

# Federal Register

WEDNESDAY, JUNE 29, 1977



## highlights

### OFFICE OF THE FEDERAL REGISTER LEGAL DRAFTING WORKSHOPS

The Office of the Federal Register announces two additional four-day legal drafting workshops.

**WHAT:** The workshop covers the following areas:

1. Legal drafting techniques—Preferred usage, Organization, Clarity.
2. Legal drafting exercises—Regulations, Preambles.
3. Review and discussion of documents for the use of legal drafting techniques and for substance.
4. How to comply with new preamble requirements.
5. The regulatory process—Where has it been, Where is it going.

**WHY:** The workshop aims to improve the participant's ability to design and draft clear, usable documents for publication in the FEDERAL REGISTER.

**WHO:** Any person drafting or reviewing documents for publication in the FEDERAL REGISTER.

**WHERE:** 1100 L Street, NW, Room 9409, Washington, DC

**WHEN:** August 18, 19, 22, 23, 1977 or  
September 15, 16, 19, 20, 1977.

**FOR MORE INFORMATION:** Write to: Ms. Rose Anne Lawson, NARS, Office of the Federal Register, Washington, DC 20408. Reservations required.

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

Reservations for August 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, 202-523-5282.

**OUT OF TOWN WORKSHOPS PREVIOUSLY ANNOUNCED**  
Atlanta, Ga., 7-13, 7-14.

(Details: 42 FR 30015, 6-10-77.)

For reservations call: Dave Conner at (404) 881-4661.

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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

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

Documents normally scheduled 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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## INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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# reminders

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

## Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

## Next Week's Deadlines for Comments On Proposed Rules

### AGRICULTURE DEPARTMENT

- Agricultural Marketing Service—
  - Fresh plums grown in California; Plum Commodity Committee's expenses and rate of assessment for 1977-78; comments by 7-5-77. 30626; 6-16-77
- Animal and Plant Health Inspection Service—
  - Animal products and materials; transiting through the U.S. (2 documents); comments by 7-5-77. 30844; 6-17-77
- Food and Nutrition Service—
  - Food stamp program; state agencies and eligible household participation; comments by 7-5-77. 28546; 6-3-77
- Food Safety and Quality Service—
  - Carcass beef; grade standards; comments by 7-8-77. 29313; 6-8-77
- Rural Electrification Administration—
  - Contract construction of distribution and transmission facilities; close-out procedures; comments by 7-7-77. 29012; 6-7-77

### COMMERCE DEPARTMENT

- National Oceanic and Atmospheric Administration—
  - Fishery conservation and management; salmon fishery; Washington, California, Oregon; comments by 7-8-77. 26580; 5-24-77

### CONSUMER PRODUCT SAFETY COMMISSION

- Environmental Review; interim rule; comments by 7-5-77. 25494; 5-18-77
- Power lawn mowers; safety standard; comments by 7-5-77. 23052; 5-5-77

### ENVIRONMENTAL PROTECTION AGENCY

- Air pollution control; new motor vehicles and engines; emission standards and fuel economy, 1978 and later models; comments by 7-5-77. 28970; 6-6-77
- Air quality implementation plans; various states:
  - Arizona; comments by 7-5-77. 28553; 6-3-77
  - California; comments by 7-5-77. 28555; 6-3-77
  - Massachusetts; comments by 7-5-77. 28554; 6-3-77
  - Pennsylvania; comments by 7-5-77. 30393; 6-14-77

- Standards of performance for new stationary sources; lime manufacturing plants; comments by 7-5-77. 22506; 5-3-77

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

- Employment discrimination; deferral designation of agencies; comments by 7-5-77. 31174; 6-20-77

### FEDERAL COMMUNICATIONS COMMISSION

- Cable television annual financial report (FCC form 326); reply comments extended to 7-8-77. 30401; 6-14-77
- Definition and creation of classes of cable television systems; reply comments by 7-6-77. 19492; 4-14-77
- Digital transmission systems; modifying low pass audio filtering requirements; reply comments extended to 7-7-77. 27974; 6-1-77
- [First published at 42 FR 21142, Apr. 25, 1977]
- External radio frequency power amplifiers; 24 to 35 MHz; amateur radio service; reply comments extended to 7-6-77. 27628; 5-31-77
- FM broadcast stations; Washington; reply comments by 7-5-77. 23165; 5-6-77
- FM broadcast stations; table of assignments:
  - Rice Lake, Wis.; comments by 7-5-77. 27973; 6-1-77
- Maritime services; shipboard stations; aircraft use of maritime mobile VHF frequencies; comments by 7-5-77. 28164; 6-2-77
- Ship radio stations operating on frequencies in 1605-3500 kHz band; channel operation requirements; reply comments by 7-7-77. 25880; 5-20-77
- Type acceptance of equipment requirement; amateur radio service; reply comments extended to 7-6-77. 27628; 5-31-77

### FEDERAL ENERGY ADMINISTRATION

- Freedom of Information Act; implementation; comments by 7-5-77. 28147; 6-2-77
- Middle distillate prices; post-exemption monitoring; comments by 7-6-77. 27936; 6-1-77

### FEDERAL TRADE COMMISSION

- Consent agreements with analysis to aid public comment; comments by 7-7-77 (4 documents). 23843-9; 5-11-77

### GENERAL SERVICES ADMINISTRATION

- National Archives and Records Service—
  - National Historical Publications and Records Commission; grant procedures; comments by 7-8-77. 29319; 6-8-77

### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

- Education Office—
  - Career education and development; additional programs; comments by 7-5-77. 28159; 6-2-77
  - Guidance and counseling programs; criteria for award of grants; comments by 7-5-77. 25881; 5-20-77
  - Indochinese refugee children; public educational services grants to state educational agencies; comments by 7-5-77. 28706; 6-3-77
- Food and Drug Administration—
  - Radioactive drugs for research; comments by 7-5-77. 23161; 5-6-77
- Public Health Service—
  - Buy Indian Act; procurement; comments by 7-7-77. 26314; 5-23-77
  - Indian health; health professions recruitment and scholarship grant programs; comments by 7-7-77. 26306; 5-23-77
  - National Health Service Corps Program; proposed modification; comments by 7-5-77. 25992; 5-20-77

### HOUSING AND URBAN DEVELOPMENT DEPARTMENT

- Federal Insurance Administration—
  - Flood insurance; sale and servicing; comments by 7-7-77. 29692; 6-9-77

### JUSTICE DEPARTMENT

- Immigration and Naturalization Service—
  - Closing of various Wisconsin ports of entry; comments by 7-5-77. 28547; 6-3-77

### LABOR DEPARTMENT

- Occupational Safety and Health Administration—
  - Beryllium; occupational exposure; comments by 7-7-77. 29021; 6-7-77
  - Puerto Rico state plan; availability; comments by 7-7-77. 29024; 6-7-77

### NUCLEAR REGULATORY COMMISSION

- Human uses of byproduct material in teletherapy units; comments by 7-5-77. 25743; 5-19-77
- Rules of practice facility license application review and hearing process; comments extended to 7-5-77. 31167; 6-20-77
- [First published at 42 FR 22168, May 2, 1977]

### PENSION BENEFIT GUARANTY CORPORATION

- Employee Retirement Income Security Act; valuation of plan benefits; comments by 7-8-77. 29318; 6-8-77

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**POSTAL SERVICE**

Second-class mail; novelty pages; deletion; comments by 7-5-77..... 28153; 6-2-77

**STATE DEPARTMENT**

International arms traffic; major sales proposals; approval; comments by 7-5-77..... 28551; 6-3-77

**TRANSPORTATION DEPARTMENT**

Coast Guard—  
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Qualifications of persons in charge of oil transfer operations; comments by 7-7-77..... 21190; 4-25-77  
Tankerman requirements; comments by 7-7-77..... 21190; 4-25-77

**Federal Aviation Administration—**

Transition area:  
Camp McCoy Army Airfield, Ft. McCoy, Wis.; comments by 7-8-77..... 29514; 6-9-77  
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**Next Week's Meetings**

**ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD**

Accessible Environment, National Advisory Committee, Oakland and Berkeley, Calif. (open), 7-8 and 7-9-77..... 31473; 6-21-77

**ARTS AND HUMANITIES, NATIONAL FOUNDATION**

Education Programs Panel, Washington, D.C. (closed), 7-7 and 7-8-77..... 30556; 6-15-77  
Federal Graphics Evaluation Advisory Panel, Washington, D.C. (open with restrictions), 7-7 and 7-8-77..... 31200; 6-20-77  
Visual Arts Policy Panel, Washington, D.C. (open with restrictions), 7-6 thru 7-8-77..... 31200; 6-20-77

**CIVIL RIGHTS COMMISSION**

Advisory Committees:  
Louisiana, Rouge, La. (open), 7-9-77..... 30881; 6-17-77  
Maryland, Baltimore, Md. (open), 7-9-77..... 26236; 5-23-77  
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**COMMERCE DEPARTMENT**

National Oceanic and Atmospheric Administration—  
Fishery Management Councils:

Gulf of Mexico, Billfish/Pelagic Shark Advisory Panel, Tampa, Fla. (open with restrictions), 7-8-77..... 30232; 6-13-77  
New England Fishery Management Council; Newport, R.I. (open), 7-5 thru 7-6-77..... 21307; 4-26-77

**DEFENSE DEPARTMENT**

Air Force Department—  
USAF Scientific Advisory Board, Washington, D.C. (open), 7-5-77..... 30531; 6-15-77  
Army Department—  
Armed Forces Epidemiological Board, Washington, D.C. (open with restrictions), 7-7 and 7-8-77..... 31480; 6-21-77  
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**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

Alcohol, Drug Abuse, and Mental Health Administration—  
Community Alcoholism Services Review Committee, Bethesda, Md. (open), 7-9-77..... 25916; 5-20-77  
National Institute of Education—  
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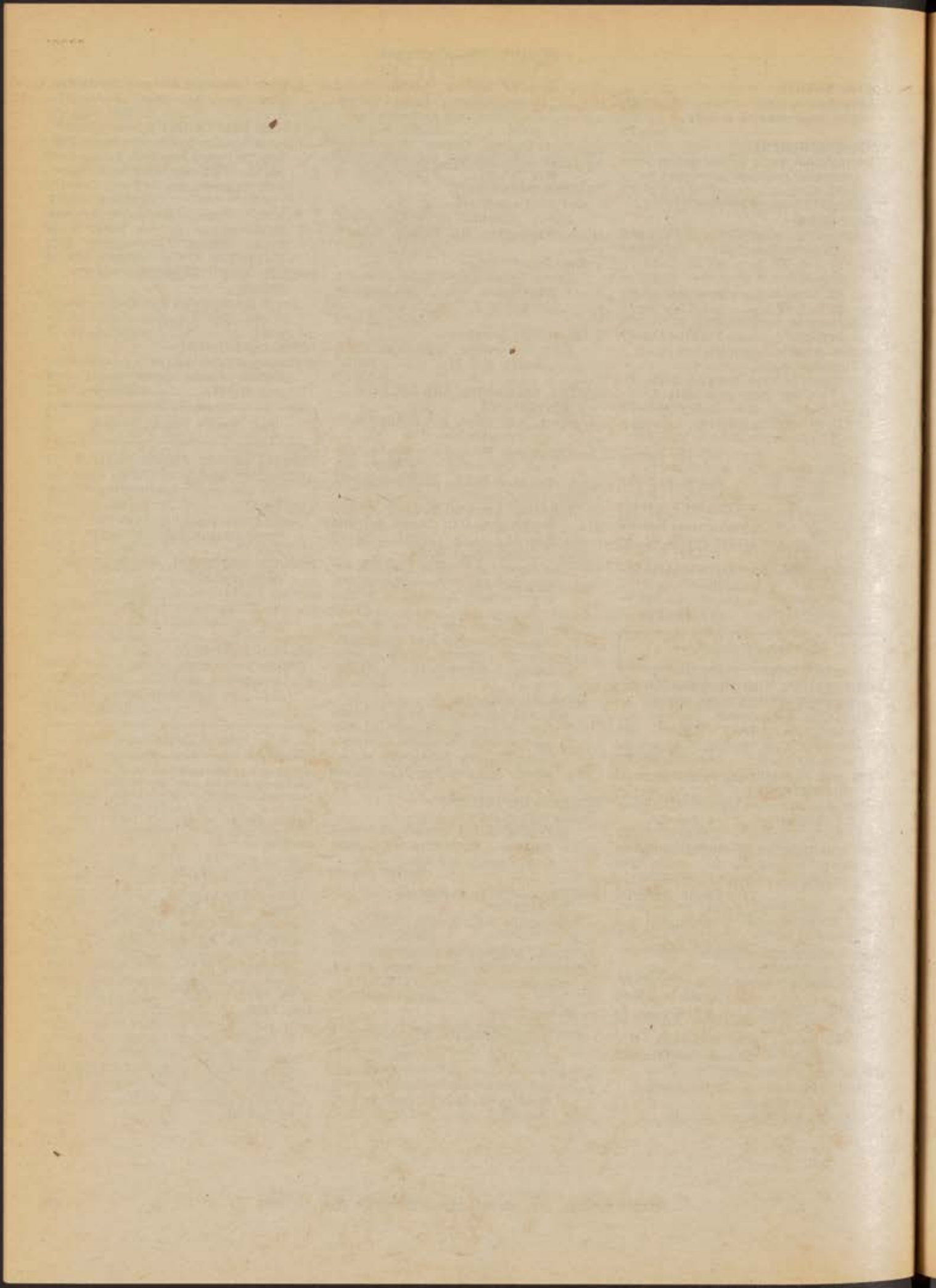
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**List of Public Laws**

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.

H.R. 3416.....Pub. L. 95-54  
To amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of fine-cured tobacco acreage-poundage marketing quotas after June 15 of any year be permitted only between farms on which at least 80 per centum of the farm acreage allotment was planted for such year. (June 25, 1977, 91 Stat. 251) Price \$.35.  
H.R. 7606.....Pub. L. 95-55  
To authorize the Secretary of Agriculture to permit general recreational access and geothermal explorations for six months within a portion of the Bull Run Reserve, Mount Hood National Forest, Oregon. (June 25, 1977, Stat. 251) Price \$.35



# presidential documents

## Title 3—The President

Executive Order 11998

June 27, 1977

### President's Commission on Military Compensation

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in accordance with the Federal Advisory Committee Act (5 U.S.C. App. I), it is hereby ordered as follows:

SECTION 1. (a) There is established the President's Commission on Military Compensation, hereinafter referred to as the Commission, which shall be composed of not more than nine members who shall be appointed by the President.

(b) The President shall designate a Chairman from among the members.

SEC. 2. (a) The Commission shall review at least the analyses, findings, and recommendations related to military compensation which have been completed by the Quadrennial Reviews of Military Compensation, the Comptroller General, the Interagency Committee Study of Uniformed Services Retirement and Survivor Benefits, the Department of Defense Retirement Study Group, and the Defense Manpower Commission.

(b) The Commission shall identify, study, and make recommendations on critical military compensation issues, specifically addressing the following issues:

(1) What form of military compensation is the most effective for meeting the needs of the Nation in peace and war? Is the present pay and allowances system appropriate? If not, what changes (such as some form of military salary) offer greater potential to serve the national purpose?

(2) Are specific standards appropriate and necessary for setting and adjusting military compensation? If so, what should the standards be? What elements of compensation should be based on such standards?

(3) What provisions are appropriate for differential compensation (such as special and incentive pays) and what are the appropriate criteria for using them?

(4) What are the purposes of the military retirement system? Is the present system effective in achieving these purposes? What changes are appropriate?

(5) Should the unique characteristics of military service be reflected in the compensation system, and, if so, how?

(c) The Commission shall submit a report to the President through the Secretary of Defense by March 15, 1978. The report shall recommend how the military compensation system can best be structured to serve the national interest. If changes are recommended, the Commission should estimate their cost and propose an implementation plan and timetable.

## THE PRESIDENT

SEC. 3. In performing its functions the Commission shall conduct such studies, reviews, and inquiries as may be necessary. In addition to conducting open meetings in accordance with the Federal Advisory Committee Act, the Commission shall conduct public hearings to identify critical issues and possible solutions related to the structure of military compensation.

SEC. 4. The Commission is authorized to request from any Executive agency such information that may be deemed necessary to carry out its functions under this Order. Each Executive agency shall, to the extent permitted by law, furnish such information to the Commission in the performance of its functions under this Order.

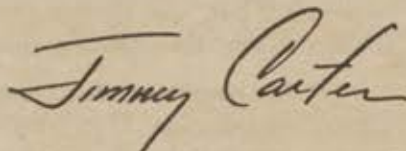
SEC. 5. Each member of the Commission who is not otherwise employed in the Federal Government may receive, to the extent permitted by law, compensation for each day he or she is engaged in the work of the Commission at a rate not to exceed the maximum daily rate now or hereafter prescribed by law for GS-18 of the General Schedule, and may also receive transportation and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703).

SEC. 6. The Chairman of the Commission is authorized to establish such additional advisory committees as may be deemed appropriate to carry out the purposes of this Order.

SEC. 7. All necessary administrative staff services, support, facilities, and expenses of the Commission shall, to the extent permitted by law, be furnished by the Department of Defense.

SEC. 8. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Commission, shall be performed by the Secretary of Defense in accordance with guidelines and procedures established by the Office of Management and Budget.

SEC. 9. The Commission shall terminate thirty days after submitting its report.



THE WHITE HOUSE,  
June 27, 1977.

[FR Doc. 77-18772 Filed 6-27-77; 4:42 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.

## Title 7—Agriculture

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

[Peach Reg. 9, Amdt. 1]

#### PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

##### Regulation by Grades and Sizes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This amended regulation continues through May 31, 1978, current minimum grade and size requirements applicable to fresh California peach shipments except that it (1) specifies a larger minimum size for unlisted varieties shipped from July 3, 1977, through October 31, 1977, and (2) specifies a larger minimum size for 8 named varieties shipped from April 1, 1978, through May 31, 1978. The amended regulation recognizes the marketing situation facing the industry and is necessary to assure that the peaches shipped will be of suitable quality and size in the interest of consumers and producers.

**EFFECTIVE DATE:** July 3, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3545.

**SUPPLEMENTARY INFORMATION:** Notice was published in the FEDERAL REGISTER issue of June 2, 1977 (42 FR 28146), that the Department was giving consideration to a proposal to amend § 917.443 (Peach Regulation 9; 42 FR 24230), effective pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, to: (1) continue through May 31, 1978, the U.S. No. 1 minimum grade requirement applicable to all varieties of California peaches in fresh shipments, (2) continue through such date specified minimum size requirements except that from July 3, 1977, through October 31, 1977, size 80 would be the minimum size for varieties not listed in the regulation and from April 1, 1978, through May 31, 1978, size 96 would be the minimum size for Armgold, Desertgold, Golden Supreme, Pat's Pride, Royal April, Royal Gold, Springgold, and Springtime varie-

ties of peaches. The notice allowed interested persons until June 17, 1977, to submit data, views, or arguments for consideration relative to such proposed extension. No such material was submitted.

After consideration of all relevant matters presented, including the proposal set forth in the notice, the recommendations and information submitted by the Peach Commodity Committee, established under the amended marketing agreement and order, and other available information, it is found that the limitation of handling of California peaches, as provided, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) shipments of such peaches are currently in progress and this amendment should be applicable to all peach shipments occurring during the effective periods specified in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice; (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time; and (4) this amendment was unanimously recommended by the Peach Commodity Committee members in an open meeting at which all interested persons were afforded an opportunity to submit their views.

**Order.** The provisions of Peach Regulation 9 (§ 917.443; 42 FR 24230) are revised to read as follows:

#### § 917.443 Peach regulation 9.

**Order.** (a) During the period July 3, 1977, through May 31, 1978, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade.

(2) Any package or container of Armgold, Desertgold, Pat's Pride, Royal April, Royal Gold, Springgold, Springtime or Golden Supreme variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 108 peaches in the box; *Provided*, That during the period April 1, 1978, through May 31, 1978, such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the re-

quirements of standard pack, not more than 96 peaches in the box; or

(ii) Such peaches in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 108 peaches; *Provided*, That during the period April 1, 1978, through May 31, 1978, such peaches in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 96 peaches.

(3) Any package or container of Rob-in, any type of Babcock, Blazing Gold, Bonjour, Cardinal, Dixired, Gold Dust, June Lady, Merrill Gemfree, Royal May, Early Coronet, Flavorcrest, Springcrest, Early Royal May, or May Lady variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 88 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 75 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (3) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 83 peaches.

(4) Any package or container of Aurora, Coronet, Indian Red, Merrill Gem, Peterson Elberta, Redhaven, Regina, or Redtop variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (4) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

(5) Any package or container of Alamar, Angelus, Belmont, Carnival, Fairtime, Fay Elberta, Fayette, Fiesta, Forty-

niner, Franciscan, Halloween, John Gee, Jody Gaye, July Elberta (Early Elberta, Kim Elberta, and Socala), Madera Gem, Mardigras, Merricle, O'Henry, Pacifica, Pageant, Parade, Paradise, Preuss Suncrest, Regular Elberta, Redglobe, Red Lady, Rio Oso Gem, Scarlet Lady, Summerset, Summertime, Suncrest, Toreador, July Lady, Windsor, Gem Crest, Autumn Gem, Cal Red, Early Fairtime, Early O'Henry, Fire Red, Red Cal, or Sparkle Variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (5) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 64 peaches.

(b) During the period July 3 through October 31, 1977, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4) or (5) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(2) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(3) Such peaches in any container when packed other than as specified in subparagraphs (1) or (2) of this paragraph (b) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

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

Dated, June 23, 1977, to become effective July 3, 1977.

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

[FR Doc. 77-18578 Filed 6-28-77; 8:45 am]

## CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[FmHA Instruction 440.3]

#### PART 1888—SPECIAL ASSISTANCE TO DROUGHT STRICKEN AREAS

##### Short Term Measures

AGENCY: Farmers Home Administration (FmHA), USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration issues amended regulations to provide assistance for short-term measures, including initial operating and maintenance expenses attributable to problems resulting from water shortages due to the drought.

DATES: Effective on June 29, 1977. Comments must be received by July 29, 1977.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Dwight O. Calhoun (202) 447-7287

SUPPLEMENTARY INFORMATION: Part 1888 of Chapter XVIII Title 7, Code of Federal Regulations, Subchapter G, "Miscellaneous Regulations," is amended. The purpose of this amendment is to provide additional assistance for short-term measures necessary to augment community water supplies where there are severe problems resulting from water shortages due to the drought. This provision includes initial operating and maintenance expenses attributable to such measures, and is contained in the new § 1888.13, "Loans and Grants to Rural Communities for Water Supply Assistance." It is the policy of this department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemptions in 5 U.S.C. 553. This amendment however, is not published for proposed rulemaking since its purpose is to provide needed financial assistance to communities in rural areas which may have suffered losses and extreme privation as a result of abnormal drought conditions, and any delay in administering this assistance would be contrary to the public interest. However, comments will be accepted and material thus submitted will be evaluated and acted upon in the same manner as if

the document were a proposal. However, this addition will remain effective until amended in order to permit the public business to proceed expeditiously. As amended, § 1888.13(c) reads as follows:

§ 1888.13 Loans and grants to rural communities for water supply assistance.

(c) For those projects determined to meet the requirements of paragraph (b) of this section, assistance may be provided to the extent necessary for the construction, enlargement, extension improvement, or any other appropriate community water facility purpose for ameliorating drought caused problems. Such assistance may include, but not be limited to, deepening an existing well, developing a new water source by digging a new well, or extending water supply lines to other water sources. Additionally, assistance may be provided for short term measures necessary to augment community water supplies where there are severe problems resulting from water shortages due to the drought, including initial operation and maintenance expenses attributable to such measures. However, increased operation and maintenance expenses on existing facilities attributable to the drought are not items for which assistance may be provided. Eligibility is limited to those project measures which can be completed by November 30, 1977. Under special circumstances or hardships, an extension of completion time may be granted by the FmHA Administrator.

(7 U.S.C. 1980; delegation of authority by the Sec. of Agri. 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: June 24, 1977.

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

GORDON CAVANAUGH,  
Administrator,  
Farmers Home Administration.

[FR Doc. 77-18551 Filed 6-28-77; 8:45 am]

#### Title 8—Aliens and Nationality

### CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

#### PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

##### Privacy Act Forms; Accounting for Disclosures

AGENCY: Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** The amendments contained in this order pertain to the forms to be used by the public in requesting information from Service records under the Privacy Act. The amendment also revises Service regulations pertaining to accounting for disclosure under the Privacy Act. Finally, the amendment deletes from the fee schedule reference to Form I-550, since that form is no longer used due to the Immigration and Nationality Act Amendments of 1976. These amendments are being published to advise the public of the existence of these Privacy Act forms and to bring the fee schedule into line with the abolishment of Form I-550 which is no longer used. It is intended that the use of the Privacy Act forms set forth in these regulations will expedite the furnishing of information to requests by individuals under the Privacy Act.

**EFFECTIVE DATE:** June 29, 1977.

**FOR FURTHER INFORMATION CONTACT:**

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536. Telephone: 202-376-8373.

**SUPPLEMENTARY INFORMATION:** These amendments are being published in accordance with section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1.

In these amendments 8 CFR 103.7(b) (1) is being amended by deleting the reference to the fee for filing an application on Form I-550 for Verification of Lawful Permanent Residence of an Alien. This information may now be obtained by filing Form G-641, "Application for Verification of Information from Immigration and Naturalization Service Records". The fee remains the same. Also, 8 CFR 103.21(a) is revised by including instructions pertaining to the use of Form G-657, "Privacy Act Information Request". 8 CFR 103.21(b) (3) is being revised by substituting for the existing last sentence, new instructions for use of G-652, "Affidavit of Identity". Finally, the requirement at 8 CFR 103.30(a) pertaining to the accounting for disclosure provisions is being revised to provide that an accounting of each disclosure of information for which accounting is required shall be attached to the alien's record and a copy of Form G-657, "Privacy Act Information Request," Form G-658, "Record of Information Disclosure (Privacy Act)" or other disclosure document shall be used for this accounting. The regulation is being further revised to provide that the system manager shall advise individuals promptly of the persons or agencies outside the Department of Justice to which records concerning them have been disclosed in accordance with requests under 8 CFR 103.24.

Since the amendments to the regulations prescribed in this order relate to agency procedure, compliance with the provisions of section 553 of Title 5 of the United States Code respecting notice of proposed rule making or delayed effective date is unnecessary.

In the light of the foregoing, the following amendments are hereby prescribed to Title 8 of Chapter I of the Code of Federal Regulations:

**§ 103.7 [Amended]**

In § 103.7(b) (1), Amounts of fees, the fee "For filing application on Form I-550 for verification of lawful permanent residence of an alien \* \* \* \$5.00" is deleted.

In § 103.21 paragraph (a) is revised by adding a new last sentence to the paragraph, and paragraph (b) (3) is revised by replacing the existing second sentence. As revised § 103.21 (a) and (b) (3) read as follows:

**§ 103.21 Access by individuals to records maintained about them.**

(a) *Access to available records.* An individual seeking access to records about himself in a system of records, which have not been exempted from access pursuant to the Privacy Act of 1974, shall present his request in person or in writing to the manager of the particular system of records to which he seeks access. Systems managers are identified in the "Notice of Systems of Records" published by the National Archives and Records Service, General Services Administration. Access to records in multiple systems of records shall be addressed to the Office of the Associate Commissioner, Management, which shall assist the requester in identifying his request more precisely and shall be responsible for forwarding the request to the appropriate system managers. The use of Form G-657, Privacy Act Information Request, is recommended for rapid identification and to insure expeditious handling.

(b) *Verification of identity.* \* \* \*

(3) An individual seeking access to records about himself by mail or in person who cannot provide the necessary documentation of identification may provide a notarized statement swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001. Form G-652, "Affidavit of Identity," may be obtained on request from the office of the system manager of a system of records at a system location listed in the "Notice of Systems of Records" published in the FEDERAL REGISTER.

Section 103.30(a) is revised as set forth below.

**§ 103.30 Accounting for disclosures.**

(a) An accounting of each disclosure of information for which accounting is required (see § 103.24 of this part) shall be attached to the relating record. A copy of Form G-657, "Privacy Act Information Request," Form G-658, "Rec-

ord of Information Disclosure (Privacy Act)," or other disclosure document shall be used for this accounting. The system manager shall advise individuals, promptly upon request as described in § 103.24, of the persons or agencies outside the Department of Justice to which records concerning them have been disclosed.

(Sec. 103; 66 Stat. 173; (8 U.S.C. 1103).)

Effective date: The amendments contained in this order become effective on June 29, 1977.

Dated: June 23, 1977.

LEONEL J. CASTILLO,  
Commissioner of  
Immigration and Naturalization.

[FR Doc. 77-18559 Filed 6-28-77; 8:45 am]

**Title 16—Commercial Practices**

**CHAPTER I—FEDERAL TRADE COMMISSION**

**SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE**

**PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS**

**Interlocutory Appeals**

**Correction**

In FR Doc. 77-17671 appearing at page 31591 in the issue for Wednesday, June 22, 1977, in the middle column, paragraph (b), in the twenty sixth line, the word "porties" should be corrected to read "portions."

The authority citation appearing at the end of the document should be corrected to read as follows:

(Authority: 15 U.S.C. § 46(g).)

**CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION**

**SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS**

**PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES, ADMINISTRATION AND ENFORCEMENT REGULATIONS**

**Exemptions for Small Packages, Minor Hazards, and Special Circumstances; Correction**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Correction of a regulation.

**SUMMARY:** On September 23, 1973, the Commission revised and transferred to its own jurisdiction the existing regulations under the Federal Hazardous Substances Act. In that transfer document an editorial error appeared in one provision of a regulation. In this notice the Commission corrects the error.

**DATES:** The correction is effective immediately.

**FOR FURTHER INFORMATION CONTACT:**

Carole Roth, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20307 (202-634-7770).

## CORRECTION

In FR Doc. 73-20429 appearing at page 27012 in the FEDERAL REGISTER of September 27, 1973 (38 FR 27012), paragraph (a) (34) of section 1500.83 appearing on page 27025 is corrected in the sixth line of that paragraph by changing the reference "§ 1500.14(b) (3) (i)" to "§ 1500.14(b) (4)."

Dated: June 22, 1977.

RICHARD RAPPS,  
Secretary, Consumer  
Product Safety Commission.

[FR Doc. 77-18482 Filed 6-27-77; 8:46 am]

Title 31—Money and Finance: Treasury  
SUBTITLE A—OFFICE OF THE SECRETARY  
OF THE TREASURY

[T.D. ATF-44; Re. No. 306]

PART 8—PRACTICE BEFORE THE BUREAU  
OF ALCOHOL, TOBACCO AND FIREARMS

AGENCY: Department of the Treasury.

ACTION: Final rule.

**SUMMARY:** The Treasury Department is adopting regulations which permit attorneys, certified public accountants, and other persons referred to as "enrolled practitioners" to represent individuals, partnerships, or corporations before the Bureau of Alcohol, Tobacco and Firearms (ATF). Formerly, rules governing the representation of persons before ATF were contained in rules which applied to representation (or "practice") before the Internal Revenue Service. These regulations will insure that persons enrolled to practice before ATF will be knowledgeable in Federal laws and regulations concerning alcohol, tobacco, firearms, and explosives matters.

**EFFECTIVE DATE:** These regulations are effective September 27, 1977. The reason for this time period is to allow persons currently enrolled to practice before the Internal Revenue Service to apply for enrollment to practice before ATF if they wish to do so.

FOR FURTHER INFORMATION CONTACT

Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226, or by telephone at 202-566-7626.

FOR ENROLLMENT INFORMATION CONTACT:

Assistant Director (Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The recognition and practice of persons before the Bureau of Alcohol, Tobacco and Firearms are now governed by regulations in 31 CFR Part 10, "Practice before the Internal Revenue Service." Since July 1, 1972, ATF has been a Treasury bureau separate from IRS. ATF's primary functions are to admin-

ister and enforce Federal laws relating to the alcohol, tobacco, firearms, and explosives industries. Although ATF collects excise taxes on beer, wine, liquors, cigars, and cigarettes, its function is also regulatory in nature and concerned with law enforcement. Logically, persons practicing before ATF should be knowledgeable in Federal laws and regulations concerning alcohol, tobacco, firearms, and explosives matters. Conversely, although knowledge of excise taxes in these areas is essential, the expert knowledge of income tax matters required of IRS enrolled agents is unnecessary. Therefore, Treasury finds it inappropriate for persons practicing before ATF to be governed by the regulations applying to IRS.

On December 13, 1976, the Treasury Department published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 54191) which would establish a new Part 8 in Title 31 CFR, "Practice before the Bureau of Alcohol, Tobacco and Firearms." Interested persons were given 30 days in which to submit written comments on the proposed regulations.

DISCUSSION OF COMMENTS

Several comments were received in response to the proposed regulations. These comments are discussed below according to the subject areas they addressed.

SOLICITATION

Two comments suggested that proposed § 8.41 which prohibits solicitation of employment by all persons practicing before ATF, be deleted in light of recent developments concerning the advertising of services by attorneys.

The Treasury Department is aware of the present scrutiny which restrictions on professional advertising are undergoing by the courts and by various professional associations. Nevertheless, few changes in restrictions on advertising or solicitation have as yet come about. In almost all states, attorneys are still prohibited from advertising. Treasury expects, however, that some changes regarding solicitation and advertising will eventually occur. Since at this time it is impossible to know the scope or exact nature of future changes in the prohibition on advertising, Treasury is not deleting or modifying § 8.41 because its provisions are still widely endorsed by various professional societies and in most states.

Future changes by State legislatures, professional associations or as the result of court decisions in the area of professional solicitation will be carefully monitored by the Treasury Department. Section 8.41 will be reexamined at a later date in view of future developments regarding advertising and solicitation by professionals.

FURNISHING INFORMATION TO ATF

Proposed § 8.31(a) requires any attorney, certified public accountant or enrolled practitioner practicing before ATF to furnish promptly to ATF information requested by ATF unless the practition-

er believes the information is privileged or the request is not legal. One commentator requested that this section be deleted because it would prohibit the practitioner from advising his or her client not to produce information if the practitioner believed this action to be in the best interests of the client. This commentator also questioned the meaning of the term "promptly" and questioned who would determine the legality for an information request, the client's representative or ATF.

The Treasury Department does not feel proposed § 8.31(a) restricts the right of a practitioner to advise his or her client. The section contains an exemption for requests which the practitioner believes to be of doubtful legality, or for information which the practitioner believes is privileged. In these cases, the practitioner could advise a client not to produce the requested information and if the Treasury Department insisted that the request was valid, a competent tribunal would make the ultimate decision. This regulation is identical to 31 CFR 10.20 as it applies to persons practicing before IRS.

The term "promptly" cannot be as easily defined as suggested by this comment. Since "promptly" is dependent entirely upon the kind of information requested, its volume and its accessibility, a separate determination of the time allowed for the production of information must be made in each case. Therefore, "promptly" cannot be defined more specifically; any time period requested will be reasonable under the specific circumstances.

KNOWLEDGE OF CLIENT'S OMISSION

One comment suggested deleting proposed § 8.34, "Knowledge of client's omission." This section would require an attorney, certified public accountant, or enrolled practitioner to inform a client of the client's noncompliance with law or of an error or omission in any return or document which the client is required to file. The commentator felt this proposed section would interfere with the client's guaranteed right to counsel.

Treasury disagrees with this comment and is adopting § 8.34 as proposed. Moreover, Treasury feels this section guarantees the client's right to counsel since it insures that the client, who may be unfamiliar with the requirements of the law or regulations, will be informed by the practitioner of their requirements. This section, of course, only requires the practitioner to inform his or her client of illegal behavior or of errors; it does not penalize the practitioner if the client chooses not to comply with those requirements.

PREPARATION OF TAX RETURNS

One comment questioned if preparation of tax returns is considered "practice" under the proposed regulations. Section 8.11 specifically excludes preparation of tax returns from the definition of "practice," yet § 8.52(b) includes the giving of false or misleading information (including Federal tax returns) as "dis-

reputable conduct" for which the Director of Practice may take disciplinary action against an attorney, certified public accountant, or enrolled practitioner.

Sections 8.11 and 8.52(b) do not conflict with respect to preparation of tax returns. Preparation of a tax return does not by itself constitute "practice" and a person may prepare tax returns for taxpayers without that person being an attorney, certified public accountant or enrolled to practice. However, when a practitioner represents a client before ATF and also prepares Federal tax returns for that client, preparation of those returns would be a portion of his or her "practice." Consequently, giving false or misleading information on these Federal tax returns would be considered "disreputable conduct" and could subject the practitioner to disciplinary action.

**OTHER COMMENTS**

One comment claimed that the proposed prohibition at § 8.2(e) on other Government employees practicing before ATF is broader than the restrictions imposed on Government employees by law. Treasury disagrees with this comment since we feel that § 8.2(e) as written is entirely consistent with the restrictions imposed by 18 U.S.C. 203 and 205. Another comment noted that attorneys are permitted to act as their own notaries in at least some states but that proposed § 8.23 prevents attorneys, certified public accountants, or enrolled practitioners from acting as their own notaries in matters before ATF. While the Treasury Department realizes that attorneys may act as their own notaries in some states, this practice is prohibited in most states. Therefore, Treasury is retaining this restriction because it remains a general prohibition.

A final comment questioned the wisdom of establishing a new class of "enrolled practitioners" who may practice before ATF. This comment further suggested that enrolled agents before IRS be "grandfathered" to practice before ATF and that no new practitioners before ATF be recognized to practice.

Treasury believes it is impractical for IRS enrolled agents to continue to practice before ATF because of the vast difference in the types of taxes and regulations administered by the two bureaus. Agents enrolled to practice before IRS, however, may apply to practice before ATF if they desire to do so and can establish their expertise in ATF matters.

**CHANGES SINCE THE NOTICE**

No substantive changes in the regulations as proposed have been made and Treasury is adopting the regulations as set forth below. A large number of editorial changes have been made to clarify the regulations, to improve their readability and to correct several citations to sections within the part.

**DRAFTING INFORMATION**

The principal author of this regulation is Charles N. Bacon of the Research and Regulations Branch, Bureau of Alcohol,

Tobacco and Firearms. However, personnel from other offices of the Bureau and from the Treasury Department participated in developing the regulation in matters of substance.

**AUTHORITY AND ISSUANCE**

Except when otherwise noted, these regulations are issued under the authority contained in sec. 3, 23 Stat. 258 (31 U.S.C. 1026); 5 U.S.C. 500, 551-559; and Reorganization Plan No. 26 of 1950, 15 FR 4935, 64 Stat. 1280, as amended.

In view of the above, the Secretary of the Treasury is amending Title 31 Code of Federal Regulations by adding a new Part 8 as set forth below.

**Subpart A—General Requirements**

- Sec. 8.1 Scope.
- 8.2 Persons who may practice.
- 8.3 Conference and practice requirements.
- 8.4 Director of practice.
- 8.5 Records.
- 8.6 Special orders.

**Subpart B—Definitions**

- 8.11 Meaning of terms.

**Subpart C—Enrollment Procedures**

- 8.21 Eligibility for enrollment.
- 8.22 Applicant for enrollment.
- 8.23 Denial of enrollment; appeal.
- 8.24 Enrollment cards.
- 8.25 Renewal of enrollment card.
- 8.26 Change in enrollment.
- 8.27 Enrollment registers.
- 8.28 Termination of enrollment.
- 8.29 Limited practice without enrollment.

**Subpart D—Duties and Restrictions Relating to Practice**

- 8.31 Furnishing of information.
- 8.32 Prompt disposition of pending matters.
- 8.33 Accuracy.
- 8.34 Knowledge of client's omission.
- 8.35 Assistance from disbarred or suspended persons and former Treasury employees.
- 8.36 Practice by partners of Government employees.
- 8.37 Practice by former Government employees.
- 8.38 Notaries.
- 8.39 Fees.
- 8.40 Conflicting interests.
- 8.41 Solicitation.
- 8.42 Practice of law.

**Subpart E—Disciplinary Proceedings**

- 8.51 Authority to disbar or suspend.
- 8.52 Disreputable conduct.
- 8.53 Initiation of disciplinary proceedings.
- 8.54 Conferences.
- 8.55 Complaint.
- 8.56 Service of complaint and other papers.
- 8.57 Answer.
- 8.58 Supplemental charges.
- 8.59 Proof; variance; amendment of proceedings.
- 8.60 Motions and requests.
- 8.61 Representation.
- 8.62 Administrative Law Judge.
- 8.63 Hearings.
- 8.64 Evidence.
- 8.65 Depositions.
- 8.66 Transcript.
- 8.67 Proposed findings and conclusions.
- 8.68 Decision of Administrative Law Judge.
- 8.69 Appeal to the Secretary.
- 8.70 Decision of the Secretary.
- 8.71 Effect of disbarment or suspension.
- 8.72 Petition for reinstatement.

**AUTHORITY:** The provisions of this Part 8 issued under sec. 3, 23 Stat. 258 (31 U.S.C. 1026); 5 U.S.C. 301, 500, 551-559; and Re-

organization Plan No. 26 of 1950, 15 FR 4935, 64 Stat. 1280, as amended; unless otherwise noted.

**Subpart A—General Requirements**

**§ 8.1 Scope.**

This part contains rules governing the recognition of attorneys, certified public accountants, enrolled practitioners, and other persons representing clients before the Bureau of Alcohol, Tobacco and Firearms.

**§ 8.2 Persons who may practice.**

(a) *Attorneys.* Any attorney who is not currently under suspension or disbarment from practice before the Bureau of Alcohol, Tobacco and Firearms, may practice before the Bureau upon filing a written declaration with the Bureau, that he or she is currently qualified as an attorney and is authorized to represent the particular party on whose behalf he or she acts.

(b) *Certified public accountants.* Any certified public accountant who is not currently under suspension or disbarment before the Bureau of Alcohol, Tobacco and Firearms, may practice before the Bureau upon filing a written declaration with the Bureau, that he or she is currently qualified as a certified public accountant and is authorized to represent the particular party on whose behalf he or she acts.

(c) *Enrolled practitioners.* Any person enrolled as a practitioner under the provisions of Subpart C of this part and who is not under suspension or disbarment from enrollment may practice before the Bureau.

(d) *Limited practitioners.* Any person qualified for limited practice without enrollment under the provisions of § 8.29 may practice before the Bureau.

(e) *Restrictions on Government officers and employees.* Any officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia, who is otherwise eligible to practice under the provisions of this part, may represent parties before the Bureau when doing so in the conduct of his or her official duties. A Government officer or employee may not otherwise practice before the Bureau except that, subject to the requirements of 18 U.S.C. 205, he or she may represent a member of his or her immediate family or a person or estate for which he or she serves as guardian, executor, administrator, trustee or other personal fiduciary. Members of Congress or Resident Commissioners (elect or serving) may not practice before the Bureau in connection with any matter for which they directly or indirectly seek any compensation.

(f) *Restrictions on State officers and employees.* No officer or employee of any State, or subdivision thereof, whose official responsibilities require him or her to pass upon, investigate, or deal with any State law or regulation concerning alcohol, tobacco, firearms, explosives matters or wagering, may practice before the Bureau if his or her official responsibility may disclose pertinent facts

or information relating to matters administered by the Bureau.

(g) *Customhouse brokers.* Customhouse brokers, licensed by the Commissioner of Customs according to 19 CFR Part 111, may represent a party for whom they have acted as a customhouse broker before the Bureau with respect to matters relating to the importation or exportation of merchandise under customs or internal revenue laws.

(18 U.S.C. 203, 205.)

### § 8.3 Conference and practice requirements.

Conference and practice requirements of the Bureau of Alcohol, Tobacco and Firearms, including requirements for powers of attorney are set forth in—

(a) 26 CFR Part 601, Subpart E (or those regulations as recodified in 27 CFR Part 71 subsequent to the effective date of these regulations, 31 CFR Part 8) with respect to all representations before the Bureau except those concerning license or permit proceedings;

(b) 27 CFR Part 200 with respect to proceedings concerning permits issued under the Federal Alcohol Administration Act or the Internal Revenue Code;

(c) 27 CFR 47.44 with respect to proceedings concerning licenses issued under the Arms Export Control Act (22 U.S.C. 2778);

(d) 27 CFR Part 178, Subpart E, with respect to proceedings concerning licenses issued under the Gun Control Act of 1968 (18 U.S.C. Chapter 44); and

(e) 27 CFR Part 181, Subpart E, with respect to proceedings concerning licenses or permits issued under the Organized Crime Control Act of 1970 (18 U.S.C. Chapter 40).

### § 8.4 Director of Practice.

(a) *Appointment.* The Secretary shall appoint the Director of Practice. In the event of the absence of the Director of Practice or a vacancy in that office, the Secretary shall designate an officer or employee of the Treasury Department to act as Director of Practice.

(b) *Duties.* The Director of Practice, Office of the Secretary of the Treasury, shall: act upon appeals from decisions of the Director denying applications for enrollment to practice before the Bureau; institute and provide for the conduct of disciplinary proceedings relating to attorneys, certified public accountants, and enrolled practitioners; make inquiries with respect to matters under his or her jurisdiction; and perform other duties as are necessary or appropriate to carry out his or her functions under this part or as are prescribed by the Secretary.

### § 8.5 Records.

(a) *Availability.* Registers of all persons admitted to practice before the Bureau, and of all persons disbarred or suspended from practice, which are required to be maintained by the Director under the provisions of § 8.27, will be available for public inspection at the Office of the Director. Other records may be disclosed upon specific request in ac-

cordance with the disclosure regulations of the Bureau (27 CFR Part 71) and the Office of the Secretary.

(b) *Disciplinary proceedings.* The Director, may grant a request by an attorney, certified public accountant, or enrolled practitioner to make public a hearing in a disciplinary proceeding, conducted under the provisions of Subpart E of this part concerning the attorney, certified public accountant or enrolled practitioner, and to make the record of the proceeding available for public inspection by interested persons, if an agreement is reached by stipulation in advance to prevent disclosure of any information which is confidential, in accordance with applicable laws and regulations.

### § 8.6 Special orders.

The Secretary reserves the power to issue special orders as he or she may deem proper in any cases within the scope of this part.

### Subpart B—Definitions

#### § 8.11 Meaning of terms.

As used in this part, terms shall have the meaning given in this section. Words in the plural shall include the singular, and vice versa. The terms "include" and "including" do not exclude things not enumerated which are in the same general class.

*Administrative Law Judge.* The person appointed pursuant to 5 U.S.C. 3105, designated to preside over any administrative proceedings under this part.

*Attorney.* A person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia.

*Bureau.* The Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C. 20226.

*Certified public accountant.* Any person who is qualified to practice as a certified public accountant in any State, possession, territory, Commonwealth, or the District of Columbia.

*CFR.* The Code of Federal Regulations.  
*Director.* The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

*Enrolled practitioner.* Any person enrolled to practice before the Bureau of Alcohol, Tobacco and Firearms pursuant to Subpart C of this part.

*Practice before the Bureau.* This comprehends all matters connected with presentation to the Bureau or any of its officers or employees relating to a client's rights, privileges, or liabilities under laws or regulations administered by the Bureau. Presentations include the preparation and filing of necessary documents, correspondence with and communications to the Bureau, and the representation of a client at conferences, hearings, and meetings. Preparation of a tax return, appearance of an individual as a witness for any party, or furnishing information at the request of the Bureau or any of its officers or employees is not con-

sidered practice before the Bureau.  
*Secretary.* The Secretary of the Treasury.

U.S.C. The United States Code.

### Subpart C—Enrollment Procedures

#### § 8.21 Eligibility for enrollment.

(a) *General qualifications.* The Director may grant enrollment to practice to any person who has not engaged in conduct which would justify the disbarment or suspension of any attorney, certified public accountant, or enrolled practitioner. Each person shall demonstrate to the satisfaction of the Director that he or she possesses the necessary technical qualifications to enable him or her to render valuable service before the Bureau, and that he or she is otherwise competent to advise and assist in the presentation of matters before the Bureau.

(b) *Technical qualifications.* The Director may grant enrollment to practice only to persons possessing technical knowledge of the laws and regulations administered by the Bureau.

(1) Minimum criteria required of an enrolled practitioner will consist of: 5 years employment with the Treasury Department in a responsible position which cable laws and regulations; or 5 years employment in a regulated industry in a responsible position which would familiarize the person with applicable laws and regulations; or possession of a law degree; or other significant experience such as the prior representation of persons before the Internal Revenue Service or the Bureau of Alcohol, Tobacco and Firearms.

(2) An enrolled practitioner may demonstrate technical knowledge in one or more of the several areas of laws and regulations administered by the Bureau (alcohol, tobacco, firearms, or explosives matters).

(c) *Natural persons.* Enrollment to practice may only be granted to natural persons who have become 18 years of age.

(d) *Attorneys, certified public accountants.* Enrollment is not available to persons who are attorneys or certified public accountants who qualify to practice without enrollment under § 8.2 (a) or (b).

#### § 8.22 Application for enrollment.

(a) *Information to be furnished.* An applicant for enrollment to practice shall state his or her name, address, and business address, citizenship, and age on the application. The applicant shall also state if he or she has ever been suspended or disbarred as an attorney or certified public accountant, or if the applicant's right to practice has ever been revoked by any court, commission, or administrative agency in any jurisdiction. The applicant shall set forth his or her technical qualifications as required by § 8.21 (b) which enable him or her to render valuable service before the Bureau. The applicant shall indicate which area or areas of Bureau matters in which he or she desires to practice (alcohol, tobacco, firearms, or explosives matters).

(b) *Fee.* Each application for enrollment will be accompanied by a check or money order in the amount of \$25, payable to the Bureau of Alcohol, Tobacco and Firearms. This fee will be retained by the United States whether or not the applicant is granted enrollment. Agents who are enrolled to practice before the Internal Revenue Service prior to September 27, 1977, need not include this fee and should indicate their enrollment number on the application.

(c) *Execution under oath.* All applications for enrollment will be executed under oath or affirmation.

(d) *Filing.* Applications for enrollment will be filed with the Assistant Director, Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

(e) *Additional information.* The Director, as a condition to consideration for enrollment, may require the applicant to file additional information as necessary to determine if the applicant is qualified. The Director shall, upon written request, afford an application the opportunity to be heard with respect to his or her application for enrollment.

(Sec. 501, Pub. L. 82-137, 65 Stat. 290 (31 U.S.C. 483a).)

#### § 8.23 Denial of enrollment; appeal.

(a) The Director, in denying an application for enrollment, shall inform the applicant as to the reasons. The applicant may, within 30 days after receipt of the notice of denial, file a written appeal together with reasons in support thereof, with the Director of Practice. The Director of Practice shall render a decision on the appeal as soon as practicable.

(b) An applicant may, within 30 days after receipt of the decision of the Director of Practice in sustaining a denial of enrollment, appeal the decision to the Secretary.

#### § 8.24 Enrollment cards.

The Director shall issue an enrollment card to each practitioner who is enrolled to practice before the Bureau. Each enrollment card is valid for a period of 5 years as long as the holder remains enrolled and in good standing before the Bureau. Unless advised to the contrary by the Director, any officer or employee of the Bureau may consider the holder of an unexpired enrollment card to be authorized to practice before the Bureau in the subject area or areas indicated upon the card (alcohol, tobacco, firearms, or explosives matters).

#### § 8.25 Renewal of enrollment card.

(a) *Period of renewal.* An enrolled practitioner may apply for renewal of his or her enrollment card during a 12-month period prior to the expiration of the enrollment card.

(b) *Application.* Each enrolled practitioner applying for a renewal of enrollment shall apply to the Director. The enrolled practitioner shall include in the application all information required by § 8.22 except information relating to

technical qualifications unless the enrolled practitioner is applying for enrollment in a subject area or areas in which he or she was not previously qualified to practice.

(c) *Fee.* Each application for renewal of enrollment will be accompanied by a check or money order in the amount of \$5.00, payable to the Bureau of Alcohol, Tobacco and Firearms.

#### § 8.26 Change in enrollment.

(a) *Change in area of practice.* At any time during a period of enrollment, an enrolled practitioner may apply to practice in a subject area or areas in which he or she was not previously qualified to practice (alcohol, tobacco, firearms, or explosives matters).

(b) *Application.* Each enrolled practitioner applying for a change in enrollment shall apply to the Director. The enrolled practitioner shall include in the application all information required by § 8.22 but shall include information relating to technical qualifications only in those additional subject areas in which he or she is applying to practice.

(c) *Fee.* Each application for change in enrollment will be accompanied by a check or money order in the amount of \$5, payable to the Bureau of Alcohol, Tobacco and Firearms.

#### § 8.27 Enrollment registers.

The Director shall maintain, for public inspection, a register of all persons enrolled to practice before the Bureau and the subject areas in which each person is enrolled to practice, a register of all persons disbarred or suspended from practice, and a register of all persons whose applications for enrollment before the Bureau have been denied.

#### § 8.28 Termination of enrollment.

(a) *Attorneys, certified public accountants.* The enrollment of a practitioner to whom an enrollment card has been issued will terminate when that person becomes eligible to practice without enrollment under § 8.2 (a) or (b), and that person shall surrender his or her enrollment card to the Director for cancellation.

(b) *Expiration of enrollment.* The enrollment of any person will automatically terminate after the date indicated on the enrollment card unless, during the 12-month period prior to the expiration date, that person applies for renewal of enrollment with the Director as provided in § 8.25. In this case, the person may continue to practice before the Bureau until his or her application has been finally determined.

#### § 8.29 Limited practice without enrollment.

(a) *General.* Individuals may appear on their own behalf and may otherwise appear without enrollment, providing they present satisfactory identification, in the following classes of cases:

(1) An individual may represent another individual who is his or her regular full-time employer, may represent a partnership of which he or she is a

member or a regular full-time employee, or may represent without compensation a member of his or her immediate family.

(2) Corporations (including parent corporations, subsidiaries or affiliated corporations), trusts, estates, associations, or organized groups may be represented by bona fide officers or regular full-time employees.

(3) Trusts, receiverships, guardianships, or estates may be represented by their trustees, receivers, guardians, administrators, executors, or their regular full-time employees.

