lands described above, excluding those lands which have been withdrawn by PLO 1634 and which are reserved thereby as a national wildlife refuge, will be granted to Koniag, Inc., at the same time conveyance is granted to the Karluk Native Corp. for the surface estate and shall be subject to the same conditions as the surface conveyance. Section 12(a)(1) provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by section 11(a) within the region.

There are no inland water bodies considered to be navigable within the lands 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 and in the Kodiak Mirror. 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, Anchorage, Alaska 99501, 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 _____ to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If the Karluk Native Corp. or Koniag, Inc., objects to any easement which is identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a petition for reconsideration must be filed within 30 days from receipt of service with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501. 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.

If an appeal is taken, the adverse parties to be served with a copy of the notice of appeal are:

The Karluk Native Corp., c/o P.O. Box 746, Kodiak, Alaska 99615.

Koniag, Inc., P.O. Box 746, Kodiak, Alaska 99615.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 77-34842 Filed 12-6-77; 8:45 am]

[4310-84]

Bureau of Land Management

[C-26085, C-26085-A]

COLORADO

Pipeline Application: Northwest Pipeline Corp.

NOVEMBER 29, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a 4½-inch lateral natural gas gathering pipeline totaling approximately 11 miles in length across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

R/W No. 77404 Trunk A

T. 2 N., R. 97 W.

Sec. 4: S½;
Sec. 8: NW¼, E½;
Sec. 9: NW¼;
Sec. 17: All;
Sec. 18: W½SE¼; and
Sec. 19: NW¼.

R/W No. 77490 Trunk B

T. 2 N., R. 97 W.

Sec. 19: E½, NW¼.

T. 2 N., R. 98 W.

Sec. 9: E½;
Sec. 10: N½, SW¼SW¼, NE¼SE¼;
Sec. 11: SW¼, W½SE¼;
Sec. 13: W½, W½SE¼;
Sec. 14: NE¼, E½SE¼; and
Sec. 15: NW¼.

The proposed facility is to be the White River Dome Gathering System. It will enable the applicant to increase its natural gas gathering and transportation systems and thereby meet the demands of its customers.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant, Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202,

as promptly as possible after publication of the notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 77-34934 Filed 12-6-77; 8:45 am]

[4310-84]

[C-25379-C, C-22771-J]

COLORADO

Pipeline Application: Northwest Pipeline Corp.

NOVEMBER 29, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a 4½-inch lateral natural gas gathering pipeline totaling approximately 0.055 of a mile in length the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 4 S., R. 101 W.

Sec. 1: NE¼NE¼; and
Sec. 24: NE¼SW¼.

The proposed facilities are parts of the Trail Canyon Gathering System. They will enable the applicant to increase its natural gas gathering and transportation systems and thereby meet the demands of its customers.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of the notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 77-34935 Filed 12-6-77; 8:45 am]

[4310-84]

[C-24276-E, C-25136-A, C-093629-B]

COLORADO

Pipeline Application: Western Slope Gas Co.

NOVEMBER 29, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Co., P.O. Box 840, Denver, Colo. 80201, has applied for a right-of-way for 4-inch natural gas gathering pipelines totaling approximately 3.23 miles in length across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 2 S., R. 101 W.

Sec. 16: S½, SW¼NW¼;
Sec. 17: E½E½;
Sec. 21: NE¼;
Sec. 28: W½SW¼;
Sec. 29: NE¼, S½;
Sec. 32: N½SE¼; and
Sec. 33: N½SW¼.

The proposed facilities are to be parts of the West Douglas Natural Gas Gathering System. They will enable the applicant to increase its natural gas gathering and transportation systems and thereby meet the demands of its customers.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of the notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 77-34936 Filed 12-6-77; 8:45 am]

[4310-84]

[INM 32205]

NEW MEXICO

Application

NOVEMBER 28, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co., has applied for one 8½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 29 N., R. 8 W.

Sec. 15, SE¼SW¼;

Sec. 22, W¼NE¼, NE¼NW¼, N¼SE¼ and SE¼SE¼;

Sec. 23, S¼SW¼;

Sec. 25, SW¼NW¼, W¼SW¼, SE¼SW¼ and S¼SE¼;

Sec. 26, N¼NE¼, SE¼NE¼ and NE¼NW¼.

This pipeline will convey natural gas across 3.351 miles of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of

Lands and Minerals Operations.

[FR Doc. 77-34937 Filed 12-6-77; 8:45 am]

[4310-84]

[INM 32209]

NEW MEXICO

Application

NOVEMBER 25, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corp. has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 25 N., R. 10 W.

Sec. 14, NE¼SE¼.

This cathodic protection station will be used for natural gas operations across 0.063 of a mile of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will

be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of

Lands and Minerals Operations.

[FR Doc. 77-34938 Filed 12-6-77; 8:45 am]

[4310-84]

PACIFIC OUTER CONTINENTAL SHELF

Availability of Official Protraction Diagram

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Pacific Outer Continental Shelf, availability of Official Protraction Diagram.

ADDRESS: 300 North Los Angeles Street, Los Angeles, Calif. 90012.

FOR FURTHER INFORMATION CONTACT:

William E. Grant, 213-688-7234.

Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagram approved on the date indicated, is available, for information only, in the Pacific Outer Continental Shelf Office, Bureau of Land Management, Los Angeles, Calif. In accordance with title 43, Code of Federal Regulations, this protraction diagram is the basic record for the description of mineral and oil and gas lease offers in the geographic area it represents.

OUTER CONTINENTAL SHELF OFFICIAL
PROTRACTOR DIAGRAM

Description and Approval Date

NI 11-10, San Clemente, revised, September 27, 1977.

Copies of this diagram are for sale at two dollars (\$2) per copy by the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 300 North Los Angeles Street, room 7127, Los Angeles, Calif. 90012. Checks or money orders should be made payable to the Bureau of Land Management.

MERLIN I. CARTER,
Acting Manager, Pacific Outer
Continental Shelf Office.

[FR Doc. 77-34964 Filed 12-6-77; 8:45 am]

[4310-10]

Office of the Secretary

[Order No. 3015]

DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF
AUDIT AND INVESTIGATION

Delegation of Authority to Administer Oaths
and Take Depositions

SEC. 1. *Purpose.* The purpose of this order is to extend the authority of 43 U.S.C. 1466 (to administer oaths and to take affidavits or depositions) to the Director and Deputy Director of the Office of Audit and Investigation, since the functional responsibility for investigative activities is under the direct control of these two employees and occasions arise where it is necessary for them to be personally involved in investigations.

SEC. 2. *Authority.* This order is issued in accordance with the authority provided under Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

SEC. 3. *Delegation.* Authority is hereby delegated to the Director and Deputy Director, Office of Audit and Investigation, to administer to or take from any person an oath, affirmation, or affidavit or deposition, whenever necessary in the performance of their official duties.

SEC. 4. *Effective Date.* This order is effective immediately. Its provisions shall remain in effect until amended, superseded or revoked, whichever occurs first. However, in the absence of the foregoing actions the provisions of this order shall terminate and be considered obsolete on June 30, 1978.

Dated: November 25, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc. 77-34939 Filed 12-6-77; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULES I
AND II

Establishment Of An Interim 1978 Aggregate
Production Quota For Phenmetrazine

Section 306 of the Controlled Substances Act (21 U.S.C. 826), requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On October 19, 1977, a notice of the proposed aggregate production quotas for Schedule I and II controlled substances for 1978 was published in the FEDERAL REGISTER (42 FR 55852-53).

All interested parties were invited to comment or object to the proposed aggregate production quotas on or before November 21, 1977.

The attorneys representing Western Fher Laboratories of Puerto Rico, Ciba-Geigy Corp., of Summit, N.J. and Boehringer Ingelheim Ltd. of Elmsford, N.Y. (the companies), submitted comments and a request for hearing relative to the proposed aggregate production quota for phenmetrazine, stating that the proposed quota is inadequate to provide sufficient material to meet 1978 legitimate medical needs for this substance.

In their comments, the attorneys for the companies proposed that increased quota authorizations be granted for phenmetrazine which will serve as reserve stock pending resolution of the 1977 phenmetrazine quota proceedings (Docket No. 77-19), the results of which will most likely influence the derivation of the 1978 quota. In order for the companies to be able to obtain sufficient phenmetrazine in 1978 in the event that they prevail in the 1977 phenmetrazine quota proceedings, the attorneys for the companies propose that the companies be permitted sufficient inventory allowance and an adequate procurement quota so that meaningful revisions of the 1978 quotas could take place at a later time.

DEA has reviewed in great detail the comments and proposal submitted by the attorneys for the companies and agrees to the proposal with the stipulations as set forth hereafter. At this time, DEA has decided that it would be inappropriate for DEA to finalize a 1978 quota for phenmetrazine pending final resolution of the 1977 phenmetrazine quota proceedings, which could directly affect the manner in which the final 1978 quota for this substance is calculated.

To provide for the ongoing manufacture and needs of the United States for phenmetrazine pending a time when a final quota can be calculated, DEA is hereby establishing an interim 1978 aggregate production quota. This interim quota will, by agreement between DEA and the companies in this matter, have the following stipulations attached to its issuance:

(1) The dosage form manufacturer holding the procurement quota will agree to transfer in 1978 to the primary distributor of phenmetrazine (as Preludin), an amount of phenmetrazine no greater than that amount which the primary distributor has estimated that it will distribute in 1977.

(2) All quantities of inventory on hand at the dosage form manufacturer of this product in excess of the quantity transferred in line with stipulation number one, will be held under seal and must not be transferred to the primary distributor until such time that written authorization is provided by DEA for the release of the seal placed on the material.

Therefore, given the acceptance of the above stated stipulations, under

the authority vested in the Attorney General by Section 306 of the Controlled Substances Act (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by §0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that an interim aggregate production quota for phenmetrazine, expressed in grams of anhydrous base, be established as follows:

Basic Class and Interim 1978 Quota

Phenmetrazine, 5,585,000.

This order is effective December 7, 1977.

Dated: December 2, 1977.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.

[FR Doc. 77-34843 Filed 12-6-77; 8:45 am]

[6820-35]

LEGAL SERVICES CORPORATION

Grants and Contracts

DECEMBER 2, 1977.

The Legal Services Corp. was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996L. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Legal Services Corporation of Iowa, Des Moines, Iowa to serve Linn, Benton, Muscatine, Webster, Boone, Hamilton, Humboldt, Calhoun, Wright, Jasper, Story, Cerro Gordo, Floyd, Butler, Franklin and Hancock Counties, Iowa.

2. Bootheel Area Legal Assistance Program, Caruthersville, Missouri to serve Dunklin, Mississippi, New Madrid, Pemiscott, Scott, Cape Girardeau, Stoddard and Butler Counties, Mo.

3. Legal Aid Society of Omaha, Omaha, Nebr., to serve Burt, Cuming, Dakota, Dixon, Stanton, Thurston and Wayne Counties, Nebr.

4. Panhandle Legal Services, Scottsbluff, Nebr. to serve Cheyenne, Garden, Deuel, Grant, Arthur, Keith, Hooker, McPherson, Thomas, Logan, Lincoln, Dawson, Buffalo and Hall Counties, Nebr.

5. Black Hills Legal Services, Rapid City, South Dakota to serve Butte,

Lawrence, Meade, Custer and Fall River Counties, S. Dak.

6. Legal Services of Northeastern Wisconsin, Green Bay, Wis., to serve Outagamie and Manitowoc Counties, Wis.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corp., Chicago Regional Office, 310 South Michigan Avenue, 24th floor, Chicago, Ill. 60604.

THOMAS EHRLICH,
President.

[FR Doc. 77-34977 Filed 12-6-77; 8:45 am]

[6820-35]

GRANTS AND CONTRACTS

DECEMBER 2, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996L. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Legal Aid Society of Madison County, Huntsville, Ala., to serve Limestone and Morgan Counties, Ala.

2. Legal Aid Society of Broward County, Ft. Lauderdale, Fla., to serve Broward County, Fla.

3. Greater Orlando Area Legal Services, Orlando, Fla., to serve Orange County, Fla.

4. Legal Services of North Florida, Tallahassee, Fla., to serve Jefferson, Wakulla, Gadsden, Liberty, Franklin, Gulf, and Calhoun Counties, Fla.

5. Northern Kentucky Legal Services, Covington, Ky., to serve Carroll, Galatin, Grant, Owen, and Pendleton Counties, Ky.

6. Northeast Kentucky Legal Services, Morehead, Ky., to serve Bracken, Mason, Nicholas, and Robertson Counties, Ky.

7. North Louisiana Legal Assistance Corp., Monroe, La., to serve Franklin and East Carroll Counties, La.

8. Legal Aid Service Agency, Columbia, S.C., to serve Sumter, Newberry, and Fairfield Counties, S.C.

9. Neighborhood Legal Assistance Program in Charleston, S.C., to serve Berkeley and Dorchester Counties, S.C.

10. Legal Services Agency of Greenville County in Greenville, S.C., to serve Anderson, Oconee, and Pickens Counties, S.C.,

11. Spartanburg County Legal Aid Society in Spartanburg, S.C., to serve Spartanburg, Union, and Cherokee Counties, S.C.

12. University of Tennessee Legal Aid Clinic in Knoxville, Tenn., to serve Blount, Loudon, and Sevier Counties, Tenn.

13. Legal Services of Nashville and Middle Tennessee in Nashville, Tenn., to serve Cheatham, Robertson, and Williamson Counties, Tenn.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the regional office of the Legal Services Corporation at:

Legal Services Corporation
Atlanta Regional Office
615 Peachtree Street NE, 9th Floor
Atlanta, Ga. 30308

THOMAS EHRLICH,
President.

[FR Doc. 77-34978 Filed 12-6-77; 8:45 am]

[6820-35]

GRANTS AND CONTRACTS

DECEMBER 2, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996L. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Virginia Legal Aid Society in Richmond, Va., to serve Greensville, Brunswick, Sussex, Dinwiddie, Mecklenburg, Halifax, Lunenburg, Prince Edward, Nottaway, Amelia, Buckingham, Cumberland, Charlotte, Campbell, Appomattox, Pittsylvania, Henry, and Patrick counties, and the cities of Danville, Emporia, Lynchburg, Martinsville, and South Boston.

2. Neighborhood Legal Aid Society, Inc. in Richmond, Va., to serve the counties of New Kent, Charles City, Goochland, Powhatan, and Prince George, and the city of Petersburg.

3. Legal Aid Society of Roanoke Valley in Roanoke, Va., to serve the counties of Franklin and Alleghany, and the cities of Covington and Clifton Forge.

4. Upper Peninsula Legal Services in Sault Ste Marie, Mich., to serve Grand Traverse and Kalkaska counties.

5. Legal Services of Eastern Michigan in Flint, Mich., to serve Tuscola county.

6. Washtenaw County Legal Aid Society in Ann Arbor, Mich., to serve Monroe, Lenawee, and Jackson counties.

7. Legal Services of Western Michigan in Grand Rapids, Mich., to serve Allegan and Ottawa counties.

8. Ohio State Legal Services Association in Columbus, Ohio, to serve Lawrence and Athens counties.

9. Legal Aid Society of Cleveland in Cleveland, Ohio, to serve Lake and Geauga counties.

10. Summit County Legal Aid Society in Akron, Ohio, to serve Portage county.

11. Mahoning County Legal Assistance Association in Youngstown, Ohio, to serve Trumbull county.

12. Advocates for Basic Legal Equality, Inc. in Toledo, Ohio, to serve Williams, Defiance, Paulding, Fulton, Henry, Wood, Hancock, Ottawa, Sandusky, Seneca, Erie, Huron, and Wyandot counties.

13. Allen County Legal Services Association in Lima, Ohio, to serve Van Wert, Mercer, Darke, Putnam, Auglaize, Shelby, Logan, and Hardin counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation
Northern Virginia Regional Office
1730 North Lynn Street, suite 600
Arlington, Va. 22209

THOMAS EHRLICH,
President.

[FR Doc. 77-34979 Filed 12-6-77; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR POLICY RESEARCH AND ANALYSIS AND SCIENCE RESOURCES STUDIES

Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of the Advisory Committee for Policy Research and Analysis and Science Resources Studies is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, National Science Foundation (NSF), by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Committee Management Secretariat, pursuant to the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Name of Committee: Advisory Committee for Policy Research and Analysis and Science Resources Studies.

Purpose: To provide advice, recommendations, and oversight concerning program emphases and directions of the Divisions of PRA and SRS, including research, data collection, and analyses, and support of related extramural activities.

Effective date of establishment and duration: The establishment of the Committee is effective upon filing the charter with the Director, NSF, and the standing committees of Congress having legislative jurisdiction of the NSF. The Committee will operate on a continuing basis contingent upon its renewal every two years.

Membership: Membership of the Committee shall be fairly balanced in the terms of the point of view represented and the Committee's functions. The Committee will consist of approximately 24 persons selected from the scientific community with specialization in diverse fields. A general understanding of the requirements for policymaking will be sought as well as competence in a specialized field. Members of the Committee will be chosen so as to be reasonably representative of subspecialty competence within policy research and analysis and science resources studies and the different types and sizes of institutions having research programs in those areas, of the sexes, of minority scientists, and of geographical regions in the United States.

Operation: The Committee will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), NSF policy and procedures, OMB Circular No. AS-63, Revised, and other directives and instructions issued in implementation of the Act.

RICHARD C. ATKINSON,
Director.

DECEMBER 12, 1977.

[FR Doc. 77-35039 Filed 12-6-77; 8:45 am]

[7555-01]

FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS

Meeting

The next meeting of the Federal Scientific and Technical Information Managers will be held on Wednesday, December 14, 1977, from 9:30 a.m.-12 noon, at the Library of Congress, Whittall Pavilion, 10 First Street SE., Washington, D.C. The theme of this meeting will be "Document Access: Where We Stand."

These meetings, sponsored by the National Science Foundation, provide a forum for the interchange of information concerning common problems and coordination in the areas of Federal scientific and technical information and communications.

These meetings are designed solely for the benefit of Federal employees and officers and do not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, this meeting is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER.

Any persons wishing to attend this meeting or requiring further informa-

tion should contact me, Division of Science Information, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5824.

LEE G. BURCHINAL,
Director, Division
of Science Information.

NOVEMBER 30, 1977.

[FR Doc. 77-35038 Filed 12-6-77; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Meeting

The ACRS Subcommittee on Reactor Safety Research will hold an open meeting on December 22, 1977, in room 1046, 1717 H Street NW., Washington, D.C. 20555.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff.

The agenda for subject meeting shall be as follows: Thursday, December 22, 1977, 8:30 a.m. until the conclusion of business.

The Subcommittee will continue preparation of a report on the Reactor Safety Research Program. It may be necessary to organize into working subgroups to prepare those portions of the report dealing with the following areas:

- Systems engineering and analysis development.
- Metallurgy, materials, and reactor fuel behavior.
- Site related safety research.
- Advanced reactor safety research.
- Safeguards, fuel cycle and environmental research.
- Risk assessment research.

Specific arrangements regarding the location and timing of these sessions will be announced during the course of the meeting.

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. Thomas G. McCreless, telephone 202-634-1374, between 8:15 a.m. and 5 p.m., e.s.t.

Dated: December 2, 1977.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 77-35051 Filed 12-6-77; 8:45 am]

[7590-01]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710), and sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Dairyland Power Cooperative

(LaCrosse Boiling Water Reactor) Provisional Operating License No. DPR-45.

This action is in reference to a notice published by the Commission on October 21, 1977, in the FEDERAL REGISTER (42 FR 56171), entitled "Proposed Issuance of Amendment to Provisional Operating License."

The Chairman of this Board and his address is as follows:

Ivan W. Smith, Esq., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The other members of the Board and their addresses are as follows:

Dr. George C. Anderson, Department of Oceanography, University of Washington, Seattle, Wash. 98195.

Mr. Lester Kornblith, Jr., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md., this 30th day of November 1977.

For the Atomic Safety and Licensing Board Panel.

JAMES R. YORE,
Chairman.

[FR Doc. 77-34923 Filed 12-6-77; 8:45 am]

[7590-01]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission), has issued Amendment No. 25 to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Co., which revised Technical Specifications

for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, N.J. The amendment is effective as of its date of issuance.

The amendment revises section 6.8, "Procedures", of the Technical Specifications in response to a request made by the NRC in a letter to the licensee dated October 22, 1974. Editorial corrections are also being made to Specifications 3.4, 3.5, 6.6, 6.7, and 6.8.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's Rules and Regulations. The Commission has made appropriate findings as required by the Act and the Commission's Rules and Regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 24, 1977, (2) Amendment No. 25 to License No. DPR-16, 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 Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, N.J. 08723. 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 28th day of November 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 77-34924 Filed 12-6-77; 8:45 am]

[7590-01]

[Docket Nos. STN 50-580 and STN 50-581]

OHIO EDISON COMPANY, ET AL.