(4) Any government unit, agency, or authority may be represented by an officer or regular employee in the course of his or her official duties.

(5) Unenrolled persons may participate in rulemaking as provided in 5 U.S.C. 553.

(b) *Special appearances.* The Director, subject to conditions he or she deems appropriate, may authorize any person to represent a party without enrollment, for the purpose of a particular matter.

#### Subpart D—Duties and Restrictions Relating to Practice

#### § 8.31 Furnishing of information.

(a) *To the Bureau.* No attorney, certified public accountant, or enrolled practitioner may neglect or refuse promptly to submit records or information in any matter before the Bureau, upon proper and lawful request by an authorized officer or employee of the Bureau, or may interfere, or attempt to interfere, with any proper and lawful effort by the Bureau or its officers or employees, to obtain the requested record or information, unless he or she believes in good faith and on reasonable grounds that the record or information is privileged or that the request for, or effort to obtain, that record or information is of doubtful legality.

(b) *To the Director of Practice.* It is the duty of an attorney or certified public accountant, who practices before the Bureau, or enrolled practitioner when requested by the Director of Practice, to provide the Director of Practice with any information he or she may have concerning violation of the regulations in this part by any person, and to testify thereto in any proceeding instituted under this part for the disbarment or suspension of an attorney, certified public accountant, or enrolled practitioner, unless he or she believes in good faith and on reasonable grounds that that information is privileged or that the request is of doubtful legality.

#### § 8.32 Prompt disposition of pending matters.

No attorney, certified public accountant, or enrolled practitioner may unreasonably delay the prompt disposition of any matter before the Bureau.

#### § 8.33 Accuracy.

Each attorney, certified public accountant, and enrolled practitioner shall exercise due diligence in—

(a) Preparing or assisting in the preparation of, approving, and filing returns,

documents, affidavits, and other papers relating to Bureau matters;

(b) Determining the correctness of any representations made by him or her to the Bureau; and

(c) Determining the correctness of any information which he or she imparts to a client with reference to any matter administered by the Bureau.

#### § 8.34 Knowledge of client's omission.

Each attorney, certified public accountant, or enrolled practitioner who knows that a client has not complied with applicable law, or has made an error in or omission from any document, affidavit, or other paper which the law requires the client to execute, shall advise the client promptly of the fact of such noncompliance, error, or omission.

#### § 8.35 Assistance from disbarred or suspended persons and former Treasury employees.

No attorney, certified public accountant, or enrolled practitioner may, in presentation of any matter before the Bureau, knowingly and directly or indirectly—

(a) Employ or accept assistance from any person who is under disbarment or suspension from practice before any agency of the Treasury Department, or who, to the knowledge of the attorney, certified public accountant, or enrolled practitioner, solicits business, obtains clients, or otherwise conducts his or her practice in a manner forbidden under the regulations in this part;

(b) Accept employment as an employee, associate, correspondent, or sub-agent of, or share fees with any such person; or

(c) Accept assistance in a specific matter from any person who participated personally and substantially in that matter as an employee of the Treasury Department.

#### § 8.36 Practice by partners of Government employees.

No partner of an officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, may represent anyone in any matter administered by the Bureau in which the Government employee participates or has participated personally and substantially as a Government employee, or which is the subject of that employee's official responsibility.

#### § 8.37 Practice by former Government employees.

(a) *Violation of law.* No former officer or employee of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, may represent anyone in any matter administered by the Bureau if the representation would violate any of the laws of the United States.

(b) *Personal and substantial participation.* No former officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, may represent anyone with re-

spect to any matter under the administration of the Bureau, if he or she participated personally and substantially in that matter as a Government employee.

(c) *Official responsibility.* No former officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, may within one year after his or her employment has ceased, appear personally as a practitioner before the Bureau with respect to any matter administered by the Bureau if that representation involves a specific matter under the former employee's official responsibility as a Government employee, within a one-year period prior to the termination of that responsibility.

(d) *Aid or assistance.* No former officer or employee of the Bureau, who is eligible to practice before the Bureau, may aid or assist any person in the representation of a specific matter in which the former officer or employee participated personally and substantially as an officer or employee of the Bureau.

(18 U.S.C. 207.)

#### § 8.38 Notaries.

No attorney, certified public accountant, or enrolled practitioner may, with respect to any matter administered by the Bureau, take acknowledgments, administer oaths, certify papers, or perform any official act in connection with matters in which he or she is employed as counsel, attorney, or practitioner, or in which he or she may be in any way interested before the Bureau.

(26 Op. Atty. Gen. 236.)

#### § 8.39 Fees.

No attorney, certified public accountant, or enrolled practitioner may charge an unconscionable fee for representing a client in any matter before the Bureau.

#### § 8.40 Conflicting interests.

No attorney, certified public accountant, or enrolled practitioner may represent conflicting interests in practice before the Bureau, except by express consent of all directly interested parties after full disclosure has been made.

#### § 8.41 Solicitation.

No attorney, certified public accountant, or enrolled practitioner may solicit employment, directly or indirectly, in matters relating to the Bureau. For purposes of this section, solicitation includes, but is not limited to: the advertising of professional attainments or services; the employment of, or the forming of an association or partnership with, any person, partnership, corporation or other organization which solicits in a manner prohibited to attorneys, certified public accountants, and enrolled practitioners by the provisions of this part; or the use of signs, printing, or other written matter indicating some past or present connection with, or relationship to, the Bureau. In the case of an enrolled practitioner, the phrase "enrolled to practice

before the Bureau of Alcohol, Tobacco and Firearms," when appearing on the stationery, letterhead, or professional card of the enrolled practitioner, is not considered to violate this prohibition. Customary biographical inserts in approved law lists and in reputable professional directories and journals, as well as the use of professional cards and announcements, are permissible providing that they do not violate the standards of ethical conduct adopted by the American Bar Association, the American Institute of Certified Public Accountants, and the National Society of Public Accountants.

#### § 8.42 Practice of law.

Nothing in the regulations in this part may be construed as authorizing persons not members of the bar to practice law.

#### Subpart E—Disciplinary Proceedings

##### § 8.51 Authority to disbar or suspend.

The Secretary, after due notice and opportunity for hearing, may suspend or disbar from practice before the Bureau any attorney, certified public accountant, or enrolled practitioner shown to be incompetent, disreputable or who refuses to comply with the rules and regulations in this part or who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any client or prospective client, by word, circular, letter, or by advertisement.

(Sec. 3, 23 Stat. 258 (31 U.S.C. 1026).)

##### § 8.52 Disreputable conduct.

Disreputable conduct for which an attorney, certified public accountant, or enrolled practitioner may be disbarred or suspended from practice before the Bureau includes, but is not limited to—

(a) Conviction of any criminal offense under the revenue laws of the United States; under any other law of the United States which the Bureau enforces pursuant to Treasury Department Order No. 221 (37 FR 11696) effective July 1, 1972; or for any offense involving dishonesty or breach of trust.

(b) Giving false or misleading information, or participating in any way in the giving of false or misleading information, to the Bureau or any officer or employee thereof, or to any tribunal authorized to pass upon matters administered by the Bureau in connection with any matter pending or likely to be pending before them, knowing the information to be false or misleading. Facts or other matters contained in testimony, Federal tax returns, financial statements, applications for enrollment, affidavits, declarations, or any other document or statement, written or oral, are included in the term "information".

(c) Solicitation of employment as prohibited under § 8.41, the use of false or misleading representations with intent to deceive a client or a prospective client in order to procure employment, or intimating that the practitioner is able improperly to obtain special con-



sideration or action from the Bureau or an officer or employee thereof.

(d) Willfully failing to make a Federal tax return in violation of the revenue laws of the United States, or evading, attempting to evade, or participating in any way in evading or attempting to evade any Federal tax or payment thereof; knowingly counseling or suggesting to a client or prospective client an illegal plan to evade Federal taxes or payment thereof, or concealing assets of himself or herself, or of another in order to evade Federal taxes or payment thereof.

(e) Misappropriation of, or failure properly and promptly to remit funds received from a client for the purpose of payment of taxes or other obligations due the United States.

(f) Directly or indirectly attempting to influence, or offering or agreeing to attempt to influence, the official action of any officer or employee of the Bureau by the use of threats, false accusations, duress or coercion, by the offer of any special inducement or promise of advantage or by the bestowing of any gift, favor, or thing of value.

(g) Disbarment or suspension from practice as an attorney or certified public accountant by any duly constituted authority of any State possession, Commonwealth, the District of Columbia, or by any Federal court of record.

(h) Disbarment or suspension from practice as an attorney, certified public accountant, or other person admitted to practice before the Internal Revenue Service.

(i) Knowingly aiding and abetting another person to practice before the Bureau during a period of suspension, disbarment, or ineligibility of the other person. Maintaining a partnership for the practice of law, accountancy, or other related professional service with a person who is under disbarment from practice before the Bureau or the Internal Revenue Service is presumed to be a violation of this provision.

(j) Contemptuous conduct in connection with practice before the Bureau, including the use of abusive language, making false accusations and statements knowing them to be false, or circulating or publishing malicious or libelous matter.

(k) Willful violation of any of the regulations contained in this part.

#### § 8.53 Initiation of disciplinary proceedings.

(a) *Receipt of information.* If an officer or employee of the Bureau has reason to believe that an attorney, certified public accountant, or enrolled practitioner has violated any of the provisions of this part or engaged in any disreputable conduct as defined in § 8.52, the employee shall promptly make a report thereof which will be forwarded to the Director of Practice. Any other person possessing information concerning violations or disreputable conduct may make a report thereof to the Director of Practice or to any officer or employee of the Bureau.

(b) *Institution of proceeding.* When the Director of Practice has reason to believe that any attorney, certified public accountant, or enrolled practitioner has violated any provisions of the laws or regulations governing practice before the Bureau, he or she may reprimand the person or institute a proceeding for the disbarment or suspension of that person. The proceeding will be instituted by a complaint which names the respondent and is signed by the Director of Practice and filed in his or her office. Except in cases of willfulness, or when time, the nature of the proceeding, or the public interest does not permit, the Director of Practice may not institute a proceeding until he or she has called to the attention of the proposed respondent, in writing, facts or conduct which warrant institution of a proceeding, and has accorded the proposed respondent the opportunity to demonstrate or achieve compliance with all lawful requirements.

#### § 8.54 Conferences.

(a) *General.* The Director of Practice may confer with an attorney, certified public accountant, or enrolled practitioner concerning allegations of misconduct whether or not a proceeding for disbarment or suspension has been instituted. If a conference results in a stipulation in connection with a proceeding in which that person is the respondent, the stipulation may be entered in the record at the instance of either party to the proceeding.

(b) *Resignation or voluntary suspension.* An attorney, certified public accountant, or enrolled practitioner, in order to avoid the institution or conclusion of a disbarment or suspension proceeding, may offer his or her consent to suspension from practice before the Bureau. An enrolled practitioner may also offer a resignation. The Director of Practice, at his or her discretion, may accept the offered resignation of an enrolled practitioner and may suspend an attorney, certified public accountant, or enrolled practitioner in accordance with the consent offered.

#### § 8.55 Contents of complaint.

(a) *Charges.* A complaint will give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint will be deemed sufficient if it fairly informs the respondent of the charges so that he or she is able to prepare a defense.

(b) *Demand for answer.* The complaint will give notification of the place and time prescribed for the filing of an answer by the respondent; that time will be not less than 15 days from the date of service of the complaint. Notice will be given that a decision by default may be rendered against the respondent if the complaint is not answered as required.

#### § 8.56 Service of complaint and other papers.

(a) *Complaint.* A copy of the complaint may be served upon the respondent by certified mail or by first-class

mail. The copy of the complaint may be delivered to the respondent or the respondent's attorney or agent of record either in person or by leaving it at the office or place of business of the respondent, attorney or agent, or the complaint may be delivered in any manner which has been agreed to by the respondent. If the service is by certified mail, the post office receipt signed by or on behalf of the respondent will be proof of service. If the certified matter is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to him or her by first-class mail, addressed to the respondent at the address under which he or she is enrolled or at the last address known to the Director of Practice. If service is made upon the respondent or the respondent's attorney or agent in person, or by leaving the complaint at the office or place of business of the respondent, attorney or agent, the verified return by the person making service, setting forth the manner of service, will be proof of service.

(b) *Service of other papers.* Any paper other than the complaint may be served upon an attorney, certified public accountant, or enrolled practitioner as provided in paragraph (a) of this section, or by mailing the paper by first-class mail to the respondent at the last address known to the Director of Practice, or by mailing the paper by first-class mail to the respondent's attorney or agent of record. This mailing will constitute complete service. Notices may be served upon the respondent or his attorney or agent by telegram.

(c) *Filing of papers.* When the filing of a paper is required or permitted in connection with a disbarment or suspension proceeding, and the place of filing is not specified by this subpart or by rule or order of the Administrative Law Judge, the papers will be filed with the Director of Practice, Treasury Department, Washington, D.C. 20220. All papers will be filed in duplicate.

#### § 8.57 Answer.

(a) *Filing.* The respondent shall file the answer in writing within the time specified in the complaint or notice of institution of the proceeding, unless on application the time is extended by the Director of Practice or the Administrative Law Judge. The respondent shall file the answer in duplicate with the Director of Practice.

(b) *Contents.* The respondent shall include in the answer a statement of facts which constitute the grounds of defense, and shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which he or she knows to be true, or state that he or she is without sufficient information to form a belief when in fact the respondent possesses that information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer is deemed to be admitted and may be considered as proven, and no further evidence in respect of that allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Director of Practice or the Administrative Law Judge, will constitute an admission of the allegations of the complaint and a waiver of hearing, and the Administrative Law Judge may make a decision by default without a hearing or further procedure.

(d) *Reply by Director of Practice.* No reply to the respondent's answer is required, and new matter in the answer will be deemed to be denied, but the Director of Practice may file a reply at his or her discretion or at the request of the Administrative Law Judge.

#### § 8.58 Supplemental charges.

If it appears that the respondent in his or her answer, falsely and in bad faith, denies a material allegation of fact in the complaint or states that the respondent has no knowledge sufficient to form a belief, when he or she in fact possesses that information, or if it appears that the respondent has knowingly introduced false testimony during proceedings for his or her disbarment or suspension, the Director of Practice may file supplemental charges against the respondent. These supplemental charges may be tried with other charges in the case, provided the respondent is given due notice and is afforded an opportunity to prepare to a defense to them.

#### § 8.59 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading, the Administrative Law Judge may order or authorize amendment of the pleading to conform to the evidence. The party who would otherwise be prejudiced by the amendment will be given reasonable opportunity to meet the allegation of the pleading as amended, and the Administrative Law Judge shall make findings on an issue presented by the pleadings as so amended.

#### § 8.60 Motions and requests.

Motions and requests may be filed with the Director of Practice or with the Administrative Law Judge.

#### § 8.61 Representation.

A respondent or proposed respondent may appear in person or be represented by counsel or other representative who need not be enrolled to practice before the Bureau. The Director of Practice may be represented by an attorney or other employee of the Treasury Department.

#### § 8.62 Administrative Law Judge.

(a) *Appointment.* An Administrative Law Judge, appointed as provided by 5 U.S.C. 3105, shall conduct proceedings upon complaints for the disbarment or

suspension of attorneys, certified public accountants, or enrolled practitioners.

(b) *Responsibilities.* The Administrative Law Judge in connection with any disbarment or suspension proceeding shall have authority to—

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests; these rulings may not be appealed prior to the close of the hearing except at the discretion of the Administrative Law Judge in extraordinary circumstances;

(3) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(4) Take or authorize the taking of depositions;

(5) Determine the time and place of hearing and regulate its course and conduct;

(6) Hold or provide for the holding of conferences to settle or simplify the issues by consent of the parties;

(7) Receive and consider oral or written arguments on facts or law;

(8) Make initial decisions;

(9) Adopt rules of procedure and modify them from time to time as occasion requires for the orderly disposition of proceedings; and

(10) Perform acts and take measures as necessary to promote the efficient conduct of any proceeding.

#### § 8.63 Hearings.

(a) *Conduct.* The Administrative Law Judge shall preside at the hearing on a complaint for the disbarment or suspension of an attorney, certified public accountant, or enrolled practitioner. Hearings will be stenographically recorded and transcribed and the testimony of witnesses will be received under oath or affirmation. The Administrative Law Judge shall conduct hearings pursuant to 5 U.S.C. 556.

(b) *Failure to appear.* If either party to the proceeding fails to appear at the hearing, after due notice has been sent, the Administrative Law Judge may deem them to have waived the right to a hearing and may make a decision against the absent party by default.

#### § 8.64 Evidence.

(a) *Rules of evidence.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings. However, the Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(b) *Depositions.* Depositions of witnesses taken pursuant to § 8.65 may be admitted as evidence.

(c) *Government documents.* Official documents, records, and papers of the Bureau of Alcohol, Tobacco and Firearms and the Office of the Director of Practice are admissible in evidence without the production of an officer or employee to authenticate them. These documents, records and papers may be evidenced by a copy attested or identified by an officer or employee of the Bureau or the Treasury Department.

(d) *Exhibits.* If any document, record, or other paper is introduced in evidence

as an exhibit, the Administrative Law Judge may authorize the withdrawal of the exhibit subject to any conditions he or she deems proper.

(e) *Objections.* Objections to evidence will be in short form, stating the grounds of objection and the record may not include arguments thereon, except as ordered by the Administrative Law Judge. Rulings on objections will be a part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

#### § 8.65 Depositions.

Depositions for use at a hearing may, with the written approval of the Administrative Law Judge, be taken by either the Director of Practice or the respondent or their authorized representatives. Depositions may be taken upon oral or written questioning, upon not less than 10 days' written notice to the other party before any officer authorized to administer an oath for general purposes or before an officer or employee of the Bureau authorized to administer an oath pursuant to 27 CFR 70.35. The written notice will state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 10 days' notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed to by the parties. When a deposition is taken upon written questioning, any cross-examination will be upon written questioning. Copies of the written questioning will be served upon the other party with the notice, and copies of any written cross-interrogation will be mailed or delivered to the opposing party at least 5 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party on whose behalf a deposition is taken must file it with the Administrative Law Judge and serve one copy upon the opposing party. Expenses in the reproduction of depositions will be borne by the party at whose instance the deposition is taken.

#### § 8.66 Transcript.

In cases in which the hearing is stenographically reported by a Government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. If the hearing is stenographically reported by a regular employee of the Bureau, a copy of the hearing will be supplied to the respondent either without charge or upon the payment of a reasonable fee. Copies of exhibits introduced at the hearing or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee.

(Sec. 501, Pub. L. 82-137, 65 Stat. 290 (31 U.S.C. 483a).)

#### § 8.67 Proposed findings and conclusions.

Except in cases when the respondent has failed to answer the complaint or when a party has failed to appear at the

hearing, the Administrative Law Judge, prior to making his or her decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and their supporting reasons.

**§ 8.68 Decision of Administrative Law Judge.**

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Administrative Law Judge shall make the initial decision in the case. The decision will include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (b) an order of disbarment, suspension, or reprimand or an order of dismissal of the complaint. The Administrative Law Judge shall file the decision with the Director of Practice and shall transmit a copy to the respondent or the respondent's attorney of record. In the absence of an appeal to the Secretary, or review of the decision upon motion of the Secretary, the decision of the Administrative Law Judge will, without further proceedings, become the decision of the Secretary of the Treasury 30 days from the date of the Administrative Law Judge's decision.

**§ 8.69 Appeal to the Secretary.**

Within 30 days from the date of the Administrative Law Judge's decision, either party may appeal to the Secretary. The appeal will be filed with the Director of Practice in duplicate and will include exceptions to the decision of the Administrative Law Judge and supporting reasons for those exceptions. If the Director of Practice files the appeal, he or she shall transmit a copy of it to the respondent. Within 30 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Director of Practice. If the Director of Practice files the reply brief, he or she shall transmit a copy of it to the respondent. Upon the filing of an appeal and a reply brief, if any, the Director of Practice shall transmit the entire record to the Secretary.

**§ 8.70 Decision of the Secretary.**

On appeal from or review of the initial decision of the Administrative Law Judge, the Secretary shall make the agency decision. In making this decision, the Secretary shall review the record or those portions of the record as may be cited by the parties in order to limit the issues. The Director of Practice shall transmit a copy of the Secretary's decision to the respondent.

**§ 8.71 Effect of disbarment or suspension.**

(a) *Disbarment.* If the final order against the respondent is for disbarment, the respondent will not thereafter be permitted to practice before the Bureau unless authorized to do so by the Director of Practice pursuant to § 8.72.

(b) *Suspension.* If the final order against the respondent is for suspension, the respondent will not thereafter be permitted to practice before the Bureau during the period of suspension.

(c) *Surrender of enrollment card.* If an enrolled practitioner is disbarred or suspended, he or she shall surrender the enrollment card to the Director of Practice for cancellation, in the case of disbarment, or for retention during the period of suspension.

(d) *Notice of disbarment or suspension.* Upon the issuance of a final order for suspension or disbarment, the Director of Practice shall give notice of the order to appropriate officers and employees of the Bureau of Alcohol, Tobacco and Firearms and to interested departments and agencies of the Federal Government. The Director of Practice may also give notice as he or she may determine to the proper authorities of the State in which the disbarred or suspended person was licensed to practice as an attorney or certified public accountant.

**§ 8.72 Petition for reinstatement.**

The Director of Practice may entertain a petition for reinstatement from any person disbarred from practice before the Bureau after the expiration of 5 years following disbarment. The Director of Practice may not grant reinstatement unless he or she is satisfied that the petitioner is not likely to conduct himself or herself contrary to the regulations in this part, and that granting reinstatement would not be contrary to the public interest.

Dated: June 21, 1977.

HENRY C. STOCKELL, JR.,  
Acting General Counsel.

[FR Doc.77-18557 Filed 6-28-77;8:45 am]

**CHAPTER I—MONETARY OFFICES,  
DEPARTMENT OF THE TREASURY**

**PART 103—FINANCIAL RECORDKEEPING  
AND REPORTING OF CURRENCY AND  
FOREIGN TRANSACTIONS**

**Supervisory Responsibility**

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Department is amending the regulations relating to enforcement responsibilities for financial recordkeeping and reporting of currency and foreign transactions. The amendments are being made to reflect changes made in the organization of the Office of the Secretary.

EFFECTIVE DATE: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert J. Stankey, Jr., Assistant to the Director, (Financial Crimes and Frauds), Office of Law Enforcement, Department of the Treasury, Washington, D.C. 20220, 202-566-5630.

**SUPPLEMENTARY INFORMATION:** Existing Department regulations provide that the Assistant Secretary (Enforcement, Operations and Tariff Affairs) shall have the overall responsibility for coordinating the procedures and efforts of the agencies which have responsibility for assuring compliance with Part 103. Treasury Department Order No. 190 (Revision 13) dated May 17, 1977, transferred supervision of certain Treasury bureaus and offices which had previously reported to the Assistant Secretary (Enforcement, Operations and Tariff Affairs) to the Under Secretary. In order to clarify the enforcement responsibility for 31 CFR Part 103, it is necessary to amend § 103.46, Enforcement, to substitute the title of Under Secretary for the title of Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations), in subsection (b) of that section.

The Department also finds that, since this amendment involves a matter relating to agency management, notice and public procedure with respect to the amendment is unnecessary under the provisions of 5 U.S.C. 553(b) and that good cause exists for making it effective less than 30 days after publication.

Accordingly, § 103.46(b) of Title 31 of the Code of Federal Regulations is amended by striking "Assistant Secretary, (Enforcement, Tariff and Trade Affairs, and Operations)" and inserting in lieu thereof "Under Secretary". As amended, § 103.46(b) will read as follows:

**§ 103.46 Enforcement.**

(b) Overall responsibility for coordinating the procedures and efforts of the agencies listed herein and assuring compliance with this part is delegated to the Under Secretary. Periodic reports shall be made by each such agency to the Under Secretary, with copies to the General Counsel of the Treasury and to the Commissioner of Internal Revenue.

Dated: June 14, 1977.

W. M. BLUMENTHAL,  
Secretary of the Treasury.

[FR Doc.77-18530 Filed 6-28-77;8:45 am]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCY**

**SUBCHAPTER B—GRANTS AND OTHER  
FEDERAL ASSISTANCE**

[FRL 753-1]

**PART 33—SUBAGREEMENTS**

**Minimum Standards for Procurement  
Under EPA Grants; Interim Rule**

AGENCY: Environmental Protection Agency.

ACTION: Interim rule.

SUMMARY: This amendment changes the effective date of the interim sub-agreement regulations to allow addi-

tional time to review comment received and consider alternatives.

EFFECTIVE DATE: October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Alexander J. Greene, Director, Grants Administration Division (PM-216), Environmental Protection Agency, Washington, D.C. 20460 (202-755-0850).

Interim subagreement regulations were promulgated by the Environmental Protection Agency on February 8, 1977 (42 FR 8089) with an effective date of March 31, 1977, which was subsequently extended to June 30, 1977 (42 FR 16777 and 22144). By this action, the effective date is changed as follows:

Effective date: These Interim Part 33 subagreement regulations shall become effective on October 1, 1977, and shall govern all procurement actions under grants awarded on or after that date. Procurement actions taken under grants awarded prior to October 1, 1977, are subject to these regulations if the grant (1) includes a special condition requiring compliance with proposed or interim 40 CFR Part 33, or (2) is a Section 208 FWPCA grant subject to EPA Program Guidance Memorandum SAM-14 (published April 27, 1976, at 41 FR 17702).

Dated: June 24, 1977.

BARBARA BLUM,  
Acting Administrator.

[FR Doc. 77-18856 Filed 6-29-77; 8:45 am]

[FRL 748-5]

## PART 35—STATE AND LOCAL ASSISTANCE

### Technical Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document is issued to make technical amendments and correct minor errors in 40 CFR Part 35. It makes no substantial changes in the regulations, but corrects minor errors, adds authority statements where necessary, and deletes §§ 35.150, 35.150-1, and 35.150-2 from the Code of Federal Regulations.

EFFECTIVE DATE: June 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Alexander J. Greene, Director, Grants Administration Division (PM-216), Environmental Protection Agency, Washington, D.C. 20460 (202-755-0850).

SUPPLEMENTARY INFORMATION: The provisions of §§ 35.150, 35.150-1, and 35.150-2 remain applicable to all grants awarded under the authority of Section 8 of the Federal Water Pollution Control Act prior to the enactment of the Federal Water Pollution Control Act Amendments of 1972. The regulations in Subpart C which govern grants awarded under Section 8 are being revised to re-

flect this fact and to correct typographical errors.

The reference to § 131.11(j) through (l) in § 35.230 is being corrected to read § 131.11 (j) and (k). Section 208(b) (4) of the Federal Water Pollution Control Act Amendments of 1972 allows the Governor of the State to preempt the area-wide agencies from the requirements of Section 208(b) (2) (F)-(K). Sections 131.11 (j) and (k) include a "note" which is consistent with the provisions of the Act. It is not the intent of the Act or § 131.11(l) that urban and industrial stormwater systems needs be preempted by the State.

The revision to § 35.218-2 is to correct a typographical error in the second and third sentences.

Sections 35.903, 35.913, 35.915 and 35.917 are being revised to correct references. The regulations referred to were revised on April 27, 1976 but these technical amendments were inadvertently not made at that time.

Section 35.939 is being revised to add certain clarifying language regarding timeliness and other procedural requirements for protests.

Dated: June 24, 1977.

BARBARA BLUM  
Acting Administrator.

40 CFR Part 35 is amended by making the following corrections:

1. By deleting the authority statement following the table of sections of Part 35 which reads "Authority: Authorities cited in §§ 35.201, 35.301, 35.403, 35.801."

§ 35.150 [Deleted]

§ 35.150-1 [Deleted]

§ 35.150-2 [Deleted]

2. By deleting the authority statement; the centered heading which reads: "Water Pollution Control Planning Requirements;" the source statement; and §§ 35.150, 35.150-1, and 35.150-2 immediately following the centered heading which reads: "Subpart A—Planning Grants."

3. By inserting the following statement after the centered heading "Grants to State and Designated Area-wide Planning Agencies—Conditions, Policies, and Procedures" and preceding § 35.200:

AUTHORITY: Sec. 208, Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1288).

4. By revising § 35.218-2(b) to read as follows:

§ 35.218-2 Advance payments—letter of credit.

(b) The letter of credit may be issued for the entire award or any part thereof, with subsequent amendments for the balance as the Regional Administrator determines. An initial fund letter of credit will be issued to State and area-wide planning agencies to the extent that the grantees demonstrate the need for such funds. For area-wide agencies, this initial fund will generally not exceed five percent (5%) of the total grant award

and will be earmarked for work plan development. Subsequent amendments for the balance of the grant amount will be approved only after approval of the work plan by the Regional Administrator. Withdrawal of cash through the letter of credit will be monitored by EPA through the payment vouchers and quarterly financial reports submitted pursuant to § 35.232-2.

§ 35.230 [Amended]

5. In § 35.230 by changing the phrase "requirements of § 131.11 (j) through (l)" in the first sentence to read: "requirements of § 131.11 (j) and (k)."

6. By inserting the following statement immediately following the centered heading "Solid Waste Planning Grants," which precedes § 35.300:

AUTHORITY: Sec. 207, Solid Waste Disposal Act (42 U.S.C. 3254a).

7. By revising the authority statement immediately following the centered heading (which precedes § 35.400) "Subpart B—Program Grants" to read:

AUTHORITY: Authorities cited in § 35.403.

8. By inserting the following statement immediately following the centered heading "Air Pollution Control Program Grants" (which precedes § 35.501):

AUTHORITY: Secs. 105, 301(b), Clean Air Act, as amended (42 U.S.C. 1857(c), 1857(g)).

9. By inserting the following statement immediately following the centered heading "Water Pollution Control State and Interstate Program Grants" (which precedes § 35.551):

AUTHORITY: Secs. 106, 501, Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1256, 1361).

10. By inserting the following statement immediately following the centered heading "Grants for State Public Water System Supervision Programs" (which precedes § 35.600):

AUTHORITY: Secs. 1443, 1450, Safe Drinking Water Act (42 U.S.C. 300j-3, 300j-9).

11. By inserting the following statement immediately following the centered heading "Subpart C—Grants for Construction of Wastewater Treatment Works" (which precedes § 35.800):

AUTHORITY: Sec. 8, Federal Water Pollution Control Act, as amended (33 U.S.C. 1158).

§ 35.835-2 [Amended]

12. In § 35.835-2 by changing the phrase "requirements set forth in § 35.105-1." in the last sentence to read "requirements set forth in § 35.150-1 in effect at the time of grant award."

§ 35.835-3 [Amended]

13. In § 35.835-3 by changing the phrase "requirements set forth in § 35.105-2." in the last sentence to read "requirements set forth in § 35.150-2 in effect at the time of grant award."

§ 35.903 [Amended]

14. By revising § 35.903(o) (1) to change the phrase which reads "pursuant to §§ 35.556 and 35.915;" to read "pursuant to §§ 35.564 and 35.915;".

§ 35.913 [Amended]

15. By revising § 35.913(d) to change the reference which reads "§ 35.559." to read "§ 35.555."

§ 35.915 [Amended]

16. By revising § 35.915(b) to read as follows:

(b) *State municipal discharge inventory.* Pursuant to § 131.11 of this chapter, the State agency shall prepare a municipal discharge inventory which sets forth for the entire State a ranking of all significant municipal discharges (including, for example, eligible municipal septic systems). Such list must be submitted as part of the annual State program for the approval of the Regional Administrator under § 35.565. This State municipal discharge inventory shall be updated annually and submitted with the State program pursuant to § 35.562.

17. By revising § 35.915(c) to change the phrase "the approval procedures of § 35.555" in the last sentence preceding subparagraph (1) to read "the approval procedures of §§ 35.563 and 35.566."

18. By revising § 35.915(d) to change the phrase "and may be amended pursuant to § 35.555 and § 35.557" to read "and may be amended pursuant to §§ 35.563 and 35.566."

19. By revising § 35.915(e) to change the phrase "pursuant to §§ 35.555 and 35.557" in the last sentence to read "pursuant to §§ 35.563 and 35.566."

§ 35.917-2 [Amended]

20. By revising § 35.917-2(b) to change the reference which reads "35.544-3(a)(1)" to read "35.563."

21. By revising § 35.939(b)(1), (f)(7), (j)(3) and (k) to read as follows:

§ 35.939 *Protests.*

(b) *Time limitations.* (1) A protest pursuant to paragraph (d) of this section should be made as early as possible during the procurement process (for example, immediately after issuance of a solicitation for bids) to avoid disruption of or unnecessary delay to the procurement process. A protest authorized by paragraph (d) of this section must be received by the grantee within one week after the basis for the protest is known or should have been known, which ever is earlier (generally, in the case of formally advertised procurement, within one week after bid opening, if the basis for the protest is, or should have been, then known). However, in the case of an alleged violation of the specification requirements of § 35.936-13 or other requirements of this subpart, the grantee may resolve the protest prior to receipt of bids or proposals, if, by earlier written or other formal notice to any party with a direct financial interest, the grantee has stated its position concerning a procurement requirement (e.g., that a product fails to qualify as an "or equal"), and, thereafter, the protest was received by the grantee within one week from the date of receipt of its written or other formal notice. In addition, where

an alleged violation of the specification requirements of § 35.936-13 or other requirements of this subpart, first arises subsequent to the receipt of bids or proposals, the grantee must decide the protest: *Provided*, That the protest was received by the grantee within one week of the time that the grantee's written or other formal notice is first received.

(f) \* \* \*  
(7) A protest may be dismissed for failure to comply with procedural requirements of this section.

(j) \* \* \*  
(3) Issues primarily determined by State or local law or ordinances and as to which the Regional Administrator, upon review, determines that there is no contravening Federal requirement;

(k) *Summary disposition.* The Regional Administrator may summarily dismiss a protest, without proceedings under paragraph (d) or (e) of this section, if he determines that the protest is untimely, frivolous or without merit—for example, that the protested action of the grantee primarily involves issues of State or local law. Any such determination shall refer briefly to the facts substantiating the basis for the determination.

[FR Doc. 77-18655 Filed 6-28-77; 8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 250—PARTICIPATION BY VESSELS BUILT WITH CONSTRUCTION-DIFFERENTIAL SUBSIDY IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Eligibility for CDS Vessels To Carry Alaskan Oil

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule sets forth the eligibility and other requirements for the carriage of Alaskan oil in the domestic trade of the United States by tank vessels which were built with construction-differential subsidy (CDS). This action is taken to satisfy carriage requirements for Alaskan oil in the domestic trade after utilization of suitable vessels built without CDS.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

James S. Dawson, Jr., Secretary, Maritime Subsidy Board, Washington, D.C. 20230, Tel. 202-377-2188.

SUPPLEMENTARY INFORMATION: On April 29, 1977, there was published in the FEDERAL REGISTER (42 FR 21821) a Notice of Proposed Rulemaking prescribing new regulations relating to eligibility and other requirements for the carriage of Alaskan oil in the

domestic trade of the United States by tank vessels which were built with CDS. Under section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), commonly cited as the "Jones Act," merchandise may be carried in such trade, either directly or via a foreign port, only on vessels built in the United States and owned by United States citizens. However, vessels constructed with CDS, pursuant to Title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101-1294), "to be used in the foreign commerce of the United States," may operate in the domestic trade only with the written consent of the Secretary of Commerce, and for a temporary period not to exceed six months in any year. The purpose of these regulations is to prescribe conditions of eligibility for the temporary employment of CDS vessels in the carriage of Alaskan oil in the domestic trade. All comments received in response to the notice of proposed rulemaking have been considered. A careful analysis has been made of these comments and all information available with respect to the present and projected availability of United States-flag tank vessels of various capacities and the carriage requirements for the three distinct segments of the Alaskan oil trade, namely, the Alaska-West Coast trade, Alaska-Panama Canal trade, and the Panama Canal-Atlantic/Gulf Coast trade (defined). The Maritime Administration has determined that suitable tank vessels built without CDS appear to be available to serve the Alaska-West Coast trade and Panama Canal-Atlantic/Gulf Coast trade, but that CDS vessels appear to be required to serve the Alaska-Panama Canal trade. A further determination has been made that a suitable vessel for the Alaska-Panama Canal trade is one of at least 100,000 deadweight tons. Accordingly, the regulations contain specific procedures and considerations only with respect to the participation of CDS vessels of that size in the carriage of Alaskan oil in the Alaska-Panama Canal trade. Provision is made for protest by a "competitor" (defined) of an application for participation in the trade by a CDS vessel, after publication of notice of the application in the FEDERAL REGISTER. Operation in the Alaskan-Panama Canal trade may not exceed six months in any consecutive period of twelve months, commencing with the date of entry in the trade. The applicant may request advance approval of participation in that trade for second and third periods, if each intervening period is at least six months. Should an application be received to operate a CDS vessel in the Alaska-West Coast or Panama Canal-Atlantic Coast trades, the Assistant Secretary will make a determination by applying the standard set forth in section 506 of the Act.

Part 250 has been reviewed in accordance with Executive Order 11821 and OMB Circular A-107, and it has been determined to have no major inflationary impact.

In consideration of the foregoing, Part 250 of Chapter II, Title 46 of the Code of Federal Regulations is adopted, effective on June 30, 1977, as follows:

- Sec.  
250.1 Purpose.  
250.2 Definitions.  
250.3 Applications.  
250.4 Approval.  
250.5 Extent of participation.  
250.6 CDS repayment.

**AUTHORITY:** Secs. 204(b), 506, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114 (b) and 1156). Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1036), and Department of Commerce Organization Order 10-8 (36 FR 19707, July 23, 1973).

#### § 250.1 Purpose.

This part prescribes regulations implementing section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1156), with respect only to the conditions for approval of participation by vessels over 100,000 dwt built with CDS, pursuant to authority of Title V of that Act, in the carriage of Alaskan oil in the Alaska-Panama Canal trade, which do not apply to the Alaska-West Coast trade or the Panama Canal-Atlantic/Gulf Coast trade.

#### § 250.2 Definitions.

For the purpose of this part—

(a) "Act" means the Merchant Marine Act, 1936, as amended (46 USC 1101-1294).

(b) "CDS" means construction-differential subsidy, as provided for in Title V of the Act.

(c) "Competitor" means any owner or operator of an American-flag vessel, that has been built or is being constructed without CDS, and is eligible for operation in the domestic trade, pursuant to section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883).

(d) "Assistant Secretary" means the Assistant Secretary of Commerce for Maritime Affairs, or his authorized representative to whom is duly delegated the authority, from time to time, to perform the functions of the Assistant Secretary.

(e) "Alaska-West Coast trade" means the carriage of Alaskan oil by United States-flag tank vessels from Alaska to receiving facilities or vessels in ports or offshore the States of California, Oregon and Washington.

(f) "Alaska-Panama Canal trade" means the carriage of Alaskan oil by United States-flag tank vessels from Alaska to receiving facilities or vessels located in waters on the Pacific Ocean side of the entry to the Panama Canal for transshipment to United States-flag tank vessels for carriage through the Panama Canal to receiving facilities or vessels in ports or offshore on the Atlantic or Gulf Coasts of the United States.

(g) "Panama Canal-Atlantic/Gulf Coast trade" means the carriage of Alaskan oil by United States-flag tank vessels through the Panama Canal from receiving facilities or vessels on the Pacific Ocean side of the entry to the Panama Canal to receiving facilities or

vessels in ports or offshore on the Atlantic or Gulf Coasts of the United States.

(h) "Suitable vessel" means a tank vessel that is in compliance with all applicable requirements of United States law and of at least 100,000 deadweight tons, if engaging in the carriage of Alaskan oil in the Alaska-Panama Canal trade.

#### § 250.3 Applications.

The owner or bareboat charterer of a tank vessel of at least 100,000 deadweight tons built with CDS may make application to the Assistant Secretary for permission to carry oil in the Alaska-Panama Canal trade. A separate application with respect to each vessel for which such approval is requested shall be submitted and shall disclose the following information:

(a) The name and description of the vessel and the MA/MSB Contract numbers relating to CDS;

(b) The number of voyages and length of time the vessel would operate in the trade, as limited by the provision of § 250.5;

(c) The name of the existing time charterer, if any;

(d) All available information to support the applicant's assertion that suitable vessels of a competitor would not be available for the prospective voyage or voyages.

#### § 250.4 Approval.

The Assistant Secretary shall publish in the FEDERAL REGISTER notice of all applications to participate in the Alaska-Panama Canal trade, and shall consider a protest in writing by a competitor, if received within five working days after the date of publication in the FEDERAL REGISTER. The Assistant Secretary shall advise the applicant of the protest by telephone or telegram and shall allow the applicant three working days to make a response in any manner acceptable to the Assistant Secretary. Within five working days of the due date for the applicant's response, the Secretary shall advise the applicant, as well as those submitting protests, of the action taken, with a concise explanation of such action in writing.

#### § 250.5 Extent of participation.

Pursuant to section 506 of the Act, the Assistant Secretary shall not approve an application where the result would be to allow a vessel of the applicant to participate in the trade for a period exceeding six months in any consecutive 12-month period, commencing with the entry date of the applicant's vessel for the carriage of Alaskan oil in the Alaska-Panama Canal trade. The application may include a request for advance approval for participation in that trade for a second and third period, if there is an interval of at least six months between periods of operation in the domestic trade.

#### § 250.6 CDS repayment.

Pursuant to section 506 of the Act, the owner of each vessel subject to the

provisions of this Part 250 shall pay to the Assistant Secretary an amount which bears the same proportion to the CDS paid by the Secretary of Commerce as the temporary period of operation in the trade bears to the entire life of the vessel. The temporary period of operation in the trade is the time a tank vessel is actually under charter, pursuant to the terms of the charter agreement. Arrangements for the repayment of CDS must be made with the Maritime Administration prior to the granting of any approval under this part.

Dated: June 24, 1977.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,  
Secretary,  
Maritime Subsidy Board.

[FR Doc. 77-18726 Filed 6-27-77; 1:08 pm]

### Title 47—Telecommunication

#### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-337]

#### PART 78—CABLE TELEVISION RELAY SERVICE

Elimination of Coordination Procedures With the U.S. Department of Agriculture and U.S. Department of Interior; Correction

AGENCY: Federal Communications Commission.

ACTION: Erratum to Commission Order.

SUMMARY: Section 78.19 of the Commission's Rules was inadvertently omitted from a listing of the Commission rule sections affected by the Order. This error is corrected by its addition to the list of rule sections affected.

DATE: The effective date of this change is June 29, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Eugene C. Bowler, Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau, Federal Communications Commission, Washington, DC 20554.

#### SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Parts 1, 21, 23, 73, 74, 78, 81, 87, 89, 91, 93, 94, 95, 97, and 99 of the Commission's Rules and Regulations to eliminate the coordination procedure with the U.S. Department of Agriculture and the U.S. Department of the Interior when proposing to install or modify transmitting facilities on certain lands under the jurisdiction of these Departments.

Released: June 22, 1977

In the Order, FCC 77-337, adopted May 18, 1977, and released May 27, 1977, the appendix is corrected by the addition of § 78.19 of the Commission's Rules to the list of rule parts affected by deletion

of the above-referenced coordination requirement. Part 78 is amended as follows:

Section 78.19 is amended by the deletion of subparagraph (d) and the substitution of [Reserved].

§ 78.19 Interference.

(d) [Reserved]

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc.77-18611 Filed 6-28-77;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSOR-3, Notice 9]

PART 218—RAILROAD OPERATING RULES

Blue Signal Protection of Workmen

AGENCY: Federal Railroad Administration, DOT.

ACTION: Grant of Petition for Reconsideration: Postponement of Effective Date.

SUMMARY: On January 11, 1977, the Federal Railroad Administration (FRA) issued a final rule amending existing regulations concerning blue signal protection of railroad workmen (42 FR 2318). These amendments were chiefly in response to the Federal Railroad Safety Authorization Act of 1976 (Pub. L. 94-348) which required the Secretary of Transportation to issue regulations within 180 days of the Act's effective date to assure that manually operated switches providing access to tracks on which workmen are working are lined against movement to that track and locked with an effective locking device. On April 7, 1977, the FRA received correspondence from the Association of American Railroads (AAR) which identified several problems with the regulation, and several provisions which needed additional clarification in order to assure uniform understanding throughout the industry and consistent interpretation and application by FRA. AAR requested that its letter be considered a petition for reconsideration requesting postponement of the July 1, 1977 effective date of the amendment to January 1, 1978. The FRA has decided to grant a more limited postponement of the effective date, until September 30, 1977.

EFFECTIVE DATE: This postponement is effective on June 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Principal authors: Principal Program Person: John A. McNally, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, 202-426-9178.

Principal author: Principal Program land, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, 202-426-8836.

SUPPLEMENTARY INFORMATION:

The final rule issued by FRA addressed the statutory provision requiring the lining and locking of manually operated switches providing access to tracks on which workmen were working on rolling equipment, as well as some areas in need of special treatment, such as locomotive servicing facilities and car repair tracks. The regulation requires individual railroads to issue rules implementing the substance of the FRA rules. According to the AAR petition, as individual carriers attempted to develop implementing instructions applying the FRA's general rules to specific installations within the industry, they discovered several difficulties. These included the need to interpret the rule with respect to certain track configurations, as well as the identification of locations at which the rules could not be implemented without resulting in widespread disruption of rail operations. These difficulties have led to the filing of numerous petitions for waiver of certain provisions of the FRA rules in relation to specific locations or operations.

FRA rules of practice applicable at the time of this proceeding required petitions for reconsideration to be filed within 20 days of the issuance of the final rule (41 FR 54181). However, because of the complexity of the rules in question, and the necessity of attempting to apply them to specific rail facilities in order to assess their overall impact, the FRA believes that good cause exists for the late filing of this AAR petition for reconsideration. In light of the problems of application which have arisen, and the now apparent potential for numerous waivers for certain facilities, the FRA believes that the original six month period provided for railroads to implement the FRA rules was inadequate and that adherence to the July 1, 1977 effective date will only serve to increase the confusion which exists over the rules. Therefore, the FRA has decided to postpone the effective date of the amendments issued on January 11, 1977 (42 FR 2318) so as to allow an additional three months for the industry and the FRA to assure that there is a uniform interpretation, application and enforcement of the rules. This additional period of

time will also permit FRA to address the petitions for waiver, and other problems which have been identified both by the FRA and the industry.

In light of the foregoing, the effective date of the amendments to Part 218 issued by the FRA on January 11, 1977 (42 FR 2318) is postponed. Those amendments will become effective on September 30, 1977. Earlier compliance with the standards contained in that notice is authorized.

Issued in Washington, D.C., on June 22, 1977.

BRUCE M. FLOHR,  
Deputy Administrator.

[FR Doc.77-18562 Filed 6-28-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 55 (Sub-No. 24)]

PART 1100—RULES OF PRACTICE

Postponement of Effective Date

AGENCY: Interstate Commerce Commission.

ACTION: Modification of effective date of rules of practice.

SUMMARY: The order of the Commission, dated April 28, 1977 (42 FR 23806, May 11, 1977; 42 FR 25862, May 20, 1977), is being modified to change the effective date of the Revised Rules of Practice from July 1, 1977 to July 19, 1977. This action is necessary as the required 60 calendar days of continuous session of the Congress after submission to the Congress of the Revised Rules of Practice will not occur until July 19, 1977.

EFFECTIVE DATE: July 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak (Rates) (202-275-7693), Philip Israel (Finance) (202-275-7345), Michael Erenberg (Operating Rights) (202-275-7292), Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION:

Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy of the attached notice with the Director, Office of the Federal Register.

Issued at Washington, D.C.

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

[FR Doc.77-18634 Filed 6-28-77;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.

## DEPARTMENT OF AGRICULTURE

Office of the Secretary

[ 7 CFR Part 17 ]

### FINANCING OF COMMERCIAL SALES OF AGRICULTURAL COMMODITIES

#### Proposed Requirements

AGENCY: Office of the General Sales Manager, USDA.

ACTION: Proposed Rule.

**SUMMARY:** This proposed rule would amend the Title I, Pub. L. 480, financing regulations to establish several new requirements applicable to purchases made on the basis of invitations for bids (IFB's). In addition, for food commodities, the proposal would require that importers purchase on the basis of IFB's and that commissions to selling agents would not be eligible for financing.

The proposed rule on eligibility and approval of suppliers and agents, published at 41 FR 9892 on March 8, 1976, has been extensively revised and is included in this proposed rule.

New provisions are added covering appeal by persons denied approval or conditionally approved as suppliers, shipping agents or purchasing agents.

The intended effect of this proposal is to hold the cost of the program to the United States Government as low as possible and to insure that all persons who want to sell commodities or provide ocean transportation have an adequate opportunity to participate under the program.

**DATES:** Written comments in duplicate should be submitted on or before July 29, 1977.

**ADDRESSES:** Written comments: General Sales Manager, Office of the General Sales Manager, U.S. Department of Agriculture, Room 4069 South Agriculture Building, 14th and Independence, S.W., Washington, D.C. 20250.

Comments available for public inspection during business hours (8:15 a.m. to 4:45 p.m., Monday through Friday): Room 4085, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250.

#### FOR FURTHER INFORMATION CONTACT:

George Pope, Room 4085, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250, Tel: (202) 447-5693.

#### SUPPLEMENTARY INFORMATION:

##### USDA APPROVAL OF PURCHASING AGENTS AND SHIPPING AGENTS

On March 8, 1976, a document was published in the FEDERAL REGISTER (41

FR 9892) proposing an amendment of the regulations governing the financing of the sale and exportation of agricultural commodities made available under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701 et seq.), referred to herein as "Title I, Pub. L. 480." In Order to prevent conflicts of interest that amendment proposed conditions for eligibility which persons would be required to meet in order to obtain the approval of the United States Department of Agriculture, referred to herein as "USDA", for their participation in the procurement, supplying and shipping of commodities financed under Title I, Pub. L. 480.

As a result of comments received and further internal review, extensive changes have been made in the proposed amendment. Consequently, the amendment is again being published as a Proposed Rule. The basic purpose of the amendment remains as stated at 41 FR 9892 on March 8, 1976: To increase competition and eliminate conflicts of interest so that the costs of the Title I, Pub. L. 480, program to the United States Government will be held as low as possible and that all persons desiring to participate in the procurement, supplying and shipping of commodities financed under Title I, Pub. L. 480, including small business, receive fair and equitable treatment.

Situations in which there could be conflicts of interest are varied. For example, suppliers with economic ties and interests in firms acting as agents in the shipping or purchasing of commodities financed under Title I, Pub. L. 480, may have an advantage in the bidding or negotiation for contracts stemming from advance knowledge or collaboration not enjoyed by other suppliers.

The provisions of the earlier proposed amendment would have required persons desiring to participate as suppliers and selling agents, as well as shipping or purchasing agents, in Title I, Pub. L. 480, transactions to meet certain conditions of eligibility deemed necessary to prevent conflicts of interest. This has been determined to be unnecessary; therefore, the present proposal with respect to meeting such conditions of eligibility is placed on shipping and purchasing agents. Accordingly, persons would be approved by USDA to act as purchasing and shipping agents only after it has been determined that the participation of such persons as purchasing or shipping agents in Title I, Pub. L. 480, transactions would not result in conflicts of interest with suppliers, selling agents, or ships brokers participating in any such transactions.

As an aid in this determination, which will be made by Assistant General Sales

Manager, Pub. L. 480 Programs, persons nominated to act as shipping or purchasing agents are required to submit certain information together with a certification that no prohibited affiliation exists.

Comments received in response to the earlier proposal strongly opposed the denial of approval of a person to act as shipping agent for the reason that he had acted as, or had been an affiliate of, a supplier or supplier's agent prior to the effective date of any final rule. Under the proposed rule, such affiliations which had ceased to exist prior to the effective date of any final rule would not, in themselves, result in disapproval. In addition, the present proposal incorporates a proceeding for appeal providing the opportunity for persons disapproved as purchasing or shipping agents to present to the General Sales Manager additional information bearing on the determination.

In order to prevent the use of unapproved shipping or purchasing agents, the proposed regulations would enable USDA to withhold sales or vessel approval if an unapproved purchasing or shipping agent is used. In the case of an unapproved shipping agent, USDA may deduct such agent's commission from the ocean freight differential financed in connection with the shipment.

#### REQUIRED PROCEDURES—INVITATIONS FOR BIDS FOR COMMODITY PURCHASES

This proposed rule would add new requirements that IFB's for commodity purchases be approved by USDA, that they be issued in the United States, and that all offers received be publicly opened in the United States. Also, USDA would not approve a sale for financing if the offer accepted did not comply with IFB terms. These proposals should make it easier for commodity suppliers to participate in IFB's and potentially reduce commodity prices by increasing the number of bidders.

The lowest commodity price would be required to be accepted whenever IFB's were used, unless the importer demonstrated to USDA that acceptance of a higher bid would result in a lower "total landed cost" of the commodity (when the commodity and ocean freight costs are added together). This is designed to reduce the costs of the program to the U.S. Government while allowing the importer an alternative if higher freight rates from certain ports would negate the benefits if concessional commodity financing.

Furthermore, this proposal establishes a requirement that IFB's must be issued in the purchasing of food commodities and that selling agent's commissions would not be eligible for financing whenever food commodities were pur-



chased. This should allow U.S. Government funds to finance more of the commodity and also reduce possible conflicts of interest.

Since marketing practices for non-food commodities purchased under the program (primarily cotton and tobacco) are significantly different from those for food commodities, IFB's will not be required for these commodities. However, if an IFB is used, to purchase a non-food commodity, it must conform to the general requirements provided for purchases made on the basis of an IFB.

MISCELLANEOUS

The transfer of authority for the administration of the Title I, Pub. L. 480 program to the Office of the General Sales Manager (41 FR 14170) is reflected by changing "Export Marketing Service" to "Office of the General Sales Manager" wherever it appears in the regulations.

The definitions are updated to reflect changes in agencies and functions made by reorganization. The definition of "importer" is revised to state that the importer may be either the participant or a legal entity to which the participant has issued a subauthorization. Four new definitions are added relating to the proposal on USDA approval of shipping and purchasing agents, and a new definition is included, "invitation for bids," in connection with the new IFB requirements.

A new hearing provision would also be applicable, under this proposal, to approval of commodity suppliers and selling agents by the Administrator, ASCS, or the General Sales Manager, as appropriate, under the applicable criteria of § 17.6(a) of the Title I regulations. Because of the time constraints which may be imposed by situations involving this approval, and the fact that more than one agency is involved, it is not feasible to establish any time limit for appeal, or designate herein the official responsible for the final decisions.

Accordingly, it is proposed that 7 CFR Part 17 Subpart A be amended as follows:

1. The terms "Export Marketing Service" and "EMS" are changed to read "Office of the General Sales Manager" and "OGSM," respectively, wherever they appear in the regulations and Appendices A and B.

2. Section 17.2 is amended by revising paragraphs (a) (1) and (6), renumbering paragraphs (a) (7) through (10) as paragraphs (a) (8) through (11), adding a new paragraph (a) (7), revising paragraphs (a) (8) and (10) as renumbered, revising paragraph (c) (12), and adding paragraphs (c) (22) through (26) as follows:

§ 17.2 Definition of terms.

(a) *Terms relating to the United States, its agencies, and officials.* (1) "AMS" means the Agricultural Marketing Service, U.S. Department of Agriculture.

(6) "FGIS" means the Federal Grain Inspection Service, U.S. Department of Agriculture.

(7) "OGSM" means the Office of the General Sales Manager, U.S. Department of Agriculture.

(8) "USDA" means the U.S. Department of Agriculture and includes all or any of the offices mentioned in subparagraphs (1) through (7) of this paragraph.

(9) "Secretary" means the Secretary of Agriculture of the United States, or his designee.

(10) "General Sales Manager" and "GSM" means the General Sales Manager, OGSM, or his designee.

(11) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

(c) *Other terms.* \* \* \*

(12) "Importer" means the legal entity which contracts with the supplier for the importation of the commodity. The importer may be the participant or any legal entity to which a participant has issued a subauthorization.

(22) "Shipping agent" means any person engaged by a participant to arrange ocean transportation.

(23) "Ships broker" means any person engaged by a supplier of ocean transportation to arrange employment of vessels.

(24) "Purchasing agent" means any person engaged by a participant to procure agricultural commodities.

(25) "Person" means an individual or other legal entity.

(26) "Invitation for bids" and "IFB" mean an open public request for offers.

3. Section 17.6 is amended by revising paragraph (a) (4), adding a new paragraph (a) (7), revising paragraph (b), and by deleting and reserving paragraph (c) as follows:

§ 17.6 Contracts between suppliers and importers.

(a) *Eligibility for financing.* \* \* \*

(4) Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by USDA of the supplier, the selling agent if any, the contract price, and, whenever purchases are made on the basis of an IFB, responsiveness to IFB terms.

(7) A supplier or selling agent who is not approved, or is approved upon any conditions established under applicable criteria of this section, shall be notified of such determination promptly. The notification shall state the reasons for the action taken or conditions established and indicate that such person has the right to appeal such action to a designated USDA official and submit further information, orally or in writing, bearing on such determination.

(b) *Contracting procedures.*—(1) *Purchasing—general.* Importers may purchase through negotiation with a supplier or suppliers of the importer's choice except when the regulations § 17.6

(b) (2) or the purchase authorization specifies that purchases must be made on the basis of IFB's.

(2) *Purchasing—food commodities.* The importer shall purchase food commodities on the basis of IFB's.

(3) *IFB's—general.* Whenever purchases are made on the basis of IFB's the following conditions shall apply:

(i) The terms of the IFB must be approved by the GSM prior to issuance.

(ii) The IFB shall be issued in the United States and all offers shall be opened in public in the United States at the time and place specified in the IFB.

(iii) The IFB shall permit submission of offers from all suppliers who meet the requirements of this section.

(iv) The IFB shall not preclude offers for shipment from any United States port(s) unless the purchase authorization limits exportation to certain ports.

(v) The IFB shall not establish minimum quantities to be offered or which will be considered.

(vi) The IFB shall be in compliance with the regulations, the purchase authorization, and sound commercial standards.

(4) *Contract awards.* Whenever purchases are made on the basis of an IFB, the importer shall consider only offers which are responsive to the IFB and shall make awards on the basis of the lowest commodity price(s) offered, unless the importer determines and the GSM agrees that acceptance of a higher commodity price would result in a lower total landed cost of the commodity. Announcement of awards shall be made in the United States. The importer shall promptly submit to OGSM copies of all offers received with a copy of the final IFB. No sale can be approved for financing until this information has been received by OGSM. The decision of the GSM shall be final regarding the responsiveness of offers to IFB terms and the awarding of contracts.

(c) [Reserved]

4. Section 17.8 is amended by revising paragraphs (c) (1) and (c) (2) and adding a new paragraph (e).

§ 17.8 Fees, discounts, commissions, brand names, purchasing agents, selling agents.

(c) *Commissions.* (1) (i) For non-food commodities, a commission to a selling agent as defined in § 17.2(c) (19), employed or engaged by the supplier to obtain a contract, is eligible for financing to the extent that such commission is included in the contract price, except as stated in this paragraph.

(ii) For food commodities, a commission to a selling agent as defined in § 17.2(c) (19), employed or engaged by the supplier to obtain a contract, is not eligible for financing.

(2) If the supplier of the commodity has employed any person or firm, other than a selling agent, to obtain a contract, the sale is not eligible for financing.

(e) *Purchasing agents; shipping agents.* (1) A participant is not required to use a purchasing agent or shipping agent; however, if a purchasing or shipping agent is to be used, the participant shall submit the nomination(s) to the GSM in writing along with a copy of the proposed agency agreement. No person may act as purchasing or shipping agent, or as both, unless approved by the Assistant Sales Manager, Pub. L. 480 Programs.

(2) A person will not be approved to act as a purchasing or shipping agent if such person is a ships broker or ocean transportation supplier, or an approved commodity supplier, or selling agent, or is an affiliate of a ships broker, ocean transportation supplier, or of an approved commodity supplier, or selling agent, unless the Assistant Sales Manager, Pub. L. 480 Programs, determines that permitting such person to act as purchasing agent or shipping agent, or both, would not result in conflicts of interest or reduced competition.

(3) The term "affiliate" shall have the meaning as provided in § 17.2(c) (1) and, in addition, persons will also be deemed to be affiliates if any of the following conditions are met:

(i) Such persons have any common officers or directors.

(ii) There is any investment by ships brokers, ocean transportation suppliers, approved commodity suppliers, or selling agents, or their officers, or directors in the purchasing agents or shipping agents.

(iii) There is any investment by the purchasing agent or shipping agent, or their officers or directors in ships brokers, ocean transportation suppliers, or approved commodity suppliers, or selling agents.

These conditions include those cases in which investment has been concealed by the utilization of any scheme or device to circumvent the purposes of this section but does not include investment in any mutual fund.

(4) A person whose nomination has been submitted to act as a purchasing agent or shipping agent, or both, shall furnish to the GSM the following information:

(i) The names of all incorporators of the firm;

(ii) The names and titles of all officers and directors;

(iii) The names and proportionate share interest of all stockholders;

(iv) If the beneficial interest in the firm is held by persons other than the named shareholders, the names of the holders of the beneficial interest and the proportionate share of each;

(v) The amount of the subscribed capital of the firm;

(vi) A certification that such person is not a ships broker, ocean transportation supplier, approved commodity supplier, or selling agent and that none of the affiliations described in § 17.8(e) (3) exists; and that the person has not arranged to give or receive an unauthorized benefit in connection with his selection as agent.

(vii) Such other information about the person and the business relationships thereof as the Assistant Sales Manager, Pub. L. 480 Programs, finds necessary to make a determination under this part. Any change in the information submitted hereunder shall be immediately reported to the GSM.

(5) In addition to the information furnished under subparagraph (4) of this paragraph, when considering approval of a purchasing agent or shipping agent, the Assistant Sales Manager, Pub. L. 480 Programs will review the experience, business reputation and any other factors with respect to the capability of such person to perform the responsibilities required. Approval of a nomination for purchasing agent or shipping agent may be withheld for a period not to exceed 30 days pending completion of any investigation deemed appropriate.

(6) Approval of a purchasing agent or shipping agent shall be coextensive with the term of the agency agreement or such shorter period as the Assistant Sales Manager, Pub. L. 480 Programs, may determine: *Provided, however,* That such approval may be terminated upon 30 days notice to the participant for whom the agent is acting if the Assistant Sales Manager, Pub. L. 480 Programs, determines that the agent does not meet the criteria set out in this section.

(7) If a participant uses a purchasing agent not approved by the Assistant Sales Manager, Pub. L. 480 Programs, in the procurement of commodities made available under Title I, Pub. L. 480, sales approval may be withheld.

(8) If a participant uses a shipping agent not approved by the Assistant Sales Manager, Pub. L. 480 Programs, in the shipping of commodities made available under Title I, Pub. L. 480, vessel approval may be withheld or the amount of the shipping agent's commission in connection with the shipment may be deducted from the ocean freight differential to be paid.

(9) Upon his consideration of the information submitted pursuant to subdivisions (i) through (vi) of subparagraph (4) and the criteria of subparagraph (5) of this paragraph the Assistant Sales Manager, Pub. L. 480 Programs, shall promptly notify persons seeking approval as purchasing or shipping agents of his determination pursuant to subparagraph (1) of this paragraph or of the need for further investigation.

(10) If such person is not approved, the notification shall state the reasons therefore and indicate that such person shall have an opportunity, within 30 days, to present to the General Sales Manager any reasons, orally or in writing, as to why the determination of the Assistant Sales Manager, Pub. L. 480 Programs should not stand. The determination of the Assistant Sales Manager shall be effective immediately and shall continue in effect until a contrary determination is made by the General Sales Manager. Nothing herein shall be con-

strued as to prohibit a shipping agent or purchasing agent, once disapproved, from being nominated at a later time.

(Sec. 101-111, Pub. L. 83-480, as amended (7 U.S.C. 1701-1711); E.O. 10900, 26 FR 143, as amended.)

GEORGE S. SHANKLIN,  
Acting General Sales Manager,  
Office of the General Sales  
Manager, United States De-  
partment of Agriculture.

JUNE 24, 1977.

[FR Doc. 77-18558 Filed 6-28-77; 8:45 am]

#### Agricultural Marketing Service

[7 CFR Part 1049]

[Docket No. AO-319-A28]

#### MILK IN THE INDIANA MARKETING AREA

##### Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider changes in the order that has been proposed by a dairy farmer cooperative and a milk distributor in the market. The proposals would enlarge the marketing area by adding four Michigan counties and would make a limited change in the classification of milk. Proponents contend that the requested order changes are needed to reflect changed marketing conditions and to insure orderly marketing in the area.

DATE: July 26, 1977.

ADDRESS: Hilton Inn, Weir Cook Airport, Indianapolis, Indiana.

FOR FURTHER INFORMATION CONTACT:

Irving E. Sutin, Marketing Specialist,  
Dairy Division, Agricultural Marketing  
Service, U.S. Department of Agriculture,  
Washington, D.C. 20250 (202-447-4829).

SUPPLEMENTAL INFORMATION: Notice is hereby given of a public hearing to be held at the Hilton Inn, Weir Cook Airport, Indianapolis, Indiana, beginning at 9:30 a.m., on July 26, 1977, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Indiana marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

**PROPOSED BY McDONALD COOPERATIVE DAIRY**

**PROPOSAL NO. 1**

Add the Michigan counties of Branch, Berrien, Cass and St. Joseph to the marketing area of the Indiana order.

**PROPOSED BY DEAN FOODS COMPANY**

**PROPOSAL NO. 2**

Change § 1049.40(c) (6) to read as follows:

(c) \* \* \*

(6) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1049.15, plus the fluid equivalent of loss of non-fat milk solids occurring in the process of modification in any case where determination of the quantity of added non-fat milk solids disposed of in such products is based upon laboratory analysis by the market administrator, such loss allowable pursuant to this subparagraph not to exceed 2 percent of the fluid equivalent of the quantity of added non-fat milk solids so determined to be added; and

**PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE**

**PROPOSAL NO. 3**

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, M. C. Jenkins, 5130 North Brouse Avenue, P.O. Box 55527, Indianapolis, Indiana 46205; or from the Hearing Clerk, Room 1077-S, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 22, 1977.

IRVING W. THOMAS,  
*Acting Administrator.*

[FR Doc.77-18556 Filed 6-28-77;8:45 am]

**Agricultural Research Service**

**[ 9 CFR Part 447 ]**

**AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN**

General Conference Committee and Plan Conference—Proposal to Terminate

AGENCY: Agricultural Research Service, USDA.

**ACTION: Proposed Rule.**

**SUMMARY:** The proposed rule would terminate the General Conference Committee and the Plan Conference of the National Poultry Improvement Plan. As part of a Government-wide effort to reduce reliance on formal advisory committees, the Department believes it is in the public interest to terminate the General Conference Committee and the Plan Conference of the National Poultry Improvement Plan.

**DATE:** Comments must be received on or before July 30, 1977.

**ADDRESS:** Send comments to: Raymond D. Schar, Animal Physiology and Genetics Institute, Room 31A, Building 265, Beltsville Agricultural Research Center, Beltsville, Maryland 20705. All written submissions made pursuant to this notice will be made available for public inspection at the above office during regular business hours.

**FOR FURTHER INFORMATION CONTACT:**

Raymond D. Schar (301-344-2227).

**SUPPLEMENTARY INFORMATION:** The General Conference Committee of the National Poultry Improvement Plan and the Plan Conference serve as vehicles for conveying the views and recommendations of participating industry members to the Department with respect to interpretations of and changes to the National Poultry Improvement Plan. While the General Conference Committee and the Plan Conference have aided the Department in keeping the Plan program geared to the needs of the poultry industry, it is believed that this function can be better performed if there is greater public participation in the decision-making process. This will be accomplished by soliciting views on proposed changes in the Plan from the industry, cooperating State agencies and the general public.

Accordingly, as part of a Government-wide effort to reduce reliance on formal advisory committees, the Department believes it is in the public interest to terminate the General Conference Committee and the Plan Conference of the National Poultry Improvement Plan.

In consideration of the above, it is proposed to amend 9 CFR Part 447 by repealing Subpart E.

(Sec. 101(b), P.L. 425, 78th Cong., 58 Stat. 734, as amended (7 U.S.C. 429).)

Dated: June 23, 1977.

T. W. EDMINSTER,  
*Administrator,*  
*Agricultural Research Service.*

[FR Doc.77-18592 Filed 6-28-77;8:45 am]

**FEDERAL TRADE COMMISSION**

**[ 16 CFR Part 4 ]**

**RULES OF PRACTICE**

Restrictions on Ex Parte Communications

AGENCY: Federal Trade Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The proposed rule would amend § 4.7 of the Commission's Rules of Practice to reflect the provisions of section 4 of the Government in the Sunshine Act, Pub. L. 94-409, and to clarify the coverage of the rule with respect to communications between Commission decisionmakers and Commission staff.

**DATE:** Comments must be received by July 29, 1977.

**ADDRESS:** Comments should be addressed as follows: Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580. All comments received will be available for public inspection at the above address.

**FOR FURTHER INFORMATION, CONTACT:**

Jerome A. Tintle, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580 (202-523-3487).

**SUPPLEMENTARY INFORMATION:**

**COMMUNICATIONS BETWEEN COMMISSION DECISIONMAKERS AND PERSONS OUTSIDE THE COMMISSION**

Section 4 of the recently enacted Government in the Sunshine Act, Pub. L. 94-409 (the "Sunshine Act"), amends the Administrative Procedure section of seq., by adding provisions, applicable to adjudicative and formal rulemaking proceedings, which prohibit certain ex parte communications between agency decisionmakers and interested persons outside the agency. Such communications shall, for convenience, be called "outside" ex parte communications. Existing § 4.7 of the Commission's Rules of Practice prohibits "outside" ex parte communications, but lacks some of the provisions of the Sunshine Act, and expresses other provisions of the Act in language different from the Act's language. It is desirable, therefore, to bring § 4.7 into conformity with the Act.

It is proposed that § 4.7 be amended to conform to Section 4 of the Sunshine Act, except that the present rule would retain the phrase "no person not employed by the Commission" instead of adopting the term "interested person" of the Act. This approach would not conflict with the Act's requirements, and would facilitate administering the rule.

**COMMUNICATIONS BETWEEN COMMISSION DECISIONMAKERS AND COMMISSION STAFF**

Existing § 4.7, which applies in adjudicative proceedings, restricts ex parte communications between Commission decisionmakers and Commission employees and agents who take part in the investigation or prosecution of the proceeding, which communications are hereinafter referred to as "inside" ex parte communications. The restrictions on "inside" ex parte communications are based upon the "separation of functions" provision of 5 U.S.C. 554(d) (formerly section 5(c) of the Administrative Procedure Act) which provides:

An employee or agent engaged in the performance of investigative or prosecuting

functions for an agency in a case may not, in that or a factually related case, participate or advise in the decision, recommended decision, or agency review pursuant to section 557 of this title, except as witness or counsel in public proceedings.

Although the Sunshine Act applies only to "outside" ex parte communications, it is proposed that the amended rule be made applicable, where appropriate, to "inside" ex parte communications as well.

It is further proposed that § 4.7 be amended to extend the class of Commission employees and agents to whom the restrictions of the rule would apply. Thus, rather than limit the rule's restrictions to those who are participants in the investigation or trial of an adjudicative proceeding, as does existing § 4.7, the restrictions would be made to apply to all employees and agents of the Commission who perform investigative or prosecuting functions in adjudicative proceedings, except an employee directed by the Commission or requested by an individual Commissioner or the Administrative Law Judge to assist in the decision of a proceeding. This approach, although not mandated by 5 U.S.C. § 554(d), reflects what is regarded as sound policy within the Commission.

It should be noted, however, that neither the proposed amendment nor 5 U.S.C. § 554(d) bars a staff member who transfers from a bureau or regional office to the Office of General Counsel, or to the staff of a Commissioner, from participating in the decision of an adjudicative proceeding—provided, of course, that he had not taken part in the investigation or the proceeding (or a factually related one); nor does the proposed exception, which would permit Commission decisionmakers in a proceeding to avail themselves of the advice of staff members who played no role in the matter (or a factually related one), violate 5 U.S.C. 554(d). See Attorney General's Manual on the Administrative Procedure Act (1947), pp. 55, 57.

Finally, it is proposed that § 4.7 be amended to make clear that the prohibitions on ex parte communications between the Commission and its staff do not restrict communications on matters which are not in adjudicative status, but that to the extent such communications relate to a fact in issue in a pending adjudicative proceeding, such portion will be placed in the docket binder of the proceeding to which it pertains. Such matters include those which, although they may directly or indirectly concern one who is a respondent in a pending proceeding, arise independently of the proceeding. Thus, while a matter is in adjudication, it may be necessary for the Commission and its staff to confer about, e.g., a proposal to investigate, or to issue a complaint against, respondent's competitors on charges similar to those of the proceeding; a proposal to investigate, or to issue complaint against, respondent on charges unrelated to or tangentially related to those of the pro-

ceeding; an offer of consent settlement by co-respondents who have been permitted to withdraw from adjudication while the proceeding against respondent remains in active adjudicative status; a proposal to initiate a court action against respondent; or a request for access to materials about the respondent in the Commission's files. In situations such as these, neither the proposed rule nor 5 U.S.C. 554(d) would bar ex parte communications between the Commission and its staff. 5 U.S.C. 554(d)(C); Attorney General's Manual on the Administrative Procedure Act (1947), p. 58. To avoid any appearance of unfairness, however, the proposed rule calls for placement on the public record of such portions of a communication as relate to a fact in issue in a pending adjudicative proceeding.

Accordingly, it is proposed that 16 CFR 4.7 be amended to read as follows:

#### § 4.7 Ex parte communications.

(a) *Definitions.* For purposes of this section, "ex parte communications" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding.

(b) *Prohibited ex parte communications.* While a proceeding is in adjudicative status within the Commission, except to the extent required for the disposition of ex parte matters as authorized by law, (1) no person not employed by the Commission, and no employee or agent of the Commission who performs investigative or prosecuting functions in adjudicative proceedings, shall make or knowingly cause to be made to any member of the Commission, or to the Administrative Law Judge, or to any other employee who is or who reasonably may be expected to be involved in the decisional process in the proceeding, an ex parte communication relevant to the merits of that or a factually related proceeding; and (2) no member of the Commission, the Administrative Law Judge, or any other employee who reasonably may be expected to be involved in the decisional process in the proceeding, shall make or knowingly cause to be made to any person not employed by the Commission, or to any employee or agent of the Commission who performs investigative or prosecuting functions in adjudicative proceedings, an ex parte communication relevant to the merits of that or a factually related proceeding.

(c) *Procedures.* A Commissioner, the Administrative Law Judge or any other employee who is or who may reasonably be expected to be involved in the decisional process who receives or who makes or knowingly causes to be made, a communication prohibited by paragraph (b) of this section shall promptly provide to the Secretary of the Commission (1) all such written communications; (2) memoranda stating the substance of and circumstances of all such oral communications; and (3) all written responses, and memoranda stating the substance of

all oral responses, to the materials described in paragraphs (1) and (2) of this paragraph. The Secretary shall make relevant portions of any such materials of the public record of the Commission, pursuant to § 4.8, and place them in the docket binder of the proceeding to which it pertains, but they will not be considered by the Commission as part of the record for purposes of decision unless introduced into evidence in the proceeding. The Secretary shall also send copies of the materials to or otherwise notify all parties to the proceeding.

(d) *Sanctions.* (1) Upon receipt of an ex parte communication knowingly made or knowingly caused to be made by a party and prohibited by paragraph (b) of this section, the Commission, Administrative Law Judge, or other employee presiding over the proceeding may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the Commission, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, or disregarded, or otherwise adversely affected on account of such violation. The Commission may take such action as it considers appropriate, including but not limited to, action under § 4.1(e)(2) and 5 U.S.C. 556(d).

(2) A person, not a party to the proceeding who knowingly makes or causes to be made an ex parte communication prohibited by paragraph (b) of this section shall be subject to all sanctions provided herein if he subsequently becomes a party to the proceeding.

(e) The prohibitions of this section shall apply from the time the Commission votes to issue a complaint in an adjudicative proceeding or votes to conduct adjudicative hearings on issues arising in rulemaking proceedings under the Fair Packaging and Labeling Act.

(f) The prohibitions of paragraph (b) of this section do not apply to communications between Commissioners and employees or agents of the Commission who perform investigative or prosecutorial functions in adjudicative proceedings, when such communications are occasioned by and concern (1) the initiation, conduct, or disposition of a separate investigation or adjudicative proceeding, whether or not it involves a party already in an adjudicative proceeding; (2) proceedings outside the scope of § 3.2, including matters in state or federal courts and before other governmental agencies (3) nonadjudicative functions of the Commission, including but not limited to obligations under § 4.11 or communications with Congress, or (4) the disposition of a consent settlement under § 3.25 executed by some but not all respondents. Provided however, that to the extent such communications relate to a fact in issue in a pending adjudicative proceeding, such portions will be placed in the docket binder of the proceeding to which it pertains. The prohibitions of paragraph (b) of this section also do not apply to communications between Commissioners, the Administrative Law Judge, or any other employee who is involved in the decisional process,

and any employee who has been directed by the Commission or requested by an individual Commissioner or Administrative Law Judge, to assist in the decision of an adjudicative proceeding. Such employee shall not, however, have performed an investigative or prosecutorial function in that or a factually related proceeding.

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

By direction of the Commission, dated May 24, 1977.

CAROL M. THOMAS,  
Secretary.

[FR Doc.77-18612 Filed 6-28-77; 8:45 am]

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[ 29 CFR Part 1601 ]

706 AGENCIES

### Proposed Designation

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed Designation.

SUMMARY: The Equal Employment Opportunity Commission proposes to amend its regulations on designation of certain State and local agencies so that they may handle employment discrimination charges filed with Commission. Proposed is a State agency that requested deferral designation as provided under the authority of the Civil Rights Act of 1964, as amended. The proposal would authorize the agency listed to process charges deferred to it by the Commission.

DATES: Comments must be received on or before July 14, 1977. Proposed effective date July 15, 1977.

ADDRESS: Comments should be sent to:

Equal Employment Opportunity Commission State and Local Division Office of Compliance Programs Washington D.C. 20506.

### FOR FURTHER INFORMATION CONTACT:

Paul Lindsay 202/634-6040, Desk Officer, Equal Employment Opportunity Commission, State and Local Division, Office of Compliance Programs, 2401 E Street NW., Room 4050, Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Pursuant to § 1601.12(d), Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 40 FR 3210N, January 20, 1975, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agency listed below be designated as a "706 Agency" (§ 1601.12(c)). There are three (3) purposes for such designation: First, that the agency receives charges deferred by the Commission pursuant to Section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final

findings and orders of the agency pursuant to § 1601.19b(e); and third, to commence the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(d) (1). At the expiration of the 15-day period, the Commission may effect designation of the agency by publishing it as amendment to § 1601.12(m).

The proposed "706 Agency" is a follows:

Hawaii: Department of Labor and Industrial Relations.

Written comments pursuant to this notice must be filed with the Commission on or before July 14, 1977.

Signed at Washington, D.C., this 14th day of June 1977.

ELEANOR HOLMES NORTON,  
Chairman, Equal Employment  
Opportunity Commission.

[FR Doc.77-18584 Filed 6-28-77; 8:45 am]

## DEPARTMENT OF LABOR

Occupational Safety and Health  
Administration

[ 29 CFR Part 1910 ]

[Docket No. H-108]

### OCCUPATIONAL EXPOSURE TO ACRYLONITRILE

#### Request for Information

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Request for information on acrylonitrile.

SUMMARY: This notice requests information on acrylonitrile (AN), a chemical used in manufacturing acrylic fibers, synthetic rubbers and plastics. OSHA has recently received data which indicates that the present standard for AN, Table Z-1, 29 CFR 1910.1000, may not be sufficiently protective of exposed employees. In light of the potential cancer hazard involved, the possibility of issuing an Emergency Temporary Standard for AN is being considered. OSHA is therefore seeking information on the manufacture and use of AN monomer, polymers and various copolymers, health related employee exposures, health effects, medical surveillance, respiratory protection, and the technological and economic aspects of controlling employee exposures to these substances. OSHA is also requesting views on the appropriate regulatory response to the new information received on AN.

DATE: The information requested in this notice must be submitted on or before July 29, 1977.

ADDRESS: The information requested in this notice should be submitted to the Docket Officer, Docket H-108, Room

<sup>1</sup> The Hawaii Department of Labor and Industrial Relations shall be designated as a Notice Agency with regard to charges filed against units of the State and local government.

86212, U.S. Department of Labor-OSHA, Third Street and Constitution Avenue NW., Washington, D.C., 20210 (202-523-7894).

### FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Office of Public Affairs, Room N3641, OSHA, Third Street and Constitution Avenue NW., Washington, D.C., 20210 (202-523-8151).

### SUPPLEMENTARY INFORMATION:

ACRYLONITRILE: RECENT INFORMATION RECEIVED BY OSHA

In January, 1977 OSHA received information from the Manufacturing Chemists Association (MCA) regarding their investigation of the potential long-term toxic effects of exposure to acrylonitrile (AN). Their interim report of feeding and inhalation studies indicated that laboratory rats exposed to AN developed "masses", "lesions", "tumors" and other pathologic changes in various organs (1,2,3). Additional animal studies examining the possible teratogenic effects of AN indicated the potential for the AN monomer to cause fetal malformation when given to pregnant rats by gavage (4). On May 23, 1977, OSHA received a communication from E.I. DuPont de Nemours and Company reporting the preliminary results of an epidemiologic study conducted at their Camden, South Carolina textile fibers plant. This study indicated that workers in this plant were subject to statistically significant excess risk of dying of lung cancer and colon cancer (5).

### BACKGROUND

Acrylonitrile (CH<sub>2</sub>=CHCN; CAS No. 000107131) (AN) is a widely used chemical intermediate in the manufacture of acrylic fibers, synthetic rubbers and plastics (6). Its use in the manufacture of a number of acrylic fibers and copolymer resins accounts for most of the 1.5 billion pounds of AN produced annually in the United States (7). AN is a clear, colorless (when pure) or yellowish liquid with a characteristic odor and a molecular weight of 53.06. It is very reactive and polymerizes violently in the presence of strong bases. Pure AN is subject to self-polymerization with rapid pressure development (the commercial product is inhibited and not subject to this reaction). AN is a volatile (vapor pressure 83 mm Hg at 68° F.), flammable liquid with a flash point of 30° F. (closed cup), is easily ignited and may release cyanide gases when burned, especially where the supply of oxygen is limited. Its vapors are heavier than air, and when diffused over a considerable range of concentrations in air (3 percent to 17 percent by volume), are highly explosive (8).

AN is highly toxic by ingestion, inhalation of the vapor or by absorption of the liquid through the intact skin, and repeated skin contact with the liquid may result in dermatitis. Until recently the toxicity of AN was thought to be primarily due to the inhibition of cellular

respiration by the in vivo release of cyanide ions (similar in its action to inorganic cyanide), and producing no permanent physiological damage. There is now considerable evidence indicating that while the in vivo decomposition of AN may release some cyanide within the body, the primary toxic effect of this substance is a result of its own chemical composition (8).

Occupational exposure to AN is currently limited by the Occupational Safety and Health Administration (OSHA) to an 8-hour time weighted average of 20 ppm (or approximately 45 mg/M<sup>3</sup>) as found in Table Z-1 of 29 CFR 1910.1000.

#### INFORMATION REQUESTED ON ACRYLONITRILE

The data recently received by OSHA suggests that current regulation of worker exposure to AN may not be sufficiently protective, and that more information in a number of areas is necessary before a reassessment of the hazards of AN exposure can be made. OSHA is therefore requesting information pertaining to the AN monomer, polymers and various copolymers, individually or collectively (as well as any finished products containing any or all of these), including but not limited to the following:

1. Metabolism, including intermediate as well as final metabolites.
2. Toxicity, tumorigenicity, carcinogenicity, teratogenicity and/or mutagenicity, including the effects of potential co-factors as related to each of these.
3. Human epidemiology (employee populations and those otherwise exposed).
4. Appropriate medical surveillance procedures.
5. Appropriate respiratory protection.
6. Uses and production technologies.
7. Employee exposures (actual or potential) in each use and production facility, including: (a) The levels and specific conditions of such exposures, (b) the numbers of employees involved in each exposure situation.
8. Technological and economic feasibility of reducing employee exposure.
9. Analytical and sampling methods used and evidence of their precision and accuracy.
10. Whether issuance of an Emergency Temporary Standard is appropriate.

#### SUBMITTALS OF INFORMATION REQUESTED IN THIS NOTICE

Interested persons are invited to submit written data, views and comments with respect to the foregoing issues. All communications should be submitted in quadruplicate, by July 29, 1977, to the Docket Officer, Docket H-108, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210 (202-523-7894). Timely written submissions will be considered in any action taken by this agency.

#### REFERENCES

The following documents, referred to in this notice, are available for inspection and copying at the OSHA Technical Data Center, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

ment of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(1) Communication from A. C. Clark of MCA to Douglas Costle of the Environmental Protection Agency, dated April 11, 1977.

(2) Norris, J. M. "Status Report on the 2-year Study Incorporating Acrylonitrile in the Drinking Water of Rats," (an MCA-sponsored study done by Dow Chemical), dated January 12, 1977.

(3) Quast, J. F. et al. "Toxicity of Drinking Water Containing Acrylonitrile (AN) in Rats: Results After 12 Months," (an MCA-sponsored study done by Dow Chemical), dated March, 1977.

(4) Murray, F. J. et al. "Teratologic Evaluation of Acrylonitrile Monomer Given to Rats by Gavage," (an MCA-sponsored study done by Dow Chemical), dated November 3, 1976.

(5) O'Berg, M. T. "Epidemiologic Study of Workers Exposed to Acrylonitrile: Preliminary Results," May, 1977 (Dupont).

(6) Kirk-Othmer Encyclopedia of Chemical Technology, 2nd Edition, A. Stauden (Executive Editor) 1972, p. 319.

(7) National Institute of Occupational Safety and Health (NIOSH) memo from Roscoe M. Moore, Jr., Chief, Technological Evaluation and Review Branch, Office of Extramural Coordination and Special Projects, on the carcinogenic potential of acrylonitrile in rats, dated May 11, 1977.

(8) Manufacturing Chemists Association (MCA) Chemical Safety Data Sheet SD-31 (1974).

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 23rd day of June, 1977.

EULA BINGHAM,  
Assistant Secretary of Labor.

[FR Doc. 77-18504 Filed 6-27-77; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### Geological Survey

[30 CFR Part 250]

### OIL AND GAS AND SULPHUR OPERATIONS IN OUTER CONTINENTAL SHELF

#### Proposed Modifications of Regulations To Provide for Issuance of National Outer Continental Shelf (OCS) Orders

AGENCY: Department of the Interior,  
Geological Survey.

ACTION: Proposed rule.

SUMMARY: A Department of the Interior regulatory improvement review indicates that a majority of the requirements of existing OCS orders are common to all areas of the OCS. In order to simplify the regulatory process, this proposal would allow the issuance of National OCS Orders combining common requirements in a single document.

DATE: Comments must be received on or before July 29 1977.

ADDRESS: Director, U.S. Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

#### FOR FURTHER INFORMATION CONTACT:

Richard B. Krahl, Chief, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, Mail Stop 620, Reston, Virginia 22092 (703-860-7531).

#### SUPPLEMENTARY INFORMATION:

The Department of the Interior has undertaken a complete review of applicable regulations and lease terms to determine what changes could be made to improve the regulation of exploration, development, and production of oil and gas from OCS lands under lease. This review indicated that the majority of the requirements of the existing OCS Orders are common to all areas of the OCS, and that only a minority of the requirements arise from environmental, geological, geophysical, or geographical differences between the various areas.

It was determined that the implementation of requirements which are common to all areas of the OCS could be covered in a set of National OCS Orders with appendices to cover the specific local requirements of each area of the OCS.

This review indicated that the Department has sufficient authority to issue National Orders for the OCS under section 5(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(1)). However, it became apparent that clarification of some of the regulations in 30 CFR Part 250 is needed. In order to accomplish this, it is proposed to amend 30 CFR 250.2(j), 250.11, and 250.12(a) and to add a new Section, 30 CFR 250.3.

Upon adoption of the amended regulations, a set of National OCS Orders will be issued with appendices covering specific local requirements which vary among the geographic regions.

The proposed National OCS Orders Nos. 1, 3, and 4 are being published concurrently as a Notice with an invitation to comment.

It is proposed to amend 30 CFR Part 250 in the manner set forth below.

NOTE.—The Department of the Interior 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: June 23, 1977.

JOAN M. DAVENPORT,  
Assistant Secretary  
of the Interior.

In § 250.2, paragraph (j) is amended to read as follows:

#### § 250.2 Definitions.

(j) OCS order.—(1) National OCS order. A formal numbered Order issued by the Chief, Conservation Division, Geological Survey, that implements the regulations in this part and applies to all Areas of the Outer Continental Shelf.

National OCS Orders are supplemented by Area OCS Orders for specific local requirements which vary among the geographic areas.

(2) *Area OCS order.* A formal numbered Order issued by the Supervisor and available in his office, with the prior approval of the Chief, Conservation Division, Geological Survey, that implements the regulations in this part and applies to operations in a region or major portion thereof. Area OCS Orders supplement National OCS Orders by providing for specific local requirements which vary among the geographic areas.

A new § 250.3 is added to read as follows:

§ 250.3 Issuance of OCS orders.

In order to implement the requirements of the regulations of this part, the Area Oil and Gas Supervisor and the Chief of the Conservation Division, Geological Survey, may issue Area OCS Orders and National OCS Orders as defined in § 250.2(j) and as prescribed below:

(a) *Issuance of National OCS orders.* The Chief, Conservation Division, Geological Survey, may issue National OCS Orders implementing the requirements of the regulations of this part when such implementations apply to all regions of the Outer Continental Shelf. Prior to the issuance of National OCS Orders, the Chief, Conservation Division, Geological Survey, may consult with, and receive comments from, lessees, operators, and other interested parties.

(b) *Issuance of Area OCS orders.* Subject to the approval of the Chief, Conservation Division, Geological Survey, the Supervisor may issue Area OCS Orders implementing the requirements of the regulations of this part when such implementation applies to an entire region or a major portion thereof. Prior to the issuance of Area OCS Orders, the Supervisor may consult with, and receive comments from, lessees, operators, and other interested parties.

Section 250.11 is amended to read as follows:

§ 250.11 General functions.

The Supervisor is authorized and directed to act upon the requests, applications, and notices submitted under the regulations in this part and to require compliance with applicable statutes, lease terms, applicable regulations, and OCS Orders to the end that all operations shall be conducted in a manner which will protect the natural resources of the Outer Continental Shelf and result in the maximum economic recovery of the mineral resources in a manner compatible with sound conservation practices. Subject to the approval of the Chief, Conservation Division, Geological Survey, the Supervisor may issue Area OCS Orders implementing the requirements of the regulations of this part when such implementations apply to an entire region or a major portion thereof. The Supervisor may issue written or oral

orders to govern lease operations. Oral orders shall be confirmed in writing by the Supervisor as promptly as possible. The Supervisor may issue other orders and rules to govern the development and method of production of a pool, field, or area. Prior to the issuance of Area OCS Orders and other orders and rules, the Supervisor may consult with, and receive comments from, lessees, operators, and other interested parties. Before permitting operations on the leased land, the Supervisor may require evidence that a lease is in good standing, that the lessee is authorized to conduct operations, and that an acceptable bond has been filed.

Paragraph (a) of § 250.12 is amended to read as follows:

§ 250.12 Regulation of operations.

(a) *Duties of supervisor.* The Supervisor, in accordance with the regulations in this part, shall inspect and regulate all operations and is authorized to issue Area OCS Orders and other orders and rules necessary for him to effectively supervise operations and to prevent damage to, or waste of, any natural resource, or injury to life or property. The Supervisor shall receive and shall, when in his judgment it is necessary, consult with or solicit advice from lessees, field officials of interested Departments and Agencies, including the Bureau of Land Management, Coast Guard, Corps of Engineers, Council on Environmental Quality, Department of Commerce, Department of Defense, Environmental Protection Agency, Federal Power Commission, Fish and Wildlife Service, Materials Transportation Bureau, and representatives of State and local Governments.

[FR Doc.77-18590 Filed 6-28-77; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21200; RM-2784]

FM BROADCAST STATION IN FLORENCE, OREGON

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action herein extends the time for filing comments and reply comments to a petition filed by Gentle Shepherd Broadcasting Company to assign Channel 284 to Florence, Oregon. Engineer for petitioner states additional time is necessary so that engineering information requested by Commission can be prepared and submitted.

DATES: Comments must be filed on or before June 22, 1977; reply comments must be filed on or before July 1, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTAL INFORMATION:

ORDER EXTENDING TIME FOR FILING COMMENTS AND REPLY COMMENTS

Adopted: June 22, 1977.

Released: June 24, 1977.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Florence, Oregon), Docket No. 21200, RM-2784.

1. Notice of proposed rule making in this proceeding was adopted on April 15, 1977, 42 FR 21628.

2. On May 23, 1977, George M. Frese, engineer for Gentle Shepherd Broadcasting Company, proponent in this proceeding, filed a request seeking an extension of time to and including July 31, 1977, in which to file engineering information requested in the Notice. Mr. Frese states he was on vacation during most of the time granted for the comment period.

3. On June 9, 1977, Mr. Frese submitted the requested engineering information. Because the additional material has been filed, we see no reason in granting Mr. Frese's request to July 31, 1977, thereby delaying the proceeding. *Accordingly, it is ordered,* That the motion for extension of time for filing comments and reply comments in Docket 21200 is granted to the extent that the present deadline for filing comments and reply comments is extended to June 22, 1977, and July 1, 1977, respectively, and is denied in all other respects.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.77-18624 Filed 6-28-77; 8:45 am]

[47 CFR Part 73]

[Docket No. 20337; RM-2296]

FM Broadcast Stations

Order Extending Time for Filing Comments and Reply Comments; Baxley, Ga.

AGENCY: Federal Communications Commission.

ACTION: Order extending time

SUMMARY: This action is taken to extend the time for filing comments and reply comments to a Further Notice of Proposed Rule Making proposing the assignment of FM Channel 240A to Baxley, Georgia. WHAB, Inc., states the additional time is necessary so that it can prepare an engineering showing. (42 FR 25342.)

DATES: Comments must be filed on or before July 7, 1977, and reply comments must be filed on or before July 28, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

ORDER EXTENDING TIME FOR FILING COMMENTS AND REPLY COMMENTS

Adopted: June 22, 1977.

Released: June 24, 1977.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broad-

cast Stations. (Baxley, Georgia); Docket No. 20337, RM-2296 (42 FR 25342).

1. A Further Notice of Proposed Rule Making was adopted on May 10, 1977, 42 FR 25342, in the above-entitled proceeding. The dates for filing comments and reply comments are June 24, and July 14, 1977, respectively.

2. On June 16, 1977, counsel for WHAB, Inc., filed a request seeking an extension of time for filing comments and reply comments to and including July 7 and July 28, 1977, respectively. Counsel states that the additional time is necessary in order that an engineering showing, requested by the Commission, can be prepared.

3. We are of the view that the requested extension of time is warranted. Accordingly, *it is ordered*, That the dates for filing comments and reply comments in Docket No. 20337, are extended to and including July 7 and July 28, 1977, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

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

[FR Doc.77-18613 Filed 6-28-77;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.

## CIVIL AERONAUTICS BOARD

[Docket 29123 Agreement C.A.B. 26671 R-1 and R-2; Order 77-6-98]

### IATA

#### Agreement Relating to Passenger Fares; Order

Issued under delegated authority June 20, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

In general, the agreement would amend the resolutions governing first-class and economy-class fares between various Mideast points, to reflect the institution of scheduled services between Tehran and Sharjah via Shiraz, Iran and Bandar Abbas, Iran. The agreement has indirect application in air transportation insofar as the fares established under this agreement are combinable with fares to/from the United States, and it will herein be approved.

Pursuant to authority duly delegated by the Board's regulations 14 CFR 385.14, it is not found that Resolutions 200 (Mail 144) 052 and 200 (Mail 144) 062, incorporated in Agreement C.A.B. 26671, are adverse to the public interest or in violation of the Act insofar as they have indirect application in air transportation as defined by the Act.

Accordingly, it is ordered, That:

Agreement C.A.B. 26671, R-1 and R-2, be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc.77-18636 Filed 6-28-77; 8:45 am]

[Docket 29123, Agreements C.A.B. 26658 and 26659; R-1 and R-2; Order 77-6-99]

### IATA

#### Agreements Relating to Passenger Fare Matters; Order

JUNE 20, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted, respectively, by mail vote and at a meeting on Resolution 015 held May 10-11, 1977, in New York, have been assigned the above C.A.B. agreement numbers.

Insofar as air transportation is concerned, the effect of Agreement C.A.B. 26658 is to provide for year-round application of the 45-day excursion fares specified from points in the United States to points in South America, which presently are available only during the period September 15-March 31 of each year. Agreement C.A.B. 26659 amends certain resolutions specifying proportional fares to be used to construct through fares between interior U.S. points and foreign points. Specifically, several erroneous North Atlantic proportional fares would be corrected and other

adjustments made as needed to enable the carriers to remain competitive with certain low fares available from Canada to Europe. Also, inasmuch as through normal first- and economy-class fares over the South Pacific are required by the Board to be no greater than the sum of the local sector fares over Hawaii, South Pacific proportional fares have been revised to reflect a recent increase in domestic mainland-Hawaii fares.

We will approve the agreements as proposed subject, of course, to conditions previously imposed by the Board. The carriers contend that the change in application of the 45-day excursion fare to year-round is brought about by the need to offer an appropriate long-duration promotional fare during the April-September period in the face of the recent cancellation of the affinity/own use/group fares in the U.S.-South American market.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions, incorporated in Agreements C.A.B. 26658 and C.A.B. 26659 as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to all conditions previously imposed by the Board:

#### IATA resolution

Agreement: CAB 26658 ..... 100 (Mail 137) 071f.

Agreement CAB	IATA No.	Title	Application
26659:			
R-1.....	015	North American Proportional Fares—North Atlantic (Amending)....	1/2
R-2.....	015a	North American Proportional Fares—South Pacific (Amending).....	3/1

Accordingly, it is ordered, That:

Agreements C.A.B. 26658 and C.A.B. 26659, R-1 and R-2, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,  
Secretary.

By JAMES L. DEEGAN,  
Chief, Passenger and Cargo Rates  
Division, Bureau of Economics.

[FR Doc.77-18511 Filed 6-28-77; 8:45 am]

[Docket 31030; Order 77-6-109]

#### VARIOUS CARRIERS

Proposed Domestic Passenger-Fare Increase; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of June 1977.

By tariff revisions<sup>1</sup> marked to become effective either on June 22 or July 1, 1977, various carriers propose a seven-tenths of one-percent increase in the level of passenger fares within the 48 States and the District of Columbia.<sup>2</sup> In addition, Western Air Lines, Inc. (Western) has requested a one-percent increase effective July 1, 1977. Delta Air Lines, Inc. (Delta), Eastern Air Lines, Inc. (Eastern), National Airlines, Inc. (National), and Northwest Airlines, Inc. (Northwest), have so far made no similar filings.

In justification, the carriers reiterate the need to offset continuing escalation in expenses incurred throughout the industry, and again allege that the utilization adjustment is unwarranted since there is nothing abnormal about the current utilization levels. Irrespective of this latter contention, however, the proposed increase of seven-tenths of one percent is justified using the Board's ratemaking methodology, based on data for the year ending December 31, 1977, projected to the respective tariff effective dates.

The National Passenger Traffic Association (NPTA) has filed a complaint stating that any fractional increase has not and cannot be justified by the carriers, and that approval of any increase will burden full-fare-paying business travelers. NPTA urges that carriers intensify their efforts toward economical and efficient management in lieu of frequent fractional increases. Finally, NPTA alleges that there is no vested guarantee that the carriers are entitled, at any particular point in time to achieve a 12-percent return on investment.

American, TWA, and Eastern have answered the complaint alleging, inter alia, that the proposed 0.7-percent increase has been fully justified on the basis of the Board's ratemaking methodology; that the carriers are entitled to achieve a 12-percent return on investment; and that, while a possible inconvenience to the public, fractional increases are not only lawful, but the only method by which the carriers can attempt to keep abreast of cost inflation.

Upon consideration of the proposals, the complaint and answers thereto, and all relevant matters, the Board concludes that the proposal may be unjust, or un-

reasonable, or unjustly discriminatory, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

The Board has analyzed the industry's earnings status on the basis of the latest data available, that for the year ended March 31, 1977. After adjustments for utilization, standard seating, the 55-percent load-factor standard, removal of discount fares, and annualization of past fare and cost increases, the ROI adjusted to July 1, 1977, is 11.6 percent before adjusting for the proposed seven-tenths of one-percent fare increase, and rises to 12.4 percent with the increase. See Appendix A. Since this is well above the 12-percent ratemaking standard, and since the carriers have offered no new arguments which would warrant change in the Board's ratemaking methodology, the proposed fares will be suspended.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

*It is ordered, That:*

1. An investigation be instituted to determine whether the fares and provisions described in Appendix B attached hereto, and rules and regulations and practices affecting such fares and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful,

and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix B hereto are suspended and their use deferred to and including September 19, 1977, unless otherwise ordered by the Board; and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 30962 is hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order will be filed with the aforesaid tariff and served upon all scheduled certificated carriers operating between points within the 48 contiguous States and the District of Columbia.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board,

PHYLLIS T. KAYLOR,  
Secretary.

Concurring statements of Chairman Kahn, Vice Chairman O'Melia and Members Minetti and West filed as part of the original document.

APPENDIX A.—Domestic trunk industry rate of return on investment; 48-State scheduled passenger service for the 12 mo ended March 1977 as adjusted to July 1, 1977

[Dollar amounts in thousands]

	Actual	Belly cargo and utilization	55 pct standard load factor <sup>1</sup>	Removal of all discount fares <sup>2</sup>	Annualization of past fare increases and 1.0434 pct cost escalation	Column 5 including a .7 pct fare increase
	(1)	(2)	(3)	(4)	(5)	(6)
RPM's—millions.....	119,513.6	119,513.6	119,513.6	112,917.2	110,248.4	109,711.2
ASM's—millions.....	217,579.3	225,887.9	217,297.4	205,241.4	200,451.4	199,474.4
Load factor.....	54.93	52.91	55.00	55.02	55.00	55.00
Yield cents/RPM.....	8.31724	8.31724	8.31724	8.60437	9.02390	9.08670
Passenger revenue.....	\$9,940,238	\$9,940,238	\$9,940,238	\$9,817,443	\$9,948,703	\$9,969,128
Other revenue.....	164,842	164,842	164,842	164,842	164,842	164,842
Operating revenue.....	10,105,080	10,105,080	10,105,080	9,982,285	10,113,545	10,133,970
Capacity expense.....	7,435,303	7,410,105	7,155,684	6,839,142	6,976,381	6,942,953
Noncapacity expense.....	2,262,626	2,262,626	2,262,626	2,105,317	2,124,225	2,109,985
Operating expense.....	9,697,929	9,672,731	9,418,310	8,944,459	9,100,606	9,052,938
Operating profit.....	467,751	486,949	747,308	1,037,823	1,012,934	1,081,032
Interest.....	216,567	210,947	204,334	193,272	187,938	185,941
Earnings before tax.....	251,184	276,002	543,034	844,551	824,996	895,091
Tax at 48 pct.....	120,568	132,481	260,656	405,384	395,998	429,355
Net income.....	130,616	143,521	282,377	439,166	428,997	465,736
Return element.....	347,183	354,908	486,712	632,438	616,936	652,622
Investment.....	6,080,617	5,952,996	5,748,824	5,441,831	5,201,831	5,274,659
R.O.I..... (percent).....	5.7	6.0	8.5	11.6	11.6	12.4

<sup>1</sup> Includes standard seats.

<sup>2</sup> Excluding children and military fares.

NOTE.—The details of the board's analysis will be available for public inspection in the public reference room.

<sup>1</sup> Revisions to Airline Tariff Publishing Company, Agent, C.A.B. No. 259.

<sup>2</sup> American Airlines, Inc. (American), Braniff Airways, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc. (TWA), United Air Lines, Inc., (United), Frontier Airlines, Inc., and Southern Airways, Inc., propose to increase fares in this amount effective June 22. Pan American World Airways, Inc., Allegheny Airlines, Inc., Air Midwest Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., and Texas International Airlines, Inc., have filed for a tariff effective date of July 1, 1977.