Availability of Draft Environmental Statement for Erie Nuclear Plant, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the U.S.

Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG-0337), prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of the Erie Nuclear Plant, Units 1 and 2, to be located in Erie County, Ohio, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Berlin Township Public Library, 4 East Main Street, Berlin Heights, Ohio. The Draft Statement is also being made available at the Office of the Governor, State Clearinghouse, State Office Tower, 30 East Broad Street, Columbus, Ohio, and at the Toledo Metropolitan Area Council of Governments, 420 Adison Avenue, Toledo, Ohio. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Document Control.

The Applicant's Environmental Report, as supplemented, submitted by Ohio Edison Co., et al., is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on May 19, 1977 (42 FR 25786).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by January 23, 1978. Comments by Federal, State, and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Berlin Township Public Library, 4 East Main Street, Berlin Heights, Ohio. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Md., this 30th day of November 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects
Branch 2, Division of Site
Safety and Environmental
Analysis.

[FR Doc. 77-34925 Filed 12-6-77; 8:45 am]

[7590-01]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.5, Revision 1, "Standard Format and Content of License Applications for Uranium Mills," provides specific guidance on the format and content of an application for an NRC Source Material License authorizing uranium milling activities.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 3.5, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by February 6, 1978.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced), or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 29th day of November 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of
Standards Development.

[FR Doc. 77-34926 Filed 12-6-77; 8:45 am]

[7590-01]

LOW-LEVEL WASTE DISPOSAL

Comments on Task Force Report (NUREG-0217) and Statement on Implementation of Regulatory Program for Low-Level Waste Management

This Notice presents: (1) A brief summary of the public comments on NUREG-0217, "NRC Task Force Report on Review of the Federal/State Program for Regulation of Commercial Low-Level Radioactive Waste Burial Grounds" (FR 42 13366-13370, March 10, 1977; FR Doc. 77-7198); and (2) a statement on implementation of the NRC regulatory program for low-level waste management.

As part of a reexamination of the technical and regulatory basis for low-level waste management, the Nuclear Regulatory Commission published NUREG-0217, "NRC Task Force Report on Review of the Federal/State Program for Regulation of Commercial Low-Level Radioactive Waste Burial Grounds" in March 1977. This report presented the Task Force findings and recommendations on the programs of NRC and the States for regulating the disposal of commercial low-level wastes. The body of the report was also published in the FEDERAL REGISTER on March 10, 1977 (42 FR 13366) to solicit public comments which would be considered in the Commission's deliberation on the Task Force recommendations and in developing an NRC low-level waste management program.

The concerns of the Task Force in making the recommendations in NUREG-0217 were:

The need to establish a regulatory structure for low-level waste disposal;

The need to avoid site proliferation;

The need to assure adequate capacity;

The need to assure long-term care without placing a large or inequitable burden on the few States in which burial grounds are located;

The need to assure the Congress and the public that an adequate and fully coordinated program for low-level waste disposal exists;

The need for State participation;

The need for coordination of Federal and State activities; and

The need for a thorough examination of alternative disposal methods.

From its findings, the Task Force made the following recommendations:

I. The NRC should initiate action in cooperation with appropriate Federal and State agencies to increase Federal control over the disposal of low-level waste by:

a. Requiring: 1. Joint Federal/State approval of new disposal sites;
2. NRC licensing, with State participation, of current and new disposal sites; and
3. Federal ownership of land for all disposal sites.

b. Establishing a Federally administered perpetual care program.

II. The NRC, in cooperation with appropriate Federal and State agencies, should accelerate development of the regulatory program for the disposal of low-level waste which includes regulations, standards, and criteria.

III. The NRC should initiate immediately the necessary studies to identify and evaluate the relative safety and impacts of alternative low-level waste disposal methods. No new disposal sites should be licensed until a full examination of alternative disposal methods has been completed or unless an urgent new need is identified. The NRC should assure effective use of existing commercial burial grounds.

SUMMARY OF PUBLIC COMMENTS

Thirty-three responses were received from Governors, State agencies, industry representatives, and other interested parties. Copies of the comments and a detailed staff analysis of the comments may be examined at the Commission's Public Document Room at 1717 H Street, Washington, D.C., and the staff analysis may be examined at the Commission's Local Public Document Rooms. Single copies of the staff analysis, which is being published as NUREG-0217, Supp. 1, are available to the extent of supply from the U.S. Nuclear Regulatory Commission, Division of Technical Information and Document Control, Washington, D.C. 20545. Copies are also available for sale from the National Technical Information Service, Springfield, Va. 22161.

Comments on Recommendation I for increased Federal control varied from mild agreement or tacit acceptance to well-developed positions in support of continuing the existing Federal/State roles. Those who agreed with the recommendation generally reiterated the conclusions of the Task Force. Many commenters agreed with the conclusion that a better regulatory program is needed but questioned the recommendation that Federal control is the best solution. The comments recognized the need for active involvement of the States in low-level waste management to satisfy their vested interests in protecting the health and safety of their citizens and in land use decisions. While no conclusive reasons to alter Task Force Recommendation I were given, the comments indicated the need to develop a broader base of technical support before adopting the recommendation.

All commenters agreed with Recommendation II (development of a regu-

latory program) and part of Recommendation III (study of alternative disposal methods). If anything, their comments strengthened the case for Recommendation II. Comments on the remainder of Recommendation III (no licensing of new sites) questioned the assumptions of the Task Force regarding waste volume projections and available disposal capacity. They also indicated that additional factors (e.g., regional distribution) should be taken into account before implementing the recommendation.

STATEMENT ON IMPLEMENTATION OF NRC REGULATORY PROGRAM FOR LOW-LEVEL WASTE MANAGEMENT

Task Force Recommendations. In considering the Task Force recommendations, NRC analyzed the policy matters addressed by the Task Force in preparing NUREG-0217, the public perceptions as reflected in the comments, and information gained from the comments of the ACRS, discussions at several public meetings, and additional analyses of low-level waste management. The NRC plans, based on this analysis, follow.

Increased Federal Control. The Commission has taken the Task Force recommendation for increased Federal control over low-level waste disposal under consideration but has not formally adopted it yet as NRC policy. The NRC believes that a number of unresolved questions should be answered before a final decision on this recommendation is made. Further, there is no compelling need to make a final decision on reassertion of Federal control at this time, since the States are adequately protecting the public health and safety. The NRC is studying the remaining issues surrounding this Task Force recommendation and the NRC low-level waste management program described later will provide a solid foundation for making a final decision.

Standards Development and Alternatives Study. The NRC and all commenters agree that there is an urgent need to establish a regulatory program to develop a comprehensive set of standards and criteria for low-level waste disposal and to examine alternatives to shallow land burial. The NRC low-level waste management program will include development of a comprehensive regulatory framework and an examination of alternative disposal methods.

Licensing of New Sites. As recommended by the Task Force, any new burial grounds will be fully justified on the basis of need. The NRC will accept applications for new shallow land burial grounds and will treat them in the ordinary course of business with the need for additional capacity being demonstrated on a case-by-case basis. The reevaluation of

Task Force Recommendation III reaffirmed the uncertainties in the waste volume generation and disposal capacity projections in the Task Force report. Additional capacity may be needed due to regional needs, equipment limitations, costs, and other factors. Pending completion of ongoing studies, the staff believes that the environmental impact from any new site which might be licensed, if properly sited and operated, will be small. Applications for new burial sites will be treated by the NRC in the ordinary course of business with the need for additional capacity being demonstrated on a case-by-case basis. The NRC would expect the Agreement States to treat applications for new burial sites they may receive in a similar manner.

Low-Level Waste Program. The NRC low-level waste management program includes development of a regulatory framework, evaluation of alternative disposal methods and supporting research. The program emphasizes early results, utilization of NRC in-house resources, and cooperation with Federal and State agencies. Research efforts are being coordinated with DOE, EPA, the USGS, and numerous State agencies.

Among the elements of the program are the following major activities:

1. Waste Classification Regulation;
2. Alternatives to Shallow Land Burial Study;
3. Standards for Shallow Land Burial;
4. Standards for Alternative Methods;
5. Shallow Land Burial Regulations and Guides;
6. Alternative Methods, Regulations, and Guides.

The program which is being published as NUREG-0240 may be examined at the Commission's Public Document Room at 1717 H Street, Washington, D.C. and at the Commission's Local Public Document Rooms. Single copies are available to the extent of supply from the U.S. Nuclear Regulatory Commission, Division of Technical Information and Document Control, Washington, D.C. 20545. Copies are also available for sale from the National Technical Information Service, Springfield, Va. 22161.

Dated at Washington, D.C., this 30th day of November 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 77-34922 Filed 12-6-77; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1390]

COLORADO**Declaration of Disaster Loan Area**

The central business district in the downtown area of Fort Collins, in Larimer County, Colo., constitutes a disaster area because of damage resulting from an explosion which occurred on April 26, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 23, 1977, and for economic injury until the close of business on July 21, 1978 at:

Small Business Administration, District Office, 721 19th Street, room 407, Denver, Colo. 80202.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: October 21, 1977.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 77-34945 Filed 12-6-77; 8:45 am]

[8025-01]

HANDICAPPED ASSISTANCE LOANS AND BUSINESS LOANS**Waiver of Administrative Ceilings**

SBA has adopted administrative ceilings limiting the amount of financial assistance generally available to applicants for handicapped assistance loans (HAL) and regular business loans. SBA today (42 FR) adopted regulations authorizing the waiver of the applicable ceilings upon a determination by SBA that the particular loan furthers a "National, Agency, or Regional program objective." Sections 118.31(a)(3) and 122.5(c)(2) both provide that SBA may publish from time to time standards or examples illustrating National, agency, and regional objectives, and that SBA will not recognize any such objective until it has first been published in the FEDERAL REGISTER.

In accordance with §§ 118.31(a)(3) and 122.5(c)(2) of title 13, CFR, the following examples of National, agency, regional objectives are published. To justify waiver of the applicable administrative ceiling, it must appear to SBA's satisfaction that any two of the listed objectives will be advanced by the loan in question. The objectives are:

1. Construction of medical facilities, the need for which has been certified by appropriate local authority;
2. Conservation or production of energy;
3. Creation or preservation of jobs;

4. Performance of a specific Government contract;
5. Stimulation of the economy of a labor surplus area;
6. Conservation of natural resources;
7. Improvement of mass transit facilities;
8. Economic development of depressed urban or rural areas.

(Catalog of Federal Domestic Assistance Programs No. 59.012 and 59.021.)

Dated: November 25, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 77-34941 Filed 12-6-77; 8:45 am]

[8025-01]

[Proposed License No. 09/09-0203]

IMPERIAL VENTURES, INC.**Application for a License To Operate as a Small Business Investment Company**

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to section 107.102 of the SBA Regulations (13 CFR 107.102 (1977)) by Imperial Ventures, Inc., 9920 South La Cienega Boulevard, Inglewood, Calif. 90301, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal stockholders are:

George M. Eltinge, 9920 South La Cienega Boulevard, Inglewood, Calif. 90301, chairman, director.

George L. Graziacho, 9920 South La Cienega Boulevard, Inglewood, Calif. 90301, vice chairman, president, director.

Bernard G. LeBeau, 9920 South La Cienega Boulevard, Inglewood, Calif. 90301, executive vice president.

Robert Goldberg, 9920 South La Cienega Boulevard, Inglewood, Calif. 90301, senior vice president.

Franklin N. Rayor, 9920 South La Cienega Boulevard, Inglewood, Calif. 90301, senior vice president, director.

M. Dale Lyon, 9920 South La Cienega Boulevard, Inglewood, Calif. 90301, senior vice president.

Harvey H. Rosen, 1801 Century Park East, suite 2400, Los Angeles, Calif. 90067, secretary.

Warren M. Gordon, 9920 South La Cienega Boulevard, Inglewood, Calif. 90301, director.

Edgar R. Morris, 9920 South La Cienega Boulevard, Inglewood, Calif. 90301, director.

Imperial Bank, 9920 South La Cienega Boulevard, Inglewood, Calif. 90301, 100 percent.

Imperial Bancorp, 9920 South La Cienega Boulevard, Inglewood, Calif. 90301.

The SBIC will begin operations with an initial capitalization of \$500,000. The applicant, which will be a California corporation, intends to make investments in small business concerns, with growth potential located primar-

ily within Los Angeles, Orange, and San Diego counties. The investment policy of the applicant is to provide working capital to operative builders by either making loans and/or purchasing equity securities.

On August 3, 1977, the SBA Administrator established a policy of granting exemptions on a case by case basis from section 107.101(c)(2) of the Regulations governing SBIC's. This section states "Where a Licensee does not operate as an approved real estate specialist subject to paragraph (c)(3) of this section, its investments in Small Concerns classified under Major Groups 15, 65, and/or 70 of the SIC Manual shall not exceed one-third of its Portfolio in any one such Major Group, nor two-thirds for any combination of such Major Groups, as of the close of any full fiscal year." These exemptions will allow an SBIC to invest up to 100 percent of their portfolio in Major Group 15. This policy change was due to the continuing need for front end development capital in the homebuilding field, particularly among small homebuilders. It is the intention of the Applicant that such exemption will in no way preclude it from making lawful investments in other eligible small business concerns.

Matters involved in SBA's consideration of the application, in view of the particular circumstances involved, include (1) the general business reputation and character of the proposed owners and management, (2) the reasonable prospects for successful operation of the new SBIC under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing action would be in furtherance of the purposes of the Act.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit to SBA in writing comments on the proposed SBIC to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Inglewood, Calif.

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

Dated: November 21, 1977.

PETER F. McNEISH,
*Deputy Associate Administrator
for Investment.*

[FR Doc. 77-34472 Filed 12-6-77; 8:45 am]

[8025-01]

[License No. 06/06-5185]

KAR-MAL VENTURE CAPITAL, INC.**Issuance of a License To Operate as a Small Business Investment Company**

On October 25, 1977, a notice was published in the FEDERAL REGISTER (42 FR 56396), stating that Kar-Mal Venture Capital, Inc., located at Park Plaza Shopping Center, University and Markham, Little Rock, Ark. 72205, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1977) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on November 10, 1977, and no comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 06/06-5185 to Kar-Mal Venture Capital, Inc.

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

Dated: November 29, 1977.

PETER F. McNEISH,
*Deputy Associate Administrator
for Investment.*

[FR Doc. 77-34942 Filed 12-6-77; 8:45 am]

[8025-01]

[License No. 05/05-0122]

77 CAPITAL CORP.**Issuance of a Small Business Investment Company License**

On September 8, 1977, a notice was published in the FEDERAL REGISTER (42 FR 45056) stating that an application had been filed by 77 Capital Corp., 777 East Wisconsin Avenue, suite 3060, Milwaukee, Wis. 53202, with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1977)) for a license as a small business investment company.

Interested parties were given until close of business September 23, 1977, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0122 on November 16, 1977, to 77 Capital Corp., to operate as a small business investment company.

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

Dated: November 29, 1977.

PETER F. McNEISH,
*Deputy Associate Administrator
for Investment.*

[FR Doc. 77-34943 Filed 12-6-77; 8:45 am]

[8025-01]

[License No. 06/06-01751]

SMALL BUSINESS INVESTMENT CAPITAL, INC.**Filing of Application for Approval of a Conflict of Interest Transaction Between Associates**

Notice is hereby given that Small Business Investment Capital, Inc. (the Licensee), 10003 New Benton Highway, Little Rock, Ark. 72203, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the Small Business Administration (SBA), pursuant to § 107.1004 of the regulations governing small business investment companies (SBIC) (13 CFR 107.1004 (1977)), for approval of a conflict of interest transaction.

It is proposed that the Licensee loan \$35,000 to Mr. Harry Booe, an independent grocery store operator in the Little Rock area. Mr. Booe is considered to be an Associate of the Licensee, as defined by § 107.3(c) of the SBA rules and regulations, in that he is Secretary, Treasurer, and a Director of Shur-Valu Stamps, Inc. Shur-Valu Stamps, Inc., is the sole owner of the Licensee.

The Licensee has asserted that Mr. Booe is not involved in any way with the decisions or policymaking of the Licensee. He is not an officer of the Licensee nor is he on its loan committee.

Notice is further given that any person may, not later than December 22, 1977, submit to SBA, in writing, comments on the proposed transaction. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Little Rock and Salem, Ark.

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

Dated: December 1, 1977.

PETER F. McNEISH,
*Deputy Associate Administrator
for Investment.*

[FR Doc. 77-34944 Filed 12-6-77; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1402; Amdt. No. 11]

VIRGINIA**Declaration of Disaster Loan Area**

The above-numbered declaration (see 42 FR 60619) is amended in accor-

dance with the President's declaration of November 12, 1977, to include the independent city of Radford and Buchanan County, Va. The Small Business Administration will accept applications for disaster relief loans from disaster victims within the independent city of Radford and Buchanan County and adjacent counties within the State, and is extending the filing date for physical damage on loan applications until the close of business on January 16, 1978, and filing loan applications for economic injury until the close of business on August 17, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: November 29, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 77-34946 Filed 12-6-77; 8:45 am]

[4910-62]

DEPARTMENT OF TRANSPORTATION**Office of the Secretary**

[OST Docket No. 53; Notice 77-14]

ANNUAL REVIEW OF ADVISORY COMMITTEES**Termination of Committees**

The purpose of this notice is to identify those advisory committees which the Department of Transportation has decided to terminate (15 of its 30 advisory committees), as a result of the annual review of advisory committees conducted earlier this year (42 FR 16015; March 24, 1977). Two terminations—of the National Motor Vehicle Safety Advisory Council and the Technical Pipeline Safety Standard Committee—require congressional action. The first has already been accomplished and the Council went out of existence October 1, 1977; the second would be accomplished by a bill now before the Congress. The other terminations require administrative actions by the Department which have been completed.

Issued in Washington, D.C., on November 28, 1977.

LINDA L. SMITH,
*Departmental Committee
Management Officer.*

DEPARTMENT OF TRANSPORTATION**ADVISORY COMMITTEES SELECTED FOR TERMINATION**

1. Advisory Committee on Transportation Related Signs and Symbols.
2. Citizen's Advisory Committee on Aviation.
3. Citizens Advisory Committee on Transportation Quality.
4. Civil Reserve Air Fleet Advisory Committee.
5. Flight Information Advisory Committee.

6. Microwave Landing System (MLS), Advisory Committee.

7. National Motor Vehicle Safety Advisory Council.

8. National Offshore Operations Industry Advisory Committee.

9. Obstacle Clearance Requirements Advisory Committee for the United States.

10. Southern Region Air Traffic Control Advisory Committee.

11. Technical Pipeline Safety Standards Committee.

12. Towing Industry Advisory Committee.

13. U.S. Advisory Committee on Visual Aids to Approach and Landing.

14. U.S. Terminal Instrument Procedures Advisory Committee.

15. Youth Highway Safety Advisory Committee.

[FR Doc. 77-34947 Filed 12-6-77; 8:45 am]

[4910-62]

[OST Docket No. 22; Notice 77-15]

STANDARD TIME ZONE BOUNDARIES

Operating Exceptions: Union Pacific Railroad Co.

Effective December 1, 1977, the Union Pacific Railroad Co., is granted an exception from the standard time of the zones created by the Congress in the Act of March 18, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-67). The exception permits operation under mountain time from the east line of Wallace County, Kans., to Oakley, Kans., despite the fact that the area affected is in the central time zone. (This operating exception replaces an earlier one (34 FR 17333; October 26, 1969) permitting operation on mountain time from the east line of Wallace County to Ellis, Kans., which is hereby superseded.) This exception does not, however, permit the railroad in its public schedule and notices to show the area concerned as being in other than the central time zone.

(Act of March 18, 1918, as amended by the Uniform Time Act of 1966. (15 U.S.C. 260-67); sec. 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655 (e)(5)); sec. 1.59(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a)).)

Issued in Washington, D.C., on December 1, 1977.

LINDA HELLER KAMM,
General Counsel.

[FR Doc. 77-34965 Filed 12-6-77; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

LEATHER HANDBAGS FROM URUGUAY

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Uruguay has given benefits which are considered bounties or grants on the manufacture or exportation of leather handbags. It is also the intention of the Treasury Department to issue a waiver of countervailing duties on this product as well as Uruguayan leather wearing apparel and nonrubber footwear. A final determination will be made by April 22, 1978. Interested parties will have an opportunity to comment on this action.