## APPENDIX B

TARIFF C.A.B. NO. 259 ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

All increased fares and fares which are re-issues of such increased fares on the following pages:

4th Revised Page 16-B  
3rd Revised Page 16-C  
23rd Revised Pages 23 and 24  
17th and 18th Revised Pages 24-A and 24-B  
20th Revised Pages 25 and 26  
16th Revised Pages 27 and 28  
19th Revised Pages 29, 30, 31 and 32  
20th Revised Pages 33 and 34  
25th and 26th Revised Pages 35 and 36  
21st Revised Pages 37 and 38  
11th Revised Pages 38-A and 38-B  
25th Revised Pages 39 and 40  
18th Revised Pages 41 and 42  
20th and 21st Revised Pages 43 and 44  
23rd and 24th Revised Pages 45 and 46  
25th and 26th Revised Pages 47 and 48  
19th Revised Pages 49 and 50  
21st Revised Pages 51 and 52  
18th Revised Pages 52-A and 52-B  
19th Revised Pages 53 and 54  
23rd and 24th Revised Pages 55 and 56  
20th Revised Pages 57 and 58  
18th Revised Pages 59 and 60  
19th Revised Pages 61, 62, 63 and 64  
15th and 16th Revised Pages 65 and 66  
20th Revised Pages 67 and 68  
16th Revised Pages 68-A and 68-B  
19th Revised Pages 69, 70, 71, 72, 73 and 74  
18th and 19th Revised Pages 75 and 76  
24th Revised Pages 77 and 78  
21st Revised Pages 79 and 80  
17th Revised Pages 80-A and 80-B  
22nd Revised Pages 81, 82, 83 and 84  
23rd Revised Pages 85 and 86  
18th Revised Pages 86-A and 86-B  
21st Revised Pages 87 and 88  
17th Revised Pages 89 and 90  
16th Revised Pages 91 and 92  
17th Revised Page 93  
50th, 51st and 52nd Revised Page 106  
23rd, 24th and 25th Revised Pages 107 and 108  
34th, 35th and 36th Revised Pages 109 and 110  
29th, 30th and 31st Revised Pages 111 and 112  
25th, 26th and 27th Revised Pages 113 and 114  
40th and 41st Revised Pages 115 and 116  
24th and 25th Revised Pages 117 and 118  
23rd and 24th Revised Pages 119 and 120  
32nd, 33rd and 34th Revised Pages 121 and 122  
24th, 25th and 26th Revised Pages 123 and 124  
21st and 22nd Revised Pages 125 and 126  
20th and 30th Revised Pages 127 and 128  
31st and 33rd Revised Pages 129 and 130  
23rd and 24th Revised Pages 131 and 132  
22nd, 23rd and 24th Revised Pages 133 and 134  
35th, 36th and 37th Revised Pages 135 and 136  
30th, 31st and 32nd Revised Pages 137 and 138  
24th, 25th and 26th Revised Pages 139 and 140  
30th and 31st Revised Pages 141 and 142  
25th, 26th and 27th Revised Pages 143 and 144  
28th and 29th Revised Pages 145 and 146  
21st, 22nd and 23rd Revised Pages 147 and 148  
8th and 9th Revised Page 148-A  
27th Revised Pages 155 and 156  
34th Revised Pages 157 and 158  
30th Revised Pages 159 and 160  
36th Revised Pages 161 and 162  
26th Revised Pages 163 and 164  
32nd Revised Pages 165 and 166

31st Revised Pages 167 and 168  
24th Revised Pages 169 and 170  
31st and 32nd Revised Pages 177 and 178  
33rd, 34th and 35th Revised Pages 179 and 180  
36th, 37th, 38th and 39th Revised Pages 181 and 182  
45th, 46th, 47th and 48th Revised Pages 183 and 184  
32nd, 34th and 35th Revised Pages 185 and 186  
32nd and 34th Revised Pages 187 and 188  
31st and 32nd Revised Pages 189 and 190  
27th and 28th Revised Pages 191 and 192  
20th and 21st Revised Pages 192-A and 192-B  
13th and 14th Revised Pages 192-C and 192-D  
20th Revised Pages 357 and 358  
27th and 28th Revised Pages 359 and 360  
20th Revised Pages 361 and 362  
24th and 25th Revised Pages 363 and 364  
22nd and 23rd Revised Pages 365 and 366  
25th and 26th Revised Pages 367 and 368  
20th and 21st Revised Pages 369 and 370  
25th Revised Pages 371 and 372  
24th and 25th Revised Pages 373 and 374  
23rd and 24th Revised Pages 375 and 376  
26th and 27th Revised Pages 377 and 378  
34th and 36th Revised Pages 379 and 380  
30th and 31st Revised Pages 381 and 382  
20th and 21st Revised Pages 383 and 384  
23rd and 24th Revised Pages 385 and 386  
24th Revised Pages 387 and 388  
22nd Revised Pages 389 and 390  
17th Revised Pages 391 and 392  
23rd, 24th and 24th Revised Pages 393 and 394  
18th and 19th Revised Pages 394-A and 394-B  
21st and 22nd Revised Pages 395 and 396  
20th and 21st Revised Pages 397 and 398  
26th and 27th Revised Pages 399 and 400  
22nd and 23rd Revised Pages 400-A and 400-B  
26th and 27th Revised Pages 400-C and 400-D  
21st Revised Pages 400-E and 400-F  
13th and 14th Revised Pages 400-G and 400-H  
17th and 18th Revised Pages 400-I and 400-J  
15th and 16th Revised Pages 400-K, and 400-L, 400-M and 400-N  
12th Revised Pages 400-O and 400-P  
14th and 15th Revised Pages 400-Q and 400-R  
10th and 11th Revised Pages 400-S and 400-T  
5th Revised Pages 400-U  
20th Revised Page 456  
13th Revised Pages 457, 458, 459 and 460  
7th Revised Pages 460-A and 460-B  
14th Revised Pages 461 and 462  
13th Revised Pages 463 and 464  
12th Revised Pages 465 and 466  
16th Revised Pages 467 and 468  
12th Revised Pages 469, 470, 471, 472, 473, and 474  
13th Revised Pages 475, 476, 477 and 478  
12th Revised Pages 479 and 480  
13th Revised Pages 481 and 482  
12th Revised Pages 483 and 484  
14th Revised Pages 485 and 486  
11th Revised Pages 487 and 488  
12th Revised Pages 489 and 490  
9th Revised Pages 490-A and 490-B  
18th Revised Pages 513, 514, 515 and 516  
20th Revised Pages 517 and 518  
21st Revised Pages 519 and 520  
17th Revised Pages 521 and 522  
22nd Revised Pages 523 and 524  
20th Revised Pages 525 and 526  
21st Revised Pages 527 and 528  
8th Revised Page 528-A  
16th Revised Pages 529, 530, 531 and 532  
19th Revised Pages 533 and 534  
18th Revised Pages 535 and 536  
16th Revised Pages 537 and 538  
17th Revised Pages 539 and 540  
16th Revised Pages 541 and 542  
15th Revised Pages 543, 544, 545, and 546

16th Revised Pages 547, 548, 549 and 550  
10th Revised Page 550-B  
18th and 19th Revised Pages 553 and 554  
14th and 15th Revised Pages 555 and 556  
13th Revised Pages 557 and 558  
14th and 15th Revised Pages 559 and 560  
13th and 15th Revised Pages 561 and 562  
14th and 15th Revised Pages 563 and 564  
17th Revised Pages 565 and 566  
12th and 13th Revised Pages 567 and 568  
14th and 15th Revised Pages 569 and 570  
15th Revised Pages 571 and 572  
12th and 13th Revised Pages 573 and 574  
15th and 16th Revised Pages 575 and 576  
11th and 12th Revised Pages 577 and 578  
15th Revised Pages 579 and 580  
18th and 19th Revised Pages 581 and 582  
15th Revised Pages 583 and 584  
12th Revised Pages 585 and 586  
15th Revised Page 594  
12th Revised Pages 595 and 596  
15th Revised Pages 597 and 598  
14th Revised Pages 599 and 600  
11th Revised Pages 601 and 602  
12th Revised Pages 603 and 604  
17th and 18th Revised Pages 605 and 606  
15th and 16th Revised Pages 607 and 608  
12th Revised Pages 609 and 610  
14th Revised Pages 611 and 612  
10th Revised Pages 613 and 614  
12th and 14th Revised Page 615  
12th, 13th, and 14th Revised Page 616  
13th Revised Pages 617 and 618  
12th and 13th Revised Pages 619 and 620  
4th Revised Page 622-C  
38th Revised Pages 623 and 624  
8th Revised Pages 624-A and 624-B  
34th Revised Pages 625 and 626  
29th Revised Pages 627 and 628  
30th, 31st and 32nd Revised Pages 629 and 630  
8th and 9th Revised Pages 630-A and 630-B  
43 Revised Pages 631 and 632  
24th Revised Pages 633 and 634  
43rd Revised Pages 631 and 632  
37th Revised Pages 636 and 636  
6th Revised Pages 636-A and 636-B  
25th Revised Pages 637 and 638  
14th, 25th and 26th Revised Pages 651 and 652  
28th and 29th (Issued May 24, 1977) Revised Pages 653 and 654  
33rd and 34th (Issued May 24, 1977) Revised Pages 655 and 656  
28th and 29th (Issued May 24, 1977) and 30th Revised Pages 657 and 658  
3rd and 4th Revised Page 658-A  
23rd and 24th (Issued May 24, 1977) Revised Pages 659 and 660  
28th and 29th (Issued May 24, 1977) Revised Pages 661 and 662  
25th and 26th Revised Pages 663 and 664  
29th and 30th Revised Pages 665 and 666  
37th and 38th Revised Pages 667 and 668  
30th, 31st and 32nd Revised Pages 669 and 670  
23rd, 24th and 25th Revised Pages 671 and 672  
30th and 31st Revised Pages 673 and 674  
23rd, 24th and 25th Revised Pages 675 and 676  
22nd and 23rd Revised Pages 723 and 724  
25th Revised Pages 725 and 726  
22nd Revised Pages 727 and 728  
21st Revised Pages 729 and 730  
28th and 29th Revised Pages 731 and 732  
27th Revised Pages 733 and 734  
35th and 36th Revised Pages 735 and 736  
32nd Revised Pages 737 and 738  
27th Revised Pages 739 and 740  
33rd Revised Pages 741 and 742  
20th Revised Pages 743 and 744  
31st Revised Pages 745 and 746  
29th Revised Pages 747, 748, 749 and 750  
30th Revised Pages 750-A and 750-B  
31st Revised Pages 750-C and 750-D  
25th Revised Pages 750-E and 750-F  
13th Revised Pages 750-G

22nd Revised Pages 687, 688, 689 and 690  
 20th Revised Pages 691 and 692  
 29th Revised Pages 693 and 694  
 24th Revised Pages 695 and 696  
 36th Revised Pages 697 and 698  
 26th Revised Pages 699 and 700  
 28th Revised Pages 701 and 702  
 3rd Revised Pages 702-A and 702-B  
 24th Revised Pages 703 and 704  
 14th Revised Pages 705 and 706  
 34th and 35th Revised Pages 707 and 708  
 37th Revised Pages 709 and 710  
 26th Revised Pages 711 and 712  
 28th Revised Pages 713 and 714  
 36th Revised Pages 715 and 716  
 28th Revised Pages 717 and 718  
 18th Revised Pages 719 and 720  
 20th Revised Pages 721 and 722  
 26th Revised Page 756  
 24th Revised Pages 757 and 758  
 48th and 49th Revised Pages 759 and 760  
 40th Revised Pages 761 and 762  
 26th, 27th and 28th Revised Pages 762-A and 762-B  
 50th and 51st Revised Pages 763 and 764  
 25th Revised Pages 764-A and 764-B  
 46th Revised Pages 765 and 766  
 34th Revised Pages 767 and 768

[FR Doc.77-18512 Filed 6-28-77;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Farmers Home Administration

[Notice of Designation Number A483]

#### KENTUCKY

#### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Kentucky Counties as a result of extremely cold weather and snow during January and February 1977:

Edmonson                      McCracken

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 by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Julian M. Carroll that such designation be made.

Applications for emergency loans must be received by this Department no later than August 8, 1977, for physical losses and March 9, 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 23rd day of June 1977.

GORDON CAVANAUGH,  
 Administrator,  
 Farmers Home Administration.

[FR Doc.77-18576 Filed 6-28-77;8:45 am]

## Forest Service

### UMPQUA NATIONAL FOREST 10-YEAR TIMBER MANAGEMENT PLAN

#### Availability of Draft Environmental Statement; Extension of Review Period

The notice of availability of the draft environmental statement on the Timber Management Plan for the Umpqua National Forest USDA-FS-R6-DES(Adm)-77-8, which appeared in Volume 42, Number 48, Friday, March 11, 1977, is corrected to extend the review comment period through August 8, 1977.

CURTIS L. SWANSON,  
 Regional Environmental Co-  
 ordinator, Planning, Pro-  
 gramming and Budgeting.

JUNE 21, 1977.

[FR Doc.77-18479 Filed 6-27-77;8:45 am]

## DEPARTMENT OF COMMERCE

### Economic Development Administration

#### THEODOR MANUFACTURING CORP.

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

A petition by Theodor Manufacturing Corporation, 15401 S. Figueroa Street, Gardena, California 90248, a producer of handbags, was accepted for filing on June 22, 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 United States Department of Commerce has initiated an investigation to determine whether 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 July 11, 1977.

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

[FR Doc.77-18527 Filed 6-28-77;8:45 am]

### National Oceanic and Atmospheric Administration

#### CARIBBEAN FISHERY MANAGEMENT COUNCIL, SCIENTIFIC AND STATISTI- CAL COMMITTEE AND ITS ADVISORY PANEL

#### Public Meeting

Notice is hereby given of a meeting of the Caribbean Fishery Management

Council, established by section 302, and the Council's Scientific and Statistical Committee, and Advisory Panel, established by section 302(g), of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Caribbean Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Puerto Rico and the Virgin Islands. The Councils will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The Council meeting will be held Monday through Thursday, July 18 to July 21, 1977, at the Condado Holiday Inn, 999 Ashford Avenue, Condado, San Juan, Puerto Rico. The meeting will convene at 1 p.m. on July 18 and adjourn at about noon on July 21, 1977. Daily sessions will normally start at 9 a.m. and adjourn at 5 p.m., except as otherwise noted. The meeting may be extended or shortened depending upon progress on the agenda. Proposed agenda:

1. Educational campaigns for Council constituency—Report by a special committee.
2. Budget for Year 1978.
3. Consideration of SOPPs.
4. Status report on draft fishery management plan for spiny lobster and shallow water reef fish.
5. Status of boundary limits and negotiations.
6. Presentation of foreign longline fishing in the Caribbean.

Meeting concurrently, and perhaps in conjunction with the Council at times, will be the Council's Scientific and Statistical Committee and Advisory Panel. The Scientific and Statistical Committee will assist the Council in development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any fishery management plan. The Advisory Panel contains broad representation from interests affected by Council activities in order to assist the Council in carrying out its functions under the Act.

The Committee and the Panel will meet separately but will utilize the same agenda.

#### Proposed agenda:

1. Consideration of internal program matters.
2. Review of fishery management plan issues.
3. Appropriate recommendations to the Council.
4. Other management business.

These meetings will be open to the public, and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meetings. To re-

ceive information on changes, if any, made to the agenda, interested members of the public should contact, on or about July 8, 1977:

Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, P.O. Box 1001, Hato Rey, Puerto Rico 00919.

At the discretion of the Council, the Committee, or the Panel, as appropriate, interested members of the public may be permitted to speak at times which will allow the orderly conduct of official business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address. To receive due consideration and to facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meetings.

Dated: June 24, 1977.

ROBERT W. SCHONING,  
Director, National  
Marine Fisheries Service.

[FR Doc.77-18603 Filed 6-28-77;8:45 am]

### CERTIFICATE OF EXEMPTION

#### Receipt of Application

Notice is hereby given that the following applicant has applied in due form for a Certificate of Exemption under Pub. L. 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicant: Western Novelty Co., 124 West Burnside, Portland, Oregon 97209.

**Period of Exemption:** The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

**Commercial activities exempted:** (i) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(ii) The prohibitions, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity any such species part;

(iii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

**Parts or products exempted:** Finished scrimshaw products made from sperm whale teeth consisting of approximately 798 jewelry items, 2,598 items etched with designs, scenes or figures and 4,508 carved figures or designs. Finished scrimshaw products to be made from approximately 800 pounds of whole sperm whale teeth and 3,800 pounds of scrap and pieces of sperm whale teeth.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 by July 29, 1977.

Dated: June 22, 1977.

MORRIS M. PALLOZZI,  
Acting Deputy Associate Director  
for Fisheries Management.

[FR Doc.77-18620 Filed 6-28-77;8:45 am]

### PRE-ACT ENDANGERED SPECIES PRODUCTS

#### Issuance of Certificates of Exemption

On May 19, 1977, notice was published in the FEDERAL REGISTER (42 FR 25749) that Albert Medeiros of Mattapoisett, Massachusetts, and Robert J. Honis of Seminole, Florida, each had applied for a Certificate of Exemption to engage in certain commercial activities with respect to Pre-Act endangered species parts or products. Notice is hereby given that on June 27, 1977, as authorized by the provisions of the Endangered Species Act of 1973, as amended (P.L. 94-359) and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued Certificates of Exemption permitting the above activities to Albert Medeiros, d/b/a Koch & Son Scrimshaw, 88 North Street, Mattapoisett, Massachusetts 02739 and Robert J. Honis, 8390 Kumquat Avenue, Seminole, Florida 33540.

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

Dated: June 23, 1977.

WINFRED H. MEIBOHM,  
Associate Director, NMFS.

[FR Doc.77-18619 Filed 6-28-77;8:45 am]

### WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

#### Public Meeting

Notice is hereby given of a meeting of the Western Pacific Fishery Management Council's Scientific and Statistical Committee established in accordance with section 302(g)(1) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Western Pacific Fishery Management Council has authority over fisheries within the fishery conservation zone adjacent seaward of Hawaii, Guam, and American Samoa. The Council's functions are, among other things, to prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, and conduct public hearings. The Scientific and Statistical Committee assists the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is rele-

vant to the Council's development and amendment of fishery management plans.

The meeting, the Committee's third, will be held on July 13 and 14, 1977, in the conference room of the National Marine Fisheries Service, Honolulu Laboratory, at 2570 Dole Street, Honolulu, Hawaii, from 9 a.m. to 4:30 p.m. each day. The meeting may be extended or shortened depending upon progress of the meeting.

#### Proposed agenda:

1. Consideration of the minutes of the second meeting of the Committee.
2. Report on administrative arrangements and responses to legal and policy questions.
3. Report on status of advisory panel organization.
4. Report on decisions and recommendations of the fourth Council meeting.
5. Report on the national Optimum Yield Workshop.
6. Review of Progress of fishery management plan development.
7. Application of decision-making methods to a draft management plan for precious corals.
8. Other Management Business.

This meeting is open to the public, and there will be seating for approximately 15 members of the public on a first-come, first-served basis.

Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact, on or about July 5, 1977:

Mr. W. G. Van Campen, Executive Director, Western Pacific Fishery Management Council, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813, telephone 808-532-1368.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of official business. Interested members of the public who wish to submit written comments should do so by submitting them to Mr. Van Campen at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting typewritten statements should be received within 10 days after the close of the Committee meeting.

ROBERT W. SCHONING,  
Director, National  
Marine Fisheries Service.

JUNE 24, 1977.

[FR Doc.77-18604 Filed 6-28-77;8:45 am]

#### Office of the Secretary

[Dept. Organization Order 10-4, Amdt. 4:  
Transmittal 340]

### ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT

#### Delegation of Authority

This order effective May 23, 1977 further amends the materials appearing at 40 FR 56703 of December 4, 1975, 40 FR

58878 of December 19, 1975, 41 FR 37829 of September 8, 1976, and 42 FR 1064 of January 5, 1977.

Department Organization Order 10-4 of September 30, 1975, is hereby further amended as shown below. The purpose of this amendment is to delegate the authority of the Secretary to administer Title I of the Public Works Employment Act of 1976, P.L. 94-369, as amended by P.L. 95-28, to the Assistant Secretary for Economic Development (subparagraphs 4.01g. and 5.o.).

1. Section 4. Delegation of Authority. Subparagraph .01g. is revised to read as follows:

g. The Local Public Works Capital Development and Investment Act of 1976, which is Title I of the Public Works Employment Act of 1976 (Public Law 94-369, 42 U.S.C. 6701 et seq.), as amended by Pub. L. 95-28.

2. Section 5. General Functions. Subparagraph o. is revised to read as follows:

o. Assure the adequate and effective administration of Title I of the Public Works Employment Act of 1976, as amended by Pub. L. 95-28, including the monitoring and servicing of grants.

ELSA C. PORTER,  
Assistant Secretary  
for Administration.

[FR Doc. 77-18513 Filed 6-28-77; 8:45 am]

[Dept. Organization Order 10-4, Amdt. 5, Transmittal 341]

#### ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT

##### Delegation of Authority

This order effective May 23, 1977 further amends the materials appearing at 40 FR 56703 of December 4, 1975, 40 FR 58878 of December 19, 1975, 41 FR 37829 of September 8, 1976, and 42 FR 1064 of January 5, 1977.

Department Organization Order 10-4 of September 30, 1975, is hereby further amended as shown below. The purpose of this amendment is to delegate the authority of the Secretary to administer the Community Emergency Drought Relief Act of 1977, P.L. 95-31, to the Assistant Secretary for Economic Development (subparagraphs 4.01i. and 5.q.).

1. Section 4. Delegation of authority. A new subparagraph .01i. is added to read as follows:

i. The Community Emergency Drought Relief Act of 1977, P.L. 95-31.

2. Section 5. General Functions. a. A new subparagraph .05q. is added to read as follows:

q. Assure the effective administration of loans and grants provided under the Community Emergency Drought Relief Act of 1977, P.L. 95-31.

b. In pen and ink reletter the current subparagraph q. as r., respectively.

Effective: May 23, 1977.

ELSA C. PORTER,  
Assistant Secretary  
for Administration.

[FR Doc. 77-18514 Filed 6-28-77; 8:45 am]

[Dept. Organization Order 15-1]

#### EXECUTIVE SECRETARIAT

##### Functions and Responsibilities

Section 1. *Purpose.* .01 The purpose of this order is to describe the functions and responsibilities of the Executive Secretariat.

.02 This revision clarifies and expands the functions and responsibilities of the Executive Secretariat, including certain protocol duties and the use of the Secretary's dining room.

Sec. 2. *General.* The Executive Secretariat is a staff office in the immediate Office of the Secretary. The Executive Secretariat shall be headed by a Director who shall report directly to the Secretary, but shall work closely with the Executive Assistant to the Secretary in carrying out the functions and responsibilities of the office described in Section 3.

Sec. 3. *Functions and responsibilities.* The Executive Secretariat shall be the central coordinating unit of the Department responsible for performing the following specific duties:

a. Providing effective direction and control over incoming correspondence addressed to the Secretary or Under Secretary. This includes use of a record control system bringing proper items to their immediate attention, assigning action and information copies to appropriate persons or units, and setting due dates for replies and by whom.

b. Reviewing all material which comes to the Secretary or Under Secretary for approval and/or signature to assure that such materials are procedurally or otherwise in accordance with the rules, instructions and standards of the Department.

c. Serving as the focal point for coordination of the volume of official material which requires the attention of the Secretary or Under Secretary. In this regard, the Executive Secretariat shall ensure that Secretarial Officers and heads of operating units are informed of, and given an opportunity to comment on, material affecting their organizations or functions.

d. Maintaining an accurate and current correspondence suspense system including timely follow up with Department officials on overdue correspondence. The Executive Secretariat shall keep the Secretary or Under Secretary informed concerning the status of high priority documents. The Executive Secretariat shall also ensure that reports to Congress which require the attention of the Secretary or Under Secretary reach them in ample time for the review. (DAO 218-3 prescribes procedures and responsibilities for statutory reports to Congress.)

e. Advising principal officials of the Department of Secretarial actions or decisions affecting their area of responsi-

bility, and sharing applicable information with them that has been provided to the Secretary.

f. Maintaining the Secretary's and Under Secretary's files to ensure that correspondence, files, and other data are properly categorized and secured in compliance with Department procedures, are effectively retrievable, and are retired or otherwise disposed of in accord with law.

g. Providing administrative support services to the immediate Office of the Secretary pertaining to functions such as office coverage, preparation of personnel actions, maintaining time and attendance records and records covering the participation in politically related activities.

h. Coordinating the scheduling and conduct of official functions hosted by the Secretary and Under Secretary, in accord with Department Administrative Order 203-3.

i. Making arrangements related to the hosting of official functions, including greeting and escorting of guests as appropriate and obtaining approval of the Assistant Secretary for Administration for use of funds. The Executive Secretariat shall also assure that the applicable paper work is prepared.

j. Coordinating the use of the Secretary's dining room and managing the dining room fund, making disbursements and collections as appropriate, in accord with Department Administrative Order 203-3. The Executive Secretariat shall also maintain control over the obtaining and use of the official supply of beverages used at official functions.

k. Purchasing or providing gifts and maintaining records on official gift giving and inventories and disposition of received gifts, in accord with applicable law, for the immediate office of the Secretary.

l. Perform such other functions as the Secretary and Under Secretary may assign.

Sec. 4. *Cooperation by operating units.* .01 Operating units of the Department shall cooperate to the fullest extent with the Executive Secretariat in carrying out its central coordinating functions in the areas of Secretarial correspondence and protocol as prescribed in this order.

.02 Correspondence and other materials directed to addressees within or outside the Department which are submitted for the attention or action of the Secretary or Under Secretary shall be routed through the Executive Secretariat for coordination and control.

Sec. 5. *Effect on other orders.* This order supersedes Department Organization Order 15-1 (formerly Department Order 176) of November 2, 1962.

This order is effective May 23, 1977.

ELSA C. PORTER,  
Assistant Secretary  
for Administration.

[FR Doc. 77-18515 Filed 6-28-77; 8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CERTAIN APPAREL PRODUCTS IN CHIEF VALUE LEATHER AND CHIEF WEIGHT TEXTILE MATERIALS

#### Extension of Exemption From Bilateral Textile Agreements

JUNE 24, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Extending until August 1, 1977 the exemption from the bilateral textile agreements of certain apparel products which are in chief weight textile materials and chief value nontextile materials.

SUMMARY: A notice published in the FEDERAL REGISTER on March 21, 1977 (42 FR 15359) announced establishment of TSUS 791.74 to cover "certain wearing apparel of leather which is: In part of textile materials, the aggregate weight of which exceeds the weight of any individual nontextile material contained therein," and delayed its inclusion under the textile import restraint program until May 1, 1977. The exemption was subsequently extended through June 30, 1977 (42 FR 27668). The purpose of the present notice is to announce a further extension of the exemption through July 31, 1977.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Leonard A. Mobley, Director, Trade Analysis Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4212).

RONALD I. LEVIN,  
Acting Chairman, Committee  
for the Implementation of  
Textile Agreements, United  
States Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION  
OF TEXTILE AGREEMENTS,  
June 24, 1977.

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

DEAR MR. COMMISSIONER: On May 27, 1977 there was published in the FEDERAL REGISTER (42 FR 15359) a notice temporarily suspending from textile agreement restraints certain articles which are in chief value of leather containing textile materials, imported into the United States prior to May 1, 1977. On March 16, 1977, the Committee for the Implementation of Textile Agreements wrote to you cancelling the visa requirement for merchandise entered under TSUS 791.74 for the period extending through April 30, 1977. On April 25, 1977, that exemption was extended through May 31, 1977, and on May 26, 1977 it was further extended through June 30, 1977.

This letter extends through July 31, 1977 the authorization to release merchandise entered under TSUS 791.74 without such merchandise being subject to the visa requirements or being charged to the levels of restraint. Enclosed is a copy of a notice which will appear in the FEDERAL REGISTER in the near future. This notice will extend the

temporary suspension as published on March 21, 1977, through July 31, 1977.

This letter will be published in the FEDERAL REGISTER.

Sincerely,

RONALD I. LEVIN,  
Acting Chairman, Committee for  
the Implementation of Textile  
Agreements.

[FR Doc.77-18618 Filed 6-28-77;8:45 am]

### CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST REPUBLIC OF ROMANIA

#### Establishing Import Restraint Levels; Correction

In FR Doc. 77-18020, appearing at page 31825 in the issue of Thursday, June 23, 1977, the parenthetical description given for man-made fiber textile Category 237 in the body of the notice should read: "(suits, not knit)".

EDWARD GOTTFRIED,  
Acting Chairman, Committee  
for the Implementation of  
Textile Agreements, United  
States Department of Commerce.

[FR Doc.77-18679 Filed 6-28-77;8:45 am]

### CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS EXPORTED FROM THE SOCIALIST REPUBLIC OF ROMANIA

#### Establishing Import Restraint Levels; Correction

In FR Doc. 77-18020, appearing at page 31825 in the issue of Thursday, June 23, 1977, the footnote in the fourth line of the lefthand column of the table on page 31826 under the heading "Category", should read "instead of".

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### USAF SCIENTIFIC ADVISORY BOARD

##### Meeting

JUNE 15, 1977.

The meeting of the USAF Scientific Advisory Board ad hoc Committee on Test and Evaluation scheduled for June 21, 1977 at Kirtland Air Force Base, New Mexico, as published in 42 FR 24766, May 16, 1977, has been cancelled. This meeting will be rescheduled at a later date.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8404.

FRANKIE S. ESTEP,  
Air Force Federal Register  
Liaison Officer, Directorate of  
Administration.

[FR Doc.77-18480 Filed 6-27-77;8:45 am]

#### USAF SCIENTIFIC ADVISORY BOARD

##### Meeting

JUNE 10, 1977.

The USAF Scientific Advisory Board Division Advisory Group, Aeronautical

Systems Division, will hold meetings on July 20, 1977 from 8:30 a.m. to 5:00 p.m. and July 21, 1977 from 8:30 a.m. to 5:00 p.m., at Wright-Patterson Air Force Base, Ohio, in Room 222, Building 14, Area B.

The Group will receive classified briefings and hold classified discussions on selected programs and projects relating to the missions of the Aeronautical Systems Division.

The meetings concern matters listed in Section 552b(c), Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8845.

FRANKIE E. ESTEP,  
Air Force Federal Register  
Liaison Officer, Directorate of  
Administration.

[FR Doc.77-18481 Filed 6-27-77;8:45 am]

### Department of the Navy ZIMMER, U.S.A., INC.

#### Intent to Grant Limited Exclusive Patent License

Pursuant to the provisions of Part 746 of title 32, Code of Federal Regulations (41 FR 55711-55714, December 22, 1976), the Department of the Navy announces its intention to grant to Zimmer, U.S.A., Inc., a corporation of the State of Delaware, a revocable, nonassignable, limited exclusive license for a period of ten years under United States Patent Number 3,842,841, entitled "Constant Current Power Pack for Bone Healing and Method of Use", issued October 22, 1974, to inventors, Carl T. Brighton, Zachary B. Friedenbergs and William Redka.

This license will be granted unless within 60 days from the publication of this notice an application for a non-exclusive license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, VA 22217 and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to the point of practical application within a reasonable period under a nonexclusive license; or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which has established that it would not be in the public interest to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, VA 22217 within 60 days from the publication of this notice. Also copies of the patent may be obtained for fifty cents (\$0.50) from the Commissioner of Patents and Trademarks, Washington, DC 20231.

For further information concerning this notice, contact:

Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy Street, Arlington, Va. 22217, Telephone No. 202-692-4005.

Dated: June 22, 1977.

K. D. LAWRENCE,  
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 77-18606 Filed 6-28-77; 8:45 am]

#### Office of the Secretary

### DEFENSE SCIENCE BOARD TASK FORCE ON COUNTER-COMMUNICATIONS, COMMAND AND CONTROL (C<sup>2</sup>)

#### Advisory Committee Meeting

The Defense Science Board Task Force on Counter-Communications, Command and Control (Counter-C<sup>2</sup>) will meet in closed session on July 14 and 15, 1977 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will provide an analysis of the communications, command and control (C<sup>2</sup>) employed by potentially hostile forces and identify countermeasures that might be of significant help if the Department of Defense were required to counter those forces.

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).

JUNE 24, 1977.

[FR Doc. 77-18617 Filed 6-28-77; 8:45 am]

### FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-380]

### INTERNATIONAL AND SATELLITE RADIO

#### Applications Accepted For Filing

JUNE 24, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than

31 days following the date of this notice. (Section 309(d)(1).)

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

*Satellite Communications Services:* GAO clearance to request supplemental information from applicants for small diameter earth station antennas.

By Declaratory Ruling and Order (FCC 76-1169) released January 7, 1977, the Commission decided that applications filed for authority to construct domestic satellite earth stations employing small diameter antennas would be acceptable for filing if certain supplemental information were submitted with the application. Pursuant to Title 44 of the U.S. Code, Section 3512(c), clearance was obtained from the General Accounting Office to collect such information on June 6, 1977. The following clearance information is applicable:

APPROVED BY GAO  
B-180227 (RO450)

[FR Doc. 77-18607 Filed 6-28-77; 8:45 am]

### FEDERAL ELECTION COMMISSION

[Notice 1977-36, AORs 1977-28 1977-29 and 1977-30]

#### ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Requests 1977-28 through 30 have been made public at the Commission. Copies of these requests were made available on June 23, 1977. These copies of the advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of General Counsel, Advisory Opinion Section at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Pub. L. citations.

A description of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-28: May a State Democratic Party Committee contract with a nonprofit membership corporation called the Demo-

cratic Benefit Association to share the Committee's facilities, membership lists, and other services in exchange for a percentage of the money raised by the Association through membership fees and the sale of products or services to individual members, which percentage will be treated as contributions from the individual members to the Committee?

Requested by Vance Hartke, Washington, D.C. on behalf of the Indiana Democratic State Central Committee.

AOR 1977-29: May funds on credit for a Member of Congress in a corporate enterprise, which include an original deposit for campaign traveling when the Congressman was a State Governor plus accrued interest, be either returned to the Congressman with the interest reported as personal income, or returned to an official of the prior campaign for Governor and then transferred to the Congressman's campaign committee?

Requested by Representative Richardson Preyer, House of Representatives, Washington, D.C. 20515.

AOR 1977-30: If a Senator provides an organization he is appearing or speaking before with a list of charitable organizations the Senator particularly supports, and allows the organization to make a direct contribution to a charitable organization on that list, would the charitable organization be considered to have been selected by the contributing organization or by the Senator, for purposes of the honoraria limitations in the Federal Election Campaign Act of 1971, as amended?

Requested by Senator Bob Dole, U.S. Senate, Washington, D.C. 20510.

Dated: June 23, 1977.

THOMAS E. HARRIS,  
Chairman for the  
Federal Election Commission.

[FR Doc 77-18570 Filed 6-28-77; 8:45 am]

### FEDERAL ENERGY ADMINISTRATION

### VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

#### Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of a meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) to be held in Paris on July 12 and 13, 1977, at the headquarters of the IEA, 2 Rue Andre Pascal, Paris, France, beginning at 10 a.m. on July 12. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which will take place on July 12 and 13, 1977. The agenda for the meeting is under the control of the SEQ. It is expected that the following draft agenda will be followed and that the representatives of the IAB will be invited to join the meeting during discussion of Items 6-12 of the agenda.

1. Approval of draft agenda.
2. Summary Record of the Sixteenth Meeting.



3. Oil Pricing in an Emergency (Note by the Secretariat on Final Draft Text for the Manual).

4. Extraordinary Costs (Note by the Secretariat).

5. Quarterly Oil Forecast.

6. Demand Restraint (Interim Report by Chairman of Working Group).

7. Emergency Management Manual—

(a) Final draft texts for Governing Board on.

Date of inclusion of demand restraint in allocation calculations.

Supplies available to the Group;

(b) German and French translations;

(c) Numerical examples of allocation calculations;

(d) Outline of further updating under consideration (Oral statement by the Secretariat).

8. Base Period Final Consumption (Draft SEQ Document for Governing Board).

9. Special Section of the Information System:

(a) Questionnaires A and B Reporting Instructions;

(b) Current issues of Quarterly Oil Statistics and Base Period Final Consumption;

(c) Status of emergency reserves;

(d) Autumn 1977 Data Test.

10. National Emergency Sharing Organizations:

(a) Presentation by the U.K. Delegation;

(b) Oral Report by Secretariat on Bilateral Discussions.

11. EEC Antitrust Questions (Oral Statement by the Chairman).

12. Allocation Systems Test-Spring 1978: Provisional Outline (Note by the Secretariat).

13. Contacts with Traders' Organizations (Oral Report by the Secretariat).

14. Any other business.

As provided in section 252(c)(1)(A) (ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., June 23, 1977.

ERIC J. FYGL,  
Acting General Counsel,  
Federal Energy Administration.

[FR Doc. 77-18573 Filed 6-28-77; 8:45 am]

## FEDERAL MARITIME COMMISSION

### FACTFINDING INVESTIGATION NO. 9— POSSIBLE REBATES AND SIMILAR MAL- PRACTICES IN U.S. FOREIGN COM- MERCE

#### Designation of Assistant Investigative Officer

Notice is hereby given that the Commission on June 15, 1977, designated Mr. Harry C. de Venoge as Assistant Investigative Officer in this proceeding, instituted by a notice published in the FEDERAL REGISTER on July 21, 1976 (41 FR 33062).

By the Commission, June 15, 1977.

JOSEPH C. POLKING,  
Acting Secretary.

[FR Doc. 77-18638 Filed 6-28-77; 8:45 am]

[Independent Ocean Freight Forwarder  
License No. 1810]

## METRO FREIGHT FORWARDING SERVICES

### Order of Revocation

By letter dated May 25, 1977, Mr. Paul W. Chipman, President, Metro Freight Forwarding Services, 21120 Trolley Industrial Dr., Taylor, Michigan 48180, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1810 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 22, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Metro Freight Forwarding Services has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(c), dated June 30, 1975:

*It is ordered*, That Independent Ocean Freight Forwarder License No. 1810, issued to Metro Freight Forwarding Services, be returned to the Commission for cancellation.

*It is further ordered*, That Independent Ocean Freight Forwarder License No. 1810 be and is hereby revoked effective June 22, 1977.

*It is further ordered*, That a copy of this Order be published in the FEDERAL REGISTER and served upon Metro Freight Forwarding Services.

LEROY F. FULLER,  
Director, Bureau of  
Certification and Licensing.

[FR Doc. 77-18639 Filed 6-28-77; 8:45 am]

[Independent Ocean Freight Forwarder  
License No. 596]

## JOSEPH A. PAREDES & CO.

### Order of Revocation

By letter dated May 24, 1977, Mr. Ernest B. Cota, President, Joseph A. Paredes & Co., 22 Battery Street, San Francisco, CA 94111, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 596 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 22, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of

Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Joseph A. Paredes & Co. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(c), dated June 30, 1975:

*It is ordered*, That Independent Ocean Freight Forwarder License No. 596, issued to Joseph A. Paredes & Co., be returned to the Commission for cancellation.

*It is further ordered*, Independent Ocean Freight Forwarder License No. 596 be and is hereby revoked effective June 22, 1977.

*It is further ordered*, That a copy of this order be published in the FEDERAL REGISTER and served upon Joseph A. Paredes & Co.

LEROY F. FULLER,  
Director, Bureau of  
Certification and Licensing.

[FR Doc. 77-18640 Filed 6-28-77; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. RP76-38]

### ARIZONA ELECTRIC POWER COOPERATIVE, INC., ET AL.

#### Declaratory Order on Complaint and Order Instituting Investigation

JUNE 21, 1977.

On November 6, 1975, Arizona Electric Power Cooperative Inc. and the City of Willcox, Arizona (AEP/CO) filed with the Commission a formal complaint alleging, inter alia, that El Paso Natural Gas Company (El Paso) is, and has since December 15, 1972, been in violation of its effective interim curtailment plan.<sup>1</sup> In particular AEP/CO alleges that El Paso has unlawfully classified as Priority 2 requirements under the effective order of priorities in the interim plan the volumes of gas delivered to its California distributor customers to be injected into their respective underground storage facilities. It is said, therefore, that El Paso has violated its obligations under the Natural Gas Act and the pertinent Commission regulations by virtue of its knowing deviation from the effective interim curtailment plan imposed by the Commission in Opinion No. 634, 48 F.P.C. 931 (1972), modified, Opinion No. 634-A, 48 F.P.C. 1369 (1972), rev'd in part and remanded, *American Smelting & Refining Co. v. FPC*, 494 F. 2d 925 (D.C. Cir. 1974), cert.

<sup>1</sup> "Complaint of Arizona Electric Power Cooperative, Inc. and City of Willcox against El Paso Natural Gas Company," *Arizona Electric Power Coop., et al. v. El Paso Natural Gas Co.*, Docket No. RP76-38, November 6, 1975. ("Complaint").

denied sub nom., *Southern California Gas Co. v. FPC*, 419 U.S. 882 (1974).

The approved order of priorities set forth in Opinion No. 634 makes no mention of the treatment of customer storage injection requirements during periods of curtailment on the El Paso system, even though the Commission's declared policy has been to treat customer storage injection requirements as Priority 2 requirements in the curtailment programs filed by jurisdictional natural gas pipelines. See, Order No. 467-B 49 F.P.C. 583 (1973), codified, 18 CFR 2.78. El Paso's Answer<sup>2</sup> to the instant complaint relies upon this statement of Commission policy to support the propriety of its sua sponte treatment of its customers' storage injection requirements. Additionally, El Paso notes that the Commission itself approved prioritization of customer storage injection requirements as Priority 2 requirements in Opinion No. 697, 51 F.P.C. 2053 (1974), modified, Opinion No. 697-A, 52 F.P.C. 1876 (1974), which decisions established a permanent curtailment plan for the El Paso system.<sup>3</sup> While Opinion No. 697 was a final Commission adjudication of the merits of the appropriate curtailment program to be employed on the El Paso system, this curtailment plan was only made effective on an interim basis by the Commission's acceptance of compliance tariffs implementing this latter plan by order issued June 1, 1977. Therefore, until June 1, 1977, El Paso has been obligated to curtail deliveries according to its interim curtailment program es-

tablished in Opinion Nos. 634 and 634-A.<sup>4</sup>

Subsequent to the filing of AEPSCO's formal complaint in this docket, Presiding Administrative Law Judge William Jensen addressed the identical legal issue presented by this complaint in the context of a proceeding to determine whether certain of El Paso's storage and storage-like arrangements should be certificated as required by the public convenience and necessity.<sup>5</sup> Realizing this situation, the Commission, by order issued November 15, 1976, deferred action on the instant complaint pending the Commission's consideration of the merits of the Presiding Judge's decision on exceptions.<sup>6</sup> On May 23, 1977, in *El Paso Natural Gas Co.*, Opinion No. 800, ---- F.P.C. ---- (1977), the Commission determined that Presiding Judge Jensen improperly reached the merits of the legal question presented by AEPSCO,<sup>7</sup> finding that the appropriate proceeding in which to decide the question was the instant complaint proceeding.<sup>8</sup>

The contours of the instant controversy are defined by the pleadings in this docket, both El Paso and AEPSCO agreeing that the question presented is one of the law upon stipulated facts such that no evidentiary proceeding is required. It is important, therefore, for the Commission to set out these stipulated facts upon which our declaratory decision herein is predicated. These pertinent facts are as follows:

<sup>2</sup> See, "Order Denying Rehearing and Accepting Tariff Sheets," *El Paso Natural Gas Co.*, Docket No. 72-6, issued June 1, 1977, wherein the curtailment program established by the Commission as just and reasonable in Opinion Nos. 697 and 697-A, as subsequently clarified, was made effective. El Paso's prospective servicing of its California customers' storage injection requirement will, of course, be permissible as allowed by this modified interim curtailment plan.

<sup>3</sup> "Presiding Administrative Law Judge's Initial Decision Upon Certificate Applications for Operation of Rhodes Reservoir Storage Project and for Effectuation of Certain Special Operating Arrangements," *El Paso Natural Gas Co.*, Docket Nos. CP74-289, et al. (June 7, 1976), rev'd, *El Paso Natural Gas Co.*, Opinion No. 800, ---- F.P.C. ---- (May 23, 1977).

<sup>4</sup> "Order Deferring Commission Action Pending Issuance of Opinion," *Arizona Elec. Power Coop. v. El Paso Natural Gas Co.*, Docket No. RP76-38, November 15, 1976.

<sup>5</sup> See, Opinion No. 800, supra, at Slip Op. pp. 11-12 and n. 10.

<sup>6</sup> In *Fort Pierce Util. Authority v. FPC*, 526 F. 2d 993, 999 (5th Cir. 1976), the court stated that "[a]s long as the Commission provides an adequate forum in which all interested parties may present their positions, the Commission has broad discretion in determining in what proceeding an issue will be decided." In Opinion No. 800, supra, the Commission determined that El Paso's past administration of its curtailment program was of marginal relevance on the issue of the need for additional storage capacity (Slip Op. pp. 12-13) and concluded that the issue should appropriately be decided on the AEPSCO Complaint filed in the instant docket.

(1) Nominations submitted to El Paso by its California distributors, Southern California Gas Co. (SoCal) and Pacific Gas & Electric Co. (PG&E), prioritized customer storage injection requirements as Priority 2.

(2) El Paso knew that its California customers' nominations included customer storage injection requirements in Priority 2. See, Answer, pg. 6.

(3) El Paso honored the tendered nominations of PG&E and SoCal in allocating its available supplies on and after the effective date of its interim curtailment (Opinion Nos. 634 and 634-A) plan.

(4) The order of priorities established in Opinion No. 634, and held to be reasonable by the Commission, does not provide for prioritized treatment of customer storage injection requirements.

(5) El Paso has never formally filed with the Commission any modification or proposed change in the curtailment plan established by the Commission in Opinion Nos. 634 and 634-A, reflecting a different order of priorities from that established by the Commission.

On the basis of these pertinent facts, AEPSCO argues that El Paso has clearly violated its statutory obligation to strictly observe its filed tariff and has ignored Commission regulations which require jurisdictional companies to file any change in an operative tariff in advance with the Commission and seek approval for such change.<sup>9</sup> El Paso argues that Commission silence as to the appropriate treatment of customer storage injection requirements in Opinion Nos. 634 and 634-A cannot be read as a disallowance of all prioritized deliveries for such requirements. The company states that in lieu of explicit Commission directions as to the proper treatment of these requirements, it relied upon articulated Commission policy in classifying such requirements as Priority 2. It is contended that this is permissible under the Act and Commission regulations.

AEPSCO's complaint actually is predicated upon two distinct grounds. First, AEPSCO argues that El Paso is liable under the Act for making unauthorized deliveries, when actual deliveries are measured against the effective allocation scheme of Opinion No. 634. Second AEPSCO argues that the effect of such unauthorized deliveries was to propound an undue discrimination against lower priority consumers by diverting volumes of

<sup>9</sup> AEPSCO charges El Paso with violating Section 4(c) of the Act, 15 U.S.C. § 717c(e), and Section 154.21 of the Commission's Rules and Regulations under the Act, 18 C.F.R. § 154.21. Because El Paso could have, at any time, filed with the Commission to modify or amend its effective interim curtailment plan, we think Section 4(d) of the Act, 15 U.S.C. § 717c(d), which governs the timing of changed rates or services, to be the more pertinent statutory provision.

<sup>1</sup> "Answer of El Paso Natural Gas Company to AEPSCO Complaint," *Arizona Elec. Power Coop. et al. v. El Paso Natural Gas Co.*, Docket No. RP76-38, December 19, 1975. ("Answer"). On December 31, 1975, AEPSCO responded to El Paso's Answer. "Response of Arizona Electric Power Cooperative, Inc. and City of Willcox to Answer of El Paso Natural Gas Company" Docket No. RP76-38.

On February 3, 1976, SoCal petitioned the Commission for permission to respond to AEPSCO's Complaint and El Paso's Answer, also tendering a pleading. "Response of Southern California Gas Company," Docket No. 76-38, February 3, 1976. On February 9, 1976, AEPSCO answered SoCal's Response. "Answer of Arizona Electric Power Cooperative, Inc. and City of Willcox to Petition of Southern California Gas Company, et cet." Docket No. RP76-38.

<sup>2</sup> Neither Opinion No. 697 nor Opinion No. 697-A implemented a permanent curtailment plan for the El Paso System. Section 4(d) of the Act, 15 U.S.C. § 717c(d), requires that "[u]nless the Commission otherwise orders, no change shall be made by any natural gas company in any rate, charge, classification, or service, \* \* \* except after thirty days' notice to the Commission and to the public." Opinion Nos. 697 and 697-A cannot reasonably be construed as a Commission order implementing the plan therein found reasonable, resulting in a continuing obligation upon El Paso to observe the 634 and 634-A curtailment plans.

gas to which these customers would have been rightfully entitled had El Paso strictly observed its effective allocation program. We note at the threshold, however, that the fact of unauthorized deliveries by El Paso does not establish that the effect of such unauthorized conduct was unduly discriminatory. The latter question turns upon proof of a differential treatment as between similarly situated customers, an entirely different question than that posed by measuring admitted conduct against the backdrop of effective Commission authorizations.

## I

We turn first to an examination of El Paso's conduct under the governing curtailment program established in Opinion No. 634, *et cel.* Both El Paso and AEPSCO have stipulated the pertinent facts, each in support of their respective (and divergent) legal conclusions on this issue. El Paso states in its Answer (pg. 6) that:

El Paso does, through system-wide data requests and frequent individual contacts, monitor and counsel with its customers regarding their reported requirements on each priority of service. \* \* \* El Paso thus became aware in December of 1972 that SoCal believed that its storage injection requirements were properly includable in Priority 2. . . . Definitive confirmation that PGandE had the same intention was received by El Paso in November, 1973. \* \* \* El Paso agreed that such classification of customer storage injection requirements was reasonable and proper under Opinion Nos. 634 and 634-A. (emphasis supplied).

It is, therefore, clear that El Paso knew that its customers were prioritizing these "requirements" and honored all such requirements in implementing the curtailment program under Opinion Nos. 634 and 634-A. El Paso took no formal steps to acquire Commission approval for such service even though it is quite obvious that the definition of Priority 2 established in Opinion Nos. 634 and 634-A does not explicitly refer to customer storage injection requirements. Compare, Order No. 467-B, 49 F.P.C. 583 (1973), codified as amended, 18 CFR 2.78, where such storage requirements were explicitly listed in the definition of Priority 2 end use.

Under the then effective interim curtailment plan for the El Paso system, Priority 2 was defined as:

Large commercial requirements and industrial requirements for plant protection, feedstock and process needs. (Opinion No. 634, 48 F.P.C. at 939.)

By no reasonable construction can customer storage injection requirements be fitted within this definition. Reliance upon Order No. 467-B's general recommendation for ordered Priorities is, moreover, of no assistance to El Paso's argument in this regard. See, *Pacific Gas & Elec. Co. v. FPC*, 506 F. 2d 33 (D.C. Cir. 1974). We conclude that El Paso's *sua sponte* "agreement" that its California customers' storage injection were properly classified as Priority 2 under Opinion Nos. 634 and 634-A, and its subsequent honoring of such classification in the ad-

ministration of its effective allocation program, is not supportable conduct under the terms of the effective plan or any reasonable interpretation thereof. These deliveries must be considered unauthorized and the pipeline is liable for a purposeful deviation from the effective plan, in violation of Section 4(d) of the Natural Gas Act, 15 U.S.C. 717c(d), and certain Commission regulations promulgated under the Act.

At best, El Paso's arguments in defense of its unauthorized conduct constitute excuses or rationalizations for an admitted deviation from its governing tariff and curtailment plan.

By its *sua sponte* action in construing and deviating, pursuant to such construction, from its authorized allocation program, El Paso assumed the risk that its actual deliveries would fail to conform with the plan found reasonable by the Commission and imposed pursuant to Section 5(a) of the Act, 15 U.S.C. 717d(a), in Opinion Nos. 634 and 634-A. Jurisdictional companies are not at liberty to initiate *sua sponte*, substantive alterations in their governing curtailment program without filing for permission from the Commission to do so. El Paso has never come before the Commission to request revision of its interim plan to authorize prioritization of customer storage requirements. Such prioritization has never been permissible under effective tariffs or Commission orders, regardless whether one might rationally hypothesize that they might have been authorized had El Paso acted to set in motion the statutory machinery necessary to effectuate a change in its interim curtailment program.

Fundamentally, this case is reduced to the question of the range of a pipeline's prerogatives in interpretation of its effective curtailment plan in its daily administration of that plan. El Paso states that it relied upon Order No. 467-B, *supra*, when a question as to how to prioritize customer storage injection requirements under the effective curtailment plan which is silent on the subject, arose. Order No. 467-B was a general statement of policy by the Commission. As the Circuit Court of Appeals for the District of Columbia has held:

A general statement of policy is the outcome of neither a rulemaking nor an adjudication; it is neither a rule nor a precedent but is merely an announcement to the public of the policy which the agency hopes to implement in future rulemakings or adjudications. (*Pacific Gas & Electric Co. v. FPC*, 506 F. 2d 33, 38 (D.C. Cir. 1974) (emphasis supplied).)

Under the current scheme of regulations, the Commission processes curtailment plans under Sections 4 and 5 of the Act. In such proceedings the filing pipeline bears the burden of proving that its tendered plan is reasonable and fair. In the case of El Paso, the Commission, after hearing, determined that its proffered interim curtailment plan was unreasonable and in Opinion No. 634 establish a just and reasonable interim plan pursuant to Section 5 of the Act.

This interim plan was not immutable. See, e.g., *Louisiana Power & Light Co. v. FPC*, 526 F. 2d 898, 906-907 (5th Cir. 1976). If in its daily administration, El Paso determined that the effective interim plan was unreasonable or discriminatory in its failure to prioritize customer storage injection requirements, it was fully empowered to file a tariff change with the Commission. This was not done, nor even attempted.

Moreover, it is clear that the Order No. 467 priorities are not to be observed either piecemeal or blindly. In ruling on the merits of any particular curtailment plan, the Commission is bound by the record evidence, even as to the appropriateness of treating customer storage injections as Priority 2 requirements. See, e.g., *Arkansas Power & Light Co. v. FPC*, 517 F. 2d 1223, 1235 (D.C. Cir. 1975). In effect, therefore, El Paso placed unwarranted reliance upon the suggested order of priorities outlined in Order No. 467-B, and such reliance cannot excuse the company's deviation from its filed, effective interim curtailment plan's implementation tariff.

## II

Our finding of El Paso's violation of both its statutory obligations and of the Commission's regulations does not remove the fact that private injury, as well as a clear public injury, may have resulted from the disregard of applicable regulatory requirements by a public utility. Consequently, there are two aspects to be considered in the remedial facet of this proceeding. First, it must be determined whether El Paso's violation is sufficiently serious that the United States Department of Justice should be apprised of the circumstances. Secondly, because some of El Paso's customers may have been injured or prejudiced in some degree as a result of conduct herein held to have been outside the law, such customers should be afforded the opportunity to establish through an evidentiary proceeding their respective entitlements to any claimed relief.

(A) *Enforcement of the act.* Section 21 of the Natural Gas Act, 15 U.S.C. § 717t, sets forth the general penalties against "[a]ny person who willfully and knowingly does, or causes, or suffers to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this act required to be done \* \* \*". Section 20(a) of the Act, 15 U.S.C. § 717s (a), states that "[t]he Commission may transmit such evidence as may be available concerning such [willful and knowing] acts or practices \* \* \* to the Attorney General, who, in his discretion, may institute the necessary criminal proceed-

<sup>10</sup> Publication of this order in the FEDERAL REGISTER shall constitute notice to any interested party of the proceeding to be instituted hereunder. A reasonable time shall be afforded any party to file for intervention in such hearing.

ings." The question presented is whether the clear violation of the Act herein found, should be referred to the Attorney General for possible criminal prosecution.

Recently in *Bill J. Graham, et al.*, Opinion No. 793, ---- F.P.C. ---- (April 13, 1977, the Commission had occasion to discuss the "willfully and knowingly" standard set forth in Section 21 of the Act.

The terms "willfully" and "knowingly" when read together require a degree of culpability between mistakenly on the one hand and intentionally on the other.<sup>4</sup> They appear to us to require some degree of specific (i.e., result-directed) intent. (Opinion No. 973, *supra*, Slip Op. at pg. 5).

The essence of the Commission's responsibility under the Natural Gas Act is to ensure that actions undertaken by natural gas companies that are within its jurisdiction are carried out according to the Rules and Regulations of this agency. Thus, the primary purpose of enforcement is to procure prospective compliance with the provisions of the Natural Gas Act and the Commission Regulations enacted thereunder. This goal has been achieved in this proceeding. In the future, El Paso is to comply with its effective curtailment plan. With respect to the past period, we are instituting a hearing to determine what equitable remedies may be required in the public interest. El Paso has been notified of the nature of its violation, the matter is being ameliorated, and its ongoing operations will henceforth comply with the Natural Gas Act and the Commission's Regulations. We therefore conclude that in our discretion referral to the Department of Justice of El Paso's past violation would at this time serve no useful purpose. Matters may appear in the hearing herein ordered, however, that would require a reassessment of this conclusion. El Paso is moreover on notice that a future violation of the Act in this matter will, of course, be dealt with much more stringently by this Commission.

(B) *Hearing on AEPSCO's complaint.* As previously noted, AEPSCO's complaint additionally argues that it is entitled to relief in some unspecified degree from the consequences of El Paso's unauthorized deviation from its effective curtailment program. In essence, AEPSCO claims that El Paso's conduct has resulted in undue discrimination against itself, among other lower priority customers. As the Commission views this claim, however, it does not follow ipso facto that payback of diverted volumes of natural gas is required in this case. The claim of undue discrimination presents a question of fact and involves

<sup>4</sup> See, e.g., letter dated February 3, 1977, from Richard L. Thornburgh, Assistant Attorney General, Criminal Division, to Drexel D. Journey, Federal Power Commission General Counsel, setting forth appropriate guidelines for Federal Power Commission referral of cases to the Department of Justice for criminal prosecution.

questions which have not been specifically addressed in the pleadings before us at this time. It is appropriate, therefore, that the Commission institute an investigation and hearing upon this facet of AEPSCO's complaint. In this investigatory hearing those claiming entitlement to relief shall bear the burden of proving the legal basis and the quantum of such claimed entitlement.

The basis of the instant declaratory order is that El Paso consciously failed to observe duties imposed upon the company by the Act and Commission regulations. This failure does not necessarily support a finding that natural gas volumes were actually allocated in an unduly discriminatory or preferential fashion. This is especially the case because the diversion found to be unauthorized in the instant declaratory order involves volumes to be conserved in storage. Storage is not itself an end use of natural gas; the prioritization of storage injection volumes is based upon the anticipated end use of such volumes upon their withdrawal. It is, therefore, impossible to say whether prioritized deliveries for storage injection were unduly discriminatory or preferential unless, or until, it has been determined what end use has been, or will be, made of such gas upon withdrawal. Rationally, the discriminatory or preferential character of El Paso's past deliveries to its California customers' storage fields turns upon a finding that the actual end uses protected by the storage gas in California, attributable to El Paso deliveries, were the same or inferior to those end uses which were curtailed to make volumes available in Priority 2 for storage injections. In other words, the investigation herein instituted is charged with the complex task of reconstructing the actual impact of El Paso's unauthorized delivery of its California customers' respective storage injection requirements.

To the extent that lower priority consumers in California derived a benefit from Priority 2 customer storage injection volumes, other lower priority customers in the EOC market may have been injured through discriminatory "misallocation" of supplies caused by El Paso's unauthorized prioritization of such volumes. If this is shown to be the case, the injured parties are entitled to adequate relief. We emphasize, however, that such relief turns upon the finding of discrimination, not upon the conclusion that El Paso has violated its statutory duties and the Commission's Regulations under the Act. The appropriate relief for this latter liability presents a separate and severable problem from that to which we addressed ourselves in Part II (A), *supra*.

The general public served by El Paso has a considerable interest in the ultimate disposition of the volumes of gas at issue in this proceeding. An appropriate remedy to any discriminatory "misallocation" of natural gas supplies, as distinguished from an adequate remedy to redress any injury found to have

been imposed, must necessarily be guided by the public's convenience and needs in the highest and best use of this scarce and increasingly dwindling resource. AEPSCO's complaint requests that the Commission "order El Paso to correct the injustice already suffered by east-of-California customers by reducing future deliveries to its California distributors in the amount of the storage volumes unlawfully provided and thereby return such volumes to the customers from whom they have been unlawfully diverted." *Complaint*, pg. 5. The task of the hearing instituted will be to determine the extent, if any, of any "injustice" resulting from allegedly discriminatory or preferential allocations as well as the formulation of a remedy which is both adequate and appropriate in light of the public's paramount interest in the disputed volumes and their prospective use.

In instituting this hearing, the Commission does not presume that the chore of reconstructing the actual distribution pattern upon withdrawal of customer storage injections attributable to El Paso will be easy. On the contrary, an actual tracing of storage withdrawals by the California customers is well nigh impossible. Of course, the parties and the Administrative Law Judge which presides will, of necessity, be required to indulge certain assumptions, one of which almost certainly must be that storage withdrawals be "considered . . . as a source of gas supply identical to producer purchases in the winter." *Northern Natural Gas Company*, Docket No. CP74-236, order issued March 10, 1975. That is to say, in the absence of any proven limitations upon the utilization of intrastate storage volumes,<sup>5</sup> it must be assumed that the volumes withdrawn from storage on any given day contribute proportionately to every customer served by the distributor on that day.

The Commission does not express any opinion at this time as to the merits of the discrimination question now set for hearing. Nor does the Commission express any judgment as to the appropriate form or quantum of relief which may ultimately be required in this case, except to note that any relief must accord with the public's interest in the end use of natural gas.

The Commission further finds: (1) El Paso Natural Gas Company has failed pursuant to Section 4(d) of the Natural Gas Act, 15 U.S.C. 717c(d), to notify the Commission of a change in its service under its effective tariff and failed to procure Commission approval in advance of implementing such change.

<sup>5</sup> Once delivered into storage, the volumes of gas attributable to prior El Paso deliveries may be controlled in their ultimate use by state regulatory authorities as the California storage is intrastate in character. To the extent that limitations upon withdrawal and use are imposed by state authorities, such limitations may be a useful guide in reconstruction of the actual operations of these facilities.

(2) El Paso Natural Gas Company has failed, pursuant to Section 154.21 of the Commission's Regulations, to procure an order of this Commission before imposing a classification different from those prescribed in its effective tariff on file with the Commission.

(3) Certain interstate customers of El Paso may have been injured by the unauthorized conduct of El Paso described in (1) and (2), *supra*.

(4) A public hearing is required to determine the extent and magnitude of possible private injuries and to afford such relief as is equitable and consistent with the public convenience and necessity.

*The Commission orders:* (A) A hearing is instituted in this Docket for the purpose of determining whether, and to what extent, any undue discrimination resulted from the unauthorized allocation of natural gas caused by El Paso's failure to properly observe its filed and effective interim curtailment plan and effectuating tariffs; the extent to which such misallocation, if any, is contrary to the public convenience and necessity in the highest and best use of natural gas; and the entitlement of parties injured by such misallocation, if any, to relief.

(B) The Secretary of the Commission is ordered to make prompt publication of this declaratory decision in the FEDERAL REGISTER, publication of which shall serve as notice to all interested parties of the hearing herein ordered.

(C) Petitions to intervene or protests shall be filed with the Commission on or before July 15, 1977.

(D) The Chief Administrative Law Judge shall designate an Administrative Law Judge to preside at such hearing, the scheduling pertaining to which shall remain within the discretion of such designee. *Provided*, That a prehearing conference be noticed and convened by such designee on or before August 15, 1977, to address questions of procedure.

(E) El Paso Natural Gas Company shall immediately and forthwith cease and desist from further violations of its statutory duties under Section 4(d) of the Act and Section 154.21 of the Commission's Regulation. In the future El Paso shall strictly observe the allocation of available volumes of natural gas in accordance with its then-effective curtailment plan. See, n. 4, *supra*.

(F) Nothing herein shall be construed as limiting this Commission's power or authority to alter, modify or amend, upon appropriate findings at the completion of the hearings in Docket No. RP72-6, El Paso's revised interim curtailment plan, once instituted, as may be required to effect a just and reasonable permanent curtailment plan for the El Paso system.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18553 Filed 6-28-77; 8:45 am]

[Docket Nos. CS75-380, et al.]

**BOBCAT OIL CO., ET AL.**

**Erratum Notice**

JUNE 3, 1977.

**NOTICE OF APPLICATIONS FOR "SMALL PRODUCER" CERTIFICATES**

MAY 10, 1977.

Tabulation opposite Docket No. CS77-512 change "R.S. Petroleum" to "R & S Petroleum."

Published in the FEDERAL REGISTER on May 19, 1977, 42 FR (25355).

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18554 Filed 6-28-77; 8:45 am]

[Docket No. CP73-70]

**COLUMBIA GULF TRANSMISSION CO.**

**Notice of Petition To Amend**

JUNE 21, 1977.

Take notice that on June 9, 1977, Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP73-30 a petition to amend the Commission's order of May 2, 1977, issued in the instant docket (57 FPC \_\_\_\_\_) pursuant to Section 7 of the Natural Gas Act so as to authorize Petitioner to change the point at which gas is redelivered for Amoco Production Company's (Amoco) account, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that by its application filed September 12, 1972, as amended April 22, 1974, and supplemented on November 1, 1976, it requested authorization to exchange gas with and transport gas for Amoco and to redeliver such gas to Florida Gas Transmission Company (Florida Gas) for Amoco's account at a redelivery point near Judice, Lafayette Parish, Louisiana. In order to deliver such gas to Florida Gas at such point, Petitioner would be required to construct and operate interconnecting piping, a meter station, and compression facilities as an estimated cost of \$845,500, it is said.

It is stated that by an application filed October 26, 1976, in Docket No. CP77-31 as supplemented on December 6, 1976, and amended on December 7, 1976, Petitioner and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), requested authorization to transport gas for Amoco and to redeliver such gas to Florida Gas for Amoco's account at either of two points at Amoco's option.

1. Vermillion Parish, Louisiana; and  
2. St. Landry Parish, Louisiana, where the pipelines of Petitioner and Florida Gas intersect.

It is indicated that pursuant to the Commission's order issued May 2, 1977, in Docket Nos. CP73-70 and CP77-31, Petitioner and Tennessee were authorized to exchange and transport and to

construct and operate the proposed facilities.

Recognizing that redelivery of gas to Amoco would be more efficient and less expensive and could commence at an earlier date if accomplished without compression, Amoco and Petitioner reviewed their arrangement as set out in the application in the instant docket, it is said. Petitioner states that this review resulted in an agreement to move the Florida Redelivery Point from the Judice area to the St. Landry redelivery point eliminating the necessity to expend funds for compression facilities and allowing commencement of deliveries at the earliest date possible.

Petitioner indicates that pursuant to a letter agreement dated May 27, 1977, Petitioner and Amoco have further amended their gas exchange and transportation agreement to provide that Petitioner would redeliver the exchange and transport gas to Florida Gas for Amoco's account at the intersection of Petitioner's and Florida Gas' systems in St. Landry Parish, Louisiana rather than at the intersection of their pipelines near Judice, Lafayette Parish, Louisiana. Petitioner states that the letter agreement also provides an alternate point at which Amoco may deliver to Petitioner the gas from the Lake Boudreaux Field in the event such gas is available at the tailgate of the Lirette Plant operated by Exxon Company, U.S.A.

As a result of the additional transportation service for Amoco by Petitioner, the charge to Amoco has increased by the contract amount of 0.02 cent, it is said. It is stated that the additional mileage is 24 miles and results in an additional charge of 0.48 cent (24 x 0.02 cent). Consequently, the rate for transporting the Lake Boudreaux gas would be 2.76 cents per Mcf and the rate for transporting the uncommitted volume and transport volume received from the Sea Robin delivery point and the Henry delivery point would be 0.914 cent per Mcf, it is indicated. Petitioner states that Amoco would also pay Petitioner for constructing and operating the measuring and interconnecting facilities the sum of 0.01 cent per Mcf of gas redelivered to Amoco at the Florida Redelivery Point. This latter charge is reduced from the original 1.25 cents per Mcf as a result of the savings derived from not constructing nor having to operate the compressor facilities at Judice, it is said.

Petitioner asserts that the proposed point at which such gas would be delivered for Amoco's account would result in more efficient operation of the pipelines involved and negates the expenditure of funds for compression.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in ac-

cordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18543 Filed 6-28-77; 8:45 am]

[Docket Nos. RP74-81 and RP74-82]

**COLUMBIA GULF TRANSMISSION CO.  
AND COLUMBIA GAS TRANSMISSION  
CORP.**

**Notice of Certification of Settlement Agreement on Cost Classification and Rate Design; Erratum Notice**

JUNE 10, 1977.

The above-referenced notice incorrectly listed Docket No. RP74-87 instead of Docket No. RP74-81 in the caption. Published in the FEDERAL REGISTER on 6-17-77, 42 FR (30905).

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18537 Filed 6-28-77; 8:45 am]

[Docket No. CP77-438]

**COLUMBIA GULF TRANSMISSION CO.,  
ET AL.**

**Notice of Petition for Waiver and Extension of Time**

JUNE 21, 1977.

Take notice that on June 8, 1977, Columbia Gulf Transmission Company (Columbia), P.O. Box 683, Houston, Texas 7701, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, Tennessee Gas Pipeline Company, a Division of Tennessee Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-438 a petition for waiver of the requirements of Section 157.22 of the Regulations under the Natural Gas Act (18 CFR 157.22) and for an extension of time in which to render service contemplated by said regulation, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioners state that Northern is currently purchasing gas from Block 332, Eugene Island Area, offshore Louisiana, and Block 616, West Cameron Area, offshore Louisiana, from Exxon Corporation. The gas is being delivered offshore through the Blue Water facilities to the onshore facilities of Tennessee near Egan, Louisiana, and delivered by Tennessee to Midwestern Gas Transmission Company at Portland, Tennessee, for

redelivery to Michigan Wisconsin Pipe Line Company for Northern's storage account, all within the contemplation of Section 157.22 of the Regulations under the Natural Gas Act except that delivery by Columbia at Egan is under authorization in Docket No. CP77-8. It is stated that the transportation of such gas commenced April 5, 1977.

It is stated that it is planned that Northern's Block 616 gas will continue to be transported to Egan through the Blue Water System by Columbia until Stingray Pipeline Company (Stingray) completes construction of a pipeline to Block 616. It is stated further that Northern and Trunkline are in the process of finalizing certificate applications for permanent authorization to move the gas to Northern's system via Trunkline's capacity in the Stingray system.

During the extended period for which authorization is sought in the instant petition, Tennessee would transport Northern's Block 332 and Block 616 gas from Egan to Kinder, Louisiana, where it would deliver such gas to Trunkline. Trunkline would transport the gas from Kinder to Trunkline's Longville, Louisiana, compressor station in Beauregard Parish, Louisiana. From Longville the gas would be transported by Trunkline and Panhandle Eastern Pipe Line Company (Panhandle) and redelivered to Northern near Northern's Mullinville, Kansas, compressor station pursuant to a temporary certificate issued in Docket No. CP77-17. Petitioners state that Northern and Trunkline are currently finalizing a long-term agreement for the transportation of Block 332 gas from Kinder to Longville.

The petition states that as partial consideration for the onshore transportation of Northern's gas by Trunkline and Panhandle, Northern would sell 20 percent of the gas delivered to Trunkline at Kinder to Panhandle.

The transportation services outlined above are said to be the only available means of transporting Northern's gas onshore from Blocks 331 and 616. Accordingly, Petitioners request that Columbia and Tennessee be permitted to continue the revised transportation services beyond the 60-day period provided by Section 157.22, that Tennessee and Trunkline be permitted to perform the service for which certificate applications have been or are about to be filed, and that Northern be permitted to sell to Panhandle 20 percent of the gas delivered to Trunkline.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18544 Filed 6-28-77; 8:45 am]

[Docket No. ER-77-264]

**DETROIT EDISON CO.**

**Order Accepting for Filing in Part Rejecting for Filing in Part, Suspending Proposed Rate Schedules in Part, Granting Intervention and Establishing Procedures; Erratum Notice**

JUNE 1, 1977.

The first sentence of paragraph (G) under the section "The Commission orders:" should be changed to read as follows:

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in the proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Published in the FEDERAL REGISTER on 5-10-77, 42 FR (23624).

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18535 Filed 6-28-77; 8:45 am]

[Docket No. ER77-430]

**ELECTRIC ENERGY, INC.**

**Notice of Filing**

JUNE 21, 1977.

Take notice that on June 9, 1977, Electric Energy, Inc. (EEI), tendered for filing the Second Amendment to Exhibit B to its former rate schedule FPC No. 4 (since revised and redesignated as FPC No. 8). Exhibit B is a contract dated July 10, 1953 between (EEI) and its Sponsoring Companies (Central Illinois Public Service Co., Illinois Power Co., Kentucky Utilities Co. and Union Electric Co.), and St. Louis Union Trust Company in its capacity as Trustee under EEI's corporate mortgage).

EEI states that the Second Amendment has been executed in connection with a proposed issuance of mortgage bonds and that it renders unconditional the obligations of the Sponsoring Companies to make certain payments to EEI as specified in Exhibit B. EEI further states that Exhibit B has been assigned to St. Louis Union Trust Company, as Trustee, as security for EEI's mortgage bonds. EEI indicates that the Sponsoring Companies have never been billed for any payments pursuant to Exhibit B, and that in the opinion of EEI and the Sponsoring Companies it is unlikely that the Second Amendment will have any economic consequences.

EEI further states that copies of the Second Amendment have been sent to

all of its parties, to the Missouri Public Service Commission, Jefferson City, Missouri, the Illinois Commerce Commission, Springfield, Illinois, the Kentucky Public Service Commission, Frankfort, Kentucky, and to the United States Energy Research and Development Administration.

EEl requests that the Second Amendment be permitted to become effective on July 12, 1977, which is the proposed issuance date of said mortgage bonds.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be considered on or before June 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18541 Filed 6-28-77; 8:45 am]

[Docket No. CP76-410]

#### EL PASO NATURAL GAS CO.

##### Notice of Tariff Filing

JUNE 21, 1977.

Take notice that on June 2, 1977, El Paso Natural Gas Company (El Paso) tendered for filing Substitute Original Sheet No. 767 to its FPC Gas Tariff, Third Revised Volume No. 2.

El Paso states that on June 28, 1976, it filed with the Commission Original Sheet Nos. 744 through 771 to its FPC Gas Tariff, Third Revised Volume No. 2, which, when accepted for filing and permitted to become effective, will establish initial special Rate Schedule T-5 as a part of said tariff. Said initial rate schedule is comprised of the Gas Transportation Agreement (Transportation Agreement) dated April 13, 1976, between El Paso and Southern Union Supply Company (SUSCO) providing for the best efforts transportation of natural gas for the account of SUSCO by means of El Paso's gathering and interstate gas transmission systems from a receipt point located in Lea County, New Mexico, to existing delivery points on El Paso's interstate transmission system within the states of Texas, New Mexico and Arizona.<sup>1</sup>

<sup>1</sup> El Paso concurrently filed an application for a certificate of public convenience and necessity and for temporary authorization to transport and deliver natural gas, on a best efforts basis, for the account of SUSCO, pursuant to the terms and conditions of the subject Transportation Agreement. On July 19, 1976, the Commission issued its related Notice of Application in Docket No. CP76-410.

El Paso states that the Transportation Agreement as filed June 28, 1976, provided for El Paso to accept those quantities of natural gas tendered each day by SUSCO at the tailgate of Phillips Petroleum Company's Lusk Plant identified in Exhibit A attached to said Transportation Agreement. El Paso further states that during the consolidated hearings on such original proposal, SUSCO and Western Gas Interstate Company (WGI) jointly filed a Settlement Proposal<sup>2</sup> which, inter alia, has the effect of changing El Paso's receipt point under the aforementioned Transportation Agreement from the outlet of Phillips Lusk Plant to a proposed interconnection point on El Paso's Lusk-to-Caprock pipeline. On May 4, 1977, El Paso and SUSCO executed a revised Exhibit A to the subject Transportation Agreement reflecting such proposed new delivery point. Accordingly, El Paso is tendering Substitute Original Sheet No. 767 which contains said revised Exhibit A dated May 4, 1977, in order to implement the change in delivery point discussed above. El Paso has requested that said tariff sheet be substituted for its counterpart tendered as a part of El Paso's related tariff filing on June 28, 1976, and included in Docket No. CP76-410, currently pending before the Commission.

Concurrent with the instant tender, El Paso filed an amendment to application in Docket No. CP76-410 necessary for the implementation of the settlement proposal approved by the Commission on April 20, 1977, in Docket Nos. RI76-138, et al. El Paso has requested, pursuant to Section 154.51 of the Commission's Regulation, that waiver be granted of the notice and certificate requirements of Section 154.23 of said Regulations and that the Commission accept the tendered tariff sheet for filing in lieu of its counterpart tendered on June 28, 1976, and permit it to become effective on a date coincident with the date El Paso receives certificate authority to initiate exchange deliveries under proposed special Rate Schedule T-5.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 30, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without

further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18550 Filed 6-28-77; 8:45 am]

[Docket No. ER77-356]

#### FLORIDA POWER & LIGHT CO.

##### Order Accepting for Filing and Suspending Proposed Rates and Services for Interchange Service, and Consolidating Procedures; Errata Notice

JUNE 16, 1977.

Docket Nos. ER77-216, ER77-218, and ER77-219 as mentioned twice on page 2 and once on page 3 of the Order issued on June 1, 1977, should be changed to Docket Nos. ER76-216, ER76-218, and ER76-219, respectively. Published in the FEDERAL REGISTER on 6-9-77, 42 FR (29550).

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18538 Filed 6-28-77; 8:45 am]

[Docket No. E-9306]

#### NEVADA POWER CO.

##### Order Deferring Review of Initial Decision Pending Outcome of Agreement To Exchange Facilities

JUNE 21, 1977.

Nevada Power Company (Nevada) tendered for filing on March 3, 1975, a notice of cancellation of wholesale electric service to its sole jurisdictional customer, California-Pacific Utilities Company (Cal-Pac), at the Henderson, Nevada delivery point. Cancellation of service was to occur as of June 1, 1975. Cal-Pac intervened and protested. Thereafter by order of May 30, 1976, the Commission accepted this notice of cancellation for filing, suspended it for the full five month statutory period to become effective on November 1, 1975, and set the matter for hearing.

Subsequently, on October 24, 1975, Nevada and Cal-Pac filed a Stipulation and Agreement for Continuation of Service in which Nevada agreed to continue service until May 31, 1977, and Cal-Pac agreed to look for alternate sources of supply. The Commission by Order of November 28, 1975, accepted this Stipulation and Agreement.

Following hearings held from October 6 through 9, 1975, Presiding Admin-

[Docket No. CP76-389]

**NORTHWEST PIPELINE CORP.****Amendment to Application**

JUNE 21, 1977.

Take notice that on June 2, 1977, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-389 an amendment to its application filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of certain facilities necessary to enable Northwest to provide natural gas storage service utilizing the Clay Basin Storage Field, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is indicated that in its original application filed in the instant docket on June 10, 1976, it requested authorization inter alia to utilize the Dakota Formation of the Clay Basin Field (Dakota Formation) for the storage of natural gas during off peak hours for redelivery as a base load gas supply during the period November 1 of each year through the next succeeding March 31. It is stated that Mountain Fuel Resources, Inc. (Resources) filed on March 3, 1976 its application in Docket No. CP76-285, as amended on June 10, 1976, and November 8, 1976, requesting the authorization necessary to construct and operate certain natural gas facilities in order to provide Applicant natural gas storage service utilizing the Dakota Formation.

Applicant states that in its application filed herein on June 10, 1976, it requested inter alia authorization to construct and operate 44.4 miles of 22 and 26-inch loop pipeline and the addition of 6 mainline compressor units totaling 18,640 horsepower at three new and one existing compressor stations. Applicant further states that its gas supply has changed substantially since the submittal of June 10, 1976 thereby reducing the facilities required for the 1978-79 heating season and thereafter.

By this amendment, Applicant request authorization to construct and operate the following facilities:

(a) 5.5 miles of 26-inch loop pipeline on the suction side of the Green River Compressor Station.

(b) 1-3830 horsepower compressor unit at an existing compressor station near Green River, Wyoming.

(c) 2-1170 horsepower compressor units at a new compressor station to be constructed in the vicinity of Opal, Wyoming.

(d) 1-3830 horsepower compressor unit and 1-1170 horsepower compressor unit at a new compressor station to be located in the vicinity of Pegram, Idaho.

(e) 1-3830 horsepower compressor unit at a new compressor station to be located in the vicinity of Lava Hot Springs, Idaho.

(f) Miscellaneous piping and valves at two existing compressor stations to permit directional control of gas flow and,

(g) Miscellaneous appurtenant facilities.

Applicant estimates that the cost of the facilities proposed to be constructed would be \$13,362,000 and that it would finance the cost of these facilities through short term borrowings to be repaid later from funds generated from permanent financing.

Applicant indicates that the authorization requested by this amendment is in lieu of that requested in the June 10, 1976 application as such request pertained to facilities to be constructed during 1978 to be in operation for the 1978-79 heating season, and that its second amendment filed in the instant docket sets forth the working gas and cushion gas requirements for 1978 and requests such authorizations as are necessary for the injection and withdrawal of natural gas into and from Clay Basin commencing May 1, 1978 and thereafter.

Applicant states that the facilities contemplated in its original filing were predicated on Applicant's then best estimate of its available gas supply, particularly, the gas supply available to Applicant from Westcoast Transmission Company Limited (Westcoast) at the Sumas Import Point, and that in scheduling the gas to be available at the Sumas Import Point, Applicant consistently projected the Sumas shortfall at an average 240,000 Mcf per day during the period October 1 through the next succeeding April 30. The estimated 240,000 Mcf per day shortfall was utilized in the gas balance included in the June 10, 1976 application and therefore was an important factor in establishing the facility configuration required for the 1978-79 heating season and thereafter, it is said.

Applicant indicates that Westcoast has entered into two agreements each dated March 29, 1977 with Pan Alberta Gas Company Limited (Pan Alberta) which would ultimately result in Westcoast purchasing up to 200,000 Mcf per day (at 14.65 psia) in the Province of Alberta, and that it is not a party to either of the Westcoast-Pan Alberta contracts. Applicant further indicates that the additional Alberta volumes would be exported by Westcoast pursuant to their existing Export License GL-41, and that the additional gas would be to the benefit of Applicant and its customers and would be imported pursuant to existing import authorizations.

Applicant asserts that the effect of the additional availability of gas at the Sumas Import Point would be to reduce the system wide level of curtailment which applicant would otherwise have had to impose on its customer companies, and that the resulting increased deliveries to Applicant's customers south of Applicant's Mountain Home Compressor Station primarily Colorado Interstate Gas Company and Mountain Fuel Supply Company would have the effect of reducing the volumes of natural gas which have to be transported in a northerly direction between Applicant's Green River and Mountain Home Compressor Station, thus reducing the facility requirement on that portion of Applicant's transmission system.

Administrative Law Judge Curtis L. Wagner issued his initial decision in this proceeding on December 15, 1976. Essentially, he found that, while cancellations of wholesale electric service must first receive Commission approval, the instant cancellation of service is in the public interest. Briefs on exception were thereafter filed on January 21, 1977, by Nevada, Staff and Cal-Pac.

Because of the precedential potential of this case, several wholesale electric customers not served by Nevada moved to intervene out of time and file briefs on exceptions: North Carolina Electric Membership Corporation and Four County Electric Membership Corporation (N.C.E.M.C.) on January 18, 1977, the City of Anderson, Indiana on January 21, 1977, and the Electricities of North Carolina (Electricities) also on January 21, 1977. By order of February 9, 1977, the Commission denied all three motions to intervene out of time due to the complete absence of direct or indirect interest, but the Commission nonetheless accepted all three briefs on exceptions as amici curiae.

Briefs opposing exceptions were filed on March 1, 1977, by Nevada, Cal-Pac and Staff.

The Commission was to review the initial decision at its May 18, 1977 meeting but deferred deliberation as a result of receiving a telegram from the Vice-President of Nevada just prior to the meeting. The telegram stated that Nevada had agreed with Cal-Pac to acquire the Henderson service area from Cal-Pac in exchange for its Elko Division and that Nevada would continue service to Cal-Pac's service area at Henderson until the acquisition is consummated. The Commission, in a letter to Nevada dated May 26, 1977, requested more formal verification of the agreement. A copy of this letter was sent to Cal-Pac. Nevada reiterated the facts of its telegram in a letter to the Secretary of the Commission, dated June 1, 1977, stating that Nevada will continue service to Cal-Pac provided that the closing date of acquisition occurs prior to December 31, 1977.

In light of these facts, the Commission will defer action on the matter of cancellation of service pending the outcome of the proposed exchange of facilities between Nevada and Cal-Pac.

The Commission finds: (1) Good cause exists to defer review of the initial decision in this docket pending the outcome of the proposed exchange of facilities between Nevada and Cal-Pac.

The Commission orders: (A) Review of the initial decision in this docket is hereby deferred pending the outcome of the proposed exchange of facilities between Nevada and Cal-Pac.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18548 Filed 6-28-77; 8:45 am]



Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have hereto filed need not file again.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.77-18549 Filed 6-28-77;8:45 am]

[Docket Nos. CP77-389 and CP77-390]

**PACIFIC GAS TRANSMISSION CO.**  
**Notice of Applications; Erratum Notice**  
JUNE 10, 1977.

Page 29049, line 7: Change "\$33.665" to "\$333.665."

Published in the FEDERAL REGISTER on June 7, 1977, 42 FR 29049.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.77-18536 Filed 6-28-77;8:45 am]

[Docket No. ER-77-429]

**POTOMAC ELECTRIC POWER CO.**

**Proposed Change in Rates and Charges**  
JUNE 21, 1977.

Take notice that Potomac Electric Company (Pepco), on June 9, 1977, tendered for filing proposed changes in its elective resale rate schedule, in the form of a fixed rate Agreement between Pepco and its sole resale customer, Southern Maryland Electric Cooperative, Inc. (Smeco). Pepco states that the proposed rate schedule would supersede the presently effective fixed-rate contract for its remaining term expiring August 5, 1978, and would provide for full-requirements service to Smeco through December 31, 1979. Pepco also states that the fuel clause would be amended to comply with FPC Order No. 517.

According to Pepco based on the test period (calendar year 1977) and the present level of fixed rates, the proposed rate schedule would provide a 12 percent increase in revenues for the 10 months ended December 1977 plus an additional 12 percent increase for each of the 12 months ended December 1978 and December 1979. The compound effect of this is a 41 percent increase to produce \$15,902,000 more revenue over the 34 month period than would have been produced by the present rates if extended over the same period.

Pepco requests a proposed effective date of March 1, 1977, and request that the Commission waive the prior notice requirement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.77-18548 Filed 6-28-77;8:45 am]

[Docket No. ER76-505]

**PUBLIC SERVICE CO. OF NEW HAMPSHIRE**

**Extension of Time**

JUNE 22, 1977.

On June 16, 1977, New Hampshire Electric Cooperative, Inc., the Towns of Ashland and Wolfboro, New Hampshire, and the Village Precinct of New Hampton, New Hampshire, filed a request for an extension of time in which to file petitions to intervene or protests to the rate schedule supplements tendered for filing in the above indicated docket on April 19, 1977, and noticed June 8, 1977. The request states that Staff Counsel, counsel for the Public Service Company of New Hampshire, and counsel for Exeter and Hampton Electric Company and Concord Electric Company have no objection to an extension.

Upon consideration, notice is hereby given that the date for filing petitions to intervene or protests in the above proceeding is extended to and including July 7, 1977.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.77-18522 Filed 6-28-77;8:45 am]

[Docket No. ER77-341]

**PUBLIC SERVICE CO. OF OKLAHOMA**

**Rate Schedule Change**

JUNE 21, 1977.

Take notice than on June 3, 1977, the Public Service Company of Oklahoma (PSO) tendered for filing a letter agreement dated April 1, 1977, between PSO and West Texas Utilities Company (WTU) amending Schedule RE, as a supplement to the Interconnection Agreement between PSO and WTU which is on file with the Commission as Supplement No. 6 to Rate Schedule FPC No. PSO 148. PSO states that Schedule

RE provides for replacement energy transactions between the systems of the two companies.

PSO also tendered for filing a letter agreement dated April 1, 1977, between PSO and WTU providing for Schedule ES, a supplement to the Interconnection Agreement between PSO and WTU which is on file with the Commission as Rate Schedule FPC No. PSO 148. PSO indicates that Schedule ES provides for emergency service transactions between the systems of the two companies.

PSO states that the change being made in the proposed amendatory Schedule RE is the add-on portion of the rate when energy being supplied by the seller is purchased from another supplier and passes through the seller's system to the buyer. PSO further states that the proposed Schedule ES fills a need for energy purchases and sales not presently filled by existing service schedules. PSO indicates that the proposed rate is a reciprocal type arrangement between the companies and is identical to the rates which have been established for emergency service with other utilities in the area.

PSO requests waiver of the Commission's notice requirements to allow the proposed changes to become effective as of April 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.77-18547 Filed 6-28-77;8:45 am]

[Project No. 2157 (Phase II)]

**PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY AND CITY OF EVERETT, WASH.**

**Extension of Time**

JUNE 22, 1977.

On June 13, 1977, the Public Utility District of Snohomish County and the City of Everett, Washington, filed a request for a continuance of time in which to begin construction of Stage II of the above indicated project and to report to the Commission on the power availability situation and plans for future development of the hydroelectric facilities of the project, as ordered by the Initial Decision issued December 31, 1969, in this proceeding, and affirmed, as modified, by Commission Order issued April

30, 1970. The request sought an extension until October 31, 1977.

Upon consideration, notice is hereby given that an extension of time is granted to and including August 22, 1977, within which to commence construction of Stage II of Project No. 2157 and to report to the Commission the required information.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18551 Filed 6-28-77; 8:45 am]

[Docket No. CP77-440]

**SEA ROBIN PIPELINE CO.**

**Notice of Pipeline Application**

JUNE 21, 1977.

Take notice that on June 15, 1977, Sea Robin Pipeline Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-440, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act as implemented by § 157.7(g) of the Commission's Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing (1) abandonment of field compression and related metering and appurtenant facilities, (2) construction of new or additional field compression and related metering and appurtenant facilities and (3) removal and relocation of existing field compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this "budget-type" proposal is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system capacity or service from that authorized prior to the filing of the instant application.

The total cost of the proposed facilities to be constructed hereunder and the abandonment of facilities will not exceed \$3,000,000 with no single project to exceed \$500,000. Applicant plans to finance these costs from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 12, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18545 Filed 6-28-77; 8:45 am]

[Docket No. ER77-428]

**SOUTHERN CALIFORNIA EDISON CO.**

**Notice of Filing of Initial Rate Schedule**

JUNE 21, 1977.

Take notice that Southern California Edison Company (Edison), on June 8, 1977, tendered for filing a letter agreement dated March 4, 1977, for temporary service arrangements between the State of California Department of Water Resources and certain parties to the Contract Between California Suppliers and the State of California for the Sale, Exchange, and Transmission of Electric Capacity and Energy for the Operations of State Water Project Pumping Plants (Suppliers' Contract). Edison states that the present agreement is to provide for required energy flows in order to accommodate a temporary water exchange program brought about by drought conditions affecting California. Edison further states that energy requirements overall will be reduced by virtue of this arrangement.

Edison indicates that it is necessary that service be initiated under this temporary agreement on or about July 1, 1977. For that reason, Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective as of July 1, 1977.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the

Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-18542 Filed 6-28-77; 8:45 am]

[Docket No. CP75-301]

**TENNESSEE GAS PIPELINE CO. AND  
MICHIGAN WISCONSIN PIPE LINE CO.**

**Notice of Application To Amend**

JUNE 21, 1977.

Take notice that on June 10, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, collectively referred to below as Applicants, filed in Docket No. CP75-301 an application to amend the Commission's order issued November 21, 1975, in Natural Gas Pipeline Company of America, et al. Docket Nos. CP76-14, et al., to (1) grant to Michigan Wisconsin, in addition to Tennessee, a certificate of public convenience and necessity for the construction of facilities authorized by said order, to (2) grant to Tennessee additional authorization to transport gas for Michigan Wisconsin and to (3) grant to Tennessee and Michigan Wisconsin authorization to exchange gas, as more fully set forth in their application which is available for public inspection.

By Ordering Paragraph (A) of said 1975 order, the Commission authorized Tennessee to construct facilities necessary to attach to its system gas supplies from South Marsh Island Blocks 249 and 250. Subsequent to acceptance of authorization to sell gas to Tennessee by producers having an interest in such supplies, Tennessee commenced construction of said facilities, which construction is expected to be completed on or before July 1, 1977.

Michigan Wisconsin has contracted to purchase gas to be produced from Blocks 249 and 250, as well as other blocks located in the immediate vicinity, which production will be available for delivery simultaneously with that of Tennessee's producers, Tennessee and Michigan Wisconsin have entered into a letter agreement which provides for the joint ownership of the aforementioned facilities. The Agreement further provides that Tennessee will receive Michigan Wisconsin's gas at the terminus of such facilities located at Pecan Island, Vermilion Parish, Louisiana (Receipt Point) and will cause a firm volume up to 33 MMcf per day of such gas to be transported to a point on Tennessee's Muskrat Line near Egan, Acadia Parish, Louisiana (Egan Exchange Point). At the Egan Exchange Point Tennessee will receive such gas as exchange volumes and will redeliver to Michigan Wisconsin, at the outlet side of Placid Oil Company's Patterson Plant located in St. Mary Parish, Louisiana (Patterson Exchange Point), volumes equivalent to the volumes so received by Tennessee at the Egan Exchange Point.

Tennessee and Michigan Wisconsin will share the cost of construction, operation, and maintenance of the jointly-owned facilities, as well as the actual capital investment associated therewith and capacity rights therein.

With respect to the aforementioned transportation, the charge to Michigan Wisconsin by Tennessee will be Tennessee's applicable system average transportation cost per Mcf miles times the distance in miles each Mcf is transported times the distance in miles such gas is transported subject to such rates as may be authorized from time to time by the Commission.

Applicants maintain that their proposal will make available to Michigan Wisconsin gas which is dedicated to it without the duplication of facilities.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 11, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMS,  
*Secretary.*

[FR Doc.77-18539 Filed 6-28-77;8:45 am]

**FEDERAL RESERVE SYSTEM**  
**AMERICAN STATE FINANCIAL CORP.**  
**Formation of Bank Holding Company**

American State Financial Corporation, Lubbock, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12

U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 100 percent, less directors' qualifying shares, of the voting shares of the successor by merger to American State Bank, Lubbock, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 22, 1977.

Board of Governors of the Federal Reserve System, June 22, 1977.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc.77-18464 Filed 6-27-77;8:45 am]

**EQUITABLE BANCORPORATION**  
**Acquisition of Bank**

Equitable Bancorporation, Baltimore, Maryland, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of New University National Bank, Rockville, Maryland, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 20, 1977.

Board of Governors of the Federal Reserve System, June 22, 1977.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc.77-18463 Filed 6-27-77;8:45 am]

**FIRST GLENROCK CORPORATION**  
**Acquisition of Bank**

First Glenrock Corporation, Glenrock, Wyoming, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 64.5 percent of the voting shares of First National Bank of Glenrock, Glenrock, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in

writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 20, 1977.

Board of Governors of the Federal Reserve System, June 22, 1977.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc.77-18462 Filed 6-27-77;8:45 am]

**FIRST SECURITY NATIONAL CORP.**  
**Proposed Acquisition of FSN Life Insurance Company**

First Security National Corporation, Beaumont, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of FSN Life Insurance Company, Beaumont, Texas. Notice of the application was published on June 2, 1977, in the Beaumont Journal and the Dallas Morning News, newspapers circulated in Beaumont, Texas, and Dallas, Texas, respectively.

Applicant states that the proposed subsidiary would engage in the activities of acting as underwriter for credit life insurance and credit accident and health insurance which is directly related to extensions of credit by the member banks in the holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 20, 1977.

Board of Governors of the Federal Reserve System, June 22, 1977.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc.77-18461 Filed 6-28-77;8:45 am]

**METROPOLITAN BANK AND TRUST CO.,  
ET AL.**

**Formation of Bank Holding Companies;  
Correction**

In FR document 77-16087 appearing at page 29052 of the issue for Tuesday, June 7, 1977, the percentage of shares of International Bank of California to be acquired should have read "up to 35 per cent".

Board of Governors of the Federal Reserve System, June 21, 1977.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc.77-18465 Filed 6-28-77;8:45 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**Center for Disease Control**

**MANUFACTURE AND FORMULATION  
OF PESTICIDES**

**Request for Information**

**AGENCY:** National Institute for Occupational Safety and Health, Center for Disease Control, Public Health Service, HEW.

**ACTION:** Request for Information.

**SUMMARY:** This notice solicits information concerning the manufacturing and formulating of pesticides. The information will be used in the development of criteria for a recommended standard for occupational exposures in the manufacture and formulation of pesticides.

**DATES:** Comments concerning this notice should be submitted by September 27, 1977.

**ADDRESSES:** Comments and recommendations should be submitted in writing to: Dr. Vernon E. Rose, Director, Division of Criteria Documentation and Standards Development, National Institute for Occupational Safety and Health, 5600 Fishers Lane (Park Bldg. Rm. 3-18), Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:**

Jimmy L. Perkins, Project Administrator, Priorities and Research Analysis Branch, NIOSH. (301-443-2100).

**SUPPLEMENTARY INFORMATION:** Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act.

In this particular process-oriented standard, NIOSH does not plan to recommend workplace environmental lim-

its for pesticides or intermediates involved in the manufacturing or formulating process. Because of the vast number of pesticides, their varying toxicities, and because percutaneous absorption of pesticides is an exceedingly important consideration, work practices designed to limit occupational exposure, engineering controls, methods to educate the employee and employer, and methods of biological monitoring will be recommended in lieu of specific environmental limits.

The criteria document will include among other items an evaluation of available information relative to the areas listed below. Any person having information or data in any of these areas or in other areas considered relevant to the establishment of a safe and healthful occupational environment in pesticide manufacturing and formulating processes is requested to submit such information, with accompanying documentation.

1. Establishment of biologic standards i.e., the level of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration: (a) the correlation of airborne concentrations of, and extent of exposure to such substances with effects on specific biologic systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

2. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

3. Specifications for the conditions under which personal protective devices should be required.

4. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale of their selection.

5. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when emergency or unusual situations occur.

6. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

7. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents.

All information received concerning the manufacture and formulation of pesticides, except that information which is trade secret and protected by section 15 of the Act, will be available for public inspection at the foregoing address.

Dated: June 22, 1977.

EDWARD J. BAIER,  
*Acting Director, National Institute for Occupational Safety and Health.*

[FR Doc.77-18583 Filed 6-28-77;8:45 am]

**Office of Education**

**NATIONAL ADVISORY COUNCIL ON  
WOMEN'S EDUCATIONAL PROGRAMS**

**Meeting**

**AGENCY:** Office of Education National Advisory Council on Women's Educational Programs.

**ACTION:** Notice.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of forthcoming meeting of the Executive Committee of the National Advisory Council on Women's Educational Programs. It also describes the functions of the Council. Notice of the meeting is required pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

**DATE:** July 15, 1977, 9 a.m. to 4 p.m.

**ADDRESS:** The Herbage, Room A-7, Steamboat Springs, Colorado.

**FOR FURTHER INFORMATION CONTACT:**

Kathy Maurer, National Advisory Council on Women's Educational Programs, 1832 M Street NW., Washington, D.C. 20036 (202-382-3862).

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380 § 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under Section 408 of Pub. L. 93-380.

The meeting of the Executive Committee will be open to the public. It will be held on July 15 from 9 a.m. to 4 p.m. at the Herbage, Room A-7, Steamboat Springs, Colorado. The proposed agenda includes planning for the remainder of fiscal year 1977 and for fiscal year 1978.

Records will be kept of all Council proceedings and will be available for public inspection at the Council offices at Suite 821, 1832 M Street NW., Washington, D.C.

Signed at Washington, D.C. on June 24, 1977.

Joy R. SIMONSON,  
*Executive Director.*

[FR Doc.77-18596 Filed 6-28-77;8:45 am]

Office of Human Development  
DEVELOPMENTAL DISABILITIES  
PROGRAM

Intention to Reallot Funds

Section 132(d) of the Developmental Disabilities Services and Facilities Construction Act, as amended by P.L. 94-103, provides that the amount of a State's fiscal year allotment (as determined in accordance with Section 132 (a) (1) (A)) which will not be required by such State shall be available for reallotment to other States in proportion to the original allotment of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period, with the total of such reductions being similarly reallotted among the States whose proportionate amounts were not so reduced.

Section 132(d) further provides that such reallotments shall not be made until 30 days after notice has been published in the FEDERAL REGISTER.

Notice is hereby given that the following allotments reserved for American Samoa and Trust Territory will not be required.

1977 ALLOTMENT

Basic Support, \$100,000.

Protection and Advocacy, \$40,000.

It is the intention of the Secretary that the above amounts will be reallotted as follows:

State:	Basic support
Arizona	1,330
Arkansas	1,703
Connecticut	1,641
Hawaii	712
Illinois	6,152
Indiana	3,493
Iowa	2,015
Kansas	1,419
Kentucky	2,860
Louisiana	2,874
Maine	845
Maryland	2,233
Massachusetts	3,402
Michigan	5,565
Missouri	3,211
Nebraska	1,060
New Hampshire	712
New Jersey	3,910
New Mexico	846
New York	10,055
Ohio	6,684
Oklahoma	1,945
Oregon	1,414
Pennsylvania	7,953
Tennessee	3,220
Texas	7,919
Utah	836
Virginia	3,246
Washington	2,011
West Virginia	1,712
Wisconsin	3,165
Wyoming	712
Puerto Rico	2,909
Virgin Island	237

State:	Protection and advocacy
Alabama	2,869
Arizona	1,333
Colorado	1,442
Connecticut	1,580
Delaware	961
Hawaii	961
Illinois	5,881
Kentucky	2,629
Maine	961
Massachusetts	3,303
Montana	961
New Hampshire	961
New Jersey	3,753
Ohio	6,460
Oregon	1,416
Utah	961
Vermont	961
Puerto Rico	2,606

Consideration will be given to any comments on this proposed reallotment of funds if received by July 29, 1977. Comments must be in writing and submitted to the Director, Developmental Disabilities Office, Department of Health, Education, and Welfare, 330 C Street SW., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 13.630 Developmental Disabilities—Basic Support)

Dated: June 24, 1977.

ARABELLA MARTINEZ,  
Assistant Secretary  
for Human Development.

[FR Doc.77-18614 Filed 6-28-77;8:45 am]

FINANCIAL ASSISTANCE FOR NATIVE  
AMERICAN PROJECTS

Announcement of Grants for FY 1977  
(Program Announcement No. 13612-773)

The Office of Native American Programs, (ONAP), Office of Human Development, announces that applications will be accepted until August 1, 1977, from Indian tribes and Indian organizations in rural, non-reservation areas, in the States listed in Section B, which are not presently funded by ONAP and who wish to compete for grants in Fiscal Year 1977, authorized by Section 803 of the Native American Programs Act of 1974, Title VIII, Headstart, Economic Opportunity, and Community Partnership Act of 1974, Pub. L. 93-644.

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and consideration for a grant award.

Regulations applicable to Native American Project grants were published in the FEDERAL REGISTER in 45 CFR 1336, on January 19, 1977.

A. *Program Objectives.* The purpose of this program announcement, consistent with the legislative objectives of the Office of Native American Programs, is to promote the goal of social and economic self-sufficiency of Native Americans by supporting projects which, if successfully implemented, would result in significant

improvements in the communities of the ONAP grantees.

Financial assistance under this program announcement is to:

(1) Support projects for locally determined human services priorities which fill a critical gap and which are not available elsewhere.

(2) Support projects to strengthen the administrative capacities of the grantee, particularly with regard to planning and management. These projects may include the development of the appropriate systems, capacities and instruments for, and the implementation of, needs assessment and prioritization, resource assessment and allocation, comprehensive planning, program and project development, project monitoring and self-evaluation, as well as the coordination of planning, programming, budgeting and control functions. Also, projects focusing on the initiation or improvement of record keeping and information systems, budget formulation and financial management, personnel management and staff development, as well as the development of special management skills.

B. *Eligible applicants.* The governing bodies of tribes, public and private non-profit Indian organizations and Indian consortia in the States listed below will be deemed eligible to apply for a Native American Project grant if they are not presently funded or served by the Office of Native American Programs:

New York	Mississippi
New Jersey	Alabama
Pennsylvania	Georgia
Maryland	Florida
West Virginia	Louisiana
Virginia	Arkansas
Tennessee	Ohio
North Carolina	Indiana
South Carolina	Illinois
Kentucky	Michigan

Governing body means those duly elected or appointed representatives who have the authority to provide services to, and enter into contracts, agreements, and grants on behalf of their constituency.

For the purposes of this program announcement, ONAP has established a minimum service population requirement of 350. Indian tribes or organizations who have a service population of less than 350 may consider joining with other small groups to submit one application to serve the consortium.

C. *Available funds.* An estimated \$300,000 is available for new grantees pursuant to this program announcement during Fiscal Year 1977. It is anticipated that six (6) grant awards will be made with a range of \$30,000 to \$70,000 per award. The project period for a grant may be up to three (3) years. Refunding on a non-competitive basis beyond the first year will depend upon the grantee's satisfactory performance of the project, upon availability of funds, and upon the grantee's compliance with the Native American Programs Rules and Regulations.

D. *Grantee Share of Project.* It is expected that grantees will provide 20 percent of the approved cost of the project.

Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services, and must be allowable under the Department's applicable cost principles in 45 CFR Part 74, Subpart Q.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ONAP. Further explanation is contained in § 1336.52 of ONAP's Program Rules.

**E. The Application Process.—A-95 Clearinghouse Notice.**—In compliance with the Department of Health, Education, and Welfare's implementation of Office of Management and Budget Circular No. A-95 Revised (interim procedures at 41 FR 3160, July 29, 1976), applicants, with the exception of Federally recognized tribes, who request grant support must, prior to submission of an application, notify both the State and Area-wide A-95 Clearinghouse of the intent to apply for Federal assistance. Some State and Area Clearinghouses provide their own form for the notification of intent and others use the facsimile of the standard application form. Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

**Application Submission.** In order to be considered for a grant under this program announcement, all applications must be submitted on the Standard forms enclosed in the ONAP Application Kit.

The application shall be executed by an individual authorized to act for the applicant agency and to assume obligations imposed by the terms and conditions of the grant award, including the Office of Native American Programs Final Regulations.

One signed original and two copies of the application including all attachments, are required.

**Application consideration.** The Director of the Office of Native American Programs determines the final action to be taken with respect to each grant application. Applications which do not conform to this announcement or are late or are not complete will not be accepted and applicants will be notified accordingly. Otherwise, all applicants will be considered for funding.

All accepted grant applications are subjected to a competitive review and evaluation conducted by qualified persons outside of the Office of Native American Programs. The results of the competitive review supplement and assist the Director's consideration of the competing applications. The Director's consideration also takes into account the comments of the A-95 clearinghouse, the headquarters program office, and other interested organizations.

After the Director has reached a decision either to disapprove or approve a competing grant application, the applicant will be notified of that decision.

**Grant Awards.** The Director makes grant awards consistent with the pur-

pose of the Act, the regulations, and program announcement within the limits of Federal funds available. The official grant award document is the Notice of Grant Awarded. The Notice of Grant Awarded sets forth in writing to the grantees the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of grantee financial participation. The initial award also specifies the total project period for which support is contemplated.

**F. Criteria for review and evaluation of applications.** Competing grant applications will be reviewed and evaluated by the independent panel against the following criteria: (100 points total)

Clear identification of problems and needs facing the applicant (i.e., social, economic, administrative), with regard to achieving successful completion of the applicant's long range goals. (10 points)

Specific, quantifiable objectives and procedures for the first year and a clear outline of the objectives and procedures for the following two years, if applicable, including a time frame for the achievement of specific project objectives of the entire project period. (20 points)

That insofar as practicable, the proposed procedures, if well executed, are capable of attaining project objectives. (12 points)

That the project objectives include, are identical with, or are capable of achieving the specific objectives in the program announcement. (7 points)

That the estimated cost to the Government of the project is reasonable considering the anticipated results. (8 points)

That (1) project personnel are well qualified and (2) the applicant organization has adequate facilities and resources to carry out the project. (8 points)

The system proposed by the applicant to monitor and evaluate the project is reasonable and consistent with the management system to the applicant. (15 points)

The application as a whole clearly demonstrates the applicant's capability to achieve project objectives. (20 points)

**G. Closing date for receipt of applications.** The closing date for receipt of applications for Program Announcement No. 13612-773 is August 1, 1977. Applicants must be mailed or hand delivered to: Receiving Office, Division of Grants and Contract Management, Office of Human Development, DHEW; Room 1427, Mary E. Switzer Building; 330 C Street, SW., Washington, D.C. 20201 (Attention: 13612-773). Hand delivered applications are accepted during normal working hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.

An application will be considered to have arrived by the closing date if: (1) The application is at the OHD Receiving Office on or before the closing date, or

(2) the application is postmarked at least two days prior to the closing date.

**H. Late applications.** Late applications will not be accepted and applicants will be notified accordingly.

**I. Availability of application forms.** Application Kits which contain the prescribed forms and information for the applicant may be obtained by writing or calling:

Office of Native American Programs, Office of Human Development, DHEW, Room 357G, South Portal Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, (202) 426-8390, Janice B. Phalen, (Attention: 13612-773).

**J. Notice of open meetings for potential applicants.** In order to provide supplemental information relative to the ONAP application and funding process and to enhance potential applicants' understanding of the types of projects ONAP will consider funding, ONAP invites potential applicants under this program announcement to attend any of the meetings in the cities listed below:

Monday, July 11: Lansing, Michigan, Mandy Conference Room, 1st Floor, Baker-Olin Complex Building, 3423 N. Loran Street.  
 Tuesday, July 12: New York, New York, Two World Trade Center, 34th Floor, Room 3426.  
 Wednesday, July 13: Richmond, Virginia, James Madison Building, First Floor Conference Room, 109 Governor Street.  
 Thursday, July 14: Columbia, South Carolina, Department of Parks, Recreation, and Tourism Conference Room, Room 252, Edgar Allen Brown Building, 1205 Pendleton Street.  
 Friday, July 15: Baton Rouge, Louisiana, Attorneys' Building, Second Floor Conference Room, 300 Louisiana Street.  
 Monday, July 18: Benson, North Carolina, Dutch Inn Conference Room, Corner, I-95 and N.C. 55.

All meetings will be held in two sessions: 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m.

(Catalog of Federal Domestic Assistance Program Number: 13.612 Native American Programs)

Dated: June 15, 1977.

DOMINIC J. MASTRAPASQUA,  
 Acting Director, Office of  
 Native American Programs.

Approved: June 24, 1977.

ARABELLA MARTINEZ,  
 Assistant Secretary for  
 Human Development.