EFFECTIVE DATE: December 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald W. Eiss, Office of Tariff Affairs, Office of the Secretary, U.S. Treasury Department, Washington, D.C. 20220 (202-566-8256).

SUPPLEMENTARY INFORMATION: On June 21, 1977, a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (42 FR 31514). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Uruguay upon the manufacture, production, or exportation of leather handbags constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The handbags under investigation are classified under item No. 706.0820 of the tariff schedules of the United States as leather handbags, other than reptile. The term "handbags" as used in the petition covers "pocketbooks, purses, shoulder bags, clutch bags, and all similar articles by whatever name known, customarily carried by women or girls, but not including luggage or flatgoods."

On the basis of an investigation conducted pursuant to § 159.47(c) of the Custom Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits have been received by Uruguayan manufacturers/exporters of leather handbags which may constitute bounties or grants within the meaning of the act. These benefits have been conferred under the following programs:

(1) The granting of tax certificates, known as "reintegros", to manufacturers of leather handbags upon exportation of the goods;

(2) Income tax exemptions on certain export related income; and

(3) Preferential financing for export. The rebate of value added taxes upon export of goods and the rebate of import duties paid on raw materials used in the production of leather

handbags for export have been determined not to constitute bounties or grants within the meaning of the act.

Programs found not to have been utilized by the leather handbag industry include government sponsored export credit insurance, a tax holiday for new industries and benefits for locating within certain free ports and zones.

It is the intention of the U.S. Treasury Department pursuant to section 303(d) of the act, to waive the imposition of countervailing duties on imports of leather handbags from Uruguay. There is also an intent to waive such duties as well on imports of leather wearing apparel and nonrubber footwear from that country, countervailing duty investigations of which are pending currently.

The final issuance of this waiver will be contingent upon the Uruguayan Government meeting the following conditions:

(1) The net bounty derived from the tax rebate certificate program (reintegro) (or any equivalent or comparable benefit) on all leather products, except tanned leather as such, will be eliminated by the Government of Uruguay on exports to all markets between January 1, 1978 and January 1, 1979. Such elimination will be staged according to the following schedule: 50 percent reduction on or before January 1, 1978; 50 percent reduction of the remaining balance on or before July 1, 1978; and total elimination of any remaining subsidy on or before January 1, 1979.

(2) The Government of Uruguay will proceed with its previously stated decision to eliminate the reintegro (or equivalent) for all exports from Uruguay on or before January 1, 1983.

The issuance of a waiver of countervailing duties would not inhibit in any way the right of the U.S. Government to take appropriate actions in the event that future imports of nonrubber footwear from Uruguay were having a disruptive effect on U.S. industry.

Before a final determination, including a determination on the contemplated waiver, is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to this preliminary determination and intention to waive on or before December 22, 1977. Submissions should be addressed to Mr. Peter D. Ehrenhaft, Deputy Assistant Secretary and Special Counsel, U.S. Treasury Department, room 3424, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (revision 14), July 1, 1977,

and the provisions of Treasury Department Order No. 165, revised, November 2, 1954, and §159.47 of the Customs Regulations (19 CFR 159.47) insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

HENRY C. STOCKELL, Jr.,
Acting General Counsel of
the Treasury.

DECEMBER 2, 1977.

[FR Doc. 77-35014 Filed 12-6-77; 8:45 am]

[7035-01]

**INTERSTATE COMMERCE
COMMISSION**

[No. 541]

ASSIGNMENT OF HEARINGS

DECEMBER 2, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133703 (Sub-No. 8), Wisconsin Cheese Service, Inc., now being assigned February 13, 1978 (1 day), for hearing in St. Paul, Minn., in a hearing room to be later designated.

MC 133689 (Sub-No. 136), Overland Express, Inc., now being assigned February 14, 1978 (1 day), for hearing in St. Paul, Minn., in a hearing room to be later designated.

MC 133689 (Sub-No. 131), Overland Express, Inc., now being assigned February 15, 1978 (3 days), for hearing in St. Paul, Minn., in a hearing room to be later designated.

MC 115162 (Sub-No. 376), Poole Truck Line, Inc., now being assigned February 28, 1978 (1 day), for hearing in St. Louis, Mo., in a hearing room to be later designated.

MC 135684 (Sub-No. 45), Bass Transportation Co., Inc., now being assigned March 1, 1978 (1 day), for hearing in St. Louis, Mo., in a hearing room to be later designated.

MC 75261 (Sub-No. 10), Righter Trucking Co., Inc., now being assigned March 2, 1978 (1 day), for hearing in St. Louis, Mo., in a hearing room to be later designated.

MC 113325 (Sub-No. 149), Slay Transportation Co., Inc., now being assigned March 3, 1978 (1 day), for hearing in St. Louis, Mo., in a hearing room to be later designated.

MC-F-13262 Beaufort Transfer—Purchase—John Kleffner, d.b.a. Iberia Transfer, and MC-F-13263 Beaufort Transfer Co.—Purchase—Steve E. Bure, d.b.a. Iberia Express now being assigned March 6, 1978 (1 week), for hearing in St. Louis, Mo., in a hearing room to be later designated.

MC 143713 Agricultural Transportation Association of Illinois, MC 143713 (Sub-No.

1), Agricultural Transportation Association of Illinois and MC 143713 (Sub-No. 2), Agricultural Transportation Association of Illinois, now being assigned December 20, 1977, for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 107839 (Sub-No. 172), Denver-Albuquerque Motor Transit, Inc., now being assigned January 17, 1978 (1 day), for hearing in New Orleans, La., in a hearing room to be later designated.

MC 46879 (Sub-No. 12), Walters Transit Corp., now assigned December 20, 1977, at New York, N.Y. and will be held in room No. E-2222, Federal Building, 26 Federal Plaza.

MC 116763 (Sub-No. 387), Carl Subler Trucking, Inc., now being assigned January 10, 1978 (1 day), for hearing in Dallas, Texas, in a hearing room to be later designated.

MC 138469 (Sub-No. 46), Donco Carriers, Inc., now being assigned January 11, 1978 (1 day), for hearing in Dallas, Texas, in a hearing room to be later designated.

AB 1 (Sub-No. 40), Chicago and North Western Transportation Co. abandonment between Gillett, Oconto County, Wis., and Scott Lake, Iron County, Mich., now assigned February 13, 1978, at Rhinelander, Wis., is postponed to February 28, 1978 (1 week), at Rhinelander, Wis., in a hearing room to be later designated.

No. MC 113678 (Sub-No. 651), Curtis, Inc., now assigned December 5, 1977, at Portland, Oreg., is canceled and application dismissed.

No. MC 32882 (Sub-No. 78), Mitchell Bros. Truck Lines, application dismissed.

No. MC 136817 (Sub-No. 2), Hunter Brokerage, Inc., now assigned January 17, 1977, at New Orleans, La., is canceled and application dismissed.

MC 143341, Abbey Transportation System, now being assigned March 7, 1978 (3 days), for hearing in Fresno, Calif., in a hearing room to be later designated.

MC 113855 (Sub-No. 382), International Transport, Inc., now being assigned March 10, 1978 (1 day), for hearing in San Francisco, Calif., in a hearing room to be later designated.

MC 113878 (Sub-No. 663), Curtis, Inc., now being assigned March 13, 1978 (2 days), for hearing in San Francisco, Calif., in a hearing room to be later designated.

MC 730 (Sub-No. 405), Pacific Intermountain Express Co., now being assigned March 15, 1978 (3 days), for hearing in San Francisco, Calif., in a hearing room to be later designated.

MC 71652 (Sub-No. 11), Byrne Trucking Inc., now being assigned March 20, 1978 (1 week), for hearing in San Francisco, Calif., in a hearing room to be later designated.

MC 30513 (Sub-No. 15), North State Motor Lines, Inc., and MC 116014 (Sub-No. 82), Oliver Trucking Co., Inc., now assigned December 6, 1977, at Washington, D.C., postponed to February 28, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-9650, Carolina Coach Co. et al. v. Roy L. Rouse Transportation Co., now assigned December 12, 1977 at Washington, D.C., is postponed to March 7, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 141966 (Sub-No. 1), Gina Marie Express Co., now being assigned March 7, 1978 (1 day), for hearing in Chicago, Ill., in a hearing room to be later designated.

MC 121509 (Sub-No. 4), Daufeldt Transport, Inc., now being assigned March 8, 1978 (1 day), for hearing in Chicago, Ill., in a hearing room to be later designated.

MC 118431 (Sub-No. 26), Denver Southwest Express, Inc., and MC 126844 (Sub-No. 40), R.D.S. Trucking Co., now being assigned March 9, 1978 (1 day), for hearing in Chicago, Ill., in a hearing room to be later designated.

MC 138627 (Sub-No. 21), Smithway Motor Xpress, Inc., now being assigned March 10, 1978 (1 day), for hearing in Chicago, Ill., in a hearing room to be later designated.

MC 82492 (Sub-No. 157), Michigan & Nebraska Transit Co., Inc., now being assigned March 13, 1978 (2 days), for hearing in Chicago, Ill., in a hearing room to be later designated.

MC-F-13251, Chief Truck Lines, Inc.—Purchase—Murphy Transportation Inc., Charles Johnson, trustee in bankruptcy, and MC 43963 (Sub-No. 11), Chief Truck Lines, Inc., now being assigned March 15, 1978 (3 days), for hearing in Chicago, Ill., in a hearing room to be later designated.

No. MC 120646 (Sub-No. 23), Bradley Freight Lines, Inc., application dismissed.

MC 113678 (Sub-No. 695), Curtis, Inc., now assigned January 26, 1978, at Washington, D.C. is canceled and application dismissed.

MC 123407 (Sub-No. 362), Sawyer Transport, Inc., now assigned December 13, 1977, at Dallas, Tex., is canceled and application dismissed.

MC 63792 (Sub-No. 28), Tom Hicks Transfer Co., Inc., MC 107993 (Sub-No. 54), J. J. Willis Trucking Co., and MC 114211 (Sub-No. 316), Warren Transport, Inc., now being assigned January 9, 1978 (1 day), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 113528 (Sub-No. 31), Mercury Freight Lines, Inc., now assigned January 10, 1978 in Dallas, Tex., is canceled and application dismissed.

MC 125368 (Sub-No. 17), Continental Coast Trucking Co., Inc., now assigned December 6, 1977 at Dallas, Tex., is canceled, application dismissed.

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

[FR Doc. 77-35022 Filed 12-6-77; 8:45 am]

[7035-01]

[Ex Parte 241; Exemption No. 122; Amdt. 81]

**EXEMPTION UNDER PROVISION OF RULE 19
OF THE MANDATORY CAR SERVICE RULES**

To: The Baltimore & Ohio Railroad Co., The Chesapeake & Ohio Railway Co., Consolidated Rail Corp., Western Maryland Railway Co.

Upon further consideration of Exemption No. 122 issued April 2, 1976.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 122 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to continue in effect until further order of this Commission.

This amendment shall become effective November 30, 1977.

Issued at Washington, D.C., November 22, 1977.

For the Interstate Commerce Commission.

ROBERT S. TURKINGTON,
Agent.

[FR Doc. 77-35026 Filed 12-6-77; 8:45 am]

[7035-01]

[Ex Parte No. 241; Exemption No. 63; Amdt. 17]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES

To: Bessemer & Lake Erie Railroad Co., Consolidated Rail Corp.

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to continue in effect until further order of this Commission.

This amendment shall become effective November 30, 1977.

Issued at Washington, D.C., November 23, 1977.

For the Interstate Commerce Commission.

ROBERT S. TURKINGTON,
Agent.

[FR Doc. 77-35025 Filed 12-6-77; 8:45 am]

[7035-01]

[Ex Parte 241; Exemption No. 116; Amdt. 6]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES

To: Grand Trunk Western Railroad Co., Norfolk & Western Railway Co.

Upon further consideration of Exemption No. 116 issued March 6, 1976.

It is ordered, That under authority vested in me by Car Service Rule 19, Exemption No. 116 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to continue in effect until further order of this Commission.

This amendment shall become effective November 30, 1977.

Issued at Washington, D.C., November 22, 1977.

For the Interstate Commerce Commission.

ROBERT S. TURKINGTON,
Agent.

[FR Doc. 77-35023 Filed 12-6-77; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION(S) FOR RELIEF

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of

the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed December 22, 1977.

FSA No. 43469—*Vegetable Oils Within Official Territory*. Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 3060), for interested rail carriers.

Rates on vegetable oils and related articles, in carloads, as described in the application, from and to points in official territory.

Grounds for relief—Revised rate structure.

FSA No. 43470—*Joint Water-Rail Container Rates—Korea Shipping Corporation*. Filed by Korea Shipping Corp. (No. 3), for itself and interested rail carriers.

Rates on general commodities, from ports in Hong Kong, Taiwan, Japan, and Korea, to rail carriers terminal on the United States Atlantic Coast.

Grounds for relief—Water competition.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 77-35021 Filed 12-6-77; 8:45 am]

[7035-01]

[No. 36574]

PETITION OF RAILROADS SEEKING AUTHORIZATION TO WAIVE DEMURRAGE CHARGES CAUSED BY SEVERE WINTER WEATHER

In an order served August 12, 1977, the Commission granted specified rail carriers the right to waive a portion of demurrage charges caused by severe winter weather. (Published in the Code of Federal Register on August 19, 1977, Vol. 42, p. 41,948.) The last date for shippers to file claims with the carriers under the proposal expired November 17, 1977. The Commission in an order entered November 30, 1977, however, granted a 30-day extension for filing claims, running from the date of publication of this notice in the FEDERAL REGISTER. Notice is also given that the Toledo, Peoria & Western Railroad Co. filed a notice of intent to participate in the proposal on November 17, 1977.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 77-35019 Filed 12-6-77; 8:45 am]

[7035-01]

[I.C.C. Order No. 38; Rev. S.O. 1252; Amdt. 1]

ROUTING OF TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 38 (The Chesapeake and Ohio Railway Co.) and good cause appearing therefore:

It is ordered, That: I.C.C. Order No. 38 is amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date*. This order shall expire at 11:59 p.m., January 15, 1978, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 25, 1977, 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., November 22, 1977.

For the Interstate Commerce Commission.

ROBERT S. TURKINGTON,
Agent.

[FR Doc. 77-35024 Filed 12-6-77; 8:45 am]

[7035-01]

[Docket No. AB-55 (Sub-No. 14)]

SEABOARD COAST LINE RAILROAD CO. ABANDONMENT NEAR THONOTOSOSSA AND GARY IN HILLSBOROUGH COUNTY, FLA.

Findings

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a certificate and order dated November 28, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 I.C.C. 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Co. of that portion of its line of railroad, extending from milepost ARF-854.32 near Gary, Fla., to milepost ARF-860.71, near Thonotosossa, Fla., a total length of 6.92 miles (6.39 miles of main line track and 0.53 miles of siding) located in Hillsborough County, Fla. A certificate of public convenience and necessity permitting abandonment was issued to the Sea-

board Coast Line Railroad Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing exhibit I (section 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective January 23, 1978.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 77-35020 Filed 12-6-77; 8:45 am]

[7035-01]

TERMINAL RAILWAY ALABAMA STATE DOCKS

Application for Operation of Terminal Yard Facilities

Terminal Railway Alabama State Docks, P.O. Box 1588, Mobile, Ala. 36601, represented by Charles H. Lombard, Traffic Manager, Terminal Railway Alabama State Docks, P.O. Box 1588, Mobile, Ala. 36601, hereby give notice that on the 12th day of October 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the operation of terminal yard facilities known as Choctaw Point and the Frascati Yard, located entirely in the City of Mobile, Ala., which application is assigned Finance Docket No. 28581.

Applicant proposes to operate the existing yard properties purchased from the Illinois Central Gulf Railroad known as Choctaw Point and the Frascati Yard, located in the City of Mobile, Ala., so as to provide continued rail transportation facilities and services to existing industries now being served by said Illinois Central Gulf Railroad. Included in the terms of sale were the provisions for the Illinois Central Gulf Railroad to continue to operate the switching services to those industries located within the Choctaw Point area for one year in order to relocate shops, rip track and other facilities.

All of the railroad property to be operated is located within the City limits of Mobile, Ala., and within the State of Alabama. The property acquired by the Alabama State Docks Department from the Illinois Central Gulf Railroad consists of approximately 143 acres of land with over 4,000 feet of waterfront property on the Mobile River in the southern part of the City of Mobile. It includes the present Frascati shops, several industries sites, switching tracks and other property suitable for expansion of the Alabama State Docks Department.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8), in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at page 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

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

[FR Doc. 77-35027 Filed 12-6-77; 8:45 am]

[7035-01]

[Order Ex Parte 319 (Sub-No. 1)]

TRANSPORTATION OF RECYCLABLES OR RECYCLED MATERIALS

Further Investigation of Freight Rates

Pursuant to section 204 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), the Commission instituted an investigation into the rate structure for the transportation by railroad of recyclable and recycled materials and the manner in which such rate structure

has been affected by successive general rate increases approved by the Commission. The investigation entitled Ex Parte No. 319, Investigation of Freight Rates for the Transportation of Recyclable or Recycled Materials (hereinafter Ex Parte No. 319), has been conducted, and on February 4, 1977, we served our report and order containing our findings of fact and conclusions.¹

In the prior report, we found that, because insufficient evidence was presented, further investigation into the reasonableness of the rate structure of the following commodities originating in the named territories was required.

TABLE I.—Commodities requiring further investigation

STCC No.*	Commodity	Territory
20 511 18	Bakery waste	Official, southern, and western.
33 312	Copper matte.....	Southern.
33 322	Lead matte.....	Do.
33 398	Miscellaneous nonferrous metal residues.	Do.
40 23	Wood scrap	Western.
40 291 14	Municipal garbage.	Official, southern, and western.
41 114 34	Bags, old.....	Southern and western.
41 115 80	Bags, old, value for conversion.	Official, southern, and western.

*The four or five digit STCC numbers referred to embrace all articles assigned additional digits listed thereunder in STCC Tariff 1-E.

Since the issuance of the report and order in Ex Parte No. 319, various shippers and other interested parties have expressed an interest in additional recyclable or recycled materials. These commodities as set forth in Table II will be included in this investigation. Although we are unaware of any virgin natural resource materials which potentially compete with these recyclables, interested parties can provide us with such potentially competitive commodities if such commodities exist. Participants are also encouraged to submit in conjunction with their statements of intent to participate, the names of any other recyclable commodities and potentially competitive virgin natural resource materials that they think should be investigated.

TABLE II.—Additional recyclable commodities

STCC No.*	Commodity
28 719 40	Waste, calcium sulfate, otherwise known as chemical gypsum.
40 25	Chemical or petroleum waste, including spent.

*STCC No. 40 25 also embraces all articles assigned additional digits listed thereunder in STCC Tariff 1-E.

¹Our report and order is currently being challenged in the U.S. Court of Appeals for the District of Columbia. Civil Action Nos. 77-1187 and 77-1292.

As in Ex Parte No. 319, and as required pursuant to section 204 of the 4R Act, the respondent railroads have the burden of proving that the rate structures of these commodities are just, reasonable and nondiscriminatory.

The Appendix attached hereto outlines the evidence to be submitted. The information is similar to that required in Ex Parte No. 319. There is, however, one difference which should be noted. In this proceeding, the selection of study movements will be based on a sample which is described in detail in Part I of the Appendix. The sample method is being used for a number of reasons. First, the number of commodities to be included in the further investigation are not as numerous and do not appear to move in significant volumes. Second, there are some recyclables, such as municipal garbage, which based on the evidence developed in Ex Parte No. 319, do not move at all. A sample which would identify the number of commodity rates under which the traffic could potentially move would therefore allow us to obtain additional information on whether the rate structure inhibits their movement.

With respect to the evidence submitted in Ex Parte No. 319 which is pertinent to the commodities under investigation in this proceeding, we request that the parties (both the respondent railroads and the opposing shippers) submit new, complete and up-to-date statements of this previously submitted evidence. This will involve to a certain degree, a duplication of effort, however, it will simplify the review and analysis of the evidence.

The procedure we will follow will be to first, solicit statements of intent to participate. Then, after receiving those statements and determining whether any commodities should be added to or deleted from the investigation, we will, in a subsequent order, set dates for the submission of evidentiary statements in accordance with the attached Appendix. We are attaching the Appendix to this order, at this time, so that the parties may consider it and make appropriate comments in their statements of intent to participate.

It is ordered: A further proceeding is instituted with the objectives of investigating the rate structure for the transportation, by common carriers by railroad subject to Part I of the Interstate Commerce Act, of named recyclable or recycled materials, and the manner in which the rate structure has been affected by successive general rate increases approved by the Commission for such common carriers by railroad in order to determine whether the rate structure is just and reasonable, in whole or in part.

All common carriers by railroad subject to Part I of the Interstate Commerce Act are made respondents in this proceeding.

The following recyclable or recycled materials will be the subject of our further investigation in this proceeding:

TABLE I.—Commodities requiring further investigation

STCC No.*	Commodity	Territory
20 511 18	Bakery waste	Official, southern, and western.
33 312	Copper matte.....	Southern.
33 322	Lead matte.....	Do.
33 398	Miscellaneous nonferrous metal residues.	Do.
40 23	Wood scrap	Western.
40 291.14	Municipal garbage.	Official, southern, and western.
41 114 34	Bags, old	Southern and western.
41 115 80	Bags, old, value for conversion.	Official, southern, and western.

*The 4 or 5 digit STCC numbers referred to also embrace all articles assigned additional digits listed thereunder in STCC Tariff 1-E.

The following additional commodities will also be investigated:

TABLE II.—Additional recyclable commodities

STCC No.*	Commodity
28 719 40.....	Waste, calcium sulfate, otherwise known as chemical gypsum.
40 25	Chemical or petroleum waste including spent.

*STCC No. 40 25 also embraces all articles assigned additional digits listed thereunder in STCC Tariff 1-E.

Any person interested in this proceeding shall notify this Commission, by filing with the Interstate Commerce Commission, Office of Proceedings, room 5334, Washington, D.C. 20423, on or before 30 days from the date of service of this order, the original and one copy of a statement of his interest, any additional recyclable commodities or virgin natural resource materials requiring investigation, and any comments he may have on the attached appendix. Inasmuch as the Commission desires wherever possible: (a) To conserve time, (b) to avoid unnecessary expense to the public, and (c) to have service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intent to participate shall include a detailed specification of the intent of such person's interest, in-

cluding: (1) Whether such interest extends merely to receiving Commission releases in this proceeding; (2) whether he genuinely wishes to participate by receiving or filing initial and reply statements, and by attending and participating in the public hearing; (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interest being strongly urged by the Commission; and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding. This Commission shall then prepare and make available to all these persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statement must be filed. Following the preparation of the service list, a procedural order will be entered designating when the respondents and other parties must submit their evidence and arguments.

A copy of this notice and order will be served on each party to the proceeding in Ex Parte No. 319, *Investigation of Freight Rates for the Transportation of Recyclable or Recycled Materials*, on the Administrator of the Environmental Protection Agency and on the Secretary of Transportation. A copy will also be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C. for the public inspection. In addition, statutory notice of the institution of this proceeding will be given to the general public by delivering a copy to the Director, Office of the Federal Register, for publication.

Decided: November 25, 1977.

By the Commission, Commissioner Murphy concurring.

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

Commissioner Murphy, concurring: Since the Commission did indicate a need for further study of specified commodity groups in its report in Ex Parte No. 319,¹ I am in agreement with the proposed action herein.

Nevertheless, in retrospect, it seems clear that respondents are being asked once again to disprove what appears to be an almost impossible task, namely, that respondents through their separate and joint efforts are somehow the cause and effect of pollution or have a major role in retarding pollution con-

¹Ex Parte No. 319, *Investigation of Freight Rates for the Transportation of Recyclable or Recycled Commodities*, I.C.C. (served Feb. 4, 1977).

trol. But in numerous decisions of this Commission, respondents have submitted convincing evidence that they not only are cognizant of their obligations to promote a healthful environment² but have earnestly sought to facilitate the movement of recyclables.³

Since respondents are now being asked to submit extensive and detailed data on the movement of specified recyclables, including cost and revenue data, I believe it would be not only appropriate but essential if interested persons in the recycling industries would submit similar detailed data. This could take the format of the submission of a profit and loss statement, a balance sheet, and a dividend record of the firm involved in recycling. Additionally, those persons might show what they have done to facilitate the movement of recyclables by rail. Finally, the recycling firms should be able to show what they are doing individually to promote a healthy environment distinctly separate from their obvious purpose of achieving a financial profit from their operations. As noted in my separate expression in Ex Parte No. MC 85, Transportation of "Waste" Products for Reuse, 114 M.C.C. 92, 112,⁴ I am totally committed and in favor of improving the environment. The Nation's highways and byways, however, continue to be littered with discarded automobiles and other waste products. Obviously, those conditions cannot be attributed solely to the actions of respondents.

APPENDIX.—MANNER IN WHICH EVIDENCE SHOULD BE SUBMITTED

All submissions (opening statement, reply statement and briefs) should be divided into eight parts. All evidence related to the National Environmental Policy Act of 1969 should be included in those eight parts.

PART I.—HISTORICAL EVIDENCE OF COSTS AND MOVEMENTS OF RECYCLABLE AND VIRGIN MATERIALS

A. Movements of Recyclable

Carriers should submit evidence of rates at the Ex Parte No. 336 level (Jan. 7, 1977). Since the evidence submitted in Ex Parte No. 319 indicates that the commodities requiring additional investigation are not moving in great volume, the method of the selection of the movements will differ from that proceeding.

Respondent railroads are ordered to submit data showing the number of waybills for interstate movements they have of record for the period 1971 through 1976. These waybills should be for the involved

² Respondents have shown in numerous proceedings that they expend substantial financial resources to ameliorate environmental problems arising out of their normal day-to-day operations.

³ Where appropriate, respondents have introduced incentive rates, or other provisions, to move recyclables.

⁴ Modified, 124 M.C.C. 583.

commodities originated on its lines, broken down by year. For example:

STCC No. 20 511 18 BAKERY WASTE

1971	12 waybills
1972	10 waybills
1973	14 waybills
1974	15 waybills, etc.

If no traffic was originated by respondent, this should be indicated. Respondents should then identify the number of commodity rates in effect under which no traffic moves with a brief description of the application of such rates. For example:

MUNICIPAL GARBAGE—NO MOVEMENTS

Territory	Length of haul	Type of rate	Minimum weight
1. Within official	Miles	CC	Pounds
2. Alabama to Georgia.....		SC	Tons
3. Within Southern.....		D	

CC—Commodity column.
SC—Specific commodity—point to point.
D—Distance commodity.

This information shall be submitted to the Commission at a time to be specified in a subsequent order after the statements of intent to participate and additional commodities have been received. From this data, we will then determine the size of the sample on which further information as set forth in part B below, will be required.

B. Format for Movement Data

After respondents have been informed of which waybills and potential movements will be included in the sample, they should submit data in the following format. Respondents should take note of the requirements for an estimate of annual net tonnage in item 18.

1. Identification number of unit slip, top righthand side of page and underneath, whether it is an actual or potential movement.
2. Commodity and STCC No.
3. Origin and destination (city/state).
4. Origin rate territories.
5. Type of rate (single-car, multiple-car, or trainload).
6. Rate in cents per net ton (Ex Parte No. 336).
7. If multiple-car or trainload shipment, indicate rate reduction from single-car rate (in cents per net ton).
8. Complete tariff authority.
9. Minimum weight per shipment (net ton).
10. Average weight per shipment (net tons).
11. Average number of cars per shipment.
12. Average weight per car.
13. Car ownership (carrier-owned or leased, or shipper-owned or leased).
14. Car type (as identified in A.R.R.-1 Sch. 417).
15. Route of movement (single-line or interline).
16. Carrier(s) and miles for single-line and/or interline movements:

Carrier	Short Tariff Route Miles	Route of Movement Miles	Point of Interchange and/or Destination
1st.....			
2d.....			
3d.....			

17. Average revenue per car (line-haul revenues plus number of cars in the shipment).

18. Estimate of annual tonnage under rate if actual movement (net tons 1971-1976).

C. Cost Evidence

Respondents should submit evidence on costs associated with the movements of recyclable materials called for in (A). This evidence should include respondents' analysis of whether the current rates adequately reflect differences in costs due to:

1. Distances traveled,
2. Weight of shipments,
3. Special equipment,
4. Special handling,
5. Equipment utilization including empty backhauls,
6. Equipment maintenance, and
7. Other factors.

Supplemental cost evidence should include the unit costs employed along with the method of their computation. General allegations that extra costs are involved, for example, for extra security measures, without supportive evidence as to the costs involved, will not be given any weight. Revenue-to-variable cost ratios should be developed to show average ratios.

PART II.—SHIPPER'S ABILITY TO PAY FREIGHT RATES

Shippers are requested to submit data on their costs in purchasing the recyclable, costs in processing, selling prices, and whenever possible the ratio of revenue of the shipper divided by the total cost to the shipper. Any other information that is reflective of a shipper's ability to pay freight charges is also requested.

PART III.—HISTORICAL EVIDENCE ON UTILIZATION OF RECYCLABLE MATERIALS.¹

Evidence should be submitted which shows the trend in utilization of the recyclable materials by territory since 1966—including prices and quantities of recyclable materials and the effects of previous general rate increases on movements within and between the named territories. The ratio of the freight rate to the price of a commodity over a period of years should also be presented. If carriers elect to submit extensive price and quantity data, that information should be presented in table form and comments should be included in the text of the submissions. (Imports and exports should be shown separately.) This

¹ This information should also be presented for potentially competitive virgin materials if there are any.

data should be accompanied by a discussion of the factors which affected utilization and prices for the recycled materials—i.e., market structure for the production and distribution of final products, storage facilities, etc.

PART IV.—SENSITIVITY OF RECYCLABLE MATERIALS TO CHANGES IN TRANSPORTATION RATES

Respondents should present argument and evidence to support their position on the extent to which recyclable materials would be substituted for virgin materials (if there is a potentially competitive virgin material), if rates on the recyclable materials were lowered, or held down, while rates on virgin materials were allowed to increase in time. In connection with this analysis the following factors should be considered: Factors that affect utilization of recyclable materials and their potential substitution for virgin materials. For example, are there technological factors that encourage or prevent substitution? Does the market structure (e.g., vertical integration), in any way affect utilization of either virgin or recyclable materials? Are there any Government policies or programs which place recyclable or virgin materials at a competitive disadvantage?

PART V.—EFFECTS ON INDIVIDUAL RAILROADS

Respondents should present evidence to support their arguments on the likely effects that rate changes would have on individual railroads' revenues and profitability. This part of the study will depend in part upon the conclusions reached in part III and should include available data concerning evidence of trends indicating intermodal and intramodal shifts, if any, in the transportation of recycled or recyclable and virgin materials, including evidence attributing such shifts to changes in the rate structure for these materials.

Evidence of the significance of the named recyclable and virgin materials traffic relative to total rail operations, individual roads and by territory, should be submitted (revenues and volume in net tons). The evidence should also indicate the percentage the revenue and tonnage is to total revenue and tonnage.

PART VI.—SERVICE TO SHIPPERS OF RECYCLABLE MATERIALS

Respondents should include a thorough discussion of the effects that rate changes have had and will have

on service. Of particular concern is the issue of whether revenues will be adequate to induce railroads to undertake future investments to meet shippers' requirements. Shippers and carriers are encouraged to submit projections of service requirements and evidence of the carriers' ability to meet the shippers' past and future requirements for service.

PART VII.—ALTERNATIVE RATE STRUCTURE

Are there alternative carrier-operating practices or rate structures or tariff arrangements which would be more innovative or more flexible? Parties are encouraged to discuss new ideas and policies relative to ratemaking, and the need for incentive rates.

PART VIII.—OTHER EVIDENCE

All parties should endeavor to submit their evidence, including revenue/cost relationships, under one or more of Parts I through VI above. Miscellaneous evidence submitted under Part VII should indicate the specific purpose for which it is being introduced and the reason it does not fit within one or more of Parts I through VI. Environmental matters should also be discussed in this part.

[FR Doc. 77-34868 Filed 12-6-77; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

1

CIVIL AERONAUTICS BOARD.

[M-80, amdt. 6, December 1, 1977]

NOTICE OF DELETION OF ITEM FROM THE
DECEMBER 1, 1977 MEETING AGENDA

TIME AND DATE: 10 a.m.—December
1, 1977.

PLACE: Room 1027, 1825 Connecticut
Avenue NW., Washington, D.C. 20428.

SUBJECT: 1a. Proposed transfer of
auditors from Bureau of Enforcement
to Bureau of Accounts and Statistics.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,
202-673-5068.

SUPPLEMENTARY INFORMATION:
Vice Chairman O'Melia has expressed
an interest in item 1a and he is unable
to attend today's meeting. Accordingly,
the following Members have voted
that agency business requires the dele-
tion of item 1a from the agenda of De-
cember 1, 1977 and that no earlier an-
nouncement of this deletion was possi-
ble:

Chairman Alfred E. Kahn, Member
G. Joseph Minetti, Member Eliza-
beth E. Bailey.

[S-1991-77 Filed 12-5-77; 8:53 am]

[6320-01]

2

CIVIL AERONAUTICS BOARD.

[M-84; 12/1/77]

TIME AND DATE: 10 a.m., December
8, 1977.

PLACE: Room 1027, 1825 Connecticut
Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of items
adopted by notation.

Routine Items

All items listed under the "Routine"
heading will be adopted by one motion
unless any Member of the Board re-
quests that any specific item, or items,
be removed from this list and be dis-
cussed and voted upon separately.
Action by one motion will conserve
time and permit focus on other-than-
routine matters.

2. Docket 30257, Ceskoslovenske Aer-
olinie, Application for renewal of for-
eign air carrier permit; staff recom-
mendation—that Board adopt pro-
posed draft final action regarding
Show Cause Order 77-10-35 (Memo
No. 5146-E, BIA, BOR).

3. Docket 30706, Application of
Northward Airlines Limited for for-
eign air carrier permit; staff recom-
mendation—issuance of a show-cause
order proposing to issue Northward a
permit (Memo No. 7619, BOR, BIA,
BLJ, OGC).

4. Docket 29445, Las Vegas-Dallas/
Fort Worth Nonstop Service Investiga-
tion; staff recommendation—Target
Date of 2/10/78 (Memo No. 7609,
OGC).

5. Docket 30170; West Coast Alaska
Investigation; petition for review of
staff action; staff recommendation—
dismissal of city of Denver's petition
for review of Order 77-8-150 (Memo
No. 7628, BLJ, OGC).

6. Docket 31740 and 31745, group 50
fares to Hawaii proposed by United
(BFR).

7. Student fares in the U.S.-Guam/
Pago Pago markets proposed by Pan
American (BFR).

Discussion Items

8. Overseas National Airways, Inc.,
petition for review of staff action de-
nying a request by Pan American World
Airways, Inc., to transport ONA
charter passengers on PAA's sched-
uled service at ONA's charter rate;
staff recommendation—granting peti-
tion and amending staff action and re-
quest for instructions on similar-type
cases (Memo No. 7436-A, BFR).

9. Docket 25659, Investigation of the
Local Service Class Subsidy Rate,
Class VII; staff recommendation—
denial of exceptions of Piedmont to
Order 77-6-37 (Memo No. 7099-B,
BFR, OGC).

10. Docket 29439, Eastern Air Lines'
application for intercarrier discussions

concerning research, design and pro-
curement of future aircraft types; pro-
posed instructions to the staff (Memo
No. 6318-B).

11. Docket 30555, Motion of Texas
International to relieve its DFW-LAX
economy fare from being investigated
in the Peanuts Fare Investigation; al-
ternative staff recommendations—BLJ
would grant TXI's motion and OGC
would deny TXI's motion and would
recommend approval of Memo No.
7100-A with modifications (Memo No.
7100-A, 7100-B, BLJ, OGC).

12. Petition of Hughes Air Corp.
d.b.a. Hughes Airwest for review of ac-
tions by the Director, Bureau of Ac-
counts and Statistics in Accounting
and Reporting Directive No. 57-
Reporting of Regulatory Depreciation on
CAB Form 41 Schedule P-5(a) "Com-
ponents of Flight Equipment Depreci-
ation" and Schedule B-5 "Property
and Equipment;" staff recommenda-
tion—denial of Airwest's petition that
the Directive be revoked (Memo No.
7626, BAS, BFR, BOE, OGC).

13. Braniff Airways' Transaction
Agreement BN-107 (No. 19, filed No-
vember 9, 1977); staff recommenda-
tion—permit by inaction (Memo No.
7137-B, BOR, BAS, OGC).

14. Docket 31129, Commuter Air-
lines' Request to Operate CV-580 Air-
craft in Scheduled and Charter Ser-
vice; staff recommendation—grant ex-
emption in part (Memo No. 7604,
BOR).

15. Docket 31222, Allegheny's Appli-
cation to amend the Cape May Re-
placement agreement to permit the Al-
legheny commuter to serve Millville,
N.J., staff recommendation—denial
(Memo No. 7627, BOR, BFR, OEA,
OGC).

16. Docket 31109, Air Polynesia, Inc.,
Exemption to use DC-3 aircraft within
the State of Hawaii; staff recommenda-
tion—denial (Memo No. 7557, BOR,
OGC).

17. Docket 31397, Petition of certain
all-cargo commuter air carriers to
amend Part 298 to increase the size of
aircraft authorized for use in all-cargo
air taxi service; staff recommenda-
tion—issue notice of proposed rule-
making (Memo No. 7610, OGC).

18. Docket 31229, Charter flight
delays and substitute transportation;
staff recommendation—issue notice of
proposed rulemaking (Memo No. 7611,
OGC).

19. Docket 30546, Bureau of Enforce-
ment petition for discretionary review

of initial decision dismissing complaint in Transporturle Aeriene Romane, Enforcement Proceeding; staff recommendation—denial of petition (Memo No. 7614, OGC).

20. Docket 29792, Notice of Proposed Rulemaking EDR-317, to insure the size of Aircraft Authorization for use by Air Taxi Operators within the State of Hawaii; staff recommendation—that the Board adopt the proposed rules as final (OGC).

21. Docket 24694, Miami-Los Angeles Competitive Nonstop Case; staff recommendation—reopen the proceeding for the limited purpose of considering whether Western or Pan American should receive Miami-Los Angeles competitive authority (Memo No. 7354-C, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary,
202-673-5068.

[S-1992-77 Filed 12-5-77; 8:53 am]

[6714-02]

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

At its meeting held at 1 p.m. on Wednesday, November 30, 1977, the Federal Deposit Insurance Corporation's Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Helmann, that Corporation business required its consideration of the following matters on less than 7 days' notice to the public:

Recommendation regarding the issuance of a consent cease and desist order against an insured State non-member bank.

Recommendation regarding the liquidation of assets acquired by the Corporation from The Hamilton Bank and Trust Co., Atlanta, Ga. (Case No. 43,300-L).

Reassignment of and administrative pay increase for a Corporation employee.

The matters were considered in the closed portion of the meeting pursuant to subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) and on the basis of the Board's determination that the public interest did not require consideration of the matters in a meeting open to public observation.

The Board further determined that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: November 30, 1977.

For the Federal Deposit Insurance Corporation.

ALAN R. MILLER,
Executive Secretary.

[S-1997-77 Filed 12-5-77; 3:08 pm]

[6740-02]

4

FEDERAL ENERGY REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. December 2, 1977, 42 FR 61357).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: December 7, 1977, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

ER-6.—E-8176, Southern California Edison Co.

ER-7.—E-9068, E-9118 and E-9497, Ohio Edison Co.

M-1.—RM77-20, pipeline rate transportation rate schedules.

M-2.—RM74-16, natural gas companies' annual report of proved domestic gas reserves FPC Form No. 40.

M-3.—RM75-25, policy with respect to certification of pipeline transportation agreements.

RP-2.—RP73-97, Kentucky West Virginia Gas Co.

CI-2.—CI77-123, Gulf Oil Corp.

CP-10.—CP76-138, Transcontinental Gas Pipe Line Corp.

CP-20.—CP75-140, et al., Pacific Alaska LNG Co., et al.

CP-21.—CP77-607, City of Marietta Tex., Applicant v. Natural Gas Pipeline Co. of America, respondent.

KENNETH F. PLUMB,
Secretary.

[S-1993-77 Filed 12-5-77; 8:53 am]

[6115-01]

5

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION.

TIME AND DATE: 1 p.m., Monday, December 12, 1977.

PLACE: Board Room, 712 Jackson Place NW., Washington, D.C. 20006.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Consideration of Amendments of By-Laws; Graduate Program Proposals.

CONTACT PERSON FOR MORE INFORMATION:

Dr. Robert E. Cleary, Executive Secretary, telephone 202-395-4831.