[FR Doc 77-18615 Filed 6-28-77; 8:45 am]

#### RESEARCH AND DEVELOPMENT PROJECTS ON AGING

Announcement of Grants for Fiscal Year  
 1977 (Program Announcement No.  
 13636.771)

The Administration on Aging, Office of Human Development, announces that applications will be accepted until August 19, 1977 from public and private nonprofit agencies or organizations wishing to compete for grants in Fiscal Year 1977 under the Research and Development Projects on Aging Program authorized by Title IV, Part B of the

Older Americans Act of 1965, as amended (42 U.S.C. 3001, et seq.).

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and consideration for an award.

Regulations applicable to this program include the Administration on Aging general regulations, 45 CFR Part 901, and the regulations governing Research and Development Projects on Aging, 45 CFR Part 904.

#### SCOPE OF THIS PROGRAM ANNOUNCEMENT

This program announcement identifies the general program objectives and a portion of the funding priorities of the Research and Development Projects on Aging Program for Fiscal Year 1977. This program announcement emphasizes research relevant to the development of service delivery systems for the elderly. Another program announcement with additional funding priorities will be issued later during Fiscal Year 1977. That second program announcement will emphasize research relevant to modifying public and private policies affecting the elderly.

**A. Program purpose.** Title IV-B of the Older Americans Act authorizes the Administration on Aging to make grants and contracts for:

Study of current patterns and conditions of living of older persons and identification of factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

Development or demonstration of new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

Development or demonstration of approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

Evaluation of these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of the Nation.

Support for collection and dissemination through publications and other appropriate means of information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under Title IV; and

Support for conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of Title IV.

**B. Eligible applicants.** Any public or private nonprofit agency or organization may apply for a grant under this announcement. However, AoA particularly encourages and will give preference to applications by minority researchers for study of minority elderly within the framework of the priorities for research identified herein. AoA also encourages

and will give preference to applications proposing collaborative arrangements between investigators in research organizations and State Units on Aging, Area Agencies on Aging, or Nutrition Project Agencies.

**C. Program objectives, research priorities, and available funds.** The Research and Development Program authorized in Title IV-B of the Older Americans Act is primarily intended to build knowledge for use in solving problems in developing service delivery systems, increasing Federal resources to serve the needs of older persons, and modifying public or private policies. AoA has identified five (5) Strategy Areas relevant to the objective of developing service delivery systems in which it will award grants pursuant to this notice.

In each of these Strategy Areas, AoA has identified researchable questions that delineate topics about which AoA believes that more knowledge should be generated. These researchable questions constitute AoA funding priorities in each Strategy Area. The researchable questions are described in a Guidelines document which is included in the application kit and can be obtained from AoA as described below in Part K.

An applicant may wish to submit a proposal addressing a question not specified by AoA which the researcher considers as important or more important than the researchable questions specified. Such proposals may include, among others, further development of research currently or previously supported by AoA. So long as such proposals fall within one or more of the five (5) Strategy Areas, they may be submitted. In such cases, the applicant must demonstrate convincingly that the proposed research will be equally or more significant, as well as equally or more policy relevant, than research responsive to the researchable questions within the Strategy Area(s) to which the proposed research pertains.

Of the \$8.5 million appropriated by the Congress for Research and Development Projects on Aging in Fiscal Year 1977, the Administration on Aging expects to award under this program announcement at least \$2 million for new and competing extension grants in the Strategy Areas identified below. A new grant is the initial grant made in support of a project requested in an application. A competing extension is to continue a project beyond the project period for which the grant was made and is awarded based on a successful competition with other competing extension grantees and applicants for new grants.

It is expected that approximately 20-30 grants will be awarded pursuant to this announcement. The range of funds per grant is expected to be from \$10,000 to \$225,000 with the average award expected to range from \$80,000-\$150,000. Generally, projects will be supported for periods of one to three years. The funds currently available will sustain the budget for the first year of the project. Support for any additional time remain-

ing in the project period depends on funds available, the grantee's satisfactory performance on the project for which the grant was awarded, and the grantee's continued promise of contributing to the priorities of the Research and Development Projects on Aging Program.

Each Strategy Area, including the number of researchable questions falling within the Area, is set forth below:

**Strategy Area A: The needs of the older person.** This Strategy Area is concerned with information about the needs of the elderly which may cause them to require services. (3 questions)

**Strategy Area B: Ways of meeting needs other than through the provision of services.** This Strategy Area is concerned with ways in which the needs of older persons can be met other than by means of services. It is especially concerned with how families, neighbors, and friends can provide support and assistance to the elderly and how they can be better equipped to provide such support. (1 question)

**Strategy Area C: Conditions which influence how the needs of the older person are met.** This Strategy Area is concerned with information about how such conditions as racism, migratory and age distribution trends, rates of inflation and other economic conditions, and social and political attitudes of the general public affect their needs. (3 questions)

**Strategy Area D: Providing services to the older person.** This Strategy Area is concerned with information about systems for providing services as well as the services provided. It also is concerned with information about methods of service delivery and the practice associated with the occupations and professions of personnel who provide such services. (5 questions)

**Strategy Area E: The role of state units on aging and area agencies on aging in providing services to the older person.** This Strategy Area is concerned with information about the functioning of: State Units and their respective Area Agencies as planning and coordinating systems; State Agencies on Aging; and Area Agencies on Aging. (7 questions)

**D. Set-asides.** The Administration on Aging has established a set-aside to be awarded for research on the minority elderly. This set-aside will fund proposals responding to the specific researchable questions about the minority elderly as well as proposals focusing more general researchable questions on the minority elderly.

Assuming that a sufficient number of technically acceptable proposals are received, a minimum of fifteen percent of the funds available for new starts will be awarded to such projects. To be eligible for this set-aside, the applicant must offer assurances that the sponsorship, research staff, and advisory council of the proposed project appropriately reflects sensitivity to and first hand awareness of the needs and circumstances of the minority elderly being studied.

This set-aside applies with reference to the following four minority groups: Black, Spanish heritage, Asian-American, and American Indian.

The Administration on Aging has established a second set-aside to be awarded for research conducted under collaborative arrangements between investigators in research organizations and

State Units, Area Agencies, or Nutrition Projects. Proposals should respond to the researchable questions in the Guidelines. Assuming that a sufficient number of technically acceptable proposals are received, a minimum of four (4) grants will be awarded under this set-aside.

**E. Grantee share of project.** It is generally expected that grantees will provide at least five (5) percent of total project costs. Grantee contributions must be project-related and allowable under the Department's applicable cost principles in 45 CFR Part 74 Subpart Q.

**F. The application process.** In order to be considered for a grant under the Research and Development Projects on Aging Program, all applications must be submitted on standard forms provided for this purpose by the Commissioner in accordance with guidelines established by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to commit the applicant agency to the terms and conditions of the grant award, including the regulations for Research and Development Projects on Aging.

One (1) signed original and two (2) copies of the grant application, including all attachments, are required for submission. The original and one (1) copy are to be submitted to the receiving office of the Office of Human Development. One (1) copy is to be submitted concurrently to the cognizant State Agency on Aging.

Applications which do not conform to this announcement or are late or are not complete will not be accepted and applicants will be notified accordingly. Otherwise, all applications will be considered for funding.

**G. Review and evaluation of grant applications.** All grant applications accepted for consideration under this program are subjected to a competitive review panel evaluation process conducted by qualified persons outside of the Federal government. The review panel will consist of not less than three (3) persons. The review will be conducted against the following criteria:

All grant applications must meet two (2) different minimal scores of acceptability. First, with respect to the criterion, "Program and Policy Relevance," proposals must receive a score of at least 35 points out of a possible 50 points. Second, proposals must receive an overall score of 100 points out of a possible 140 points. Only those proposals which meet both minimal levels will be considered technically acceptable and ranked by score as a basis for funding decisions by the Commissioner on Aging.

**Criterion I, Program and policy relevance (0-50 points).** That the proposed project will make a significant contribution to building knowledge immediately relevant to the formulation or implementation of policy, including:

(A) That the proposed project adequately responds to a researchable question as set forth in the AoA FY 1977 Research Program Guidelines, or demon-

strates convincingly that the proposed research will be equally or more significant as well as equally or more policy relevant in that the projected results have a significant potential for assisting in solving problems either in developing service delivery systems or increasing Federal resources to serve the needs of older persons or modifying public or private policies; (0-25 points)

(B) That the application contains a suitable plan for dissemination and utilization of its projected findings which concretely specifies who will disseminate what, to whom, for what purpose, and how the information so disseminated is expected to be used; (0-20 points) and

(C) That the proposed project contains an appropriate focus on low-income and minority older persons (0-5 points)

**Criterion II, Technical Merit (0-50 points).** (A) That the application demonstrates a clear understanding of the problem to be addressed.

This criterion includes the following elements: (1) Clear statement of the problem. (2) Adequate discussion and application of relevant literature to the problem. (3) Explicit identification of the assumptions and value judgments upon which the study is based.

This criterion also includes, where appropriate, these additional elements: (4) Clear specification of its hypotheses. (5) Clear definition of main concepts and analytical models. (6) Clear exegesis of its dependent, intervening, and independent variables (0-25 points).

(B) That the proposed research design or plan of work, if well executed, will be capable of attaining the objectives of the proposed project.

This criterion includes, where appropriate, that the research design or plan of work, for all applications: is clearly described; is appropriate for the objectives of the proposed project; is feasible within the proposed project period.

For applications involving data collection and/or analysis: specifies appropriate comparisons upon which valid conclusions can be drawn; identifies appropriate sources of data; describes a method of data collection that is scientifically sound and avoids bias in its results, including a suitable sample size and sampling procedures when sampling is to be carried out; proposes an appropriate method of data analysis which is both methodologically sound, given the nature of the data, and maximizes the explanatory usefulness of the data collected or analyzed. (0-25 points)

**Criterion III, Qualification of the project personnel (0-15 points).** That the proposed project personnel are qualified to carry out the project.

**Criterion IV, Project management capability (0-15 points).** That the applicant organization has adequate facilities, resources, and experience to carry out the tasks of the proposed project.

**Criterion V, Budget appropriateness and reasonableness (0-10 points).** That the proposed budget is commensurate with the level of effort needed to accom-

plish the project objectives, and that the cost of the project is reasonable in relation to the value of the anticipated results.

**H. Grant awards.** The Commissioner on Aging determines the final action to be taken with respect to each grant application. The Commissioner makes grant awards consistent with the purposes of the Act, the regulations, the program announcement, and the Guidelines within the limits of Federal funds available for the purpose of supporting research and development projects. The results of the competitive review supplement and assist the Commissioner's consideration of the competing applications. The Commissioner's consideration also takes into account the comments of the State Agencies on Aging, the HEW Regional Offices, and the Division of Research and Analysis, AoA. Comments on the applications may also be requested from appropriate specialists and consultants inside and outside of the Government. The official grant award document is the Notice of Grant Awarded. The Notice of Grant Awarded sets forth in writing to the grantee the amount of funds granted; the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given, and the total grantee participation, if any. The initial award also specifies the total project period for which support is contemplated.

After the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, the unsuccessful applicant is notified of that decision.

**I. Closing date for receipt of applications.** The closing date for receipt of applications under this program announcement is August 19, 1977. Applications may be mailed or hand delivered to: Receiving Office, Division of Grants and Contracts Management; Office of Human Development, Department of Health, Education, and Welfare, Room 1427, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201 (Attention: 13.636-771). Hand delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m.

An application will be considered to have arrived by the closing date if:

1. The application is at the OHD Receiving Office on or before August 19, 1977, or

2. The application is postmarked no later than August 17, 1977.

**J. Late application.** Late applications are not accepted and applicants are notified accordingly.

**K. Availability of application forms.** Application kits which contain the prescribed application forms, the Guidelines document, and other information for the applicant may be obtained by contacting:

Division of Research and Analysis, Administration on Aging, OHD, Room 4640, DHEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201, Telephone 202-245-0004, Attention: 13636-771.



(Catalog of Federal Domestic Assistance Program Number: 13.636 Research and Development Projects on Aging.)

Dated: June 13, 1977.

ARTHUR S. FLEMMING,  
Commissioner on Aging.

Approved: June 24, 1977.

ARABELLA MARTINEZ,  
Assistant Secretary  
for Human Development.

[FR Doc.77-18616 Filed 6-28-77;8:45 am]

**National Institutes of Health  
CLINICAL APPLICATIONS AND  
PREVENTION ADVISORY COMMITTEE  
Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, July 14-15, 1977, Landow Building, Room C418, Bethesda, Maryland.

This meeting will be open to the public on July 14, from 8:30 a.m. to 10 a.m. to discuss the current progress of the Hypertension Detection and Follow-Up Program and the Aspirin Myocardial Infarction Study. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on July 14, from 10 a.m. to adjournment, and on July 15, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets and personal information such as privileged unblinded medical data about individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone: 301-496-4236, will provide summaries of meetings and rosters of committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Landow Building, Room C809, Bethesda, Maryland, 20014, phone: 301-496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: June 21, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-18585 Filed 6-28-77;8:45 am]

**MENTAL RETARDATION RESEARCH  
COMMITTEE  
Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Men-

tal Retardation Research Committee, National Institute of Child Health and Human Development, on August 4-5, 1977, in the Landow Building, Room C-418, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on August 4, from 8:30 p.m. to 10 p.m. to discuss items relative to the Committee's activities including announcements by the Chief of the Mental Retardation and Developmental Disabilities Branch and the Executive Secretary of the Committee. The Committee will review the Branch contracts program including concept clearance of any new contract areas not previously cleared by an outside review group.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on August 5 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications.

The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. Lyle Lloyd, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room C-704, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1383, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health.)

Dated: June 21, 1977.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-18586 Filed 6-28-77;8:45 am]

**NATIONAL ARTHRITIS, METABOLISM,  
AND DIGESTIVE DISEASES ADVISORY  
COUNCIL  
Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the special meeting of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council on August 18 and 19, 1977, in Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to 9 a.m. on both days to discuss administrative matters. Attendance by the public will be limited to space available.

In accordance with the provisions set forth under sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 the meeting of the Council will be closed to the public

from 9 a.m. to 5 p.m. both days for the review, discussion, and evaluation of individual Centers applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, 301-496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.850, National Institutes of Health.)

Dated: June 21, 1977.

SUZANNE FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.77-18587 Filed 6-28-77;8:45 am]

**Office of the Secretary  
HEALTH CARE FINANCING  
ADMINISTRATION**

**Statement of Organization Function and  
Delegation of Authority**

Under the Reorganization Order (42 FR 13262-13263 dated March 9, 1977), the Secretary established the Health Care Financing Administration. The statement of organization, functions and delegation of authority of the Department of Health, Education, and Welfare, is amended to add a new Part F, "Health Care Financing Administration" (HCFA). Health Care Financing Administration contains the Medicaid Program formerly administered by the Medical Services Administration of the former Social and Rehabilitation Service (40 FR 4670 dated January 31, 1974, as amended). It also contains the Medicare Program formerly administered by the Bureau of Health Insurance (33 FR 5834 dated April 16, 1968) of the Social Security Administration. In addition, it contains the Office of Long Term Care (39 FR 31680 dated August 30, 1974, as amended) and the Bureau of Quality Assurance (39 FR 10467 dated March 30, 1974) formerly with the Public Health Service. It also is responsible for the activities of the Office of Long Term Care Standards Enforcement formerly associated with the HEW Regional Offices:

Region I—40 FR 44179, dated September 25, 1975.

Region II—40 FR 16127, dated April 9, 1975.

Region III—40 FR 16133, dated April 9, 1975.

Region IV—40 FR 1539, dated January 8, 1975.

31-10-90 29 1123

Region V—40 FR 2603, dated January 14, 1975.

Region VI—40 FR 4666, dated January 31, 1975.

Region VII—40 FR 1727, dated January 9, 1975.

Region VIII—40 FR 1545, dated January 8, 1975.

Region IX—40 FR 16121, dated April 9, 1975.  
Region X—40 FR 41162, dated September 5,  
1975.

The Secretary's Reorganization Order disestablished the Social and Rehabilitation Service (45 FR 8712 dated June 4, 1970 as amended) and Part W, of the Statement of Organization, Functions and Delegations of Authority of the Department is deleted. Certain staff elements were transferred to the Social Security Administration and the Office of Human Development and will be reflected in their revised functional statements. Certain Social and Rehabilitation Service staff elements have been incorporated into the Health Care Financing Administration organization. The functional statements for the Health Care Financing Administration read as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH CARE FINANCING ADMINISTRATION  
STATEMENT OF ORGANIZATION, FUNCTION AND DELEGATION OF AUTHORITY

**F.00 Mission.** The overall mission of the Health Care Financing Administration (HCFA) is to provide direction and technical guidance for nationwide administration of the Federal effort to plan, develop, manage and evaluate health care financing programs and policies. To accomplish this mission, HCFA operates the hospital and supplementary medical insurance programs (Medicare), the State-Federal Medicaid program, the Professional Standards Review Organizations (PSRO) program, and the End-Stage Renal Disease program, plus a variety of related programs designed to control program costs, assure appropriate utilization of these health services by eligible recipients, and eliminate provider fraud and abuse. Through these programs and related health quality and standards programs, HCFA seeks to ensure that the best possible care is delivered in the most economical manner to the eligible beneficiaries. HCFA provides national policy planning for health care financing and for delivery of health services within the above operating programs. In these efforts, HCFA coordinates with the Assistant Secretary for Health in such areas of Public Health Service responsibility as: Health, facilities planning, health care delivery research; health maintenance organization development; and, formulation of general policy on health care standards. Through its financing policies and prudent management of health care funds, HCFA promotes the accessibility and availability of quality health care. Through its planning, research and evaluation activities, the agency enhances the future quality and utilization of health services.

**F. 10 Organization.** The Health Care Financing Administration (HCFA) is a Principal Operating Component of HEW. It is headed by an Administrator, HCFA, who reports to the Secretary and con-

sists of the following organizational elements:

Office of the Administrator (FA):  
Office of Congressional Affairs (FAL)  
Office of Public Affairs (PAN)  
Provider Reimbursement Review Board (FAH)<sup>1</sup>  
Office of Policy, Planning, and Research (PAR)  
Office of Management and Budget (FAM)  
Office of Personnel (FAP)  
Office of Regional Affairs (FAF)  
Office of Systems and Organizational Integration (FAS)  
Office of the Deputy Administrator for Operations (FP)  
Medicare Bureau (FPH)  
Medicaid Bureau (FPM)  
Office of Reimbursement Practices (FPR)  
Office of Program Integrity (FPQ)  
Health Standards and Quality Bureau (FQ):  
Office of Standards and Certification (FQS)  
Office of PSRO (FQP)

OFFICE OF THE ADMINISTRATOR (OA)

The Administrator directs the planning, coordination and implementation of the programs under Titles XI, XVIII, and XIX of the Social Security Act and related statutes as amended, and directs the development of effective relationships between these programs and other private and Federally supported health related programs. Within broad Department of Health, Education, and Welfare policy and guidelines, the Administrator oversees the establishment of program goals and objectives and the development of policies, standards and guidelines to accomplish stated goals; evaluates progress in administration of HCFA programs; and ensures that required actions are taken to direct or redirect efforts to achieve program objectives. The Administrator works with the States, other Federal agencies and non-governmental organizations in administering health care financing programs. Additionally, the Administrator assures the coordination of HCFA activities and programs with other concerned organizations. The Administrator is assisted by a general deputy, who functions with full authority during the Administrator's absence.

OFFICE OF CONGRESSIONAL AFFAIRS (OCA)

The Office of Congressional Affairs serves as a principal advisor to the HCFA Administrator in HCFA's relations with the Legislative Branch of government; keeps the Administrator informed on the status of pending or proposed legislation; maintains agency-wide responsibility for keeping Congress informed of HCFA operations and activities; and provides information on HCFA programs to individual Members of Congress and committees as requested. OCA serves as HCFA's principal contact point with the Office of the Assistant Secretary (Legislation), and coordinates its activities and contacts with members through that office.

<sup>1</sup>The Provider Reimbursement Review Board is assigned to HCFA for administrative support purposes only.

OFFICE OF PUBLIC AFFAIRS (OPA)

The Office of Public Affairs plans, directs and coordinates the public affairs program of the Health Care Financing Administration, including: The implementation of all activities involving media relations; the development and production of radio, television, and film products; and the preparation of publications, both single issuance and periodicals, to meet public and internal information needs. OPA provides guidance and counsel to all HCFA elements in matters involving public affairs. OPA maintains liaison with external groups, including the health care industry and intergovernmental organizations, to provide information about HCFA programs, policies, and activities. OPA administers Freedom of Information Act responsibilities for HCFA.

PROVIDER REIMBURSEMENT REVIEW BOARD (PRRB)<sup>1</sup>

The Provider Reimbursement Review Board conduct hearings and renders decisions on appeals from Medicare providers under circumstances described in Section 1878 of the Social Security Act.

OFFICE OF POLICY, PLANNING, AND RESEARCH (OPPR)

The Office of Policy, Planning, and Research provides leadership and executive direction within HCFA for health care financing policy, planning and research activities, directing and coordinating statistical/data collection; financial/actuarial and policy analysis; legislative planning; and research, demonstration, and evaluation pertaining to HCFA programs. OPPR works closely with the Administrator, other Associate Administrators, and high-level staff outside HCFA to assure that the agency's broad goals are accomplished. OPPR develops and manages the HCFA research and statistical publications programs; reviews and approves "forward planning" documents; and suggests alternative ways to accomplish HCFA objectives. OPPR represents the Administrator in policy development both in and outside the Federal government.

OFFICE OF MANAGEMENT AND BUDGET (OMB)

The Office of Management and Budget provides policy direction and coordination of HCFA's financial management program, including preparation, justification, and execution of the total HCFA budget and auditing and fiscal management necessary to control all HCFA accounting operations. In addition, OMB analyzes and responds to HCFA audits performed by such agencies as the Office of the Inspector General and the General Accounting Office. OMB conducts and coordinates the HCFA internal management studies to insure that available resources are allocated and utilized to accomplish the Agency's

<sup>1</sup>The Provider Reimbursement Review Board is assigned to HCFA for administrative support purposes only.

health care objectives. OMB plans and directs the HCFA manpower management system. OMB coordinates, reviews, and implements studies prepared by the Office of Systems and Organizational Integration. In coordination with the Office of Personnel, OMB maintains official manpower ceilings and monitors grade levels. OMB provides leadership, direction, and control of a variety of administrative management services for HCFA, including those pertaining to procurement, project grants and contract awards; personal and real property and facilities management; mail distribution and control; records, directives and other paperwork management programs; printing and reproduction services; and maintenance and protection of records under the Privacy Act. OMB provides executive secretariat services to the Administrator. These services include: advising headquarters and field components concerning adequacy and quality of policy documents; facilitating the movement and coordination of policy documents within HCFA and of written communications between HCFA and the Office of the Secretary; and reviewing, analyzing, and insuring coordination of memoranda and other written communications directed to the Office of the Administrator. OMB provides data processing services to HCFA Central Office components.

#### OFFICE OF PERSONNEL (OP)

The Office of Personnel serves as the principal advisor to the HCFA Administrator on the operation of HCFA's personnel system. OP provides overall direction to, and coordinates the personnel system with, HCFA components, including the following specific activities: (1) Recruitment and placement; (2) position classification and management; (3) maintenance of official personnel records for data control, payroll, and program evaluation purposes; (4) employee and labor relations; and (5) employee development and training, including upward mobility, retirement and career counseling; and (6) equal employment opportunity activities.

#### OFFICE OF REGIONAL AFFAIRS (ORA)

The Office of Regional Affairs coordinates and monitors HCFA regional operations; assures that HCFA instructions, directives, and policies requiring implementation by Regional Administrators are carried out; provides general guidance to Regional Administrators; coordinates for the Administrator periodic evaluations of the HCFA regional office performance; and represents regional office needs and concerns regarding the development, review, and clearance of program policies, procedures, and instructions.

#### OFFICE OF SYSTEMS AND ORGANIZATIONAL INTEGRATION (OSOI)

The Office of Systems and Organizational Integration reviews all major existing and proposed management and operating systems and units to assure

compliance with HCFA goals. OSOI provides leadership in the coordination and integration of systems and operating methodologies where more than one component is involved; develops plans and priorities for HCFA data systems; develops HCFA-wide data policy and standards. OSOI provides technical staff to HCFA components for the evaluation of systems and hardware proposals and acts as the HCFA reports clearance coordinator. OSOI monitors ongoing activities of the Medicare and Medicaid programs and other operational components to identify those activities which might be performed more effectively and/or efficiently if consolidated. OSOI evaluates the impact on HCFA of integrating similar activities, prepares studies that reflect these evaluations, and presents to the Administrator alternatives and recommended actions concerning future integration. OSOI plans and directs the HCFA operational planning and work planning systems. Planning activities are coordinated with and reviewed and implemented by the HCFA Office of Management and Budget.

#### OFFICE OF THE DEPUTY ADMINISTRATOR FOR OPERATIONS (ODO)

The Office of Operations provides for the accomplishment of all major HCFA program objectives by directing the planning, coordination, and execution of Medicaid, Medicare, and End-Stage Renal Disease program operations under Titles XVIII and XIX, and related statutes as amended. It establishes operational priorities and coordinates agency staff services with ongoing program operations to maximize efficiency and operational economy, and oversees Medicaid and Medicare program integration wherever feasible, for best utilization of agency resources for program operation. The Office of Operations establishes operational planning and resource utilization priorities between Medicaid and Medicare; directs and coordinates activities to insure program integrity and cost containment; evaluates operational information to provide data for program planning, evaluation, budgeting, and control, and it coordinates operational requirements, problems, and initiatives with other HCFA program offices.

#### THE MEDICARE BUREAU (MAB)

The Medicare Bureau provides direction and technical guidance for nationwide administration of the hospital and supplementary medical insurance programs. The Medicare Bureau develops, recommends, and issues, to HCFA components and to State agencies and intermediaries, day-to-day program policies, procedures, and interpretations; develops and helps to modify conditions of participation by providers of services; and develops operating criteria for reimbursing providers for their costs, as well as operating criteria for determining charges for physicians' and related medical services. The Medicare Bureau negotiates agreements and contracts with, and monitors performance of,

State agencies and intermediaries in administering certain health insurance provisions; directs reimbursement of providers who choose to receive payment directly from HCFA; and appraises the quality and effectiveness of health insurance administration. The Medicare Bureau develops special programs to improve health care of beneficiaries; among these programs are those designed to improve the use of services, in non-institutional settings, for the medical care of the aged and the disabled and to assure that medical care under Medicare is appropriate and necessary. The Medicare Bureau coordinates with the HCFA PSRO staff, advising Federal administrators, intermediaries, carriers, and States concerning the interrelationships between PSRO and Medicare activities; and with the HCFA Standards and Certification staff regarding survey and certification of Medicare nursing home facilities. The Medicare Bureau maintains liaison with medical and other health care professional groups concerning Medicare matters.

#### THE MEDICAID BUREAU (MMB)

The Medicaid Bureau directs the planning, coordination, and development of programs under Title XIX of the Social Security Act, and the coordination between these programs and other federally supported health and health related programs; establishes program goals and objectives; and provides leadership and direction in instituting, developing, promulgating, and interpreting Medicaid program policies (day-to-day), standards and directives to accomplish these goals including those pertaining to reimbursement and eligibility. The Medicaid Bureau provides leadership in developing Federal initiatives for special programs—in particular, initiatives to improve access of needy children to preventive and comprehensive health care. The Medicaid Bureau develops programs to improve the quality of care in long-term care institutions, including skilled nursing facilities, intermediate care facilities, and mental hospitals; to improve the use of services, in non-institutional, community-based settings, for the care of the needy aged, disabled, and other chronically ill persons; to assure that medical care under Medicaid is appropriate and necessary; and to assure more economical financing for delivery of health services, particularly with regard to the reimbursement of providers (e.g., prospective reimbursement, capitation, cost-related reimbursement). The Medicaid Bureau coordinates with Professional Standards Review Organizations (PSRO) program officials and advises Federal administrators on the interrelationships of PSRO and Medicaid activities and advises States on the implications of PSRO activities for medical programs. The Medicaid Bureau provides staffing support for the Maximum Allowable Cost (MAC) drug program and the Pharmaceutical Reimbursement Board.

OFFICE OF REIMBURSEMENT PRACTICES  
(ORD) (AND COST CONTAINMENT)

The Office of Reimbursement Practices develops alternatives for reimbursement practices of health care financing programs under existing statutes and ensures consistency of reimbursement policies among the various HCFA programs to the extent allowed by statutory requirements. Specifically, ORP performs the following activities:

(1) Examines reimbursement mechanisms and practices utilized by HCFA programs and other organizations, in and out of government, to ascertain potential alternatives for HCFA reimbursement processes and analyzes the impact of such alternatives upon the health care community and upon the objectives and financing of the programs.

(2) Examines existing and proposed Medicare and Medicaid reimbursement policies to determine adherence to established reimbursement philosophy, impact upon present and future program financing, and consistency with overall HCFA objectives.

(3) Coordinates with the Medicare Bureau, the Medicaid Bureau, and the HCFA Office of Policy, Planning, and Research the development and evaluation of appropriate legislative and policy changes in reimbursement.

(4) Examines the instructional system by which the reimbursement practices of the Medicare and Medicaid Programs are implemented to minimize differences and ensure consistency.

(5) Provides information to Medicare and Medicaid policy components on alternative reimbursement mechanisms for consideration in development of program policy.

(6) Examines policy implementation, special initiatives implementation, and legislative implementation affecting both programs to determine impact upon present and future program financing and consistency with overall HCFA objectives.

(7) Develops and articulates the operating instructions for implementation of hospital cost containment regulations.

OFFICE OF PROGRAM INTEGRITY (OPI)

The Office of Program Integrity plans, administers, and oversees programs designed to prevent the improper expenditure of funds through the Medicaid and Medicare programs, and assures that titles X-VIII and X-I-X pay only for services delivered, only on behalf of eligible recipients, only at the amount allowed by existing reimbursement schedules, and only at a level indicated by a recipient's medical condition. In conjunction with line management, OPI develops and applies systems designed to measure and analyze the level and nature of improper expenditures attributable to fraud and abuse. OPI deploys and directs Central Office and Regional review staffs responsible for ascertaining the overall level of fraud and abuse in Medicaid and Medicare, as well as for pursuing investiga-

tions of specific cases of abuse brought to the attention of program management. OPI refers cases of suspected fraud to the Office of the Inspector General for investigation; makes available to the Inspector General technical and programmatic expertise as requested, and participates in investigations at the latter's request. OPI works with State Medicaid agencies and Medicare contractors to install and maintain systems for detecting and eliminating abuse; fosters to the maximum extent the effective prevention, detection, and investigation of abuse at State and contractor levels; and works with States in developing their capacity to investigate and prosecute fraud. OPI provides quantifiable and objective sources of information to line management and the Administrator on improper program expenditures; provides central focus in charting HCFA's progress in reducing the levels of funds attributed to fraud, abuse and waste; recommends corrective action to line management with respect to improper expenditures; provides feedback from the improper expenditure measurement system for the purpose of improved program operations; and coordinates communications and joint activities with the Office of the Inspector General, the Department of Justice, and other organizations (Federal, State, and local) interested in issues related to program integrity.

HEALTH STANDARDS AND QUALITY BUREAU  
(HSQB)

The Health Standards and Quality Bureau directs activities to assure that health care services provided under Medicare and Medicaid are furnished in the most economical manner consistent with recognized professional standards of care, and serves as the national focus for assuring accountability to health care consumers for the quality of health care services. To this end, HSQB performs the following activities: Develops, interprets, and implements health quality and safety standards and evaluates their impact on the utilization, quality, and cost of health care services. These functions are performed in coordination with the Assistant Secretary for Health who has responsibility for generating broad policy guidelines on issues of quality of care and of health care financing. Basic technology input as developed through the knowledge development activities of the Public Health Service will be provided to the Health Care Financing Administration for their use in establishing standards for the providers who want to be qualified for Medicare and Medicaid. Develops, interprets, implements, and evaluates the conditions and standards of participation by, and monitors and validates certification activities for, providers and suppliers of health services under the Medicare and Medicaid programs. Develops, interprets, implements, and evaluates policies for professional standards review, related peer review, utilization review, and utilization control programs under

Medicare and Medicaid, including responsibility for entering into agreements with Professional Standards Review (PSR) State Councils. Develops and manages contracts/agreements with PSROs and PSR State Councils and develops policies regarding operational aspects of peer and utilization review programs, including their monitoring and evaluation. Develops, interprets, and evaluates health care and health-related policies related to implementation of the End-Stage Renal Disease (ESRD) provision of the Social Security Act and coordinates with Medicare the implementation and monitoring of these policies. Determines information and data reporting, collection and systems requirements for PSRO provider certification and the ESRD program. HSQB serves as the HCFA focal point in the Agency's interface with the Public Health Service on medical care standards, quality assurance, and other health-related policy matters.

THE HEALTH STANDARDS AND QUALITY  
BUREAU (HSQB) OFFICE OF STANDARDS AND  
CERTIFICATION (OSC)

The Office of Standards and Certification develops, interprets, and implements health and safety standards and other related policies for providers and suppliers of health services under Medicare and Medicaid and other Federal programs; administers and monitors the nationwide Medicare and Medicaid provider and supplier certification program established and maintained under formal agreements with State survey agencies; develops policies, procedures, and guidelines for Regional Offices and State agencies relating to their standards and certification responsibilities under Medicare and Medicaid, to include the State agency budget program; monitors and validates the application of health and safety standards and the adherence to Medicare and Medicaid policies by State agencies and other approved accrediting bodies; reviews on a continuing basis, the validity and effectiveness of existing standards, initiating revisions and developing standards for new types of facilities or services recognizing advances in medical practice and technology; develops and analyzes national data on the administration of the Medicare and Medicaid standards and certification program and develops methods for improvement; conducts training, informational, and other initiatives for improving the performance of State survey agencies and the providers and suppliers under the Medicare and Medicaid programs; maintains working relationships with other components of the Department which contribute to the standards and certification program; participates as the HCFA focal point in policy, procedural, and certification matters relative to provider standards activities.

HEALTH STANDARDS AND QUALITY BUREAU,  
OFFICE OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS (OPPRO)

The Office of Professional Standards Review Organizations coordinates the

implementation and ongoing operational activities of Federal programs, including Medicare and Medicaid, with respect to peer and utilization programs and other quality assurance policies. OPSRO implements and applies policies relating to fiscal management of peer review programs, including the principles of reimbursement for PSROs and PSR State Councils, and to the budgeting, accounting, reports management, statistical reporting, and auditing requirements applicable to such peer review organizations and PSR State Councils. OPSRO directs the administration and evaluation of peer review and quality assurance program management policies, including application of policies and guidelines relating to organization, membership, and management of PSROs and State Councils, and the negotiation of PSRO agreements. OPSRO provides advice and assistance to Regional Office staffs, PSROs and State Councils concerning fiscal and program management activities; and prepares issues for OGC review relating to legal aspects of peer review and quality assurance.

Dated: June 19, 1977.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

[FR Doc.77-18574 Filed 6-28-77; 8:45 am]

#### PRIVACY ACT OF 1974

##### Systems of Records and Notice of Proposed Routine Uses Thereof

Pursuant to the Privacy Act of 1974 (Pub. L. 93-579) as prescribed in 5 U.S.C. 552a(e)(4), the following modifications to notices of systems of records that the Department of Health, Education, and Welfare plans to implement are published as set forth below. The modifications consist of new routine use disclosures and other additional information for the notices. The modifications are indicated by italics.

In addition, for those systems listed in Appendix II, all of which are maintained by the Center for Disease Control, National Institute for Occupational Safety and Health (CDC/NIOSH), the proposed routine use disclosure of certain records (name, social security number (if known), date of birth, and last known address) may be made to one or more sources listed in Appendix I. The purpose of such disclosure would be to ascertain whether an individual has died and to determine the cause of death. The cause of death will enable CDC/NIOSH to evaluate whether excess occupationally related mortality is occurring. The complete notices for these systems of records for which this routine use is proposed were last published in the September 20, 1976, issue of the FEDERAL REGISTER on pp. 40813-40880.

Consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before July 29, 1977. Comments should be addressed to

the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 526-E, South Portal Building, at the above address. The routine uses will be adopted as of the closing date of the comment period unless comment resulting in a contrary determination is received and a revised notice published.

Dated: June 22, 1977.

JOHN D. YOUNG,  
Assistant Secretary for  
Management and Budget.

#### APPENDIX I

##### POTENTIAL SOURCES FOR DETERMINATION OF VITAL STATUS

Military Records.  
Appropriate State Motor Vehicle Registration Departments.  
Appropriate State Drivers License Departments.  
Appropriate State Government Divisions of: Assistance Payments (Welfare), Social Services, Medical Services, Food Stamp Program, Child Support, Board of Corrections, Aging, Indian Affairs, Workman's Compensation, Disability Insurance.  
Retail Credit Association Follow up.  
Veteran's Administration Files.  
Appropriate employee union or association records.  
Appropriate company pension or employment records.  
Company group insurance records.  
Appropriate State Vital Statistics Offices.  
Life Insurance Companies.  
Railroad Retirement Board.  
Area Nursing Homes.  
Area Indian Trading Posts.  
Mailing List Correction Cards (U.S. Postal Service).  
Letters and telephone conversations with relatives.  
Letters and telephone conversations with former employees of the same establishment as cohort member.  
Appropriate local newspaper (obituaries).

#### APPENDIX II

##### LIST OF NIOSH SYSTEMS REQUIRING ADDITION OF A NEW "ROUTINE USE"

##### Federal Register Number

##### CDC NIOSH:

0002.02 Study of Workers Exposed to Talc  
0003.02 Study of Workers Exposed to Bladder Carcinogens  
0004.02 Beta-Naphthylamine Workers Study  
0005.02 Study of Columbus Coated Fabrics Workers  
0006.01 Study of Phosphate Fertilizer Industry  
0007.02 Study of Union Carbide, Charleston, West Virginia Plant  
0008.01 Coal Miner Workers' Study  
0009.02 Study of Workers Exposed to Methyl Butyl Ketone  
0010.02 Study of Mineral Wool Workers  
0011.02 Study of Methyl Mine Workers  
0012.01 Study of Colloids, Inc. Workers  
0013.01 Gold Mine (home stake) Silicosis Study  
0014.02 Respirable Insulation Fibers Study  
0015.02 Bakers (white lung) Study  
0016.01 Study of Bakers and Confection Workers, and Other Associated Industries

0017.02 Silicosis (brick layers) Study—North Carolina  
0020.02 Workers Exposed to Bis (chloromethyl) Ether and Chloromethyl Methyl Ether  
0021.01 Study of Workers Exposed to Benzene  
0022.01 Uranium Miner's Study in Far West  
0023.01 Bureau of Mines Study in Morgantown, West Virginia  
0024.01 Workers Exposed to Benzidine—(Bladder Cancer)  
0025.01 Mine Enforcement Safety Administration Dust Measurement  
0026.01 Respiratory Infections Disease in Guyan Valley, West Virginia  
0028.01 Silicosis Study in 30 Metal Mines 1958 to 1962  
0029.01 Byssinosis Study at Cordova, North Carolina, Klopman Steele Plant  
0030.01 Byssinosis Research at Burlington Industries in Asheville, North Carolina  
0031.01 Histocompatibility Association of Pneumoconiosis (black lung) in Coal Workers  
0032.01 National Coal Miners Study  
0038.02 Epidemiological Study of United States Surface Coal Miners  
0039.01 Study of Workers in Tyler, Texas Asbestos Plants  
0040.01 Pennsylvania Coal Miners Study  
0041.01 Pursglove Mine, West Virginia Shift Study  
0042.02 Study of Workers Exposed to Chlorinated Hydrocarbons  
0043.02 Pre-test Cosmetology Convention Study  
0044.02 Study of Cincinnati Fire Workers  
0045.02 Study of Pottstown, Pennsylvania Chemical Plant Workers  
0046.02 Union Pacific Railroad Workers—Carbon Monoxide Study  
0047.02 Study of Workers in Asbestos Related Industries  
0048.02 Study of Workers Exposed to Fibrous Glass  
0049.02 Workers Exposed to Cotton Dust (Byssinosis)  
0050.02 Appalachian Coal Miners Study (1973-1966)  
0051.02 Kaiser Aluminum Employees at Ravenswood, West Virginia Study  
0052.02 West Virginia Pulp and Paper Co. Study  
0054.02 New Mexico Potash Miners Study  
0057.02 Kennecott Sulphur Dioxide Study  
0060.02 Study of Metals Industry Workers  
0061.01 Cosmetology Workers Study (Thesauriosis)  
0062.01 Study of Workers Exposed to Polyvinyl Chloride in the Plastics Industry at Ashtabula, Ohio; Avon Lake, Ohio; and Louisville, Kentucky  
0063.01 Biochemical Data System  
0068.02 Individuals Listed in the 1960 American Dental Association Directory  
0069.01 Coal Miners Study in Charleston, Beckley, West Virginia  
0070.01 Study of New Jersey Motor Vehicle Examiners Exposed to Carbon Monoxide  
0075.01 Hardrock Miner Mortality Study  
0076.01 Uranium Mill Worker Study in Colorado

- 0077.01 Survey of Arizona Asbestos  
Miners and Mill Workers  
(1969)
- 0078.01 Berylliosis/Sarcoidosis Study of  
Beryllium Plant Workers
- 0080.01 Miner/Neighbor Study in Pine-  
ville, West Virginia
- 0083.01 Diagnostic Methods for Identifi-  
cation of Occupational Dis-  
eases through Biopsy and/or  
Autopsy Specimens
- 0084.01 Metal Mining Mortality Survey  
System
- 0085.01 Childrens Pulmonary Function  
Study
- 0111.01 Machinists Exposed to Cutting  
Oil Mist 1938-1967
- 0119.01 Study of Workers Exposed to  
Heavy Metals, (Lead, Cadmi-  
um, etc.)
- 0122.01 Mortality and Morbidity among  
Oil Shale Workers
- 0124.01 Mortality of Dairymen
- 0125.01 Study of Workers Exposed to  
Inorganic Chemicals
- 0126.02 Study of Workers Exposed to  
Airborne Carcinogens in  
Woodworking Shops
- 0129.01 Study of Workers Exposed to  
Organic Chemicals
- 0130.00 Mortality Study of Tennessee  
Valley Authority (TVA)  
Workers Exposed to Coal Han-  
dling Processes
- 0132.01 Health Effects Study of Dust  
and Diesel Exhaust on Non-  
coal underground Miners
- 0133.01 Study of Workers Exposed to  
Mineral Fibers
- 0134.01 Study of Health Hazards in Ani-  
mal Confinement Housing
- 0135.01 Early Warning Indicators of  
Pesticides Exposure
- 0136.01 Alaska Pipeline Cold Stress  
Study
- 0137.01 Byssinosis Study

CDC BSS 0097.01

**System name:**

*Studies of the Effects of BCG Vaccina-  
tions for Tuberculosis—HEW/CDC/BSS.*

**Security classification:**

None.

**System location:**

TB Control Division and TB Control  
Division, Research & Development  
Branch, Bldg. 6—Room 222, CDC, Atlan-  
ta, GA 30333, 819 27 S. Street, Las Lo-  
mas, Rio Piedras, Puerto Rico.

**Categories of individuals covered by the  
system:**

*Persons who received BCG vaccina-  
tions at county public health clinics in  
Muscogee County, Georgia, and Russell  
County, Alabama, and the local public  
health clinic in Las Lomas, Rio Piedras,  
Puerto Rico. Health Department Pa-  
tients.*

**Categories of records in the system:**

Medical Records.

**Authority for maintenance of the system:**

Public Health Service Act, Section 301  
(42 U.S.C. 241).

**Routine uses of records maintained in the  
system, including categories of users  
and the purposes of such uses:**

Disclosure may be made to a congress-  
ional office from the record of an indi-

vidual in response to an inquiry from the  
congressional office made at the request  
of the individual. Disclosure may be made  
to the Department of Justice or other ap-  
propriate Federal agencies in defending  
claims against the United States when  
the claim is based upon an individual's  
mental or physical condition and is al-  
leged to have arisen because of activities  
of the Public Health Service in connec-  
tion with such individual. (Departmental  
Regulations (45 CFR, Part 5b) Appendix  
B, Item 100), and disclosure may be made  
to individuals and organizations deemed  
qualified by the Secretary to carry out  
specific research solely for the purpose of  
carrying out such research.

**Policies and practices for storing, retriev-  
ing, accessing, retaining, and dispos-  
ing of records in the system:**

**Storage:**

Cards and file folders.

**Retrievability:**

Statistical aggregate use. To test the  
effect of BCG vaccinations in reducing  
the incidence of tuberculosis in non-  
reactors to the tuberculin skin tests. *In-  
formation from these records will be used  
by the National Cancer Institute to de-  
termine any relationship between BCG  
vaccination and cancer. Records are re-  
trievable by name.*

**Safeguards:**

All records of data are kept in a locked  
room during non-business hours.

**Retention and disposal:**

Number years held at CDC: 30. Number  
years held at Federal Records Center  
before disposal: 10. How destroyed:  
Shredded or burned.

**System manager(s) and address:**

Director, Bureau of State Services,  
Building 1, Room 2047, CDC, Atlanta,  
GA 30333.

**Notification procedure:**

Center for Disease Control.  
Attention: Privacy Act Coordinator,  
Management Analysis Office.  
Atlanta, Georgia 30333. To determine if  
a file exists, write the Privacy Act Co-  
ordinator, Management Analysis Office,  
Center for Disease Control, Atlanta,  
Georgia 30333, and provide the following  
information: (1) approximate date(s)  
and place of treatment or questionnaire  
administration, (2) name of study, if  
known; (3) an individual who requests  
notification of or access to a medical re-  
cord shall, at the time the request is made,  
designate a responsible representative in  
writing who will be willing to review the  
record and inform the subject individual  
of its contents at the representative's dis-  
cretion (these notification and access  
procedures are requirements of the De-  
partment Regulations, 45 CFR, Part 4.6,  
FEDERAL REGISTER, October 8, 1975, page  
47411). A parent or guardian who re-  
quests notification of or access to a  
minor's record shall at the time the re-  
quest is made designate a family physi-  
cian or other health professional (other

than a family member) to whom the re-  
cord, if any, will be sent. The designee will  
receive the record in all cases and upon  
review will determine whether the re-  
cord should be made available to the par-  
ent or guardian.

**Record access procedures:**

Same as notification procedures. Re-  
questers should also reasonably specify  
the record contents being sought. (These  
access procedures are in accordance with  
Department Regulations (45 CFR, Part  
5b.5(a) (2) FEDERAL REGISTER, October 8,  
1975, page 47410).

**Contesting record procedures:**

Write the Privacy Coordinator, Man-  
agement Analysis Office, Center for Dis-  
ease Control, Atlanta, Georgia 30333.  
Reasonably identify the record and spec-  
ify the information to be contested in  
accordance with Department Regula-  
tions, FEDERAL REGISTER, October 8, 1975,  
page 47411 (45 CFR, Part 5.b.7).

**Record source categories:**

*State Health Departments of Alabama  
and Georgia and Territorial Health De-  
partment of Puerto Rico.*

SSA PP RSO 1075.04

**System name:**

Continuous Work History Sample  
(Statistics) HEW SSA.

**Security classification:**

None.

**System location:**

Bureau of Data Processing, 6401 Se-  
curity Boulevard, Baltimore, Maryland  
21235.

Bureau of Census, Washington, D.C.  
20233.

**Categories of individuals covered by the  
system:**

A sample of person with social secu-  
rity numbers issued through the cutoff  
date of the file. Included are those work-  
ing for the Federal government and  
those covered by the Railroad Retirement  
Act, as well as those covered under  
social security.

**Categories of records in the system:**

Demographic characteristics; em-  
ployer information; type of work infor-  
mation; earnings information; self-em-  
ployment information; insured status in-  
formation; benefit status; geography in-  
formation (residence).

**Authority for maintenance of the system:**

Section 702 of the Social Security Act.  
(42 USC Sec. 902).

**Routine uses of records maintained in the  
system, including categories of users  
and the purposes of such uses:**

Disclosures are made to: (1) Energy  
Research and Development Administra-  
tion for their study of the long-term  
effects of low-level radiation exposure;

(2) Department of Labor for admin-  
istering provisions of Title IV of the  
Federal Coal Mine Health and Safety

Act and for studies on the effectiveness of training programs to combat poverty;

(3) Civil Service Commission for the study of the relationship of civil service annuities to minimum social security benefits; and the effects on the trust fund;

(4) Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act;

(5) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual;

(6) A Federal or State agency (or its agent) lawfully charged with the administration of a Federal or State unemployment compensation law or contribution or tax levied in connection therewith, for the purpose of such administration but solely for use in compiling statistics to be used in aggregated or anonymous forms.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

Data are stored on magnetic tape.

**Retrievability:**

The file is indexed with social security numbers.

**Safeguards:**

Initial processing is performed by Census Bureau. During the matching steps which occur at the Social Security Administration, identifiable data is under the control of a limited number of social security employees who have sworn to uphold the Census statute. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

**Retention and disposal:**

This is a longitudinal sample. Records with identifiers will be retained as long as needed to permit addition of future earnings and other Social Security Administration program data for individuals in sample.

**System manager(s) and address:**

Assistant Commissioner, Office of Research and Statistics, Social Security Administration, Room 1121, 1875 Connecticut Avenue, NW., Washington, D.C. 20009.

**Notification procedure:**

For purposes of access, write the systems manager; he will require name of system, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, years during which covered earnings were reported and years of self-employment, if any.

**Record access procedures:**

Same as notification procedures. Requesters should also reasonably specify the record content being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

**Contesting record procedures:**

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

**Record source categories:**

Master beneficiary record; earnings summary record; quarterly earnings items file; employer identification file; 'Notification of Personnel Action' (SF-50); Railroad Retirement Board master file; Internal Revenue Service name, and address file.

**Systems exempted from certain provisions of the act:**

None.

SSA PO RSI 0975.05

**System name:**

Program Integrity Case Files HEW SAA.

**Security class:**

None.

**System location:**

Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235, and its program centers (see Appendix A—FEDERAL REGISTER, Sept. 20, 1976 page 41048).

Bureau of Disability Insurance, Baltimore, Maryland 21231, its regional office locations (see Appendix B—FEDERAL REGISTER, Sept. 20, 1976, page 41048).

Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235, or the Health Insurance Regional Office locations (see Appendix C—FEDERAL REGISTER, Sept. 20, 1976, page 41053).

Office of Management and Administration, Quality Assurance Field Staffs, 6401 Security Boulevard, Baltimore, Maryland, 21235 (see Appendix D-4—FEDERAL REGISTER, Sept. 20, 1976, page 41059), or the Supplemental Security Income Regional Office locations (see Appendix D—FEDERAL REGISTER, Sept. 20, 1976, page 41058).

**Categories of individuals covered by the system:**

Persons suspected of having violated the criminal provisions of the Social Security Act where substantial basis for criminal prosecution exists, and defendants in criminal prosecution cases.

**Categories of records in the system:**

Information maintained in each record includes the identity of the suspect,

the nature of the alleged offense, documentation of the investigation into the alleged offense, and the disposition of the case by the Social Security Administration or the United States Attorney.

**Authority for maintenance of the system:**

Sections 206, 208, 221, 222, 1106, 1107, 1631(d)(3), 1632, 1633, 1816, 1842, 1872, 1974, 1976, 1877 of the Social Security Act, and sections 413 and 427 of the Federal Coal Mine Health and Safety Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

Material in this system of records is routinely used by SSA staff to determine if a violation of the penal provisions of the Social Security Act or related provisions of the United States Code has been committed. If so, such material is used as the basis for referral of the case to the Department of Justice for consideration of prosecution, and is disclosed to that agency. The material is also used to determine the direction of investigation of potential fraud situations, which includes contact with third parties for the purpose of establishing or negating a violation. Some such information is disclosed to officers or employees of State governments as well as the CHAMPUS program for use in conducting investigations of possible fraud or abuse against the title XIX or CHAMPUS programs, as well as States Attorneys in connection with State programs involving the Social Security Administration. Cases involving fraudulent tax returns or forgery of social security checks are disclosed to the Treasury Department. (See also 45 CFR, Part 5B). Disclosure may also be made to: The U.S. Postal Service for investigating alleged forgery or theft of social security checks; State and local police authorities for the purpose of investigating the loss, theft, and/or forgery of Medicare checks; to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

Manual system, records maintained in manila folders and stored in filing cabinets.

**Retrievability:**

Records are indexed and retrieved by social security number or by name of the subject of the investigation. The information in this record system pertains to suspected violations and fraud investigations. Cases may move through several levels of the Social Security Administration organization at the district, regional and/or central office locations during the course of documenting a suspected fraudulent situation.

**Safeguards:**

Records are maintained in locked filing cabinets and are accessed only by employees with a job-related need for the information.

**Retention and disposal:**

Records may be retained 3-6 years after final disposition of the case. At the end of the retention period, the records are destroyed by shredding. (Supplemental security income cases are scheduled for 6 year retention, all others 3 years; once experience has been gained with the former types of cases, it may be possible to reduce it to 3 years.)

**System manager(s) and address:**

Director, Office of Quality Assurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Disability Insurance, Baltimore, Maryland 21241.

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

**Notification procedure:**

An individual can determine if this system contains a record pertaining to him by requesting such information in writing from the appropriate program service center for retirement and survivors cases (see Appendix A); Bureau of Disability Insurance for disability, black lung, or Supplemental Security Income disabled or blind cases; the appropriate Health Insurance Regional Offices for health insurance cases (see Appendix C); or the appropriate Quality Assurance Field Staff for supplemental security income cases (see Appendix D3). The request should include the individual's name and social security number, any social security number on which he has filed for or received benefits, the type of such claim, and current claim status. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

**Record access procedures:**

Per 5 United States Code 552a(k)(2), the records in this system are exempt from access by the individual named in the records. However, access to information which is a matter of public record or documents furnished by the individual will be permitted.

**Contesting record procedures:**

Same.

**Record source categories:**

The information contained in this record system is the result of criminal

investigation and may be derived from such sources as the suspect, witnesses, or Social Security Administration employees with a knowledge of the case.