ROBERT E. CLEARY,
Executive Secretary.

Approved:

JOHN W. SNYDER,
Chairman, Board of Trustees.

[S-1996-77 Filed 12-5-77; 12:27 pm]

[7030-01]

6

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., December 14, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

PORTION OF THE MEETING OPEN TO THE PUBLIC:

Dockets 74 and 332-C, Sioux.
Dockets 27-B and 338, Delaware.

PORTION OF THE MEETING CLOSED TO THE PUBLIC: Personnel.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, 202-653-6174.

[S-1995-77 Filed 12-5-77; 11:41 am]

[7035-01]

7

INTERSTATE COMMERCE COMMISSION, DIVISION 3.

TIME AND DATE: 2:30 p.m., Monday, December 12, 1977.

PLACE: Room 5124, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Notice of open meeting.

MATTER TO BE CONSIDERED: (1) Review of division 3 workload.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Hildred Hersman, Confidential Assistant to Commissioner Brown; telephone: 202-275-7535.

[S-1998-7 Filed 12-5-77; 3:57 pm]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of December 5, 1977.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

SUNSHINE ACT MEETINGS

61917-61949

TUESDAY, DECEMBER 6

2:30 a.m.—Discussion of Draft Seabrook Opinion (approx. 2 hrs.) (Closed—Postponed from Monday, December 5—Exemption 10.)

WEDNESDAY, DECEMBER 7

9:30 a.m.—(Additional items.)

2. Briefing on Reducing Procedural Cost Burdens for Participants in Commission Proceedings; and Discussion of Procedural Assistant in the S-3 Fuel Cycle Rulemaking. (Approx. 1 hr.) (Public meeting.)

3. Discussion of Mr. Pollard's Requests to Participate in NRC Meetings

on USC Petition (Approx. ½ hr.) (Public meeting.)

(The meeting "Personnel Matters" should be titled "Discussion of Internal Organizational Structure" and is a continuation of the November 23, 1977, meeting.)

THURSDAY, DECEMBER 8

2. Status Report by Staff on USC Petition for Emergency Relief and Possible Order (Approx. 1 hr.) (Public meeting.) (Replaces "Discussion of OMB Budget Mark".)

By 4-0 vote on December 2, 1977, the Commission determined pursuant to 5 U.S.C. 552b(3)(1) and § 9.107(a) of the

Commission's rules that Commission business requires that these agenda items be held on less than 1 week's notice to the public. Immediate discussion is required to insure prompt consideration of these matters.

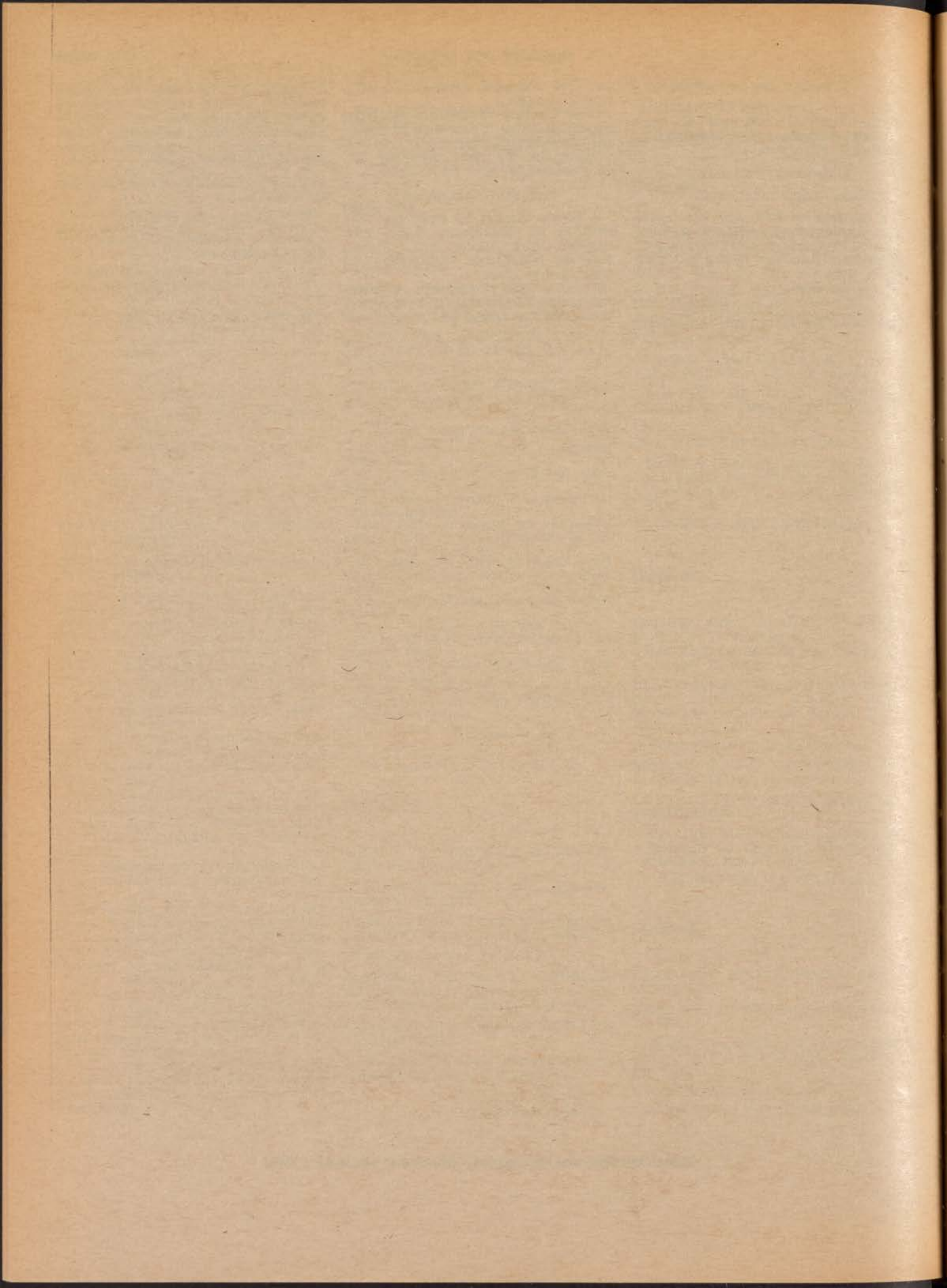
CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated at Washington, D.C., this 5th day of December 1977.

WALTER MAGEE,
Office of the Secretary.

[S-1994-77 Filed 12-5-77; 11:41 am]



Register
Federal Order

WEDNESDAY, DECEMBER 7, 1977

PART II



DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT

Federal Insurance
Administration

■
PROPOSED FLOOD
ELEVATION
DETERMINATIONS

[4210-07]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3694]

CITY OF NEW BRIGHTON,
RAMSEY COUNTY, MINN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of New Brighton, Ramsey County, Minn.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 803 Fifth Avenue Northwest, New Brighton, Minn.

Send comments to: Mayor Gayle Broman, City Hall, 803 Fifth Avenue Northwest, New Brighton, Minn. 55112.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of New Brighton, Minnesota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or re-

gional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
County Ditch No. 2.	7th St NW	886
	do ¹	880
	Service road ²	880
	do ¹	876
	U.S. Interstate Highway 694 ²	876
	do ¹	872
Rice Creek	Weir at Long Lake Rd ¹	871
	do ¹	869
Long Lake	Minnesota transfer railroad	868
	Long Lake	868
Pike Lake	Near s orline	868
	do	872

² Upstream side.
¹ 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: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-34513 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3695]

CITY OF NORTH ST PAUL,
RAMSEY COUNTY, MINN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of North St. Paul, Ramsey County, Minn.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the

flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 2526 East 7th Avenue North St. Paul, Minn.

Send comments to: Mayor Jack F. Whisler, City of North St. Paul, City Hall, 2526 East 7th Avenue, North St. Paul, Minn. 55109.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of North St. Paul, Minn., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
County Ditch No. 18.	Ariel St.	929
	13th Ave. North ¹	929
	do ²	931
	Detention pond service road ¹	931
	do ²	935
	11th Ave. North	935
	Shopping center service road	935
	Minnesota Highway 26 ¹	935
	do ²	937
	Soo Line R.R. bridge ¹	937
North Branch County Ditch No. 18.	do ²	939
	East South Ave.	939
Casey Lake	McKnight Rd.	936
	Western corporate limits (north of 17th Ave.)	928
Silver Lake	Eastern corporate limits west of Century Ave. in Oakdale.	991

¹ Downstream side.
² Upstream side.

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34514 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3696]

CITY OF CLEVELAND,
BOLIVAR COUNTY, MISS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Cleveland, Bolivar County, Miss.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 100 North Street, Cleveland, Miss.

Send comments to: Mayor Martin T. King, Jr., City Hall, 100 North Street, P.O. Box 339, Cleveland, Miss. 38732.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Cleveland, Miss., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures re-

quired by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jones Bayou	Rosemary Rd. (Upstream)	138
	(Downstream)	137
	Hillcrest Circle	137
	West 3d St. (Upstream)	137
	(Downstream)	136
	South Court St.	136
	Leflore Ave.	135
	Yale St.	135
Bear Pen Canal	Highway 8. (Upstream)	137
	(Downstream)	136
	Sunflower Rd.	136
	Road (360 ft upstream of corporate limits.)	134
Pecan Bayou	Maple St.	137
	College St.	136
	Bishop St.	136
	Yale St.	135
West Main Canal	Unnamed road (at upstream corporate limits).	139
	Pearman Rd.	137
	Sunflower Rd. (Upstream)	136
	(Downstream)	135

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34515 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3286]

CITY OF BRAGG CITY,
PEMISCOT COUNTY, MO.

Proposed Flood Elevation Determinations;
Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 42 FR 45128 of the FEDERAL REGISTER of September 8, 1977 (42 FR 45128).

EFFECTIVE DATE: September 8, 1977.

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.

The following corrections are made:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ditch No. 72	At intersection of St. Louis, San Francisco R.R. and Clay Roost Bayou.	260

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34516 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3697]

CITY OF HANNIBAL, MARION COUNTY,
MO.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Hannibal, Marion County, Mo.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Fourth and Broadway, Hannibal, Mo.

Send comments to: Mayor Lillian Herman, City Hall, Fourth and Broadway, Hannibal, Mo. 63401.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Hannibal, Mo., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River...	Mark Twain Memorial bridge	478
	Norfolk & Western R.R. bridge	478
Mills Creek.....	Lindell Ave.	484
	Johnson St. extended	498
Minnow Branch.....	Burlington Northern R.R. (upstream side)	491
	Lamb Ave.	514
	James Rd.	534
	Westly Rd.	570
Unnamed tributary to Bear Creek.	Hannibal New London Rd.	524
	U.S. Highway 61 (upstream side)	540

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-34517 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3699]

TOWN OF AVON, LIVINGSTON COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Avon, Livingston 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Avon Town Hall, 70 Genesee Street, Avon, N.Y. 14414.

Send comments to: Mr. James M. Steele, Town Supervisor of Avon, 70 Genesee Street, Avon, N.Y. 14414.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Avon, Livingston County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional en-

tities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Genesee River.....	Upstream corporate limits	551
	Confluence with Browns Creek	549
	Fowlerville Rd.....	545
	Confluence with Christie Creek	540
	Confluence with Conesus Creek	540
	Village of Avon corporate limits	538
	Confluence with White Creek	
	Downstream corporate limits	
Conesus Creek.....	Avon-Genesee Rd. (N.Y.S. 39)	560
	Abandoned railroad...	559
	Confluence with Little Conesus Creek	542
	Confluence with Genesee River	540
Little Conesus Creek.	N.Y.S. 39.....	555
	Mill Rd.....	552
	Confluence with Conesus Creek	542

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-34518 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3699]

VILLAGE OF AVON, LIVINGSTON COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Avon, Livingston 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Avon Village Office, 102 Genesee Street, Avon, N.Y. 14414.

Send comments to: Honorable Mary B. Cole, Mayor of Avon, 102 Genesee Street, Avon, N.Y. 14414.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Avon, Livingston County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Genesee River	Confluence with Conesus Creek	540
	West Main St (U.S. 20 and N.Y. 5)	539
Conesus Creek	Erie-Lackawanna RR Corporate limits	539
	Confluence with Genesee River	540

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

trator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34519 Filed 12-6-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3700]

**TOWN OF MOUNT MORRIS,
LIVINGSTON COUNTY, N.Y.**

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Mount Morris, Livingston 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Mount Morris Town Hall, Main and Chapel Street, Mount Morris, N.Y. 14510.

Send comments to: Honorable Anthony M. Cipriano, Mayor of the Town of Mount Morris, Mount Morris P.O. Box, Mount Morris, N.Y. 14510.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Mount Morris, Livingston County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program

regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Genesee River	Confluence of Canaseraga Creek	566
	Village of Mount Morris corporate limits (downstream)	571
	Village of Mount Morris corporate limits (upstream)	588
	Letchworth State Park line	589
Canaseraga Creek	Ponding in the area approximately bounded by State Route 408, State Route 36, and the eastern corporate limits of the town of Mount Morris	570

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34520 Filed 12-6-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3701]

**VILLAGE OF MOUNT MORRIS,
LIVINGSTON COUNTY, N.Y.**

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Mount Morris, Livingston 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 participa-

PROPOSED RULES

tion in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Clerk's Office, 103 Main Street, Mount Morris, N.Y. 14510.

Send comments to: Honorable Lawrence C. Patzwald, Mayor of the Village of Mount Morris, 103 Main Street, Mount Morris, N.Y. 14510.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Mount Morris, Livingston County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4 (a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Genesee River	Corporate limits	571
	Con Rail	572
	Rochester Gas & Electric Dam	587
	Corporate limits (upstream)	588

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34521 Filed 12-6-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3702]

**CITY OF CANNON BEACH,
CLATSOP COUNTY, OREG.**

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Cannon Beach, Clatsop County, Oreg.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 163 East Gower Street, Cannon Beach, Oreg.

Send comments to: Mayor Bruce M. Haskell, P.O. Box 368, Cannon Beach, Oreg. 97110.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Cannon Beach, Oreg., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any

existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean	At coast near west end of Sitka St.	28
	At coast near north corporate limit (near 7th St.).	27
	At coast near west end of Umpqua St.	27
	At coast near west end of Washington St.	24
	At coast near west end of Jackson St.	24
	At coast near west end of Brallier St.	23
	At coast near west end of Tanana St.	20
	At coast near west end of Coolidge Ave.	19
	At coast near west end of Chisana St.	15
	At coast near west end of Hemlock St. and 2d St.	12

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34522 Filed 12-6-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3703]

**BOROUGH OF BALDWIN,
ALLEGHANY COUNTY, PA.**

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Baldwin, Alleghany 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Baldwin Municipal Building, 3344 Churchview Avenue, Pittsburgh, Pa.

Send comments to: Honorable Samuel L. McPherson, Mayor of Baldwin, 3344 Churchview Avenue, Pittsburgh, Pa. 15227.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Baldwin, Allegheny County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River.	Confluence of Becks Run.	734
	Upstream corporate limits.	734
Streets Run.....	Streets Run Rd. (upstream) (near Brentwood Rd.).	856
	Streets Run Rd. (near Prospect Rd.).	917
Lick Run.....	Chessie System (downstream) (near Doyle Rd.).	980
	Norfolk & Western R.R. (upstream).	1,015
	Curry Rd. (upstream).	1,016
	McAnnulty Rd. (upstream).	1,032

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Becks Run.....	Carson St.....	734
	Becks Run Rd. (upstream).	745
	Bajo Rd. (upstream).	762
	Becks Run Rd. (upstream).	785

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-34523 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3704]

BOROUGH OF HATFIELD, MONTGOMERY COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Hatfield, Montgomery 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Hatfield Municipal Office, Main and Chestnut Streets, Hatfield, Pa. 19440.

Send comments to: Honorable Robert Krum, Mayor of Hatfield, 126 West School Street, Hatfield, Pa. 19440.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Hatfield, Montgomery County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Neshaminy Creek.	East Vine St.....	303
	Upstream side of Chestnut St.	307
	East Broad St.....	314
Towamencin Creek.	Corporate limits.....	317
	At confluence with West Branch Neshaminy Creek.	304
	Downstream side of South Main St.	313
North Hatfield Tributary.	Butler Rd.....	318
	Columbia Ave. (extended).	325
	Corporate limits.....	304

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-34524 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3705]

BOROUGH OF LEWISTOWN, MIFFLIN COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Lewistown, Mifflin 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Council Chambers, 2 East 3rd Street, Lewistown, Pa.

Send comments to: Honorable John J. Lawler, Mayor of Lewistown, Municipal Building, Council Chambers, 2 East 3rd Street, Lewistown, Pa. 17044.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Lewistown, Mifflin County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Juniata River	Downstream corporate limit	475
	Flemming Ave. extended	476
	Hale St. extended	477
	Bell Ave	478
	Silversand Ave. extended	479
	Upstream corporate limit	479
Kishacoquillas Creek	Confluence with Juniata River	477
	U.S. Route 522	477
	South Pine Rd. extended	482
	East Walnut St.	484
	Conrail	485
	Banks Ave. extended	488
Jacks Creek	Confluence with Juniata River	475
	U.S. Route 22	475
	Upstream corporate limit	475

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-34525 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3706]

**TOWN OF GOSHEN,
ROCKBRIDGE COUNTY, VA.**

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Goshen, Rockbridge County, Va.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base

(100-year) flood elevations are available for review at the Goshen Fire Department, Goshen, Va. 24439.

Send comments to: Honorable L. Dwight Rose, Mayor of Goshen, Box 32, Goshen, Va. 24439.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Goshen, Rockbridge County, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet above mean sea level
Calf Pasture River	Downstream corporate limit	1,395
	Chesapeake & Ohio RR (downstream)	1,396
	Chesapeake & Ohio RR (upstream)	1,398
	State Route 42	1,399
	2,400 ft upstream, State Route 42	1,402
	Upstream corporate limits	1,409
Mill Creek	Mouth	1,396
	Route 39 bridge	1,398
	Chesapeake & Ohio RR (upstream 50 ft)	1,400
	425 ft upstream C. & O. RR	1,405
	State Route 39A	1,400
	900 ft upstream, State Route 39A	1,410
	2,400 ft upstream, State Route 39A	1,420
	Upstream corporate limits	1,425

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34526 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3707]

INDEPENDENT CITY OF RADFORD, VA.
Proposed Flood Elevation Determinations
AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Independent City of Radford, Va.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Radford City Hall, 619 Second Street, Radford, Va. 24141.

Send comments to: Honorable Thomas L. Starnes, Mayor of Radford, 99 Seventh Street, Radford, Va. 24141.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Independent City of Radford, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program

regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
New River.....	Norfolk & Western RR (downstream).	1,730
	U.S. Route 11.....	1,746
Connelys Run.....	do	1,755
	Downstream Sundell Dr.	1,778
	Upstream Sundell Dr.	1,781
	Downstream 2d St. extended.	1,797
	Upstream 2d St. extended.	1,800
	Park Dr. downstream.	1,802
	Park Dr. upstream...	1,804

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34527 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3708]

TOWN OF RICH CREEK, GILES COUNTY, VA.

Proposed Flood Elevation Determinations
AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Rich Creek, Giles County, Va.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a

newspaper of local publication in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Rich Creek Town Hall, 351 Riverside Avenue, Rich Creek, Va. 24147.

Send comments to: Honorable Roy E. Kemper, Mayor of Rich Creek, 351 Riverside Avenue, Rich Creek, Va. 24147.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Rich Creek, Giles County, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
New River.....	Downstream corporate limits.	1,534
	Confluence with Rich Creek.	1,536
Rich Creek.....	Entire stream within corporate limits.	1,536

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34528 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3712]

COUNTY OF KING, WASH.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the County of King, Wash.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the King County Courthouse, Building Management, 3rd and James, Seattle, Wash.