**Systems exempted from certain provisions of the Act:**

Exemption of this system to the access provisions is claimed under section k(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for program (law) enforcement in anticipation of a criminal proceeding. (See page 47413 of FEDERAL REGISTER of 10-8-75, Vol. 40, No. 196, Part V.)

SSA PO DI 0275.03

**System name:**

Initial and Continuing Disability Determination File HEW SSA.

**Security classification:**

None.

**System location:**

Each Disability Determination Services office. The name and address for each State is shown in Appendix B.

**Categories of individuals covered by the system:**

Applicants for disability insurance and black lung benefits and applicants for Supplemental Security Income alleging a disability on whom the Disability Determination Services had made an initial determination and all such beneficiaries on whom the Disability Determination Service has made a determination of continuance (or noncontinuance) of disability.

**Categories of records in the system:**

Name and social security number of wage earner, claimant's name and address, sex, date of birth, race, marital status, number of children (if applicable), alleged onset date of disability, diagnosis, beginning and ending of prescribed period of disability, quarters of coverage under Social Security Act, basis for determination, vocational background information, number of years in occupation, education level, reexamination date (if applicable), and date of application. Also, name and title of persons making or reviewing the determination, and certain administrative data. These records are snap-out type forms having multiple carbon copies. One of these copies, designated as the "State Agency Copy" is retained by the Disability Determination Service (formerly known as State agencies).

**Authority for maintenance of the system:**

5 U.S.C. 301, 30 U.S.C. 923(b) Sections 221, 1633, or 1634 of the Social Security Act, and 42 U.S.C. 421, 1833, 1934 under which each State may enter into an agreement with the Secretary of Health, Education, and Welfare to make determinations as to disability with respect to individuals within that State.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

*Routine uses for disclosure may be to:*

a. Disability Determination Services claims personnel after the claims file itself has left the possession of the Disability Determination Service, for responding to subsequent inquiries from the claimant, a treating physician, or a component of the Social Security Administration.

b. State Vocational Rehabilitation agency or State crippled children's service agency (or another agency providing services to disabled children) for the consideration of rehabilitation services per 42 U.S.C. 422 and 1382d.

c. State audit agencies utilizing this information for verifying proper expenditure of Federal funds by the State in support of the Disability Determination Service (DDS).

d. Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits, or verifying other information with respect thereto.

e. Railroad Retirement Board for administering the Railroad Unemployment Contributions Act.

f. Congressional offices from the record of an individual response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:****Storage:**

Carbon copies of Forms SSA-831 and SSA-833 are maintained in sectionalized files.

**Retrievability:**

Filed by social security number or alphabetically by the claimant or beneficiary's name depending on Disability Determination Service preference.

**Safeguards:**

Accessible only to Disability Determination Service personnel and subject to the restrictions on disclosures under 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, 42 U.S.C. 1306.

**Retention and disposal:**

May vary from State to State according to the preference, but generally each State destroys its files over a period varying from 6 months to 36 months unless held in an inactive storage under security measures for a longer period.

**System manager(s) and address:**

Assistant Regional Commissioner, Disability Insurance, at the address shown in Appendix B, *Federal Register*, September 20, 1976, page 41049.

**Notification procedure:**

Disability Determination Services Administrator, Disability Determination Services, c/o State in which the individual resides and/or information is likely to be maintained. See Appendix B, *Federal Register*, September 20, 1976, page 41049. Requester should furnish



identifying information: name, social security number, address. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

#### Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

#### Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

#### Record source categories:

These records summarize information contained in the file Folder, which was obtained from the individual or someone acting on the individual's behalf and from the individual's physician, or a physician performing a consultative examination or from hospitals and other treatment sources.

#### Systems exempted from certain provisions of the act:

None.

SSA HI INT 0175.04

#### System name:

Intermediary Medicare Claims Records HEW SSA.

#### Security classification:

None.

#### System location:

Intermediaries under contract to the Social Security Administration (see Appendix C, Section 3, Federal Register, September 30, 1976, page 41053).

#### Categories of individuals covered by the system:

Recipients of Part A (hospital insurance) Medicare services.

#### Categories of records in the system:

Inpatient hospital and extended care admission and other health services; inpatient admission and billing—Christian Science Sanatorium; home health agency report and billing, and other documents used to support payments to providers of service. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, provider name, physician's name,

date of admission and discharge, other health insurance and a statement of services rendered.

#### Authority for maintenance of the system:

Sections 1816 and 1874 of Title XVIII of the Social Security Act.

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses for disclosure may be to:

- Claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

- Third-party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the Medicare program when:
  - The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or
  - The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

- Third-party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.
- The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.
- The United States Postal Service for investigating alleged forgery or theft of social security checks.
- The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.
- The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.
- Professional Standards Review Organization for utilization review (PSRO).

- State Licensing Boards for review of unethical practices or nonprofessional conduct.

- Providers and suppliers of services directly dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.

- Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

- State welfare departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, and for quality control studies and for determining eligibility of grants-in-aid recipients under titles IV and XIX of the Social Security Act.

- A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

- State audit agencies in connection with the audit of Medicaid eligibility considerations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

#### Storage:

Records maintained on paper forms, magnetic tape and microfilm.

#### Retrievability:

The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to providers by the intermediaries. The paid bills are forwarded to the Social Security Administration, Bureau of Data Processing, Baltimore, Maryland, where they are microfilmed and used to assist in responding to individual inquiries.

#### Safeguards:

Disclosure of records is limited. The file area is closed to unauthorized personnel.

#### Retention and disposal:

Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to Federal Records Center and destroyed after another 6 years.

#### System manager(s) address:

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

#### Notification procedure:

Inquiries and requests for system records should be addressed to the social security office nearest the requester's residence (see Appendix F, Federal Register, September 20, 1976, page 41062), or to

the Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

#### Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

#### Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

#### Record source categories:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

#### Systems exempted from certain provisions of the act:

None.

SSA HI CAR 0175.05

#### System name:

Carrier Medicare Claims Records HEW SSA.

#### Security classification:

None.

#### System location:

Carriers under contract to Social Security Administration (See Appendix C, section 4, Federal Register, September 20, 1976, page 41056).

#### Categories of individuals covered by the system:

Recipients of Part B (Supplementary Medical) Medicare benefits.

#### Categories of records in the system:

Request for Payment; Provider Billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier; Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished De-

ceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to physicians and other suppliers of Part B Medicare services.

#### Authority for maintenance of the system:

Sections 1842 and 1874 of title XVIII of the Social Security Act.

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses for disclosure may be to:

- Claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

- Third-party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capacity to manage his affairs or his eligibility for or entitlement to benefits under the Medicare program when:

- The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

- The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

- Third-party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

- The Treasury Department for investigation alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

- The United States Postal Service for investigating alleged forgery or theft of social security checks.

- The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

- The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

- Professional Standards Review Organization for utilization review (PSRO).

- State Licensing Boards for review of unethical practices or nonprofessional conduct.

- Providers and suppliers of services directly dealing through fiscal intermediaries or carriers for administration of provisions of the title XVIII.

- Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

- State welfare departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, and for quality control studies and for determining eligibility of grants-in-aid recipients under titles IV and XIX of the Social Security Act.

- A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

- State audit agencies in connection with the audit of Medicaid eligibility considerations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

#### Storage:

Records maintained on paper.

#### Retrievability:

System is indexed by health insurance claim number. The record is prepared by the beneficiary and is used by the carriers to determine amount of and entitlement to Part B benefits. The bills are retained by the carriers. The record is also used to update the Part B Physician/Supplier 25,000 listing. Disclosures of physician's customary charge data are made to state audit agencies in order to ascertain the correctness of Title XIX charges and payments.

#### Safeguards:

Unauthorized personnel are denied access to the records area. Disclosure is limited.

#### Retention and disposal:

Close out at the end of the calendar year in which paid, two additional years, transferred to Federal Records Center and destroy after another two years.

#### System manager(s) and address:

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

#### Notification procedure:

Inquiries and requests for system records should be addressed to the most convenient social security office or to Social Security Administration, Bureau of Health Insurance, Health Insurance In-

quiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

#### Record access procedures:

The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

#### Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

#### Record source categories:

The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

#### Systems exempted from certain provisions of the act:

None.

SSA PO RSI 0175.06

#### System name:

Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA.

#### Security class:

None.

#### System location:

Retirement and Survivors Insurance Claims; Claims folders are maintained primarily in the Retirement and Survivors Insurance Program Service Centers and the Division of International Operations (see Appendix A). Disability Insurance Claims; Bureau of Disability Insurance (see Appendix B) or Division of International Operations (see Appendix A), Black Lung Claims; Bureau of Disability Insurance (see Appendix B). Supplemental Security Income Claims; Claims for benefits based on age—Retirement and Survivors Insurance Program centers (see Appendix A). Claims for Disability or Blind Benefits—Bureau

of Disability Insurance (see Appendix B). In addition, claims folders are transferred to numerous other locations throughout the Social Security Administration, and infrequently may be temporarily transferred to other Federal agencies (Department of Justice, or Office of the General Counsel, Department of Health, Education, and Welfare). The disability claims folders are also transferred to State agencies for disability and vocational rehabilitation determinations (see Appendix B). The claims folders are generally set up in district or branch offices when claims for benefits are filed. They are retained there until all development has been completed, then are transferred to the appropriate reviewing office as set out above. Supplemental security income claims folders are held in district or branch offices pending establishment of a payment record, or until the appeal period, in a denied claim situation, has expired. The folders are then transferred to the reviewing office. For district or branch office information, see Appendix F. Appendixes A, B, and F were last published in the FEDERAL REGISTER on September 20, 1976, volume 41, number 183, page 41048ff.

#### Categories of individuals covered by the system:

Claimants for retirement, survivors, disability, health insurance, or black lung benefits or supplemental security income payments.

#### Categories of records in the system:

The claims folder is established when a claim for benefits is filed. It contains applications for benefits, earnings record information established and maintained by the Social Security Administration, documents supporting factors of entitlement and continuing eligibility, payment documentation, and correspondence to and from claimants and/or representatives. It may also contain data collected as a result of inquiries or complaints; and evaluation and measurement study of effectiveness of claims policies. Separate files may be maintained of certain actions which are entered directly into the computer processes. These relate to report of changes of address, work status, and other post-adjudicative reports.

#### Authority for maintenance of the system:

Payment of benefits is directed by the following sections: Section 202(a)-(1), 223, 226, 228, and 1611 of the Social Security Act and Section 411 of the Federal Coal Mine and Health Safety Act.

#### Routine uses of records maintained in the system, including categories of user and the purposes of such use

Routine uses for disclosure may be to:

a. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitle-

ment to benefits under the social security program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

b. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representatives payees or payee applicants.

c. A person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls; that is:

(1) An award of benefits to a new claimant precludes an award to a prior claimant; or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; only for information concerning the facts relevant to the interests of each party in a claim.

d. Employers or former employers for correcting or reconstructing earnings records and for social security tax purposes only.

e. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act (including social security number verification services), for investigating alleged theft, forgery, or unlawful negotiation of social security checks, and for purposes of garnishment to provide child support or alimony in accordance with a properly executed garnishment action in accordance with 47 U.S.C. 659.

f. The United States Postal Service for investigating alleged forgery or theft of social security checks.

g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

h. The Department of State and the Veterans' Administration Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.

i. The Railroad Retirement Board for administering provisions of the Railroad

Retirement and Social Security Act relating to railroad employment and for administering the Railroad Unemployment Insurance Act.

j. The Veterans' Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).

k. The Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act.

l. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

m. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

n. The Civil Service Commission for study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.

o. State social security administrators for administration of agreements pursuant to section 218 (State and local).

p. State welfare Departments for administering Sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes only.

q. State Welfare Department pursuant to agreements with the Social Security Administration for administration of State supplementation payments, for determinations of eligibility for Medicaid per section 1634, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, for quality control studies and determining eligibility of grants-in-aid recipients under Titles IV and XIX of the Social Security Act, and for conducting independent quality assurance reviews of supplemental security income recipient records, provided that the agreement for Federal administration of the supplementation provides for such an independent review.

r. State Vocational Rehabilitation agency, or State crippled children's service agency (or another agency providing services to disabled children) for the consideration of rehabilitation services per 42 U.S.C. 422 and 1382 d.

s. State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

t. Professional Standards Review Organizations (PSRO) and State Licensing Boards for review of unethical practices or nonprofessional conduct as provided in section 1165.

u. Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.

v. Private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by the Social Security Administration or a State agency acting in accord with sections 221 or 1633.

w. Energy Research and Development Administration for their study of the long-term effects of low-level radiation exposure.

x. Specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e).

y. Institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611e and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.

z. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

aa. Applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representative or representative payees to the extent necessary to pursue social security claims and receive and account for benefit payments.

bb. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

cc. State audit agencies for verifying proper expenditures of Federal funds by the State in support of the Disability Determination Service (DDS).

dd. *The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto.*

**Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:**

**Storage:**

Claims folders are maintained in file cabinets by service area as set out in Location above.

**Retrievability:**

Filed in numerical sequence by social security number. The folders are used throughout the Social Security Administration for the purposes of determining, organizing, and maintaining documents for making normal determinations as to eligibility to benefits, the amount of benefits, reviewing containing documents for making normal administrative review processes, and to ensure that proper adjustments are made based on events affecting entitlement. The folder may be referred to State Disability Determination Sections or Vocational Rehabilitation Agencies in disability cases. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes.

The claims folder constitutes the basic record for payments and determinations under the Social Security Act and the Federal Coal Mine Health and Safety Act (black lung). Data are used to produce and maintain the master beneficiary record system (see Systems Notice) which is the automated payment system for retirement, survivors, and disability benefits; the supplemental security income automated system for the aged, blind, and disabled payments; the black lung payment process for black lung claims; and the Health Insurance and Billing and Collection Master record system for Hospital and supplementary medical (medicare) insurance benefits.

TsIs paper file is controlled by the Social Security Administration Claims Control System while the claim is pending development for adjudication in the district or branch office, and by the Case Control System once the folder has been transferred to the reviewing office (program centers, Division of International Operations, or the Bureau of Disability Insurance).

**Safeguards:**

Claims folders are protected through limited access to Social Security Administration records, limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as a part of their initial orientation training.

**Retention and disposal:**

The claims folder is maintained in the reviewing office until the social security number becomes inactive (no one is entitled to benefits). It is then transferred for storage to the Federal Archives and Records Center to await destruction based on predetermined destruction dates; 5-year retention-no record of surviving potential beneficiaries; 20-year retention-withdrawn claims, claims disallowed or lump-sum death payments only; and 55-year retention-potential future claimants indicated in the file. When a subsequent claim is filed on the social security number the claim is recalled from the Records Center. Similarly, the claims files may be recalled from the Records Center at any time by the Social Security Administration as necessary in the administration of the social security programs.

**System manager(s) and address:**

Director, Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Supplemental Security Income, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Disability Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

**Notification procedure:**

Contact the most convenient social security office (see Appendix F for address and telephone information).

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notifications and access procedures are in accordance with Department Regulations (45 CFR 5b.6) FEDERAL REGISTER, October 8, 1975, page 47410.)

#### Record access procedures:

In order to find out if this system contains information about him, an individual may contact the most convenient social security office in person or in writing. The inquirer should provide his name, social security number, identify the type of claim he filed (retirement, survivors, disability, health insurance, black lung, special minimum payments, or supplemental security income) (if more than one claim was filed, each should be identified); whether he is or has been receiving benefits; whether payments are being received under his own social security number, and if not, the name and social security number under which received; if benefits have not been received, the approximate date and place the claim was filed; and his return address or his telephone number.

#### Contesting record procedures:

If upon review of the record, the individual wishes to contest any part of it, he may do so at the same office where he accessed the record. Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Sec. 5b.7, FEDERAL REGISTER, October 8, 1975, page 47411).)

#### Record source categories:

This information is obtained from the claimants, accumulated by the Social Security Administration from reports of employers or self-employed individuals, various local, State, and Federal agencies, claimant representatives and other sources to support factors of entitlement and continuing eligibilities.

#### Systems exempted from certain provisions of the Act:

None.

SSA PO RSI 0275.05

#### System name:

Master Beneficiary Record HEW SSA.

#### Security classification:

None.

#### System location:

Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

#### Categories of individuals covered by the system:

All social security beneficiaries currently entitled to receive retirement, survivors, disability, and special minimum social security benefits; records for beneficiaries whose entitlement has been terminated because of a termination event as defined in the Social Security Act; and denied and disallowed cases.

The master beneficiary data contains data applicable to all beneficiaries maintained on the record within a particular account and reflects the social security number under which benefits are awarded, the primary insurance amount (insured) or quarters of coverage required and earned (uninsured); provides information regarding benefit computation, insured status, use of railroad or military credits, and information for statistical and control purposes; contains the effective date of onset of disability for disability cases or date and proof of death for death cases; contains information pertinent to all beneficiaries receiving payment on the record and the name and address (including ZIP Code) of the payee, the servicing social security district office code and the amount of the monthly check payable; reflects any special status of a payment being made; contains statistical and identifying information for each individual on the record such as the beneficiary subscript, beneficiary name, date of birth, date of entitlement, sex, race, and benefit payment status; contains information for those beneficiaries enrolled in the health or supplemental medical insurance provision of the Social Security Act; contains information relating to annual reports of earnings, representative payee data, and cross-reference data pertinent to any other account on which the beneficiary may be entitled to benefits; and a chronological sequence of payment history for each beneficiary. The records may be in the following form. Master Beneficiary Record Computer File; Online Data Base (Query and Response); Various Microform Files as follows: Master File—a master record in account number order, Alpha File—an alphabetic list of beneficiaries, Transaction File—monthly supplement (accretions, deletions, and changes) to the master file, in account number order, Offline Query and Response, Treasury Payment Tape Files and Related Transaction Files, Various One-Time Work Tape Files used in computer sorting of records and in subsystems processing of the master beneficiary records. After use they are returned to stock, Payment Reference Listing.

#### Authority for maintenance of the system:

Payment of benefits is directed by the following sections: Sections 202a-1, 223, 226, 228, and 1611 of the Social Security Act.

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses for disclosure may be to:

a. Applicants or claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive and account for benefit payments.

b. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security programs when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

c. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

d. A person (or persons) on the rolls when a claim is filed by another individual which is adverse to the person on the rolls:

(1) An award of benefits to a new claimant precludes an award to a prior claimant; or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.

e. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act (including social security number verification services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.

f. The United States Postal Service for investigating alleged forgery or theft of social security checks.

g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

h. The Department of State and the Veterans' Administration Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.

i. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment and for administering the Railroad Unemployment Insurance Act.

j. The Veterans' Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).

k. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

l. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

m. The Civil Service Commission for the study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.

n. State social security administrators for administration of agreements pursuant to section 218 (State and local).

o. State Welfare Departments for administering Sections 205(c)(2)(B)(i) (II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes and for determining a recipient's eligibility under the AFDC and Medicaid programs.

p. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure. (See also 45 CFR, Part 5b).

q. A congressional office for the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

r. Contractors under contract to the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

s. Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

Magnetic tape, magnetic disk, microfilm, and paper.

**Retrievability:**

Based on social security number on magnetic tape, microfilm readers and printers, listings, and online computer terminals. Master beneficiary record data are used by a broad range of social security employees for responding to inquiries, generating followups on beneficiary reporting events, computer exception processing, statistical studies, conversion of benefits, and to generate payment records for Treasury. Data are channelled from this system to State Welfare Department's, with consent of the individual, for Aid to Families with Dependent Children program purposes; and data are received from States regarding health insurance third party premium payment/buy-in information.

**Safeguards:**

*All magnetic tapes and discs are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.*

**Retention and disposal:**

Magnetic tape records are used to update the disc files and then are retained up to 90 days; the majority of magnetic tape reels are erased and returned to stock after processing is completed, while the disc files are continuously updated and retained indefinitely. Microfilm is disposed of by shredding after periodic replacement of a complete file. Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder, in which case they are retained therein indefinitely (see notices for claims folders and post-adjudicative records of applicants and beneficiaries for social security benefits).

**System manager(s) and address:**

Director, Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

**Notification procedure:**

Contact the most convenient social security office (see Appendix F). The social security claim number (social security number plus alphabetic symbols), and name and address must be furnished with proper identification. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

**Record access procedures:**

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

**Contesting record procedures:**

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

**Record source categories:**

The information for the master beneficiary record comes primarily from the claims folder and/or is furnished by the beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given the Social Security Administration by the beneficiary; from States regarding health insurance buy-in cases.

**Systems exempted from certain provisions of the act:**

None.

SSA PO SSI 0175.05

**System name:**

Supplemental Security Income Record HEW SSA.

**Security class:**

None.

**System location:**

Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235, District Offices, Branch Offices and BSSI Regional Offices. (See Appendixes D and F in the FEDERAL REGISTER, September 20, 1976, pages 41058 ff, and pages 41062 ff.)

#### Categories of individuals covered by the system:

This file contains a record for each aged, blind, or disabled individual who has applied for supplemental security income payments.

#### Categories of records in the system:

This file contains data regarding eligibility, citizenship, residence, eligibility for other benefits, alcoholism or drug addiction data (if applicable), income data, resources, payment amounts and living arrangements for all persons who have applied for SSI payments.

#### Authority for maintenance of the system:

Section 1631 of title XVI of the Social Security Act.

#### Routine uses of records maintained in the system, including categories of users and the purposes of such use:

Information from this file is used by the Treasury Department to prepare supplemental security income benefit checks, and by the States to establish the minimum income level for computation of State supplement. Minimum information necessary to identify SSI applicants and recipients to the following Federal and State agencies for their use in preparing information for verification of eligibility for benefits under section 1631(e): Bureau of Indian Affairs; Civil Service Commission; Department of Agriculture; Department of Labor; Immigration and Naturalization Service; Internal Revenue Service; Railroad Retirement Board; State Pension Funds; State Welfare Offices; State Workmen's Compensation; Department of Defense; United States Coast Guard; and, Veterans Administration. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual; State Vocational Rehabilitation agency, or State crippled children's agency (or another agency providing services to disabled children) for the consideration of rehabilitation services per 42 U.S.C. 422 and 1382d; Contractors under contract to the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act; State audit agencies for auditing State supplementation payments and Medicaid eligibility consideration. *The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto; the Railroad Retirement Board for administering the Railroad Unemployment Insurance Act.*

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

#### Storage:

Magnetic Tape, microfiche.

#### Retrievability:

Magnetic tape and Microfiche indexed by social security number. Supplemental security income records begin in the social security district office where an individual files an application for supplemental security income payments. This application contains data which may be used to prove the identity of the applicant, determine his eligibility for SSI payments and in cases where eligibility is determined, to compute the amount of the payment. Information from the application in addition to data used internally to control and process SSI cases is used to create the Supplemental Security Income Record. The Supplemental Security Income Record is also used as a means of providing a historical record of all activity on a particular individual. In addition, statistical data is derived from the Supplemental Security Income Record for actuarial and management information purposes.

#### Safeguards:

All magnetic tapes are within an enclosure attended by security guards. Anyone entering or leaving that enclosure must have special badges which are only issued to authorized personnel. All authorized personnel having access to the magnetic tape records are subject to the penalties of the Privacy Act. The microfiche are stored in locked cabinets.

#### Retention and disposal:

Original input transaction tapes received which contain initial claims and posteligibility actions are retained indefinitely although these are processed as received and incorporated into processing tapes which are updated to the master supplemental security income tape file on a monthly basis. All magnetic tapes appropriate to SSI information furnished specified Federal, State, and local agencies for verification of eligibility for benefits and under section 1631(e) are retained, in accordance with the Privacy Act accounting requirements, for at least 5 years or the life of the record, whichever is longer.

#### System manager(s), and address:

Director, Bureau of Supplemental Security Income, 6401 Security Boulevard, Baltimore, Maryland 21235.

Social Security District Offices and Branch Offices (See Appendix F).

#### Notification procedure:

Social Security District Offices and Branch Offices (See Appendix F).

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR Sec. 5b6 FEDERAL REGISTER, October 3, 1975, page 47411)).

#### Record access procedures:

Same. Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

#### Contesting record procedures:

Same. Contact the system manager at the address specified under Notification Procedure above; reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, FEDERAL REGISTER, October 8, 1975, page 47411 (45 CFR Sec. 5b7).

#### Record source categories:

The information contained within the Supplemental Security Record is obtained for the most part from the applicant for SSI payments and is derived from the claims folder.

#### Systems exempted from certain provisions of the act:

None.

SSA PO DP 0275.04

#### System name:

Earnings Recordings and Self-Employment Income System HEW SSA.

#### Security classification:

None.

#### System location:

Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

#### Categories of individuals covered by the system:

Any person who has been issued a social security number and who may or may not have earnings under social security or self-employment income.

#### Categories of records in the system:

This contains records of all social security number holders, their name, date of birth, sex, race, a summary of their yearly earnings, quarters of coverage, special employment codes (i.e., self-employment, military, agriculture, and railroad, benefit status and employer identification).

#### Authority for maintenance of the system:

Section 205(a) of the Social Security Act and section 205(c)(2) of the Social Security Act.

#### Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Employers or former employers, including State social security administrators for correcting and reconstructing State employee earnings records and for social security tax purposes; the Treasury Department a. for collection of social security taxes; b. for verification of taxpayers' identification numbers; c. for administering or identifying violations of the Social Security Act, the Federal Insurance Contributions Act, the Self-Employment Contributions Act, and the Federal Unemployment Tax Act; d. for administering or investigating violations

of any Federal income tax law; e. for investigating alleged theft, forgery, or unlawful negotiation of social security checks; and f. for Office of Tax Analysis studies of the effects of income taxes and taxes of earnings; the Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment and for administering the Railroad Unemployment Insurance Act; the Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act; the Department of Justice (Immigration and Naturalization Service) for the identification and location of aliens; The Department of Justice (Federal Bureau of Investigation) and the Department of Treasury (United States Secret Service) for national security matters and in connection with threats on the life of the President or other dignitaries; State Departments of Public Welfare for quality control studies of grants-in-aid recipients; Energy Research and Development Administration for their study of the long-term effects of low-level radiation exposure; the Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act and for studies of the effectiveness of training programs to combat poverty, a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. The Department of State and the VA Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies. The Veterans Administration for validation of the social security numbers of compensation/pensioners in order to provide the release of accurate pension/compensation data by the Veterans Administration for social security program purposes.

*The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto.*

*State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.*

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

Records in this system are maintained as paper forms, paper lists, punchcards, microfilm and magnetic tape files.

**Retrievability:**

Records in this system are indexed by social security number and name. This information is used for the following purposes: As a primary working record file of all social security number holders; as a quarterly earnings record detail file to provide full data in wage investigation cases; to provide information for determining amount of benefits; to re-

cord all incorrect or incomplete earnings items; to reinstate incorrectly or incompletely reported earnings items; to record the latest employer of a wage earner; for statistical studies; for identification of possible overpayments of benefits; for identification of individuals entitled to additional benefits; workers and self-employed individuals in the form of earnings statements or quarters of coverage statements; to provide information to Social and Rehabilitation Service/Health, Education and Welfare for locating deserting parents; to provide information to Health, Education and Welfare Audit Agency for auditing benefit payments under social security programs; to provide information to National Institute of Occupational Safety and Health for epidemiological research studies required by the Occupational Health and Safety Act of 1974; to provide information to Social and Rehabilitation Service (HEW) for administering Cuban refugee assistance payments.

**Safeguards:**

All magnetic tapes are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

**Retention and disposal:**

All paper forms and cards are retained until they are filmed or are entered on tape and the accuracy verified, then they are destroyed by shredding. All tapes and microfilm files are updated periodically. The out of date magnetic tapes are erased. The out of date microfilm is shredded.

**System manager(s) and address:**

Director, Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

**Notification procedure:**

Any individual may present a request for information as to whether this system contains records pertaining to himself by providing his social security number, name, signature, or other personal identification and referring to this system to Assistant Bureau Director, Systems, Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

**Record access procedures:**

Same as notification procedures. Requesters should also reasonably specify

the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

**Contesting record procedures:**

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

**Record source categories:**

Social security number applicants, employers, self-employed individuals, Department of Justice (Immigration and Naturalization Service), Department of Treasury (Internal Revenue Service) master beneficiary record of Social Security Administration.

**Systems exempted from certain provisions of the act:**

None.

[FR Doc. 77-19448 Filed 6-23-77; 2:22 pm]

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**CHIEF, BRANCH OF RECORDS AND DATA MANAGEMENT DIVISION OF MANAGEMENT SERVICES NEVADA STATE OFFICE**

**Redelegation of Authority**

Pursuant to the authority contained in section 1.1 of BLM Order No. 701 dated July 23, 1964, as amended, authority is hereby redelegated to the Chief, Branch of Records and Data Management to take action under section 2.6(k) as to mining claim instruments filed for record with BLM under 43 CFR 3833, as follows: (1) Accept and record instruments meeting recording requirements; (2) Notify owners to take curative actions to complete defective filings; (3) Reject instruments and void claims not filed within the prescribed time periods; and (4) Reject filings and void claims located on lands not available for mineral location on dates of location.

Dated: June 9, 1977.

ROGER J. McCORMACK,  
Acting State Director, Nevada.

Approved: June 20, 1977.

GEORGE L. TURCOTT,  
Associate Director.

[FR Doc. 77-18571 Filed 6-28-77; 8:45 am]

[U-33711]

UTAH

**Order Providing for Opening of Public Lands**

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 43 Stat. 1272, as amended and supplemented, 43 U.S.C. 315(g) (1964), the following described lands



have been reconveyed to the United States:

SALT LAKE MERIDIAN, UTAH

T. 12 N., R. 7 E.  
Sec. 27, NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ .  
Containing 50 acres in Rich County.

2. The subject lands are located in the northeast corner of Utah. Access to the area is by State Highway 16 approximately six miles northeast of the town of Randolph. Vegetation consists primarily of forage hay and small grains which are fed to locally raised livestock. In the past, the lands have been used for livestock grazing purposes, and they will be managed, together with adjoining public lands, for multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. August 29, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

4. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

PAUL L. HOWARD,  
State Director.

[FR Doc. 77-18572 Filed 6-28-77; 8:45 am]

Bureau of Reclamation

COLORADO RIVER BASIN SALINITY  
CONTROL ADVISORY COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of a meeting of the Colorado River Basin Salinity Control Advisory Council at 8:30 a.m. on July 15, 1977, at the Environmental Protection Agency Region IX offices, Conference Room B, 100 California Street, San Francisco, California.

*Purpose of Meeting.* Council members will be briefed on the status of salinity control activities, and will discuss Colorado River Basin Total Water Management studies and future program and funding requirements for salinity control activities.

*Proposed Agenda.* The Bureau of Reclamation and Soil Conservation Service will each present a progress report on the salinity control activities in the Colorado River Basin. The Council will discuss proposed Total Water Management studies in the Colorado River Basin and future program and funding requirements for Colorado River Basin salinity control activities.

The meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council be-

fore, during, or after the meeting. To the extent that time permits, the Council chairman may allow public presentation of oral statements at the meeting.

All communications regarding this meeting should be addressed to Mr. John W. Keys, Chief, Colorado River Water Quality Office, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Denver, Colorado 80325.

Dated: June 22, 1977.

R. KEITH HIGGINSON,  
Commissioner of Reclamation.  
[FR Doc. 77-18529 Filed 6-28-77; 8:45 am]

Bureau of Land Management

[NM 30836 AND 30837]

NEW MEXICO

Applications

JUNE 21, 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), Natural Gas Pipeline Company of America has applied for two plant sites across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 26 E.,  
Sec. 35, SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ .  
T. 23 S., R. 31 E.,  
Sec. 24, SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ .

The plant sites will occupy 1.11 acres of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc. 77-18608 Filed 6-28-77; 8:45 am]

[NM 30931 and 30932]

NEW MEXICO

Applications

JUNE 21, 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), Llano, Inc. has applied for two 4  $\frac{1}{2}$ -inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 33 E.,  
Sec. 30, SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ .  
Sec. 31, SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ .  
T. 19 S., R. 34 E.,  
Sec. 7, S  $\frac{1}{2}$  NE  $\frac{1}{4}$ .  
Sec. 8, SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and S  $\frac{1}{2}$  NW  $\frac{1}{4}$ .

These pipelines will convey natural gas across 1,304 miles of public lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc. 77-18609 Filed 6-28-77; 8:45 am]

[NM 30941 and 30942]

NEW MEXICO

Applications

JUNE 22, 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 Company has applied for two 4  $\frac{1}{2}$ -inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

T. 28 N., R. 8 W.,  
Sec. 3, W  $\frac{1}{2}$  SE  $\frac{1}{4}$ .  
T. 30 N., R. 8 W.,  
Sec. 33, E  $\frac{1}{2}$  SE  $\frac{1}{4}$ .

These pipelines will convey natural gas across 0.219 of a mile of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc. 77-18610 Filed 6-28-77; 8:45 am]

Fish and Wildlife

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

*Applicant:* Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78620, Don D. Farst, Director.

OMB NO. 47-1159

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		4. APPLICATION FOR (Check one)													
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)  Gladys Porter Zoo 500 Ringgold Street Brownsville, Texas 78520 (512) 546-7187		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT													
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.  Permit to move one pair of Jaguar to Monterrey, N.L., Mexico as a gift from Gladys Porter Zoo to the Monterrey Zoo.													
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING. <table border="1"> <tr> <td><input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION The Gladys Porter Zoo is a public facility owned by the City of Brownsville, Texas, and operated by the Valley Zoological Society. The Monterrey Zoo is a public zoo operated by the municipal government of Monterrey, N.L., Mexico.	
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT													
DATE OF BIRTH	COLOR HAIR	COLOR EYES													
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED  Brownsville, Texas to Monterrey, N. L. Mexico		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit number)  PRT 2-192 AQ													
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF  \$ N/A		10. DESIRED EFFECTIVE DATE Immediately													
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (40 CFR 22.228) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 30 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.  50 CFR 17.22		11. DURATION NEEDED Until completed.													
<b>CERTIFICATION</b>															
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE, PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, UNDERSTANDING THAT ANY FALSE STATEMENT IS A VIOLATION OF FEDERAL LAWS.															
Signature: <i>Don D. Farst</i>		Name: Don D. Farst, D.V.M., 5/13/77													

not be necessary to water or feed the animals. Provisions will be made, however, to feed and water the animals at least once every 12 hours if there should be some unforeseen delay during shipment.

(v) The only mortalities of Jaguar at the Monterrey Zoo that I know of in the past five years are two young animals that died from infectious rhinotracheitis in 1975. Since this is an infectious disease caused by a virus, I do not feel that there is evidence of mishandling or mismanagement involved with the deaths of these two animals.

7. A letter from the Director of the Monterrey Zoo, Armando Gonzalez Lewis, is attached stating their agreement to receive this pair of Jaguars.

8. (i) Permission is requested to move one pair of Jaguars from the Gladys Porter Zoo in Brownsville, Texas, to the Monterrey Zoo in Monterrey, N.L., Mexico.

(ii) These animals will be moved by surface carrier.

(iii) The two Jaguars are a gift from the Gladys Porter Zoo to the Monterrey Zoo. The Gladys Porter Zoo currently has three male and three female Jaguars so this pair is not required for our breeding program. The Monterrey Mexico Zoo, at the present time, has no Jaguar and are desirous of starting a breeding program at that zoo.

(iv) These animals will remain at the Monterrey Zoo for the foreseeable future and would be moved to another recognized zoological park if the breeding program at the Monterrey Zoo would be terminated.

Most of the major United States zoos have sufficient Jaguars to carry on all breeding programs and, in fact, most U.S. zoos are overpopulated with this species. The Gladys Porter Zoo has instituted a program to control conception so that we do not have births of any more Jaguars until such time as we can dispose of what we consider to be surplus animals. Almost all of the Jaguars in the United States have been born in zoos and U.S. zoos have the capability to produce all of the Jaguars that we could properly house in the foreseeable future. Therefore, the permit requested would not hamper or jeopardize the U.S. breeding program and would in fact help the breeding program for this Mexican Zoo.

DON D. FARST,  
DVM, Director,  
Gladys Porter Zoo.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-877-C07; please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, United  
States Fish and Wildlife Service.

[FR Doc.77-18598 Filed 6-28-77; 8:45 am]

**SUPPLEMENTAL ATTACHMENT FOR ENDANGERED SPECIES PERMIT**

GLADYS PORTER ZOO, BROWNSVILLE, TEX.

50 CFR 17.22

1. This permit is requested for the purpose of moving one male and one female Jaguar (*Panthera onca*) from the Gladys Porter Zoo to the Monterrey, Mexico, Zoo. Both of these animals were born on April 30, 1976.

2. These animals were both born at the Gladys Porter Zoo, Brownsville, Texas.

3. We wish to move these animals to Monterrey, Mexico, for purposes of breeding and public exhibition so the zoo there does not have to remove any further animals from the wild.

4. The animals were both born in Brownsville, Texas, U.S.A.

5. The Monterrey, Mexico, Zoo is an internationally known zoological park. Their address is Monterrey Zoo, Direccion de Ornato y Forestacion, Parque Espana, Monterrey, N.L., Mexico.

6. (i) The animals will be housed in a chain-link enclosure comprising over 400 square feet.

(ii) The Director of the Monterrey Zoo is Armando Gonzalez Lewis, a qualified administrator, and the Zoologist at the zoo is Ramon Jaime. We have been fortunate enough to work with Mr. Jaime and personally know him to be a qualified zoologist and quite capable in caring for Jaguars, both adults and juveniles. He is a professional in the zoo field and quite competent.

(iii) The Monterrey Zoo will participate in an active breeding program and will contribute data to a studbook if one is formed on Jaguars. Their long-range breeding goals include returning Jaguars to their native habitat in Mexico.

(iv) The animals will be transported in individual containers measuring 24 inches wide, 48 inches long, and 36 inches in height. These crates will be metal-lined so that there is no possibility for escape by the animals and the crates will have adequate ventilation. A representative from either the Monterrey Zoo or the Gladys Porter Zoo will accompany the animals which will be transported by truck.

Due to the close proximity of the two cities involved, the transportation should not exceed six hours during which time, it should

## ENDANGERED SPECIES PERMIT



## Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of

the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Zoological Society of Cincinnati, 3400 Vine Street, Cincinnati, Ohio 45220, Edward J. Maruska, Director.

DWR NO. 42-01676

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE		FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION	
		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Zoological Society of Cincinnati 3400 Vine Street Cincinnati, Ohio 45220 (513-281-4700)		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Exchanging one male Snow Leopard <i>Panthera uncia</i> (captive born) now at San Diego Zoo for one female Snow Leopard <i>Panthera uncia</i> from the Helsinki Zoo, Helsinki, Finland. Purpose of this exchange is to obtain a young female for our breeding program and introduce a new blood line for the Helsinki breeding stock.	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <input type="checkbox"/> MR <input type="checkbox"/> MRS <input type="checkbox"/> MISS <input type="checkbox"/> MS DATE OF BIRTH: _____ HEIGHT: _____ WEIGHT: _____ COLOR HAIR: _____ COLOR EYES: _____ PHONE NUMBER WHERE EMPLOYED: _____ SOCIAL SECURITY NUMBER: _____ OCCUPATION: _____		5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION The Cincinnati Zoo is owned by the City of Cincinnati & managed & operated by the non-profit corporation known as the Zoological Society of Cincinnati. Purpose is for exhibiting animals for public and for conservation, education, & research activities. PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (513) Edward J. Maruska, Director 281-4700	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Zoological Society of Cincinnati Cincinnati, Ohio in exchange with Helsinki Zoo, Helsinki, Finland		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit number) End. Species Permit No. ES-85 End. Species Permit No. ES-105	
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$ _____		9. DESIRED EFFECTIVE DATE: as soon as possible 10. DURATION NEEDED: Permanent exchange	
12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (24 CFR 17.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 50 CFR 13			
<b>CERTIFICATION</b>			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 50 U.S.C. 1001.			
SIGNATURE (in ink)		DATE	
		May 19, 1977	

MAY 19, 1977.

Director (PWS/LE),  
U.S. Fish and Wildlife Service, Wildlife Permit Office, Washington, D.C.

Dear Sir: The Cincinnati Zoo is applying for an Endangered Species Permit to exchange captive born Snow leopards *Panthera uncia* with the Helsinki Zoo. We would like to send a male born 27 June 1973 in exchange for a female born 12 May 1974 at the Helsinki Zoo.

1. Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit.

One male Snow leopard "Kara" I.S.I.S. Number M9578 born at the Cincinnati Zoo on 27 June 1973. Both parents were wild-caught, with the male I.S.I.S. Number M9575 arriving at the Cincinnati Zoo 21 April 1961 and the female I.S.I.S. Number M9576 arriving at the Cincinnati Zoo 28 March 1963. "Kara" is to

be exchanged for a female "Virpi", born 12 May 1974 at the Helsinki Zoo. Parents of "Virpi" are "Charlie" born 6 October 1971 at the Lincoln Park Zoo in Chicago, Illinois, U.S.A., and "Venla", born at the Helsinki Zoo 29 April 1971. Common and scientific names: Snow leopard, *Panthera uncia*.

2. Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife.

Attached are copies of correspondence from Dr. Lef Blomqvist of the Helsinki Zoo in which he states the proposed exchange of these animals and correspondence from Mr. Maruska in agreement with this proposal.

3. A full statement of justification for the permit including details of the project or other plans for utilization of the wildlife in

relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project.

The Cincinnati Zoo is one of the few zoos in this country breeding this lovely and rare species at this time. The pair of snow leopards we now hold at the Zoo are quite old, and we probably have seen the last successful breeding. The male of this pair I.S.I.S. Number M9575 was purchased from Fred J. Zeehandelaar and arrived at the Cincinnati Zoo 21 April 1961, age unknown. The female I.S.I.S. Number M9576 was also purchased from Fred J. Zeehandelaar and arrived at the Zoo 28 March 1963, age unknown. We have been quite successful in propagating this species with five viable births between May 1969 to the present. We have had excellent success with other leopard species. As an example, we have a trio of African leopards *Panthera pardus pardus*, that have produced sixty offspring since 1962, of which 56 survived. We also have a pair of black leopards *Panthera pardus fusca* that have produced seventeen offspring since 1962. Our Persian leopards, *Panthera pardus saxicolor*, have produced seven viable births. In all, we have successfully bred 20 of the 36 known species of cats, and our feline collection and successful breeding is world renown.

It is desirable at this time to obtain a young female snow leopard in order to continue our breeding program. We have a male at the Bronx Zoo, New York, who has sired cubs, and we are anxious to keep him in this situation. We have a female snow leopard in Columbus, Ohio, on breeding loan. We have two young males in San Diego, and I would be most anxious to exchange one of these males (I.S.I.S. M9578 born 27 June 1973 and I.S.I.S. M9579 born 27 June 1973) for a female from the Helsinki Zoo, since there actually seems to be a preponderance of males in U.S. collections. The remaining male in San Diego would be shipped back to the Cincinnati Zoo for the breeding program with the Helsinki Zoo female. As surplus animals become available through propagation of this species, specimens will be made available to qualified zoological parks that have professed interest in acquiring and propagating this rare species. Upon the demise of any cats in this stock, Dr. Robert J. Izor, Division of Mammals, Field Museum of Natural History, Chicago, Illinois, has expressed interest in obtaining specimens for the Museum.

4. A description and the address of the institution or other facility where the wildlife will be used or maintained.

The female snow leopard will be held at the Cincinnati Zoo. The Zoological Park is owned by the City of Cincinnati and managed and operated by the non-profit corporation known as the Zoological Society of Cincinnati. The postal address is Cincinnati Zoo, 3400 Vine Street, Cincinnati, Ohio, U.S.A. 45220. The telephone number is 513-281-4700.

5. A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild.

As documented in Mr. Maruska's and Dr. Blomqvist's letters, these animals are captive born.

6. A resume of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild.

The animals are zoo born and constitute no drain on the population.

(v) For the five years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the

## NOTICES

applicant, if any (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

The following is a list of all our births from the past ten years and all our deaths from the past five years for the genus *Panthera*. This list does not include animals that were born and did not survive.

Species	Births	Deaths (5 yrs)
African Lion, <i>Panthera leo</i> .....	15.....	1 (Mar. 24, 1972).
Bengal Tiger, <i>Panthera tigris tigris</i> .....	9.....	1 (June 1974).
Siberian Tiger, <i>Panthera tigris altaica</i> .....	8 (August 1969 to present).....	1 (Aug. 27, 1975).
African Leopard, <i>Panthera pardus pardus</i> .....	48 (July 1967 to present).....	
Persian Leopard, <i>Panthera pardus saxicolor</i> .....	11.....	4 (Sept. 1, 1973, Nov. 30, 1975, Dec. 1, 1975).
Black Leopard, <i>Panthera pardus fusca</i> .....	5 (December 1967 to present).....	
Snow Leopard, <i>Panthera uncia</i> .....	5 (May 1969 to present).....	1 (Sept. 11, 1973).

Cause of Death Information: 18 June 1974, Bengal Tiger *Panthera tigris tigris*—Renal Hepatic disease; renal failure.

27 Aug. 1975, Siberian Tiger, *Panthera tigris altaica*—Euthanized; renal failure, 14½ years old.

27 Aug. 1975, Persian Leopard, *Panthera pardus saxicolor*—(senile)—old animal, euthanized, 19½ years old.

1 Dec. 1975, Persian Leopard, *Panthera pardus saxicolor*—No gross lesions, 11 days old.

30 Nov. 1975, Persian Leopard, *Panthera pardus saxicolor*—cause unknown, 12 days old.

1 Sept. 1973, Persian Leopard *Panthera pardus saxicolor*—mechanically induced ruptured lung; milk inhalation; skull injured by mother, 4 days old.

11 Sept. 1973, Snow Leopard *Panthera uncia*—ruptured bladder; neurological disorder; pneumonia, 75 days old.

24 Mar. 1973, African Lion *Panthera leo*—euthanized, old animal.

7. (i) A complete description including photographs or diagrams, of the area and facilities in which the wildlife will be housed.

Our leopards are presently housed in a series of five cages, each cage has dimensions of 7 ft. x 8 ft. x 10 ft. Presently under construction are a series of large, spacious outdoor exhibit areas for our Persian and snow leopards. This cat complex is funded and a copy of the drawing of the exhibit area is enclosed. (Drawings enclosed for the Chairman of the Conservation/Management of Wildlife Committee of the American Association of Zoological Parks and Aquariums, Mr. Dennis Meritt, Jr., Lincoln Park Zoo, 2200 N. Cannon Dr., Chicago, Illinois 60614) The dimensions for the outdoor facilities are 34 ft. long, 26 ft. wide, and 18 ft. high. These large enclosures will have rocky ledges, and trees which will provide the cats with ample exercise. The present inside cages will be retained as breeding dens. As previously mentioned, the outdoor exhibit is presently under construction and the exhibit will be completed by July, 1977.

(ii) A brief resume of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported.

See enclosed personnel resume.

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook.

Dr. Leif Blomqvist, Directorial Assistant of the Helsinki Zoo, is the studbook keeper for snow leopards. Correspondence is enclosed, and we wholeheartedly support his efforts in maintaining a studbook on the snow leopard.

7. (iv) A detailed description of the type, size and construction of the container; arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements for caring for the wildlife on importation into the United States.

The cats will be crated according to the International Air Transport Association (IATA) Live Animals Regulations, although the exact air routing has not been arranged. However, we have had recent experience in routing with the successful exchange of *Panthera pardus saxicolor* (Persian leopard) with the Leipzig Zoo in Germany. The shipment will be coordinated by our brokers, Henry Wess and Associates, 602 Main Street, Cincinnati, Ohio 45202, phone number 513-721-6110. This firm has been associated with the Cincinnati Zoo for 25 years and is well experienced in handling animal shipments.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

EDWARD J. MARUSKA,  
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-894-C07; please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, United  
States Fish and Wildlife  
Service.

[FR Doc. 77-18599 Filed 6-28-77; 8:45 am]

## ENDANGERED SPECIES PERMIT

### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Staten Island Zoological Society, Staten Island Zoo, 614 Broadway, Staten Island, New York 10310, William H. Summer-ville, Director.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE		FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION	
1. APPLICATION FOR LICENSE OR PERMIT			
<input checked="" type="checkbox"/> EXPORT LICENSE		<input type="checkbox"/> PERMIT	
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.			
Endangered species permit for the enhancement of propagation requested to export (1/1) one male and one female jaguar to the Biological Institute - Beth Pinhas, Educational Zoo, 124, Hatishbi St., Haifa, Israel. There is no commercial activity, both animals are to be a gift to the Haifa Zoo to initiate a breeding program.			
3. APPLICANT, (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)			
Staten Island Zoological Society, Inc. 614 Broadway Staten Island, N.Y. 10310  Phone: 212-442-3101			
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING.			
<input type="checkbox"/> MFL <input type="checkbox"/> MRL <input type="checkbox"/> MISS <input type="checkbox"/> MS. DATE OF BIRTH: _____ PHONE NUMBER WHERE EMPLOYED: _____ OCCUPATION: _____		HEIGHT: _____ WEIGHT: _____ COLOR HAIR: _____ COLOR EYES: _____ SOCIAL SECURITY NUMBER: _____	
5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:			
** EXPLAIN TYPE OF BUSINESS, AGENCY, OR INSTITUTION			
The Staten Island Zoo is a non-stock, non-profit organization corporation organized for scientific and educational purposes.			
Dr. Norbert Leeseberg, President 212-GI. 7-6278 Mr. Albert Coggins, Director 212-442-3101			
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. As Above			
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED			
Incorporated in New York			
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED			
Animals to be exported from Staten Island Zoo to The Biological Institute. - Beth Pinhas, Haifa, Israel			
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit number)			
8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdiction and type of document)			
Israeli import permit # (003137) 10458-8 secured. New York State Endangered Species Permit applied for.			
9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		10. DESIRED EFFECTIVE DATE	
		June 1, 1977	
		11. DURATION NEEDED	
		two months	
12. ATTACHMENTS, THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See CFR 21.20) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.			
50 CFR 17-22			
<b>CERTIFICATION</b>			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 21, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE, PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.			
Signature: <i>Albert Coggins</i> Date: 5/4/77		Signature: _____ Date: _____	

The Staten Island Zoological Society, Inc. requests an Endangered Species Permit for the enhancement of propagation to export one male jaguar (*Panthera onca*) born at Staten Island Zoo, December 6, 1972, and one female jaguar (*Panthera onca*) born at Staten Island Zoo, May 16, 1974. Jaguars to be exported to The Biological Institute—Beth Pinhas, 124, Hatishbi St., Haifa, Israel, an educational zoo and pedagogical Center of Natural Sciences. They shall be housed in an enclosure 6 meters wide, 10m. long with metals bars 14mm in diameter. In it there is a small pool 1.5 x 0.7. A second compartment 4x6 m. is attached to it, with a layer of sand on the floor. The sleeping cells are 2x1.5 m. made of stones with a wooden floor. The height is 2,7,5 m. The entire cage is covered with metal net 4 mm. (Diagrams enclosed)

The persons who will care for them are two veterinarians, Dr. L. Kamenetz and Dr. D. Prihar. Both have experience with tigers and local feline species as jungle cat and caracal. Personnel at Haifa Zoo have close connections with Dr. M. Avram, Director of the Tel-Aviv Zoo who has much experience

with the care of closely related species, and some experience with jaguars. The Director of The Biological Institute to which the jaguars shall go, A. Lourie, is willing to participate in a cooperative breeding program and to contribute to or maintain a studbook. Please see Xeroxed copy of Lourie's letters attached.

Jaguars shall be shipped via EIAI Airlines individually crated in cages 41" long, 30" high, 30" wide. Each weighs 125 pounds and is constructed of 3/8" plywood lined with sheet metal. One end on each crate is constructed of heavy gauge diamond wire, allowing more than adequate ventilation. There is provision for water, and water may be added without opening crates. Jaguars shall be fed immediately prior to shipment; they would require no additional feeding in transit.

In the last five years we have suffered no mortality of jaguars or any other specimens in the same genus or family.

*Justification for Obtaining Permit.* Objective is to enhance the propagation of the species for which the permit is sought by placing them in a zoo situation where cap-

tive breeding is possible. The Staten Island Zoo cannot accommodate additional jaguars, therefore they are kept individually to prevent their breeding. At the same time, the cages in which they are housed are too small to accommodate even one adequately—each is six feet square. Should they not be moved soon to larger living quarters, serious medical problems will result. Too, we could be in violation of the Animal Welfare Act. Please note enclosed documentation from the Veterinary Medical Officer for the New York City area, and from Frank Borzio, V.M.D., and Andrew Major, V.M.D.

The urgency of our need to transfer these two jaguars is obvious; with this in mind the Staten Island Zoological Society respectfully requests that an *interim letter of authority* be issued to permit shipment prior to receipt of endangered species permit.

WILLIAM H. SUMMERVILLE,  
General Curator,  
for the S. I. Zoological Society.

#### Enclosures.

1. Israeli import permit.
2. Diagrams of facility where jaguars will be housed.
3. Veterinarian's letter of documentation.
4. Letters of correspondence from Haifa Zoo Director.

THE BIOLOGICAL INST.-BETH PINHAS, PEDAGOGICAL CENTER OF NATURAL SCIENCES, EDUCATIONAL ZOO

Haifa, Israel, April 22, 1977.

Dr. W. H. SUMMERVILLE,  
Staten Island Zoological Society, Inc.,  
614 Broadway, Staten Island, N.Y.  
U.S.A.

DEAR DR. SUMMERFIELD: Sorry for the late answer due to a short holiday. Hereby are details concerning the Jaguars accommodations as was requested:

1. The main cage is about 6' m' wide, 10 m' long, with metal bars 14 m'm diameter. In it there is a small pool 1.5 x 0.7 m'. A second compartment 4 x 6 m' is attached to it, with a layer of sand on the floor. The sleeping cells is 2 x 1.5 m made of stones with wooden floor. The height is 2, 7, 5m, the whole cage is covered with metal net 4 m'm.
2. The persons who will care for them are two vets, Dr. L. Kamenetz and Dr. D. Prihar both have some experience with Tigers and local species such as Jungle cat and Caracal. We have tight connections with Dr. M. Avram, director of the Tel-Aviv Zoo, who has a lot of experience with the caring of closely related species and a short experience on the old pair Jaguars.