Send comments to: Mr. John Stellman, County Executive of King County, room 400, County Courthouse, 3rd and James, Seattle, Wash. 98104.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the County of King, Wash. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood

insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Snoqualmie River	North Fork Snoqualmie River	427
	Confluence of South Fork Snoqualmie River	425
	Chicago, Milwaukee, St. Paul & Pacific R.R.	423
	Meadowbrook Ave.	423
	Burlington Northern R.R.	420
	Washington State Highway 522	416
	Snoqualmie Falls (downstream)	130
	Washington State Highway 203	95
	Confluence of Tolt River	73
	Carnation Rd.	60
	Northeast 124th St.	49
	Woodinville Duvall Rd.	45
	County boundary	43
Middle Fork, Snoqualmie River	Mount St. Rd.	480
	Confluence—Snoqualmie River and Middle Fork Snoqualmie River	427
South Fork, Snoqualmie River	Mount St. Rd.	488
	Southeast Bendigo St.	440
	Burlington Northern R.R.	438
	Interstate 90	437
	Washington State Highway 522	434
	Chicago, Milwaukee, St. Paul & Pacific R.R.	433
North Fork, Snoqualmie River	428th Ave. SE, confluence with Snoqualmie River	426
Sammamish River	Northeast 45th St.	33
	Confluence of Bear Creek	33
	Leary Way	33
	Washington State Highway 908	32
	Burlington Northern	32
	Northeast 116th St.	27
	Northeast 124th St.	26
	Northeast 145th St.	26
	Woodinville-Duvall Rd.	24
	Burlington Northern	24
	Interstate 405	23
	Burlington Northern R.R.	20
	Waynita Drive NE	19
	68th Ave. NE	15
	Confluence with Lake Washington	15
Issaquah Creek	Issaquah-Coalfield Rd.	224
	Private road	147
	do.	142
	67th Ave. SE	129
	Sycamore Dr. SE	125
	Southwest Clark St.	96
	Access Rd.	90
	East Sunset Way	88
North Fork, Issaquah Creek	Issaquah Ave. North	67
	Interstate 90	67
	Private Rd.	64
North Fork, Snoqualmie River	Burlington Northern R.R.	59
	Private road	58
	221st Place SE	57
	Private road	55
Tibbetts Creek	Private road (Stream mile 2.21)	182
	Private road (Stream mile 2.16)	176
	Private road (Stream mile 1.91)	134
	Private road (Stream mile 1.70)	113
	Private road (Stream mile 1.47)	92

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Renton Issaquah Rd.	76
	Newport Way	75
	Northwest Mall St.	59
	Interstate 90	44
	Sammamish Parkway*SE	43
Bear Creek	Northeast 116th St.	77
	Private road	67
	Northeast 95th St.	67
	Confluence of Evans Creek	51
	Union Hill Rd.	45
	Redmond Fall City Rd.	43
	Confluence with Sammamish River	33
Evans Creek	220th Ave. NE	95
	Northeast 45th St.	92
	Northeast 50th St.	84
	Redmond Fall City Rd.	82
	Private road	79
	Redmond Fall City Rd.	67
	196th Ave. NE	62
	Union Hill Rd.	58
	Confluence with Bear Creek	51
Cedar River	Chicago, Milwaukee, St. Paul & Pacific R.R. (river mile 19.60)	472
	Chicago, Milwaukee, St. Paul & Pacific R.R. (river mile 16.88)	376
	Chicago, Milwaukee, St. Paul & Pacific R.R. (river mile 14.62)	313
	State Highway 169	312
	State Highway 18	308
	State Highway 169	285
	Chicago, Milwaukee, St. Paul & Pacific R.R. (river mile 13.38)	285
	Cedar Grove Road	226
	Southeast 50th St.	186
	149th Ave.	99
	State Highway 169	76
	Downstream corporate limits	68
Green River	Whitney Rd.	167
	Confluence of Newaukum Creek	155
	Green Valley Rd.	83
	Big Soos Creek	73
	Burlington Northern R.R.	73
	U.S.G.S. Gaging Station	64
	8th St. NE	63
	East Valley Highway	45
	Burlington Northern R.R.	44
	78th Ave. South	43
	Chicago, Milwaukee, St. Paul & Pacific R.R.	43
	Washington State Highway 167	42
	West Valley Highway	41
	Washington State Highway 516	38
	South 212th St.	33
	South 180th St.	28
	Straders Blvd.	25
	Interstate 405	24
	West Valley Highway	23
	Interstate 5	14
	42d Ave South	12
	East Marginal Way	10
	U.S. Highway 99	10
	16th Ave South	8
	1st Ave. South	8
	Burlington Northern R.R.	8
	South Spokane St.	8

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

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34529 Filed 12-6-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3709]

TOWN OF STAR CITY, MONONGALIA COUNTY, W. VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Star City, W. Va.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 3466 University Avenue, Star City, W. Va.

Send comments to: Mayor Joseph Straface, Town Hall, 3466 University Avenue, Star City, W. Va. 26505.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Star City, W. Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

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

¹ Upstream.
² Downstream.

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34530 Filed 12-6-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3710]

CITY OF WESTOVER, MONONGALIA COUNTY, W. VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Westover, Monongalia County, W. Va.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Office, Westover, W. Va.

Send comments to: Mayor Ernie Bartolo, City Office, Westover, W. Va. 26505.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Westover, W. Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

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

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34531 Filed 12-6-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3711]

VILLAGE OF DE FOREST, DANE COUNTY, WIS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of De Forest, Dane County, Wis.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Hall, 112 South Stevenson Street, De Forest, Wis.

Send comments to: Mr. Cliff Bass, Village Administrator, Village of De Forest, Village Hall, 112 South Stevenson Street, De Forest, Wis. 53532.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of De Forest, Wis., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed eleva-

tions will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yahara River.....	Chicago, Milwaukee, St. Paul & Pacific R.R.	934
	North St.	934
	Chicago, Milwaukee, St. Paul & Pacific R.R. (725 ft upstream of Main St. crossing).	932
	Main St.	931
	South Rd. (upstream).	931
	South Rd. (downstream).	926

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34532 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3713]

VILLAGE OF THIENSVILLE, OZAUKEE COUNTY, WIS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Thiensville, Wis.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Hall, 250 Elm Street, Thiensville, Wis. 53092.

Send comments to: Mr. Quinten Laabs, Village Administrator, Village of Thiensville, Wis., Village Hall, 250 Elm Street, Thiensville, Wis. 53092.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Thiensville, Wis., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Milwaukee River...	Eastern-most corporate limits.	663
	Thiensville Dam:	
	(Upstream).....	662
	(Downstream).....	660
	Southern-most corporate limits.	659
Pigeon Creek.....	Williamsburg Dr.	665
	Chicago, Milwaukee, St. Paul and Pacific R.R.:	
	(Upstream).....	665
	(Downstream).....	663
	Main St.	662
	Green Bay Rd:	
	(Upstream).....	660
	(Downstream).....	659

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34533 Filed 12-6-77; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3714]

VERNON COUNTY, WIS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Vernon County, Wis.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Vernon County Courthouse, Virginia, Wis.

Send comments to: Mr. Chester Erudson, County Board Chairman, Vernon County, Vernon County Courthouse, Virginia, Wis. 54665.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Vernon County, Wis., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed eleva-

tions will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance of existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork Kickapoo River.	Town Rd.:	
	(Upstream).....	864
	(Downstream).....	860
	Salem Ridge Rd.....	873
	County Trunk Highway "S".....	918
Town Rd.	.....	932
	County Trunk Highway "P".....	951
	Coon Creek.....	752
Tributary to Coon Creek.	County Trunk Highway "P".....	747
	(Upstream).....	745
	(Downstream).....	635
Bad Axe River.....	Burlington Northern State Trunk Highway 35.....	635
	Willenberg Rd.....	636
	Town Rd.....	641
North Fork Bad Axe River.	State Trunk Highway 56.....	661
	North Ridge Rd.:	
	(Upstream).....	668
South Fork Bad Axe River.	(Downstream).....	665
	County Trunk Highway "O".....	732
	Kuehn Rd.....	651
Lockington Rd.	.....	660
	Town Rd.:	
	(Upstream).....	672
South Creek Rd.:	(Downstream).....	669
	(Upstream).....	684
	(Downstream).....	682
Town road:	(Upstream).....	689
	(Downstream).....	687
	County Trunk Highway "N".....	699
Kickapoo River at Readstown.	State Trunk Highway 131.....	750
	Town road.....	750
West Fork Kickapoo River at Readstown.	.....	967
	Town road.....	967
West Branch Baraboo River.	.....	795
	State Trunk Highway 131.....	795
Bear Creek.....	County Trunk Highway "D".....	826
	.....	803
Otter Creek.....	State Trunk Highway 82 (just west of La Farge).....	824
	Farm Rd.....	838
	State Trunk Highway 82 (near Greene Hollow).....	863
State Trunk Highway 82 (about 0.4 mile east of intersection with County Trunk Highway "D").....	.....	923
	Town Rd.....	923
Tributary to Webster Creek.	County Trunk Highway "P".....	962
	.....	884
Warner Creek.....	County Trunk Highway "P".....	879
	(Upstream).....	884
	(Downstream).....	879
Valley Ave.:	(Upstream).....	891
	(Downstream).....	889
	Union Ave.:	
(Upstream).....	902	
(Downstream).....	900	
Farm Bridge.....	913	
Warner Ave.:		
(Upstream).....	922	
(Downstream).....	919	
Webster Creek.....	920	
Tributary at De Soto.	Town road.....	714
	Private Dr.....	734
State Trunk Highway 82.	.....	734

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34534 Filed 12-6-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3715]

FREMONT COUNTY, WYO.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Fremont County, Wyo.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Fremont County Courthouse, Lander, Wyo.

Send comments to: Mr. Lowell Lund, Chairman, Board of County Commissioners, Fremont County, Box CC, Lander, Wyo. 82520.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Fremont County, Wyo., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

PROPOSED RULES

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Little Popo Agie River.	Highway 789 Bridge . .	5,084
Big Popo Agie River.	City of Lander: (Downstream corporate limits).	5,303
	(Upstream corporate limits).	5,429
	Mortimer Lane Bridge.	5,472
Baldwin Creek	2d St. road: (Downstream)	5,296
	(Upstream)	5,299
	Culvert under U.S. Highway 287.	5,346
Squaw Creek	City of Lander (upstream corporate limits).	5,329
	U.S. Highway 287 Culvert.	5,346
	Baldwin Creek Rd.	5,361
	County road	5,402

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

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-34535 Filed 12-6-77;8:45 am]

Registered
Federal Order

WEDNESDAY, DECEMBER 7, 1977

PART III



DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT

Office of the
Assistant Secretary
for Housing—Federal Housing
Commissioner

■

MOBILE HOME
CONSTRUCTION AND
SAFETY STANDARDS

Welding Procedures

DEPARTMENT OF
AGRICULTURE AND
FORESTRY
BUREAU OF
PLANT INDUSTRY

PLANT INDUSTRY
BUREAU OF
PLANT INDUSTRY

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENTOffice of Assistant Secretary for Housing—
Federal Housing Commissioner

[24 CFR Part 280]

[Docket No. R-77-490]

MOBILE HOME CONSTRUCTION AND
SAFETY STANDARDS WELDING PRO-
CEDURES

Advance Notice of Proposed Rulemaking

AGENCY: Department of Housing and
Urban Development.ACTION: Advance Notice of Proposed
Rulemaking.

SUMMARY: This Notice proposes a rule clarifying that the weld-slag removal requirements set by American Institute of Steel Construction do apply to the welding of Mobile Home frames. The rule is needed because manufacturers have apparently not been removing the weld-slag because of a misunderstanding that the Institute's standards do not apply.

COMMENT DATE: Comments must be received on or before January 5, 1978.

ADDRESSES: Comments shall be mailed to or delivered to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CON-
TACT:

Richard A. Mendlen, Chief, Standards Branch, Mobile Home Standards Division, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4224, Washington, D.C. 20410, 202-472-4710.

SUPPLEMENTARY INFORMATION:

This Notice is being issued to inform the mobile home industry that the weld-slag removal requirements of § 1.24.1 of the American Institute of Steel Construction (AISC) Manual of Steel Construction, incorporated in the Federal mobile home construction and safety standards at 24 CFR 280.304(b), apply, according to the terms of § 1.24.1, to welding of mobile home frames. This Notice also requests comment on the question of whether the weld-slag removal requirements of § 1.24.1 should apply to mobile home frames.

The need for this action arises because mobile home manufacturers have apparently not been removing the weld-slag

before painting, as required by § 1.24.1. It appears that the Mobile Home industry has not understood that the AISC standard is mandatory under the Federal standard, whereas it was merely referenced in the ANSI A119.1 mobile home standard, which was in effect in many states before the Federal standard. Further, when the Department first indicated that the weld-slag removal requirements would be enforced, the question was raised as to whether the weld-slag removal requirement should apply to mobile home chassis. Therefore, the Department is requesting comment on that issue at the same time that it is giving notice that the present requirement is being enforced.

Section 1.24.1 of the AISC standard, made applicable to mobile home frames by 24 CFR 280.304(b), requires that all steelwork be given a coat of shop paint unless specifically exempted. The section also requires that the steelwork be cleaned of welding slag, flux deposits, loose millscale, loose rust and other foreign matter before it is painted.

The weld slag removal requirement serves two purposes. First, it assures that paint is not applied over the slag, which may flake off during transportation or at some other time which could result in a bare spot on the frame that would not be protected from corrosion. Second, it allows proper inspection of the weld since such an inspection cannot be done without removal of the slag.

Some representatives of the mobile home industry have argued that this requirement is not necessary because there is no indication of frame failure that would have been avoided had this requirement been met. They have argued further that this requirement results in an unnecessary cost of at least \$20 per transportable section of a mobile home. On the other hand, leading welding experts surveyed by the Department have indicated that the weld slag removal requirement is appropriate to protect chassis welds against corrosion as required by § 280.307(a) of the standard.

The Department requests comment on this issue, and specifically on the following questions:

1. Is there any history of frame failure related to corrosion or to faulty welding?
2. What is the cost of requiring weld slag removal?
3. If this requirement is to be changed, what should replace it with regard to factory inspection procedures and corrosion protection for the chassis welds?
4. Would it be appropriate to require random removal of slag and inspection

of the weld at critical locations along the frame rather than requiring removal of slag at all welds?

5. Given quality control inspection procedures currently being followed in the construction of mobile home frames, if weld slag is removed, are the inspectors qualified to determine whether faulty welds were made?

6. Should specific training requirements be established for welders and quality control inspectors who are responsible for judging the adequacy of frame welds?

The Department considers the language of 24 CFR 280.304(b) and of § 1.24.1 of the AISC standard to be clear in requiring that weld slag be removed. Although the Department realizes that meeting the requirement has been the exception rather than the rule, it has not elected to date to initiate administrative proceedings pursuant to 24 CFR 3282.407 with respect to mobile homes manufactured without having welding slag or foreign matter removed prior to painting of the chassis. However, manufacturers who, after they have received this Notice, continue to produce mobile homes without removal of welding slag or other foreign matter will not be able to certify those homes as being constructed in conformance with the standard.

A Finding of Inapplicability of Section 102(2) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. It is available for public inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, during normal business hours.

NOTE.—It is hereby certified that the Economic and Inflationary Impacts of this Advance Notice of Proposed Rulemaking have been carefully evaluated in accordance with Executive Order No. 11821.

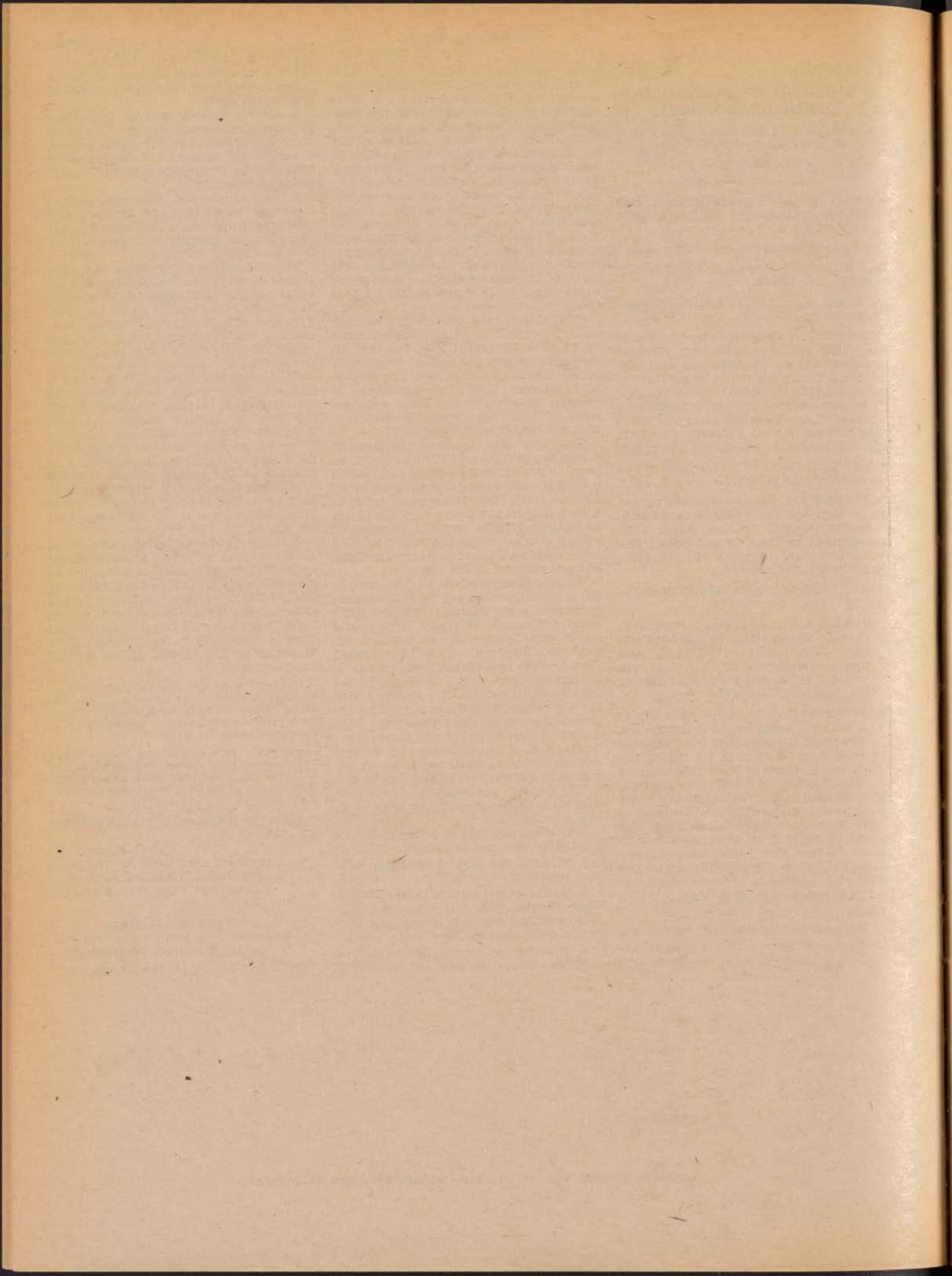
(Secs. 604, and 625, National Mobile Home Construction and Safety Standards Act of 1974, (42 U.S.C. 5403 and 5424), and sec 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., November 22, 1977.

GENO C. BARONI,
Assistant Secretary for Neigh-
borhoods, Voluntary Associa-
tions and Consumer Protec-
tion.

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

[FR Doc. 77-34956 Filed 12-6-77; 8:45 am]



Register
Federal Order

WEDNESDAY, DECEMBER 7, 1977

PART IV



ENVIRONMENTAL
PROTECTION
AGENCY

■

REBUTTAL PRESUMPTION
AGAINST REGISTRATION
AND CONTINUED
REGISTRATION OF
PESTICIDE PRODUCTS
CONTAINING
THIOPHANATE-METHYL

[6560-01]

**ENVIRONMENTAL PROTECTION
AGENCY**

[OPP-30000/24; FRL 822-3]

PESTICIDE PROGRAMS
**Rebuttable Presumption Against Registration
and Continued Registration of Pesticide
Products Containing Thiophanate-
Methyl**

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

ACTION: Notice of rebuttable presumption.

SUMMARY: Thiophanate-methyl has been found to exceed certain risk criteria set forth in 40 CFR 162.11. This notice requests registrants and other interested persons to submit rebuttals and other information on the presumption and to submit any other data on the risks and benefits of this pesticide chemical. This notice is the first of several which will give public notification of the Agency's progress in reviewing this chemical.

DATES: Rebuttal evidence and other information must be received on or before January 24, 1978.

ADDRESS MATERIAL TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Esther Saito, Office of Special Pesticide Reviews, Office of Pesticide Programs (WH-566), room 447, East Tower, EPA 202-755-8050.

SUPPLEMENTARY INFORMATION: The Deputy Assistant Administrator, Office of Pesticide Programs, EPA, has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing thiophanate-methyl.¹

I. REGULATORY PROVISIONS

A. *General.* Title 40, Part 162.11, of the Code of Federal Regulations for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 *et seq.*), provides that a rebuttable presumption against registration shall arise if the Agency determines that a pesticide meets or exceeds any of the risk criteria relating to acute and chronic toxic effects set forth in § 162.11(a)(3). If it is determined that such a rebuttable presumption has arisen, the regulations require that the registrant be notified by certified

mail and afforded an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should also be given notice of the bases for the presumption to provide an opportunity for comment and to solicit additional information relevant to the presumption.

A notice of rebuttable presumption against registration is issued when the evidence related to risk meets the criteria set forth in § 162.11(a)(3). It is emphasized that a notice of rebuttable presumption against registration and continued registration of a pesticide is not a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of intent to cancel is issued only if, after careful consideration of both the risks and benefits, it is determined that the pesticide may generally cause unreasonable adverse effects to the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions listed in Part II of this notice. Registrants and other interested parties may also submit for consideration data on benefits which they believe would justify registration or continued registration. In addition, any registrant may petition the Agency to voluntarily cancel a current registration pursuant to Section 6(a)(1) of FIFRA.

B. *Rebuttal Criteria.* Section 162.11(a)(4) provides that a registrant may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity or lack of emergency treatment criteria, "that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional, or national populations of nontarget organisms is not likely to result in any significant acute adverse effects" (40 CFR 162.11(a)(4)(i));

(2) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria, "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects" (40 CFR 162.11(a)(4)(ii)); or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error" (40 CFR 162.11(a)(4)(iii)).

C. *Benefits Information.* In addition to submitting evidence to rebut the presumption of risk, Section 162.11(a)(5)(iii) provides that a registrant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If

the risk presumptions are not rebutted, the benefit evidence submitted by the registrant, applicants, and other interested persons will be considered by the Administrator in determining the appropriate regulatory action. Specifically, § 162.11(a)(5)(iii) provides that if the "benefits appear to outweigh the risks," the Administrator may issue a notice of intent to hold a hearing pursuant to Section 6(b)(2) of FIFRA rather than a notice of intent to cancel or deny registration pursuant to Section 3(c)(6) of FIFRA. Alternatively, if the "benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to Section 3(c)(6) or Section 6(b)(1) of the Act, as appropriate." Moreover, if at any time the Administrator determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to Section 6(c) of the Act.

Stated below are the Section 162.11(a)(3) risk criteria which the Agency has found to have been met or exceeded by registrations and applications for registration of pesticide products containing thiophanate-methyl. The Agency's basis for concluding that these risk criteria have been met or exceeded is set out in "Thiophanate-methyl: Position Document 1," which follows. Copies of attachments to the Position Document which are not published with this notice are available for public inspection in the Office of Special Pesticide Reviews. Information protected from disclosure pursuant to FIFRA Section 10 cannot be provided. Specific inquiries concerning the Position Document, as well as requests for access to these files, should be directed to Project Manager Mrs. Esther Saito, Office of Special Pesticide Reviews (WH-566), EPA, Room 447, East Tower, 401 M St. SW., Washington, D.C. 20460, 202-755-8050.

² Registrants or other interested persons who desire to submit benefit information should consider submitting information on the following subjects, along with any other relevant information they desire to submit:

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.

2. Identification of the minor uses of the pesticide, including estimated quantities used by category such as lawn and garden uses and household uses.

3. Identification of registered alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.

4. Determination of the change in costs to the user of providing equivalent pesticide treatment with any available substitute products.

5. Assessment of regulation impact upon user productivity (e.g., yield per acre and/or total output) from using available substitute pesticides or from using no other pesticides.

6. If the impacts upon either user costs or productivity are significant, a qualitative assessment of the regulation's impact on production of major agricultural commodities and retail food prices of such commodities.

¹ A position of document, containing an appendix of references, background information, and other material pertinent to the issuance of this notice, has been prepared by the Agency Working Group on thiophanate-methyl and is also published with this notice.

II. PRESUMPTIONS

A. *Mutagenicity*. 40 CFR 162.11(a) (3) (ii) (A) provides that a rebuttable presumption shall arise if a pesticide " * * * (1) induces oncogenic effects, as determined by multitest evidence."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that this risk index has been exceeded by all registrations and applications for registration of pesticide products containing thiophanate-methyl, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

B. *Population Reductions in Non-target Organisms*. 40 CFR 162.11(a) (3) (ii) (C) provides that a rebuttable presumption shall arise if a pesticide "(c) an reasonably be anticipated to result in significant local, regional, or national population reductions in nontarget organisms * * *"

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that the risk index for population reductions in nontarget organisms has been exceeded by registrations and applications for registration of pesticide products containing thiophanate-methyl which are for outdoor use, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

III. GROUNDS FOR PESTICIDE REVIEW IN ADDITION TO REBUTTABLE PRESUMPTION CRITERIA

As discussed in more detail in the attached Position Document, methyl 2-benzimidazole carbamate (MBC) has the potential of reacting with nitrites to form N-nitroso compounds. Some N-nitroso compounds are known to possess oncogenic properties. The data and analyses available at this time with respect to the potential formation of oncogenic compounds are not sufficient to warrant the issuance of a rebuttable presumption. The Agency specifically solicits further evidence bearing on the likelihood and significance of such reaction. Thiophanate-methyl is fetotoxic at high levels and requires additional teratogenic test. The Agency specifically solicits further data on human exposure. All comments and information received with respect to these potential reactions, including analysis thereof, may serve as a basis for a final decision as to the registrability of thiophanate-methyl pesticides (40 CFR 162.11(a) (6)).

IV. REGISTRATIONS AND PRODUCTS SUBJECT TO THE NOTICE

All registrants and applicants for registration listed below are being notified by certified mail of the rebuttable presumption existing against registration and continued registration of their products.

The registrants and applicants for registration shall have until January 24, 1978, to submit evidence in rebuttal of

the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days during which such evidence may be submitted. Notice of such an extension, if granted, will appear in the FEDERAL REGISTER.

A registrant or applicant for registration may, if it desires, assert a business confidentiality claim covering part or all of the information submitted in rebuttal. The registrant or applicant may assert the claim by placing on or attaching to the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise nonconfidential documents should be clearly marked.

If a confidentiality claim is asserted, the information covered by the claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 CFR 2, Subpart B (41 FR 36906, September 1, 1976). If no confidentiality claim accompanies the information at the time it is received by EPA, EPA will place the information in the public comment file where it will be available for public inspection.

If a registrant or applicant does assert a confidentiality claim for some, but not all, of the information submitted to EPA in rebuttal, the registrant or applicant should furnish two copies of the information to EPA. The first copy should contain all of the information submitted in rebuttal with information claimed as confidential clearly identified. The second copy should be identical to the first except that all information claimed as confidential should be deleted. The second copy will be placed in the public comment file. The first copy will be treated in accordance with the procedures set out above.

V. DUTY TO SUBMIT INFORMATION ON ADVERSE EFFECTS

Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time, pursuant to Section 6(a) (2) of FIFRA and 40 CFR 162.8(d). If any registrant of Thiophanate-methyl products has any published or unpublished information, studies, reports, analyses, or reanalyses regarding any adverse effects in animal species or humans, residues, and claimed or verified accidents to humans, domestic animals, or wildlife, which have not been previously submitted to EPA, the material must be submitted immediately. When responding to this notice, each registrant shall submit a written certification to the Agency that all information regarding any adverse effects known to the registrant has been submitted. In addition, the registrants should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion date, and a summary of all results observed to date.

VI. PUBLIC COMMENTS

During the time allowed for submission of rebuttal evidence, specific comments on the presumptions set forth in this notice and on the material contained in the Position Document are solicited from the public. In particular, any documented episodes of adverse effects to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to EPA as soon as possible. Specifically, information on the fate and effects of Thiophanate-methyl, its impurities, metabolites, and degradation products on flora and fauna, particularly animals with metabolism similar to that in humans, is solicited. Similarly, any studies or comments on the benefits from the use of Thiophanate-methyl are requested to be submitted. All comments and information received, as well as any other relevant information and analysis thereof, which come to the attention of the Agency may serve as a basis for final determination pursuant to § 162.11(a) (5).

All comments and information should be sent to:

Federal Register Section, Technical Services
Division (WH-569), room 401 East Tower,
401 M Street SW., Washington, D.C. 20460.

Three copies of the comments or information should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments and information should bear the identifying notation "OPP-30000/24." Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a) (5) (ii).

Comments received after the specified time period will be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162.11(a) (5) (ii). All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal working days.

Interested persons are encouraged to take advantage of the opportunity to inspect Agency files during normal working hours since 1) all of the information received may serve as a basis for final determination pursuant to 162.11(a) (5) and 2) the Agency will not generally publish a summary of information received in the FEDERAL REGISTER at the close of the rebuttal period.

Your cooperation is solicited in identifying any errors or omissions which may have been made in the following computer listings. Corrections to the listings may not necessarily be published in the FEDERAL REGISTER, but rather handled by mail with affected parties. Omissions will be corrected by notice in the FEDERAL REGISTER.

Dated: November 23, 1977.

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

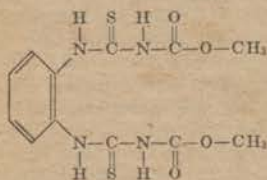
THIOPHANATE-METHYL POSITION

DOCUMENT 1

THIOPHANATE-METHYL WORKING GROUP;
ESTHER SAITO, PROJECT MANAGER, OF-
FICE OF SPECIAL PESTICIDE REVIEWS,
U.S. ENVIRONMENTAL PROTECTION AGEN-
CY

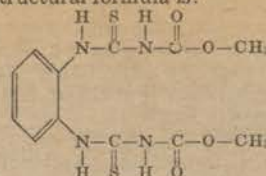
I. BACKGROUND

A. Chemistry.—1. General Chemistry. Thiophanate-methyl is the common name for the chemical 1,2-*a*-(3-methoxycarbonyl-2-thioureido)benzene. The accepted chemical name used on pesticide labels is dimethyl [(1,2-phenylene) bis(iminocarbonothioyl)] bis(carbamate); it is sold under the names Topsin M[®], Cercobin M[®] and Thiophanate M. Thiophanate-methyl has the molecular formula C₁₂H₁₁N₄O₄S₂ and a molecular weight of 342.



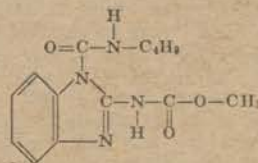
Thiophanate-methyl

The structural formula is:

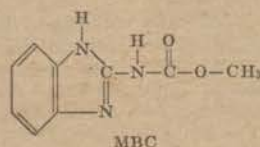


Thiophanate-methyl, a colorless crystalline solid melts at 168°C with decomposition. Thiophanate-methyl is slightly soluble in n-hexane, hardly soluble in water and sparingly soluble in most organic solvents. The compound is stable in acidic solutions, has a slight but measureable formation of methyl 2-benzimidazole carbamate (MBC) at pH7, and is unstable in alkaline solution.

Thiophanate-methyl and benomyl both metabolize to MBC (1,2).



Benomyl



MBC

MBC is a powerful fungicide that is generally regarded as the actual fungitoxic principle of benomyl (1). Vonk and Spelstein found a correlation between the formation of MBC and the fungitoxic activity of thiophanate-methyl (2). Thiophanate-methyl was completely converted to MBC in 0.066 M phosphate buffer, pH7, at 70°C in 26 hours (2).

2. Residue Chemistry.—a. Soil. In moist soil thiophanate-methyl was degraded rapidly; 80 to 90 percent had disappeared from Towner sand and Fargo clay soils five days after application (3). Thirty days after application of thiophanate-methyl to air-dried soil 10 to 20 percent thiophanate-methyl could be detected. The principal metabolite found in the soils was MBC. (3)

b. Animals. Noguchi and coworkers (3) and Fujino and coworkers (5), cited in the World Health Organization Technical Report Series (1974), reported that feeding ¹⁴C- or ³⁵S- labeled thiophanate-methyl to rats, mice, and dogs showed 80 to 100 percent recovery in feces and urine within 96 hours. MBC has been identified as the major metabolite in both mice and dogs in studies submitted to EPA by Noguchi and coworkers (33).

Fujino and coworkers report unmetabolized thiophanate-methyl as the major part of the fecal excretion. The minor part consisted of 4-hydroxy-thiophanate-methyl (4-OH-TM) and dimethyl-4,4'-O-phenylenebisallophanate (FH-432). MBC and 5-hydroxy-MBC (5-OH-MBC) were observed but the authors questioned if they were metabolites or were produced during the analytical procedures (5).

Kosaka and co-workers, cited in the World Health Organization Technical Report Series (1976), reported that 5-hydroxy methyl benzimidazole was the main metabolite in the urine of female rats, which had been ad-

ministered ¹⁴C-labelled thiophanate-methyl. Thiophanate-methyl, 5-hydroxy methyl benzimidazole, 4-hydroxy-dimethyl-4,4'-O-phenylene bis-allophanate were identified as metabolites in the feces (6).

c. Plants. Thiophanate-methyl was converted to MBC after uptake through roots and after foliar treatment of French bean seedlings (4) Buchenauer and coworkers (7) found that the transformation is to a great extent catalyzed by light in addition to requiring water. Thiophanate-methyl residues in cotton leaves were transformed to MBC; after four days in sunlight 42 percent were transformed as opposed to 6 percent when the plants were kept in dim light.

B. Uses and Production. Thiophanate-methyl was first registered for use as a fungicide in Japan in May 1971. Great Britain granted provisional clearance for a number of preharvest treatments on food crops and ornamentals and post-harvest dipping of apples in 1973 (8). Thiophanate-methyl is only registered for use on turf and ornamentals in the U.S.A.

Pennwalt is the only registered producer of technical grade thiophanate-methyl in the United States. Under Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) manufacturers and formulators are required to submit information on production, sales, and distribution. Under Section 10, this information is considered confidential and cannot be released to the public, but it is made available to the Administrator in a confidential appendix to this report (9).

II. REGULATORY HISTORY

The first registration for a product containing thiophanate-methyl was granted January 16, 1973, to Pennwalt for technical grade product (EPA Registration Number

4581-280). In July and August 1973, three companies registered products containing 50 to 70 percent thiophanate-methyl and formulated as wettable powders for use on turf. A wettable powder containing 1.15 percent thiophanate-methyl was registered for use on turf in February 1974. A product which contains 25 percent thiophanate methyl and 15 percent 5-ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole was registered for use on flowers and ornamentals in July 1974.

Tolerances were established, under 40 CFR Section 180.371 for residues on bananas (2 ppm of which only 0.2 ppm may be present in the pulp) on February 3, 1977; tolerances for residues on stone fruits (15 ppm) and strawberries (5 ppm) were added on March 17, 1977.

Although no products containing thiophanate-methyl are registered for use on food crops, an application is being reviewed for use on stone fruits and strawberries.

III. SUMMARY OF SCIENTIFIC EVIDENCE TO SUPPORT REBUTABLE PRESUMPTION

40 CFR 162.11 (a) (3) provides that a rebuttable presumption shall arise if a pesticide's ingredients, metabolites or degradation products meet or exceed (i) acute toxicity risk criteria relating to hazards to humans, domestic animals, or wildlife, or (ii) chronic toxicity risk criteria relating to humans and to population reductions in non-target organisms or fatality to members of endangered species.

A. Chronic Toxicity.—1. Mutagenic Effects in Multitest Systems. Section 162.11(a) (3) (ii) (A) provides that a rebuttable presumption shall arise if a pesticide's ingredients, metabolites, or degradation products induces mutagenic effects, as determined by multitest evidence.

Studies in plants (4, 7) animals (33) and soil (3) have shown that thiophanate-methyl is metabolized to MBC. MBC has been shown to produce somatic chromosomal abnormalities and point (gene) mutations in microbial and mammalian test systems. Further evidence of the mutagenic effects of thiophanate-methyl and MBC has been obtained in studies of plants. MBC has also been shown to reach gonadal tissues in mammals with physiological effects; hence it has the potential of interacting with genetic material.

a. Chromosomal Effects.—i. Mammalian Cells in Culture: MBC has been shown to cause mitotic delay (10), a low incidence of chromosomal breakage (10), and multinucleation (10, 11) in human, mouse, and hamster cells lines.

ii. Mammalian Tests in Vivo. Metaphase arrest and micronuclei formation occurred in bone marrow cells of rats treated with MBC; in addition there was a low frequency of chromosomal breakage and formation of anaphase bridges (10).

Seller (1976) found that MBC produced dose-related mutagenic effects in the micronucleus test in mice. In addition, lagging chromosomes, anaphase bridges, unequally distributed chromosomes, and tripolar anaphases appeared in mitotic bone marrow cells of treated animals; none of these effects were noted in control cells (12). The author concluded that the main action of MBC was the inhibition of the mitotic spindle, which may predispose to nondisjunctional errors. The finding of anaphase bridges indicates that MBC can break chromosomes.

On the other hand thiophanate-methyl administered intraperitoneally (dosage range from 8 to 500 mg/kg) did not increase the frequency of dominant lethal mutations in ICR-strain mice (13). Abnormal chromosome configuration were not observed in bone marrow or spermatogonial cells of Wistar strain albino male rats treated daily for 5 days with thiophanate-methyl by intraperitoneal injection (62.5 to 1000 mg/kg) (13).

III. *Fungi and Molds*. MBC interfered with normal nuclear division in *Saccharomyces cerevisiae*, *Ustilago maydis* (12), *Botrytis cinerea* (13), and *Aspergillus nidulans* (14). Interference with cell division may predispose to chromosomal nondisjunction.

b. *Point Mutations. i. Bacteria*. Two studies have reported that MBC and other benzimidazoles induce base-substitution mutations as detected by the Ames test without metabolic activation. *Salmonella typhimurium* strains his G46, TA1530, and TA1535 were used in the tests. Forward mutations were induced in *Salmonella* strain LT-2 by MBC; reverse mutations were induced in *Escherichia coli* strain WP2 uvrA which is excision deficient but not in strain WP2, which is excision proficient (17, 18). Mutations appear to result from the incorporation of benzimidazoles into DNA in place of purine bases (19); it has been hypothesized that mutation occurs when the abnormal base is recognized by the cell but the defect is not repaired correctly (18). One study indicates that MBC does produce mutations in the *Salmonella typhimurium* test without metabolic activation or in the rodent host-mediated assay (20).

c. *Other Studies Bearing upon Mutagenicity*. Thiophanate-methyl, MBC, and other benzimidazole fungicides induced genetic segregation in a diploid strain of *Aspergillus nidulans* which was heterozygous for spore-color markers and nutritional mutants (21).

Styles and Garner report that repeated oral doses of MBC produced toxic effects in rat testes showing that this compound can affect the primary reproductive tissues (10).

On the basis of the multitest studies, the Working Group concludes that MBC is mutagenic and recommends that a rebuttable presumption against all pesticide products containing thiophanate-methyl be issued.

2. *Effects on Nontarget Organisms: Reduction in Populations of Earthworms*. 40 CFR 162.11(a) (3) (ii) (C) provides that a rebuttable presumption shall arise if a pesticide's ingredients, metabolites, or regradation products can reasonably be anticipated to result in significant local, regional, or national population reductions in nontarget organisms.

The Agency staff has evaluated the methodology, protocol, and conclusions of several studies that indicate that thiophanate-methyl is highly toxic to earthworms. In studies by Stringer and Wright (22) earthworm populations were "virtually eliminated" in apple orchard plots sprayed with thiophanate-methyl. In addition, thiophanate-methyl was repellent to earthworms, apparently because it made food materials unpalatable to them. The spraying of thiophanate-methyl in orchards reduced not only the number and biomass of all earthworm species combined, but also that of each individual species (23).

Stringer and Lyons stated that earthworms are generally regarded as beneficial animals in maintaining soil fertility, but noted that it has not been rigorously proven that they are essential (23). Hopp claims that earthworm activity is not one of the three basic requirements for plant growth but is a factor which can be used to correct deficiencies in soil fertility (24). Thus, the Working Group is unable to adequately evaluate the environmental, agricultural, and economic significance of these population reductions. Comment is, therefore, especially solicited on the relevance, impact, and long-term significance of such local population reductions.

The Working Group recognizes that many other factors contribute to the size of earthworm populations, including soil composition, moisture, temperature, cultivation practices, and the use of other pesticides. Furthermore, it appears that the adverse ef-

fects on earthworms are generally limited to areas of application and do not extend significantly to adjacent areas. That is, the effects appear to be confined largely to privately owned land, the owners of which can be made aware of the likely effects on earthworms. Nonetheless, it is clear that the use of thiophanate-methyl according to current label directions can reasonably be expected to result in significant local reductions of earthworm populations. Accordingly, the Working Group concludes that a rebuttable presumption has arisen against pesticide products containing thiophanate-methyl which are registered for outdoor use.

IV. OTHER RELEVANT ADVERSE EFFECTS

A. *Potential Formation of N-Nitroso Compounds*. Many chemicals can react with nitrites to form N-nitroso compounds (25) which as a class are recognized as animal carcinogens and mutagens (26).

Two papers (27, 28) dealing with the possible formation of N-nitroso MBC and induction of lymphosarcomas were reviewed. Both papers reported that neither MBC nor sodium nitrite alone produced tumors; tumors did develop in Swiss mice given large amounts of sodium nitrite (0.05 to 0.5 percent in drinking water) and administered MBC by gavage.

The fact that lymphosarcomas form in Swiss mice treated with MBC and nitrite but not in mice treated with MBC alone suggests that MBC and nitrite interact to create a stress that results in tumor production (27). Furthermore, offspring of mice treated with MBC and nitrite during gestation developed tumors, whereas offspring of animals treated with MBC alone did not (28).

Evaluations of these studies state that the data do not provide evidence for *in vivo* production of N-nitroso MBC (29,30). Additional data necessary in order to evaluate the hazards of N-nitroso MBC would include kinetic studies and information on the isolation of an N-nitroso MBC derivative formed *in vivo*, and rate of formation of N-nitroso MBC in the soil and rate of uptake into plants (30).

Although there is no evidence at present that N-nitroso compounds are formed from MBC, nitrosation can take place on either of the two nitrogen sites. Formation of N-nitroso compounds might occur after the pesticide is applied if nitrites are present. Such formation is therefore possible in soil, water, air, plants, and animals, including man (30).

The potential formation of N-nitroso MBC is a matter of concern. The Working Group recommends that the Agency solicit further information on the formation of N-nitroso compounds from MBC, the conditions necessary for formation of such compounds, and their potential as carcinogenic and mutagenic agents.

B. *Teratogenic and reproductive effects*. The Working Group has considered a paper on the teratogenic effects of thiophanate-methyl, which has been reviewed by Battelle Memorial Laboratories (31). Makita and co-workers administered thiophanate-methyl by gavage to ICR mice (dosage levels from 40 to 1,000 mg/kg) from day 1 to day 15 of gestation (13). The only observed malformation was cleft palate which occurred with the same incidence in the control and experimental animals. The highest dosage level (1,000 mg/kg) resulted in a slight reduction in the number of living fetuses with the no-effect level (500 mg/kg) appearing to represent an adequate margin of safety. However, the study should be considered inconclusive for determining teratogenic effects because apparently brain, spinal cord, heart, and urogenital organs were not examined (31).

In a 3-generation reproductive study of the effect of thiophanate-methyl on the rat, Palmer and co-workers administered thiophanate methyl in the diet to CD strain (Charles River) rats (70-80 g) at levels of 0, 40, 160, and

In a 3-generation reproductive study of the effect of thiophanate-methyl on the rat, Palmer and co-workers administered thiophanate-methyl in the diet to CD strain (Charles River) rats (70-80 g) at levels of 0, 40, 160, and 640 ppm. At the 640 ppm level a slightly lower litter size from birth to weaning consistently occurred in all generation and there was a tendency for lower litter weight from birth through lactation to weaning. Skeletal variations, which did not appear in the control animals, were observed at three experimental dosage levels, although the anomalies were not dose dependent (32).

The Working Group recommends that the Agency solicit additional information on potential teratogenic effects of thiophanate-methyl and exposure from actual use.

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**** PRODUCT SEARCH LISTING ****

PAGE 1

10/12/77 FEDERALLY REGISTERED PRODUCTS CONTAINING THIOPHANATE-METHYL

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* 000359 RHODIA INC, AGRICULTURAL DIVISION
P.O. BOX 125
MINNOUTH JUNCTION, NJ 08852

***** PRODUCT NAME *****

**00665* CHIPCO SPLIT KLEEN TURF FUNGICIDE

REGISTRANT *NAME AND ADDRESS*

* 000372 MALLINCKRUDT INC
SECOND AND MALLINCKRUDT STREETS
ST LOUIS, MO 63160

***** PRODUCT NAME *****

**00045* FUNGO 50 SYSTEMIC TURF FUNGICIDE

**00046* BANROL

REGISTRANT *NAME AND ADDRESS*

* 000538 SCOTT O M & SONS COMPANY
MARYSVILLE OH 43040

***** PRODUCT NAME *****

**00088* PRUTURF SYSTEMIC FUNGICIDE

**** PRODUCT SEARCH LISTING ****

PAGE 2

10/12/77 FEDERALLY REGISTERED PRODUCTS CONTAINING THIOPHANATE-METHYL

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* 004581 PENNWALT CORP AGCHEM DIV.
PENNWALT TECHNOLOGICAL CENTER
P.O. BOX C
KING OF PRUSSIA, PA 19406

***** PRODUCT NAME *****

**00280* PENNWALT TOPSIN M TECHNICAL

**00288* TOPSIN M 70% WETTABLE POWDER TURF FUNGICIDE ORNAMENTAL TURF USE ONLY

10/12/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING THIOPHANATE-METHYL

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* 000538	SCOTT J M & SONS COMPANY MAHYSVILLE OH 43040

***** PRODUCT NAME *****

000G PROTUF FERTILIZER PLUS SYSTEMIC FUNGICIDE

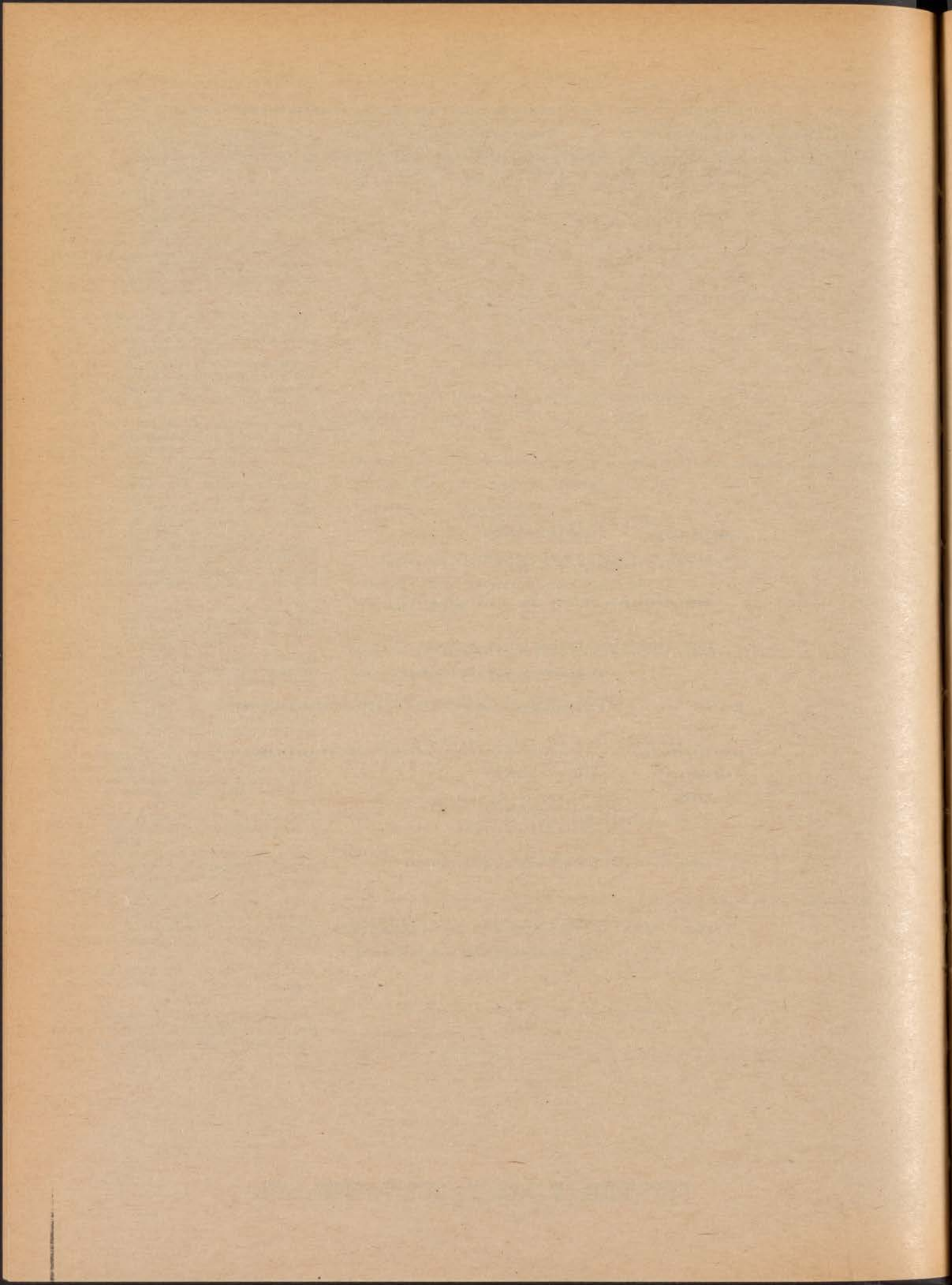
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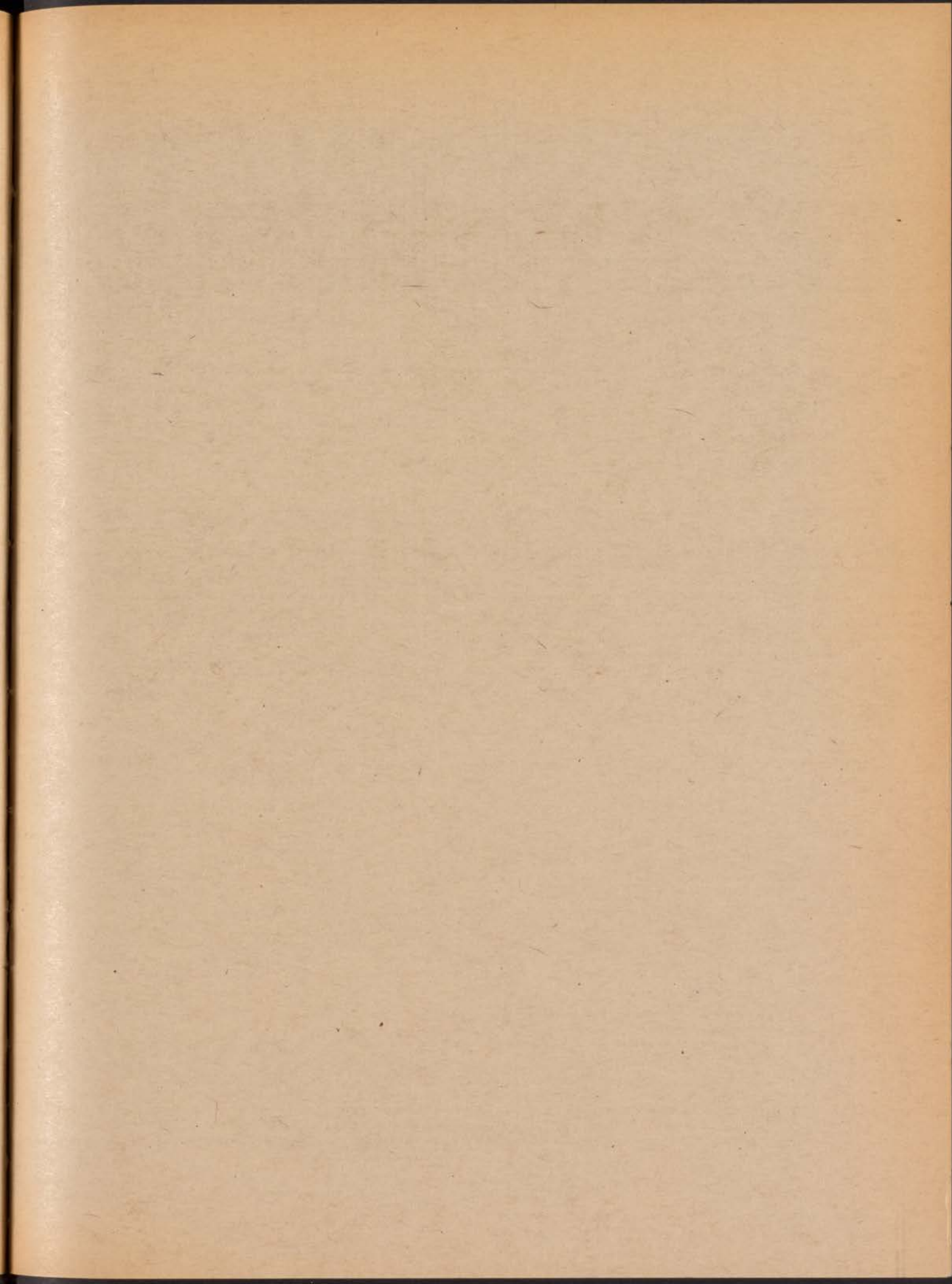
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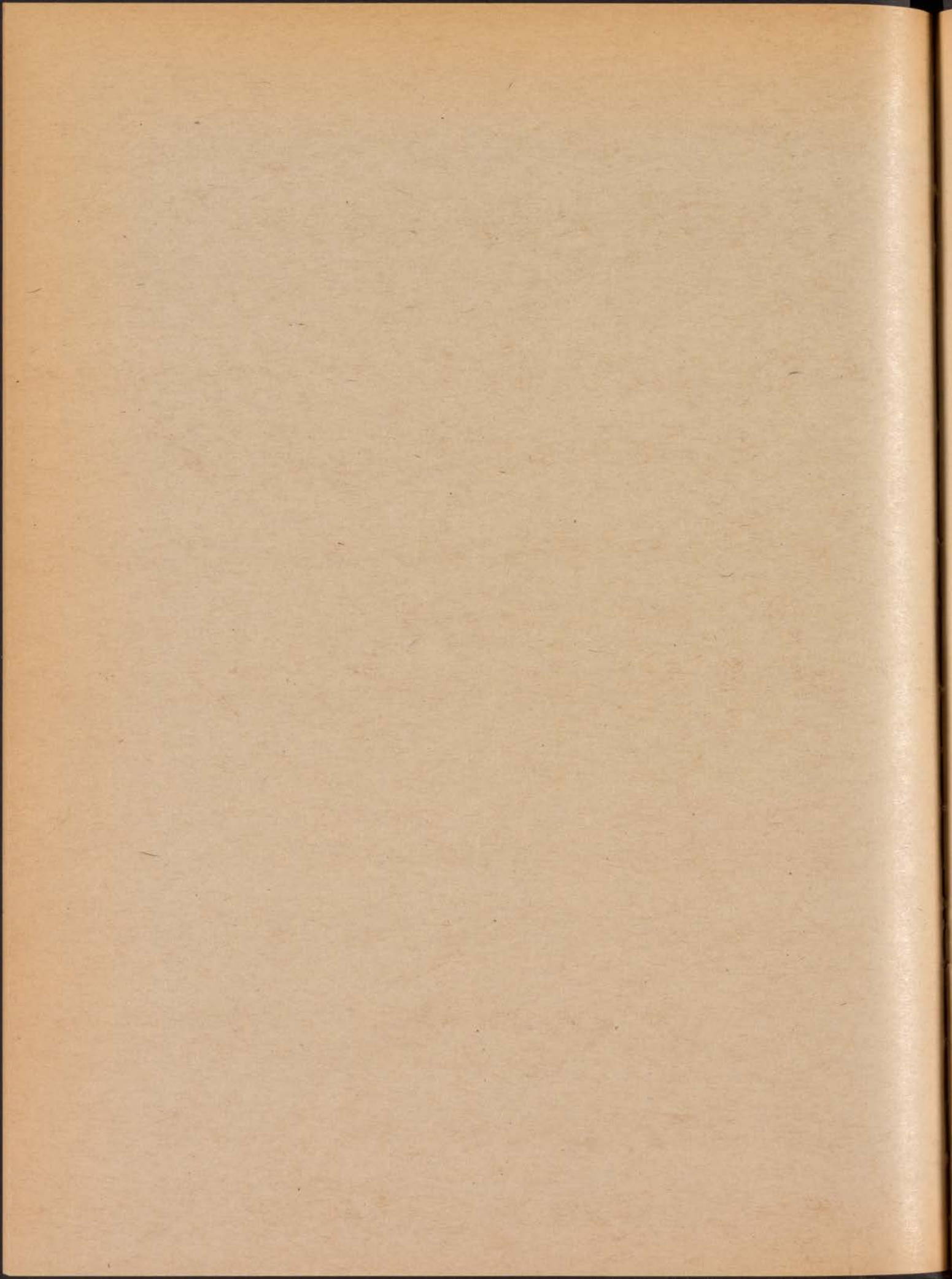
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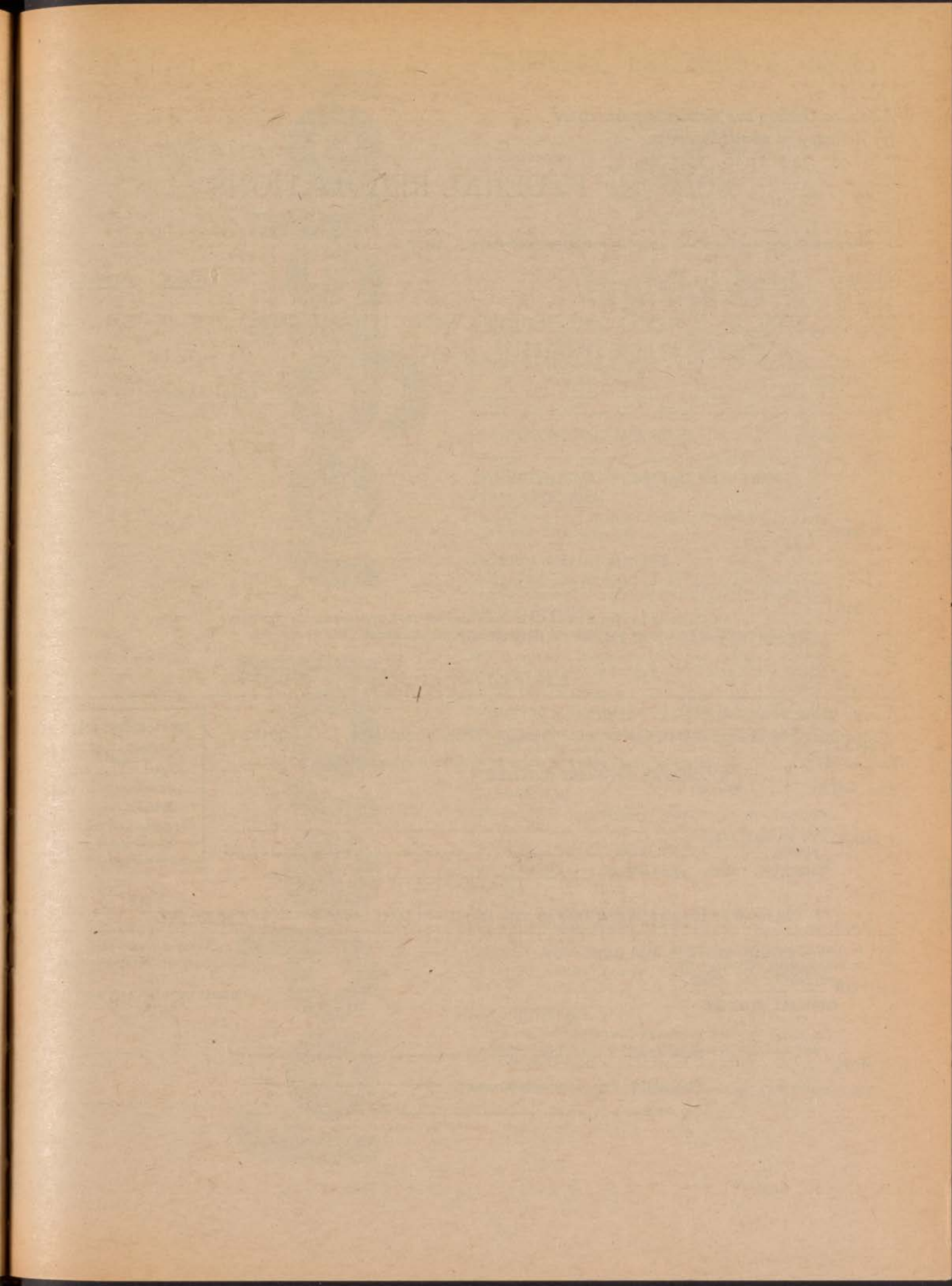
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