Any further information from you in this subject will be highly appreciated.

3. We will be willing to participate in a cooperative breeding program and to contribute to, or maintain a studbook.

Thanking you again with best wishes,

A. LOURIE,  
Director.

P.S. Sorry for the poor scheme.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-305-07; please refer to this number when

submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, United  
States Fish and Wildlife Service.

[FR Doc. 77-18602 Filed 6-28-77; 8:45 am]

### ENDANGERED SPECIES PERMIT

#### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: St. Louis Zoological Park, Forest Park, St. Louis, Missouri 63110, Richard D. Schultz, Director.

3. Not applicable.
4. Captive born at: Dallas Zoo, 621 E. Clarendon, Dallas, Texas 75203.
5. The black leopard will be maintained at the St. Louis Zoological Park, St. Louis, Missouri 63110. A current zoo album, an annual report and other appropriate materials are on file with the U.S. Fish and Wildlife Service, Law Enforcement Division. (Please consult Endangered Species Application and materials submitted June 18, 1975.)
6. (i) The black leopard is currently on breeding loan to the St. Louis Zoo and is housed at Big Cat Country. (Photos and information enclosed). (Exhibit #2)
- (ii) The curatorial and veterinary staff are recognized by their peers as knowledgeable in the captive maintenance and breeding of wild animals in captivity. The St. Louis Zoological Park has a long and successful history of maintaining and breeding members of the cat family. A partial list of births includes lions, tigers, pumas, leopards, snow leopards, Geoffroy's Cat and servals.
- (iii) The St. Louis Zoo is currently involved in cooperative breeding programs, studbook maintenance as well as the International Species Inventory System, in an effort to enhance captive propagation of zoo species, especially those of rare and endangered status.
- (iv) Not applicable—the leopard is currently on breeding loan to the St. Louis Zoo.
- (v) Enclosed find necropsy reports: (Exhibit #3)

7. See Exhibit No. 1.

8. (i) The black leopard will be maintained for educational display, propagation and behavioral study purposes.

(ii) The male black leopard is currently housed with a female in Big Cat Country, a naturalistic outdoor enclosure for large cats. (See Exhibit #2)

(iii) Big Cat Country is a large outdoor exhibit which presents the cats in a positive manner. Educational graphics are used to help the visitor understand the cat family, their habits, and the need for conservation of wildlife. Progeny resulting from propagational efforts will be available to cooperating institutions to insure future captive populations, thus relieving pressures on wild populations.

(iv) Autopsies will be performed on deceased specimens and, if desirable, the remains will be made available to appropriate public educational facilities.


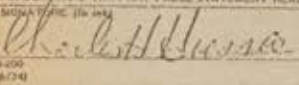
A completed form 3-200 as well as other documents regarding this request are enclosed. We sincerely hope that we can receive your consideration on our request at your earliest convenience.

Sincerely yours,

CHARLES H. HOESSEL,  
General Curator, Deputy Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-811-07; please refer to this number when submitting comments. All relevant com-

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE		FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION	
		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)  St. Louis Zoological Park Forest Park St. Louis, Missouri 63110 1-314-781-0900		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.  To purchase one male captive-born Black Leopard, <i>Panthera pardus</i> from Dallas Zoo, 621 E. Clarendon, Dallas, Texas 75203 for display, propagation and zoological purposes.	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. DATE OF BIRTH: _____ COLOR HAIR: _____ COLOR EYES: _____ PHONE NUMBER WHERE EMPLOYED: _____ SOCIAL SECURITY NUMBER: _____ OCCUPATION: _____		5. IF "APPLICANT" IS A BUSINESS CORPORATION PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION City and county owned public zoo, USDA licensed, engaged in conservation and propagation of wildlife, education, exhibits, research and recreation.	
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Richard D. Schultz, Director IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED  St. Louis Zoological Park Forest Park St. Louis, Missouri 63110 1-314-781-0900		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <small>(If yes, list license or permit number)</small> ES-14, ES-311, ES-156, ES-331, 6-SP-77, PRT-7-172-P-2 (K.C.), 6-SC-78, PRT-2-291	
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF N.A.		9. DESIRED EFFECTIVE DATE 11. DURATION NEEDED Until Terminated	
12. ATTACHMENTS, THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 50 CFR, Section 17.22: Exhibit #'s 1, 2 & 3, listed under items 2, 6 (f.), 6 (v.), 7, 8 (if.) and Form 3-200			
<b>CERTIFICATION</b>			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink) 		DATE April 26, 1977	

DIRECTOR,  
U.S. Fish & Wildlife Service,  
P.O. Box 19183, Washington, D.C. 20036.

APRIL 26, 1977.

DEAR SIR: The St. Louis Zoological Park hereby applies for an Endangered Species Permit under Section 10(A) of the Endangered Species Act of 1973.

We submit the following information pursuant to 50 CFR 17, Section 17.22 (published October, 1976).

1. The request is for a permit to purchase one (1) male captive-born Black Leopard (*Panthera pardus*) born May 12, 1974.

2. The one (1) male black leopard sought to be covered by this permit was captive born on May 12, 1974 at the Dallas Zoo, Dallas, Texas as documented in the correspondence from the Dallas Zoological Society (Exhibit No. 1). The leopard is currently on breeding loan to the St. Louis Zoological Park.

ments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHO, Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc. 77-18597 Filed 6-28-77; 8:45]

### ENDANGERED SPECIES PERMIT Receipt of Application

A permit authorizing to observe, band, radio-tag, and collect addled or broken eggs of Southern bald eagles was issued on March 23, 1977, to the Arizona State University, Tempe, Arizona (Dr. Ronald Alvarado, Department Chairman).

A notice containing the application for the permit was published in the FEDERAL REGISTER on December 13, 1976 (41 FR No. 240 54235-36-37), soliciting public comments for a period of 30 days.

Under date of June 6, 1977, the Arizona State University submitted a request for changes in the condition of this permit. Published herewith is a copy of the terms for these changes which will be considered as an amendment to this permit. This request is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

JUNE 6, 1977.

Re: Permit No. PRT 2-375.  
Mr. DONALD G. DONAHO,  
Chief, Permit Branch,  
Federal Fish and Wildlife Service,  
Department of the Interior,  
Federal Wildlife Permit Office,  
Washington, D.C.


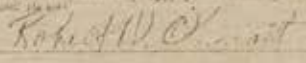
Dear Mr. DONAHO: In response to my amendment of the endangered species permit PRT 2-375 on 3 May 1977, would you please modify the trapping and marking period of bald eagles to read as follows: To trap and mark free-flying eagles year around. Also to protect both of us from public concern, please restrict trapping from December to July in areas of known nesting within the last five years.

I restricted the trapping initially to avoid trapping during the breeding season, and the idea to restrict trapping in breeding areas did not occur to me until I talked with Mr. Ery Boeker. Our heaviest wintering concentrations of eagles are in January and February when our breeding birds are in the height of incubation.

Thanking you in advance for your help in this modification, I remain,

Sincerely yours,

ROBERT D. OHMART, Ph. D.,  
Associate Professor of Zoology.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE		FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION																																					
		1. APPLICATION FOR LICENSE/PERMIT (see only page 1) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT																																					
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Amend PRT 2-375 to include trapping of eagles in Arizona from the month of July through November. Individual would be marked with a US Fish and Wildlife Service bands and colored leg bands plus a trailing herculite numbered streamer from the Fish and Wildlife Service band.																																					
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution to which permit is requested) Dr. Robert D. Ohmart (Prin. Invest.) Dept. Zoology Arizona State University Tempe, AZ 85281		4. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>WEIGHT</td> <td>HEIGHT</td> <td>WEIGHT</td> <td>HEIGHT</td> </tr> <tr> <td><input checked="" type="checkbox"/> M   <input type="checkbox"/> F   <input type="checkbox"/> MIST   <input type="checkbox"/> HL</td> <td>5'11"</td> <td>160</td> <td></td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> <td></td> </tr> <tr> <td>2 January 1938</td> <td>Blnd</td> <td>Blue</td> <td></td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> <td></td> </tr> <tr> <td>ETS 766-2932</td> <td colspan="2">525-72-9628</td> <td></td> </tr> <tr> <td colspan="4">OCCUPATION</td> </tr> <tr> <td colspan="4">Assoc. Prof. Wildlife Ecology</td> </tr> <tr> <td colspan="4">ANY BUSINESS, AGENCY, OR INSTITUTIONAL APPLICATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT</td> </tr> </table>		WEIGHT	HEIGHT	WEIGHT	HEIGHT	<input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> MIST <input type="checkbox"/> HL	5'11"	160		DATE OF BIRTH	COLOR HAIR	COLOR EYES		2 January 1938	Blnd	Blue		PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER			ETS 766-2932	525-72-9628			OCCUPATION				Assoc. Prof. Wildlife Ecology				ANY BUSINESS, AGENCY, OR INSTITUTIONAL APPLICATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT			
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5. IF APPLICANT IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OF BUSINESS, AGENCY, OR INSTITUTION Educational and research		6. NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (Dept. Chairman) Dr. Ronald Alvarado 965-3571 (ASU) IF APPLICANT IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED																																					
7. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: State of Arizona		8. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit number) 9775      PRT 2-375 2-479AC																																					
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$ N/A		10. DESIRED EFFECTIVE DATE As soon as possible																																					
11. DURATION NEEDED Until PRT 2-375 expires.		12. ATTACHMENTS: (THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED IS IN FEDERAL REGISTER MUST BE ATTACHED IF CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.) See attached.																																					
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SIGNATURE (in ink) 		DATE 5/18/77																																					

#### OBJECTIVES OF PROPOSED STUDY

I. Examine movements of adult wintering birds. Gain insight into duration of time that wintering individuals stay in Arizona. And possibly determine where our wintering birds return in the spring to breed.

II. Increase weight limitations of future radio backpacks so that each unit can be hermetically sealed in a can and the life expectancy be retained at 16 to 20 months. Present limitation is 110 grams; desired weight is 185 grams.

17.23. Possibly only northern Bald Eagles will be marked, but our own breeding birds may winter in the state and be trapped as well. July to November was selected because our breeding birds are through nesting and moving about with their fledglings. Should they be trapped, it would be far enough past the nesting season so that no connection with breeding site would be established with the trapping site.

Mr. Tom Hildebrandt and I wish to use cannon nets, steel traps with weakened springs and padded jaws, and attractant

bait with nylon nooses to catch the feet as permitted trapping tools. All traps will be monitored continually and birds removed shortly after capture.

To seal radio backpacks on birds that forage in the water is almost impossible unless placed in sealed cans. Transmitters weighing 186 gm would represent about 4 percent of the body weight on a bird weighing 4.55 kg. This is well below percentages considered safe, and Dr. Dunson (pers. comm.) felt that even 200 gm could be safely applied to eagles.

This permit has the support of the Southern Bald Eagle Recovery Team and a copy of the permit has been sent to the team leader, Mr. Ery Boeker.

In keeping with the spirit of the Endangered Species Act of 1973 this notice is being published to allow public comment on the request for an amendment. Interested persons may comment on this amendment by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been

assigned File Number PRT 2-375-07; Please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 77-18593 Filed 6-28-77; 8:45 am]

### ENDANGERED SPECIES PERMIT

#### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Regional Director, Region 1, U.S. Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon, William H. Meyer.

#### 17.22, CUI-UI PERMIT APPLICATION— ATTACHMENT

(1) Cui-ui Lakesucker (*Chasmistes cujus*). Capture alive, up to 800 adult male and female Cui-ui for spawning, egg taking, Propagate 2 million fry each year. Return of adults and progeny to Pyramid Lake. To cover trapping, transporting, propagating, holding, researching, and releasing.

(2) Native fish—not imported.

(3) *Chasmistes cujus* was declared an endangered species in 1967 and recovery plans include artificial propagation, habitat rehabilitation, and population assessment. Subpopulation relocation to insure species survival is included within the recovery plan.

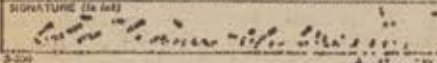
In the early spring, sexually mature Cui-ui adults gather near the mouth of the Truckee River attempting to pass upstream to spawn. Low waterflows within the river have prevented the relatively poor swimming Cui-ui from moving-upstream and up to 800 adults will be netted, transported to nearby holding ponds, artificially spawned, then released back into Pyramid Lake. Eggs taken from the adults will be incubated and reared to swim-up size and released into the lake and the Truckee River. A portion of the progeny will be retained for various types of nutritional and life history studies.

The Marble Bluff Fishway leading to reestablishing spawning runs into the Truckee River was completed in 1976. If successful this fishway will provide a means for population assessment and will obviate the necessity for artificial propagation. In the interests of species survival, however, artificial propagation should be continued until the fishway has proved successful and it is certain spawning grounds in the Lower Truckee River formerly used by the Cui-ui are suitable

(4) (a) Spawning and incubating facilities are located on Hardscrabble Creek, a small, freshwater stream approximately 1 mile west of Sutcliffe, Nevada, which is on the western shores of Pyramid Lake. This facility is operated by the Fish and Wildlife Service under a lease agreement with the Pyramid Lake Paiute Indian Tribe. A small dam on the stream provides water for incubating and rearing units and a well has been drilled to provide supplemental water in the event of stream failure. Water from the dam flows into 30 hatching jars (1.5 million eggs can be incubated at one time); from the jars the water flows into 12 shallow rearing troughs; from the troughs the water flows into two large tanks which serve as spawning tanks and later as fry-rearing tanks; from these tanks the water flows into a small earthen pond which serves as a holding pond for ripening spawners and later as a nursery pond for fry. The water returns to the stream from the pond. The Fish and Wildlife Service office facilities for staff members are in Reno, Nevada, approximately 40 miles from the field site. The office address is:

U.S. Fish and Wildlife Service, Room 4005,  
300 Booth Street, Reno, Nevada 89502.  
Phone 702-784-5227 or 702-784-5606.

(4) (b) Research facilities for determining the effects of increased concentrations of total dissolved solids (TDS) are located in a newly constructed building on the shore of Pyramid Lake, within the Pyramid Lake Paiute Indian Reservation. A pumping system delivers water from the lake to the building. This water provides temperature control for twenty (20) individual closed-system units which will house replicated groups of juvenile Cui-ui (*Chasmistes cujus*). These groups will be maintained in Pyramid Lake water of various TDS levels. Periodic measurements of growth, compara-

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		ONE NO. 43-10120	
1. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)		2. APPLICATION FOR (CHECK ONE ONLY) (SEE INSTRUCTIONS)	
Regional Director, Region 1 U.S. Fish and Wildlife Service P.O. Box 3737 Portland, Oregon 97236		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
3. APPLICANT IS AN INDIVIDUAL. COMPLETE THE FOLLOWING:		4. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.	
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. DATE OF BIRTH: _____ HEIGHT: _____ WEIGHT: _____ COLOR HAIR: _____ COLOR EYES: _____ PHONE NUMBER WHERE EMPLOYED: FTS 429-4041 SOCIAL SECURITY NUMBER: _____ OCCUPATION: _____ ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: Pyramid Lake Paiute Indian Tribe Nevada Department of Fish and Game		Conduct artificial propagation operations and research studies intended to restore the endangered cui-ui ( <i>Chasmistes cujus</i> ).	
5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:		6. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED.	
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: U.S. Fish and Wildlife Service Endangered Species Program Department of the Interior		N/A	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number)		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? (If yes, list jurisdiction and type of approval)	
Reference former permit PRT 8-120-C, as amended.		Agreements with Bureau of Indian Affairs 4/30/75 & Pyramid Lake Paiute Indian Tribe 1972 & 1977	
9. CERTIFIED CHECK OR MONEY ORDER (IF APPLICABLE) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF		10. DEDIED EFFECTIVE DATE	
N/A		5/27/77	
11. DURATION NEEDED		12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.	
		Through FY 1982	
50 CFR 17.22 - see attachments			
<b>CERTIFICATION</b>			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER D OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (IN INK)		DATE	
 Acting Regional Director		MAY 25 1977	



tive blood chemistry, and histological evaluation of tissue development will be made. Final evaluation of gonadal development (occurring within five (5) years for Cui-ui) will culminate this study.

(4)(c) It has been observed that Cui-ui eggs will not water harden (nor presumably develop normally) in full strength Pyramid Lake water. This observation implies that if Cui-ui are unable to ascend the Truckee River to spawn, successful in-lake spawning could only occur in areas of fresh water entry into the lake. This would greatly reduce the size of the spawning habitat for Cui-ui from that formerly believed to be suitable. We wish to evaluate incubation of Cui-ui eggs in Pyramid Lake water and at various concentrations less than the current TDS level in an effort to establish parameters for mapping spawning habitat for management purposes.

Item 4(b) will require two thousand (2,000) Cui-ui juveniles coming from artificially cultured stocks. As these fish grow and as the sample populations must be reduced, the surplus will be sampled for measurements and the remainder stocked in Pyramid Lake.

Item 4(c) will require 16,000 Cui-ui eggs to be stripped from captured females. After incubation (10-14 days, depending on water temperature) the resulting fry will be stocked in Pyramid Lake. This study will be conducted at the Pyramid Lake Research Center using methods that have proved successful in incubating Cui-ui eggs previously.

We expect no mortalities in these studies beyond the small numbers of specimens to be sacrificed for tissue evaluation and the expected failure of eggs to develop properly in the higher TDS concentrations of Pyramid Lake water.

(5) All of the Cui-ui are existing as wild fish in Pyramid Lake Nevada and associated on-site research and propagation facilities.

(6) There is no other source of these fish than the remaining wild population.

(7) See (3) and (4).

(8) See (3) and (4).

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-953-07; please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.


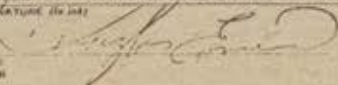
[FR Doc. 77-18594 Filed 6-28-77; 8:45 am]

#### ENDANGERED SPECIES PERMIT

##### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Willow Park Aviary, City of Logan, 61 West First North, Logan, Utah 84321, Douglas Eames, Director.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT															
		<table border="1"> <tr> <td>Initial</td> <td>Date</td> </tr> <tr> <td></td> <td></td> </tr> </table>	Initial	Date													
Initial	Date																
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)  City of Logan 61 West First North Logan, Utah 84321		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.  Purchasing two pair of Laysan Ducks from:  Arthur C. Searles 88 Robinson Avenue, E. Patchogue, N.Y. 11772															
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:  <table border="1"> <tr> <td><input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MR.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> <tr> <td colspan="3">ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT</td> </tr> </table>		<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MR.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT			5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:  EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION  City of Logan, State of Utah Parks Department
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MR.	HEIGHT	WEIGHT															
DATE OF BIRTH	COLOR HAIR	COLOR EYES															
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER																
OCCUPATION																	
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT																	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED  Willow Park Aviary Logan, Utah		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit number) 6-LA-2 6-SC-149															
8. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		9. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdiction and type of document) State Fish and Game Permits of Utah PWF-NR-143															
10. DESIRED EFFECTIVE DATE Immediately		11. DURATION NEEDED Two pair Laysan Ducks															
12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. Douglas Eames, Director of Parks Department, City of Logan, State of Utah Telephone No. 801-752-3060 (To comply with 13.12) (17.21 & 17.22)																	
<b>CERTIFICATION</b>																	
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.																	
SIGNATURE (In ink)  DATE JUN 28 1977		RECEIVED DATE FEB 7 77 U.S. FISH AND WILDLIFE SERVICE															
<b>ATTACHMENT</b> 17.22																	
6. (1) See Exhibit "A"—City of Logan, Willow Park Aviary, 6th South and 6th West. (2) Douglas Eames, Director of Parks, has worked for the Parks Department for 15 years and has cared for birds all his life. Has obtained federal permits allowing the aviary to house injured or sick birds. In cooperation with the U.S. Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, birds and animals that cannot survive in the natural environment have been placed under his care. Because of his supervision and experience with birds and animals, many injured birds have been healed and returned to the wild. Ernest Myroie, full-time park attendant has had 20 years of experience raising and caring for waterfowl and pheasants. Russell Williams, full-time park attendant, has raised doves and pigeons for most of his life and has had years of experience raising and caring for waterfowl. Full-time staff is supplemented by university students majoring in animal science working on a part-time basis at the park.																	

(iii) The City of Logan would be willing to participate in a cooperative breeding program and to maintain or contribute data to a studbook.

(iv) Birds will be shipped to Salt Lake City, Utah, air freight and will be picked up in Salt Lake by City of Logan Parks employees. Present owner has had experience in shipping birds, and although we are not certain of the type of containers that will be used, we are sure the birds will be shipped and handled with care prior to their arrival in Salt Lake when they will be brought to Logan by truck.

(v) The City of Logan has never had any of the species for which the permit is requested under its care.

7. Copies of correspondence and purchase order attached. (Exhibit "B").

8. (i) The ducks will be used for display and breeding purposes only.

(ii) Birds will be displayed at aviary on fresh water ponds with other waterfowl.

(iii) At present the Willow Park Aviary is a refuge for birds and animals that cannot survive in the wilderness. Some stay until they can be released to a normal life. Some are free to come and go as they desire and for many, the aviary is a permanent home. Approximately twenty-five peacocks, one-hundred rare pheasants, twenty swans, have been donated to the aviary. About twenty Canadian geese call Willow Park their home. About two hundred ducks, many are rare, are allowed to swim or fly without restriction. Many of the birds are difficult to raise in captivity, but they are given as much freedom as possible and yet, the ground cover is kept as protective as nature will allow. The park is free of charge and busloads of school children visit during the year. The Laysan ducks would join the other waterfowl at the aviary, many of whom delight the children because they are so tame they will eat bread from their hands. For some time we have been watching for a pair of Laysan ducks that we would be able to obtain. We feel they would be a good addition to our aviary and would be enjoyed by those who visit the park.

(iv) We are hopeful the birds will be on display for an indefinite period of time, and since they are an endangered species, that they will reproduce and the species will be upgraded.

CITY OF LOGAN,  
Logan, Utah, April 11, 1977.

Re FWS/WPO PRT2-663.

DONALD G. DONAHOO,  
Federal Wildlife Permit Office, Fish and Wildlife Service, Washington, D.C.

DEAR MR. DONAHOO: In reply to your letter of March 21, 1977 regarding the completion of our endangered species permit application to purchase four Laysan ducks, we submit the following:

1. Scientific name of species: *Anas Laysanensis*.

2. Description of bird enclosure: Two photographs of the pond on which the birds will be kept at Willow Park Aviary are enclosed. The ponds at the aviary are fenced, and the one pictured is approximately 150 ft. by 100 ft.

3. Description of shipping containers. New York to Utah: Wooden box, well-ventilated, 24 inches long, 16 inches wide, 10½ inches high. Birds would be shipped air freight.

4. Justification for issuance of permit based on 50 CFR 17.22(b) (iii): Our record with a variety of types of waterfowl indicates that we have been very successful in enhancing propagation of various species. Part of this is due to the professional care the birds receive—they are fed properly and regularly. The eggs of the species are incubated (by using Bantam Hens), thus assuring as high a percentage of life hatch as possible. We have been very successful in increasing the num-

ber of rare pheasants at the aviary each year and feel we could do the same with the Laysan duck. The birds are in a controlled, natural environment which also enhances their ability to survive and propagate the species. We definitely feel that under our care the chance for survival of the Laysan duck would be enhanced.

Please contact me if the application needs further clarification.

Sincerely,

DOUGLAS EAMES,  
Director, Parks Department.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-663-07; please refer to this number when

submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, United  
States Fish and Wildlife Service.


[FR Doc.77-18600 Filed 6-28-77; 8:45 am]

## ENDANGERED SPECIES PERMIT

### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Maryland Darter Recovery Team, Smithsonian Oceanographic Sorting Center, National Museum of Natural History, Washington, D.C. 20560, Leslie W. Knapp.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE		1. APPLICATION FOR (Check one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
 FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.	
		Permit is needed to cover field investigations carried on by the Maryland Darter Recovery Team.	
3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING	
Dr. Leslie W. Knapp Smithsonian Oceanographic Sorting Center U.S. National Museum of Natural History Washington, D. C. 20560		NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING		6. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED	
<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT 5'11"	WEIGHT 175	7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If yes, list license or permit number: PRT 8-23-C
DATE OF BIRTH 17 November 1929	COLOR HAIR Brown	COLOR EYES Brown	
PHONE NUMBER WHERE EMPLOYED 381-5642	SOCIAL SECURITY NUMBER 128-30-5290		
OCCUPATION Ichthyologist		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If yes, list jurisdiction and type of approval: State of Maryland Scientific Collector's Permit	
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		9. DESIRED EFFECTIVE DATE May 30, 1977	
Maryland Darter Recovery Team		10. DURATION NEEDED 2 or 3 years	
11. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED		12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22(b) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.)	
Lower Susquehanna River - upper Chesapeake Bay drainages in Cecil, Harford, Baltimore, Ann Arundel and Calvert Counties, Maryland		17.22 (1,2,3,7,8)	
<b>CERTIFICATION</b>			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17 OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS OF SUBCHAPTER B OF CHAPTER 8 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT MADE HEREON MAY BE SUBJECT TO PENALTIES OF 5 U.S.C. 802.			
SIGNATURE OF APPLICANT Leslie W. Knapp			DATE March 7, 1977

## ATTACHMENT—KNAPP PERMIT APPLICATION

17.22:

(1) a. Collecting with seines of the Maryland darter, *Etheostoma sellare* including various ages and sexes. All to be released alive.

b. Collecting with electric shocker in Susquehanna River between mouth of Deer Creek and Havre de Grace, Maryland. Specimens of the Maryland darter would presumably be killed by such collecting but the shocking operations would be terminated immediately after a single specimen was collected from the Susquehanna River.

(2) All Maryland darters sought under this permit are still in the wild.

(3) Collections of the Maryland darter from its known habitat are taken with great care. Riffle substrate is disturbed as little as possible and specimens are released back into the water as quickly as possible. To my knowledge, no Maryland darters have been injured by seining. However, possibility for such injury does exist.

Considerable efforts have been made to seine areas of the Susquehanna River below the mouth of Deer Creek. However no Maryland darters have ever been taken from the Susquehanna River. Seining such areas is extremely ineffective due to rocky nature of the river bottom. The Maryland Darter Recovery Team feels that the need to establish whether or not Maryland darters inhabit the Susquehanna River is of sufficient importance to risk killing a specimen by shocker operations. Our rationale is that if one specimen is taken in the river, there are probably others living there and the loss of one would not be disastrous.

(7) Collecting activities will be supervised by Leslie W. Knapp. Other collectors will include Recovery Team members John Sheridan (USFWS), Charles Frisbie (Maryland Department of Nature Resources) and various individuals employed by USFWS, State of Maryland and Smithsonian Institution.

(8) (i) Permission is requested to use seines to collect and release Maryland darters in the area described in Form 3-200(b) and to use an electric shocker to attempt to collect a Maryland darter from the Susquehanna River.

(ii) Collections will be made at various times throughout the year in 1977 and 1978, as weather and water levels permit.

(iii) Since 1960, the Maryland darter has only been recorded from restricted localities in two Harford County, Maryland streams, Deer Creek and Gasheys Run. Single specimens of the darter were taken in Gasheys Run in 1962 and 1965 but the main population appears to be in Deer Creek. Numerous collections from Gasheys Run indicate that the two specimens taken there were not part of a resident population, but had moved in from some outside source. It is possible that the two had moved from the mouth of Deer Creek, down the Susquehanna River and along the western shore of the Upper Bay to the mouth of Gasheys Run, a distance of about 13 miles. Another possibility is that an undetected population of the darter exists in the lower Susquehanna River and the two Gasheys Run specimens came from there.

The Recovery Team feels that additional information about the distribution and biology of the Maryland darter is needed before sound recommendations can be made concerning a "recovery plan" and "critical habitat" for the darter. Further, the Recovery Team has been requested by USFWS to monitor the Maryland darter population for an indefinite period and this will require periodic sampling.

(iv) Any specimens of the Maryland darter that are accidentally killed during collecting activities, will be preserved and placed in the

collection of the Division of Fishes, U.S. National Museum of Natural History, 10th & Constitution, Washington, D.C. 20560.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-670-07; please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, United  
States Fish and Wildlife  
Service.

[FR Doc. 77-18601 Filed 6-28-77; 8:45 am]

Geological Survey  
**OUTER CONTINENTAL SHELF (OCS)**  
Proposed National Orders Governing Oil  
and Gas Lease Operations

Notice is hereby given that, pursuant to revisions of 30 CFR 250.2(j), 250.3, 250.11, and 250.12, National Orders for the Outer Continental Shelf governing oil and gas lease operations are proposed as set forth below. The proposed revisions of these regulations are published concurrently in the Proposed Rules Section of the FEDERAL REGISTER.

As a result of the efforts of the Conservation Division task force for reviewing the OCS Operations Safety Program, it was determined that the existing Orders for individual areas of the OCS should be standardized. The task force concluded that the majority of the requirements of the existing OCS Orders are common to all areas of the OCS and that only a minority of the requirements arise from environmental, geological, geophysical, or geographical differences between the various areas.

The standardization of OCS Orders will be accomplished by the issuance of National OCS Orders which contain the requirements that are common to all areas of the OCS and Appendices which contain specific local requirements for each area. The National OCS Orders Nos. 1, 3, and 4, as proposed below, do not constitute additional requirements over the existing OCS Orders other than revisions to the existing requirements to incorporate new technological advances and improvements or changes in the regulations.

The proposed National OCS Order Nos. 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 are currently being developed and will be published at a later date. The existing OCS Orders will remain in effect until such time as all of the pro-

posed National Orders are published in final form in the FEDERAL REGISTER.

Interested persons may submit written comments and suggestions on the proposed National OCS Orders to the Acting Chief, Conservation Division, U.S. Geological Survey, MS600, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before July 29, 1977.

NOTE.—The Geological Survey 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.

V. E. MCKELVEY,  
Director.

UNITED STATES DEPARTMENT OF THE  
INTERIOR

GEOLOGICAL SURVEY  
CONSERVATION DIVISION  
NATIONAL ORDER  
OCS ORDER NO. 1  
Effective -----

IDENTIFICATION OF WELLS, PLATFORMS,  
STRUCTURES, AND SUBSEA OBJECTS

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.37.

The operator shall comply with the following requirements. All departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

1. *Identification of Fixed Platforms or Structures.* Platforms and structures shall be identified at two diagonal corners by a sign with letters and figures not less than 30 centimeters (12 inches) in height with the following information: The name of lease operator, the area name shown on OCS Official Protraction Diagrams (or, where no name has been assigned, the Protraction Diagram number), the block number in which the platform or structure is located, and the platform or structure designation. The information shall be abbreviated as in the following example:

The Blank Oil Company operates "C" platform on Block 999 of the Salisbury Area.

The identifying sign on the platform would indicate: BOC-SAL-999-C.

2. *Identification of Nonfixed Platforms or Structures.* Floating semi-submersible platforms, bottom-setting mobile rigs, and drilling ships shall be identified by one sign with letters and figures not less than 30 centimeters (12 inches) in height affixed to the derrick so as to be visible from off the vessel and containing the following information: The name of the lease operator, the area designation based on OCS Official Leasing Maps, the block number, the OCS lease number, and the well number.

3. *Identification of Wells.* The OCS lease and well number shall be painted on, or a sign affixed to, each singly completed well. In multiple completed wells, each completion shall be individually identified at the well head. All identifying signs shall be maintained in a legible condition.

4. *Identification of Subsea Objects.* All subsea objects resulting from lease opera-

tions, and presenting a hazard to navigation or to deployment of commercial fishing devices, shall be identified with navigational markings. Such identification shall be in accordance with an approved Coast Guard design. These navigational markings shall be maintained on-site and operable at all times as long as the obstruction remains.

Approved: \_\_\_\_\_

Acting Chief, Conservation Division.

UNITED STATES DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY  
CONSERVATION DIVISION

NATIONAL ORDER

OCS ORDER NO. 3

Effective \_\_\_\_\_

#### PLUGGING AND ABANDONMENT OF WELLS

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.15. The operator shall comply with the following minimum plugging and abandonment procedures which have general application to all wells drilled for oil and gas. Plugging and abandonment operations must not be commenced prior to obtaining approval from an authorized representative of the Geological Survey. Oral approvals shall be in accordance with 30 CFR 250.13. All departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

##### 1. Permanent Abandonment.

1.1 *Isolation in Uncased Hole.* In uncased portions of wells, cement plugs shall be spaced to extend 30 meters (100 feet) below the bottom to 30 meters (100 feet) above the top of any oil, gas, and fresh water zones so as to isolate them in the strata in which they are found and to prevent them from escaping into other strata. Additional cement plugs may be required to protect other minerals or to prevent migration of fluids in the well bore.

1.2 *Isolation of Open Hole.* Where there is open hole below the casing, a cement plug shall be placed in the deepest casing string by methods (a) or (b) below or, in the event lost circulation conditions exist or are anticipated, the plug may be placed in accordance with (c) below:

(a) A cement plug placed by displacement method so as to extend a minimum of 30 meters (100 feet) above and 30 meters (100 feet) below the casing shoe.

(b) A cement retainer with effective back pressure control set not less than 15 meters (50 feet), nor more than 30 meters (100 feet), above the casing shoe with a cement plug calculated to extend at least 30 meters (100 feet) below the casing shoe and 15 meters (50 feet) above the retainer.

(c) A permanent type bridge plug set within 45 meters (148 feet) above the casing shoe with 15 meters (50 feet) of cement on top of the bridge plug. This plug shall be tested prior to placing subsequent plugs.

1.3 *Plugging or Isolating Perforated Intervals.* A cement plug shall be placed opposite all open perforations (perforations not squeezed with cement) extending a minimum of 30 meters (100 feet) above and 30 meters (100 feet) below the perforated interval or down to a casing plug, whichever is less. In lieu of the cement plug, the following two methods are acceptable, provided the perforations are isolated from the hole below:

a. A cement retainer with effective back pressure control set not less than 15 meters (50 feet) nor more than 30 meters (100 feet)

above the top of the perforated interval with a cement plug calculated to extend at least 30 meters (100 feet) below the bottom of the perforated interval and 15 meters (50 feet) above the retainer.

b. A permanent type bridge plug set within 45 meters (148 feet) above the top of the perforated interval with 15 meters (50 feet) of cement on top of the bridge plug.

1.4 *Plugging of Casing Stubs.* If casing is cut and recovered thereby leaving a stub inside the next larger string, a cement plug will be set so as to extend 30 meters (100 feet) above and 30 meters (100 feet) below the stub, or a retainer set 15 meters (50 feet) above the stub with 45 meters (150 feet) of cement set below and 15 meters (50 feet) above. A permanent bridge plug set 15 meters (50 feet) above the stub and capped with 15 meters (50 feet) of cement shall be used if the foregoing methods cannot be used. However, if the stub is below the next larger string, plugging must be accomplished in accordance with subparagraphs 1.1 and 1.2 above.

1.5 *Plugging of Annular Space.* No annular space that extends to the ocean floor shall be left open to drilled hole below. If this condition exists, the annulus shall be plugged with cement.

1.6 *Surface Plug Requirement.* A cement plug of at least 45 meters (148 feet), with the top of the plug 45 meters (148 feet) or less below the ocean floor, shall be placed in the smallest string of casing which extends to the surface.

1.7 *Testing of Plugs.* The setting and location of the first plug below the top 45-meter (148-foot) plug will be verified by either (1) placing a minimum pipe weight of 6,800 kilograms (15,000 pounds) on the plug or, where this plug is placed utilizing a cement retainer or bridge plug, it is only necessary that the setting of the retainer or bridge plug be verified by placing at least 6,800 kilograms (15,000 pounds) on it prior to placing cement on top, or (2) testing with a minimum pump pressure of 6,900 kPa (1,000 psi) with no more than a 10-percent pressure drop during a 15-minute period.

1.8 *Mud.* Each of the respective intervals of the hole between the various plugs shall be filled with mud fluid of sufficient density to exert hydrostatic pressure exceeding the greatest formation pressure encountered while drilling such interval.

1.9 *Clearance of location.* All casing and piling shall be severed and removed to a depth of at least 5 meters (16 feet) below the ocean floor or at a depth as approved by the District Supervisor after a review of data on the ocean bottom conditions. The operator shall verify that the location has been cleared of all obstructions.

2. *Temporary abandonment.* Any drilling well which is to be temporarily abandoned shall be mudded and cemented as required for permanent abandonment except for requirements 6 and 9 of section 1 above. When casing extends above the ocean floor, a mechanical bridge plug (retrievable or permanent) shall be set in the casing between 5 and 60 meters (16 and 197 feet) below the ocean floor.

Approved: \_\_\_\_\_

Acting Chief, Conservation Division.

UNITED STATES DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY  
CONSERVATION DIVISION

NATIONAL ORDER

OCS ORDER NO. 4

Effective \_\_\_\_\_

#### SUSPENSION AND DETERMINATION OF WELL PRODUCTIBILITY

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.12(d)(1). An OCS lease provides for extension beyond its primary term for as long as oil or gas may be produced from the lease in paying quantities. The term "paying quantities" as used herein means production in quantities sufficient to yield a return in excess of operating costs. An OCS lease may be maintained beyond the primary term, in the absence of actual production, when a suspension of production has been approved in accordance with OCS Order No. 14. All departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

To provide data necessary to determine that a well may be capable of producing in paying quantities, the following are minimum requirements:

1. *Oil Wells.* A production test of at least 2-hour duration, following stabilization of flow.

2. *Gas Wells.* A deliverability test of at least 2-hour duration, following stabilization of flow, or a four-point back-pressure test.

3. *Production Capability.* All pertinent engineering, geologic, and economic data shall be submitted to the District Supervisor and will be considered in determining whether a well is capable of being produced in paying quantities. Refer to Appendix I for specific well data requirements for the Gulf of Mexico Area.

4. *Witnessing and Results.* All tests must be witnessed by an authorized representative of the Geological Survey. Test data accompanied by operator's affidavit, or third-party test data, may be accepted in lieu of a witnessed test provided prior approval is obtained from the District Supervisor.

Approved: \_\_\_\_\_

Acting Chief, Conservation Division.

#### APPENDIX I

OCS ORDERS GOVERNING OIL AND GAS LEASE OPERATIONS IN THE OUTER CONTINENTAL SHELF

GULF OF MEXICO AREA

OCS ORDERS

UNITED STATES DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY CONSERVATION DIVISION

UNITED STATES DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY

CONSERVATION DIVISION

GULF OF MEXICO AREA

OCS ORDER NO. 4

Effective \_\_\_\_\_

#### SUSPENSION AND DETERMINATION OF WELL PRODUCTIBILITY

The preamble to this Order is common to all areas of the Outer Continental Shelf. Refer to National OCS Order No. 4.

1. *Oil wells.* Refer to National OCS Order.  
2. *Gas wells.* Refer to National OCS Order.  
3. *Production capability.* The following may be considered as acceptable evidence that a well is capable of producing in paying quantities:

A. A resistivity log of the well showing a minimum of 15 feet of producible sand in one section which does not include any interval which appears to be water saturated. All of the section counted as producible shall exhibit the following properties:

(1) Electrical spontaneous potential exceeding 20 negative millivolts beyond the shale base line. If mud conditions prevent a

20 negative millivolt reading beyond the shale base line, a gamma ray log deflection of at least 70 percent of the maximum gamma ray deflection in the nearest clean water-bearing sand may be substituted.

(2) A minimum true resistivity ratio of the producible section to the nearest clean water sand of at least 5:1.

(3) A porosity log indicating porosity in the producible section.

B. Sidewall cores and core analysis which indicates that the section is producible.

C. The aforementioned criteria will absolutely ascertain that a well is producible. However, recognizing the fact that rocks in the Gulf of Mexico Area do not possess the same physical properties and therefore do not lend themselves to one single method of log analysis, the Geological Survey may, at its discretion, accept sound log interpretation techniques which conclusively demonstrate that a well would produce water-free hydrocarbons in its particular area, even though it might not qualify under A and B. The operator can support its interpretation by submitting further evidence such as wireline formation tests and/or mud logging analysis.

4. *Witnessing and results.* Refer to National OCS Order.

D. W. SOLANAS,  
Area Oil and Gas Supervisor.

Approved: \_\_\_\_\_

Acting Chief, Conservation Division.

[FR Doc.77-18426 Filed 6-28-77;8:45 am]

#### National Park Service

### GREEN SPRINGS HISTORIC DISTRICT, LOUISIA COUNTY, VA.

#### Reconsideration of Designation as National Historic Landmark and Listing on the National Register

It has been brought to the attention of the Secretary that several persons consider that inadequate public notice was given of the listing of the Green Springs Historic District on the National Register of Historic Places on March 7, 1973, after state nomination and the subsequent designation of the district as a National Historic Landmark on May 13, 1974. Although it is considered that all procedures applicable to the National Park Service and the Department were followed in these actions, the Secretary wishes to allow interested persons the opportunity to comment on these actions as a matter of public policy in the course of deciding on acceptance of proposed preservation easements applicable to portions of the historic district. Specifically, the Secretary will reconsider in light of the public comments to be received whether the Green Springs Historic District is of national historic significance and thus properly designated as a National Historic Landmark and listed on the National Register.

The Secretary will also reconsider the listing of the district on the National Register by state nomination and will remove the district from the National Register as a state nomination if it is determined that interested persons were

not given notice of the proposed action by the state in the nomination process or that the district does not meet National Register criteria as described in 36 CFR 60.6. Interested persons may comment in writing on or before July 29, 1977 to the Chief, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. 20240. In addition, there will be a public hearing on these matters in or near Louisa County on July 27, 1977, at a place and time to be announced later. In the FEDERAL REGISTER of June 21, 1977, a notice of a July 27, 1977, public meeting on the environmental assessment of proposed acceptance of Green Springs preservation easements was announced. It is intended that the public hearing on the designation and listing will take place in the morning of July 27 and the meeting on the environmental assessment in the afternoon. A representative of the Secretary will be present to hear the public comments. As a direct public hearing is being provided, the reconsideration of the designation of Green Springs Historic District as a National Historic Landmark will not be resubmitted to the Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.

In order to provide necessary information on these matters, a copy of the National Park Service's landmark designation study and a copy of the nomination of the Green Springs Historic District to the National Register will be sent to interested persons upon written request to the address mentioned above. In addition, copies of such documents are being forwarded to the Louisa County Public Library for public reference.

Dated: June 23, 1977.

DAVID F. HALES,  
Acting Assistant Secretary,  
Fish, Wildlife, and Parks.

[FR Doc.77-18534 Filed 6-28-77;8:45 am]

#### Office of the Secretary

### ROBINSON RANCHERIA

#### Revocation of Termination Proclamation and Restoration of Federal Status

On March 22, 1977, a Final Declaratory Judgment and Decree was issued in *Mabel Duncan, et al. v. Andrus, et al.*, Nos. C-71-1572 and C-71-1713 by the United States District Court for the Northern District of California. The district court revoked the termination of Robinson Rancheria under the California Rancheria Termination Act, as amended (72 Stat. 619; 78 Stat. 390), because of failure to meet conditions precedent to such termination as provided by Section 3(c) of the Act, namely, the Secretary's failure to undertake certain action with respect to the Rancheria's water systems before conveying the land in fee to the Indians.

Notice is hereby given, pursuant to the order in the above case, that the Robinson termination proclamation (30 FR 11330) is revoked and that all distributees and dependent members of their immediate families named in that proclamation, as set forth below, are un-terminated, retain their status as Indians under federal law, and are eligible for services and benefits provided by the United States to Indians because of their status as Indians. Furthermore, all statutes of the United States which apply to Indians because of their special status as Indians shall hereafter be applicable to the Indians of the Robinson Rancheria.

Detailed implementing procedures with regard to the return of land to trust status for individual Indians of the Rancheria and for the community properties held by the trustees of the Robinson Pomo Association will be published by the Department in the FEDERAL REGISTER, will be posted in two conspicuous places on the Rancheria and in a newspaper of general circulation within Lake County, and will be sent to each individual named in this notice.

Name	Birth date	Address
Clara Anderson.....	Oct. 15, 1895	Died Dec. 31, 1968.
Herbert Anderson, Jr.....	Feb. 8, 1899	309 Malone St., Madera, Calif. 93637.
Don Anderson.....	Mar. 2, 1902	c/o Herbert Anderson, Jr., 309 Malone St., Madera, Calif. 93637.
Solomon Moore.....	July 20, 1888	Died Jan. 28, 1962.
Elmer Moore.....	Sept. 25, 1900	1324 Bruce St., Chico, Calif. 95926.
Hazel Gorbett.....	Mar. 2, 1897	Died Sept. 8, 1969.
Milton Gorbett.....	Aug. 7, 1903	2526 Shawnee St., Santa Rosa, Calif. 95401.
Evelyn Peake, formerly Evelyn Gorbett Crandell.....	Mar. 2, 1895	2546 34th Ave., Oakland, Calif. 94601.
James Crandell, Jr.....	Oct. 23, 1866	San Bruno, Calif. 94065.
Susan Crandell.....	Jan. 24, 1908	Do.
Marcus Anderson.....	Mar. 8, 1839	Box 3765, Chico, Calif. 95926.
Curtis Anderson.....	Jan. 4, 1917	Died Oct. 9, 1960.
Rosita Anderson.....	Dec. 12, 1919	Box 3765, Chico, Calif. 95926.
Charlotte Anderson.....	Oct. 9, 1942	Do.
Marie Wilson, formerly Marie Anderson.....	May 2, 1944	Do.
Curtis Anderson, Jr.....	Nov. 1, 1946	Do.
Patsy Anderson.....	Nov. 24, 1947	Do.
Judy Anderson.....	June 2, 1949	Do.
Robert Anderson.....	Jan. 8, 1952	P.O. Box 206, Tehama, Calif. 96090.
Debra Anderson.....	June 15, 1953	Box 3765, Chico, Calif. 95926.
Steven Anderson.....	Sept. 27, 1954	Do.
Ross Anderson.....	June 20, 1955	Do.
Herbert Anderson.....	Sept. 4, 1922	P.O. Box 1271, Lakeport, Calif. 95453.
Earl Duncan.....	Mar. 27, 1930	9021 Hillside St., Oakland, Calif. 94603.
Mildred Duncan.....	Jan. 29, 1929	Do.
Clayton Duncan.....	Apr. 16, 1950	Do.
Alfreda Boggs Mix.....	July 6, 1915	1304 Hemlock St., Chico, Calif. 95926.

Name	Birth date	Address
Mabel Knight	Sept. 1, 1910	Route 1, Box 891, Lakeport, Calif. 95453.
Dixie Duncan	July 16, 1942	P.O. Box 274, Upper Lake, Calif. 95485.
Myrtle Quintero, formerly Duncan	Myrtle Aug. 16, 1944	P.O. Box 722, Lakeport, Calif. 95453.
Dwight Smith	Sept. 15, 1951	P.O. Box 274, Upper Lake, Calif. 95485.
Wanda Smith	Nov. 30, 1953	Do.
Coleen Tripp Poe	Mar. 20, 1922	2526 Shawnee St., Santa Rosa, Calif. 95401.
Rosalie Pena, formerly Rosalie Tripp	Jan. 18, 1943	15718 Mascott Ave., Sacramento, Calif. 95824.
Eleanor Malicay, formerly Eleanor Tripp	May 4, 1948	2526 Shawnee St., Santa Rosa, Calif. 95401.
Marilyn Poe	July 30, 1956	Do.
Andrey Poe	July 28, 1957	Do.
Virgil Poe	Sept. 12, 1958	Do.
Severine Mitchell	Aug. 25, 1934	P.O. Box 492, Upper Lake, Calif. 95485.
Eugene Mitchell	Dec. 18, 1953	Do.
Emmeline Mitchell	Apr. 17, 1956	Do.
Cheryl Mitchell	Mar. 28, 1957	Do.
Dennis Mitchell	Dec. 20, 1959	Do.
Fred(a) Duncan	Aug. 24, 1927	3815 East 14th St., Oakland, Calif. 94601.
Coleen Sanders, formerly Coleen Duncan	Nov. 27, 1949	221 Church St., Oakland, Calif. 94605.
Dwayne Duncan	Feb. 22, 1952	3815 East 14th St., Oakland, Calif. 94601.
Laverne Duncan	July 9, 1954	Do.
Douglas Duncan	Aug. 10, 1955	Do.
Pearl Wilson	Jan. 30, 1936	P.O. Box 415, Upper Lake, Calif. 95485.
Carl Anderson	Dec. 25, 1954	Do.
Sharon Anderson	July 20, 1956	Do.
Clara Anderson, formerly Clara Wilson	Dec. 30, 1958	Do.
Alice Peters	Feb. 27, 1935	P.O. Box 967, Lakeport, Calif. 95453.
Mathew Peters, Jr.	June 18, 1955	Do.
Andrey Peters	Nov. 19, 1956	Do.
Jean Peters	Nov. 24, 1958	Do.
Sanchez Boggs	May 16, 1915	Died Apr. 4, 1962.
Gertrude Mitchell, formerly Gertrude Boggs	June 18, 1941	1951 Foothill Blvd., apartment 106, Oakland, Calif. 94606.
Ivan Anderson	July 12, 1915	Box 371, Upper Lake, Calif. 95485.
Lottie Anderson	July 19, 1917	Do.
Alvin Anderson	May 11, 1911	Upper Lake, Calif. 95485.
Lovenia Faught	Feb. 6, 1904	Died Aug. 30, 1962.
Barbara White	Sept. 16, 1928	731 4th St., Woodland, Calif. 95695.
Jerome Knight	May 29, 1946	Do.
Ronald Anderson	Apr. 29, 1948	Do.
Arvid White, Jr.	Oct. 8, 1950	Do.
Bruce White	July 4, 1952	P.O. Box 1271, Lakeport, Calif. 95453.
Wendell White	Sept. 30, 1953	731 4th St., Woodland, Calif. 95695.
Winifred White	Feb. 23, 1955	Do.
Merlin Snyder	Aug. 9, 1959	Do.
Elio Wilson	Feb. 24, 1930	P.O. Box 415, Upper Lake, Calif. 95485.
Nathan Boggs	Aug. 15, 1919	1372 East 10th St., Chico, Calif. 95926.
Bernadine Connor, formerly Bernadine Tripp Duncan	Apr. 30, 1941	5526 Crumbrook Way, Fair Oaks, Calif. 95628.
Maud Boggs	June 6, 1889	1372 East 10th St., Chico, Calif. 95926.
Wilbur Augustine	Apr. 15, 1931	P.O. Box 142, Arcata, Calif. 95521.
Carston Duncan	June 27, 1933	General delivery, Upper Lake, Calif. 95485.
Lila Duncan	July 16, 1934	Do.
Eugene Duncan	Mar. 16, 1955	Do.
Alvira Duncan	Feb. 14, 1957	P.O. Box 1571, Santa Rosa, Calif. 95403.

This notice becomes effective June 29, 1977.

JAMES A. JOSEPH,  
Acting Secretary.

JUNE 17, 1977.

[FR Doc.77-18397 Filed 6-28-77; 8:45 am]

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 77-13]

RAPHAEL C. CILENTO, M.D., MIAMI,  
FLORIDA

#### Hearing

Notice is hereby given that on April 1, 1977, the Drug Enforcement Administration, Department of Justice, issued to Raphael C. Cilento, M.D., Miami, Florida, an Order to Show Cause as to why the Drug Enforcement Administration Certificate of Registration (AC5728146) issued to Respondent pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in

this matter will be held commencing at 9:30 a.m. on Tuesday, July 12, 1977, in the U.S. Tax Court Courtroom, Room 1524, 51 SW. First Avenue, Miami, Florida.

Dated: June 21, 1977.

PETER B. BENSINGER,  
Administrator,  
Drug Enforcement Administration.

[FR Doc.77-18591 Filed 6-28-77; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. RPA 505-77-5]

#### ILLINOIS CENTRAL GULF RAILROAD CO.

#### Purchase of Redeemable Preference Shares

AGENCY: Federal Railroad Administration, DOT.

ACTION: Receipt of application.

**SUMMARY:** The Illinois Central Gulf Railroad Company ("ICG") has filed an application with the Administrator of the Federal Railroad Administration ("Administrator") under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210) ("4R Act"), as amended, to obtain funds through the purchase by the Administrator of redeemable preference shares issued by the ICG, for financing railroad rehabilitation projects and new track construction. A long term program is proposed as well as a 1977 work-season program. The ICG states that the purpose of the requested financial assistance is to enable it to maintain and improve essential freight services. The intended effect of the proposed federally funded projects is to rehabilitate approximately 382 route miles of mainline track, install secondary trackage in the Baton Rouge area, and permit rerouting of traffic over the improved lines and abandonment or downgrading of other lines.

DATE: Comments must be received on or before July 29, 1977.

ADDRESS: Comments should be submitted to Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Principal Attorney: Sander M. Bieber,  
Office of Chief Counsel, 202-426-8220.  
Principal Program Person: R. E. Kleist,  
Office of National Freight Assistance  
Programs—Rail Freight Service Division,  
202-426-4950.

SUPPLEMENTARY INFORMATION:

#### I. DESCRIPTION OF PROJECT AREAS

##### A. BLUFORD LINE

The main line cut-off between Edgewood, Illinois and Fulton, Kentucky, known as the Bluford Line, would be completely rehabilitated to Federal Railroad Administration ("FRA") class four track standards under applicant's plan. Installation of a centralized traffic control ("CTC") system is proposed for 40 miles of automatic block signals ("ABS") controlled line. Applicant projects rehabilitation of the 168 mile line would take four years and cost \$67.2 million.

##### B. TALLAHATCHIE-YAZOO LINE

The second project area is the freight main line between Memphis, Tennessee and Jackson, Mississippi via Gwin, Mississippi. Involved are 205 miles of single-tracked, unsignalled main line with 25 passing tracks and 8 miles of CTC double track approaching Memphis. Applicant states that this line is part of a major Consolidated Rail Corporation ("Conrail")/ICG coordinated route between the Northeast and the South, and is a principal link between the Gulf ports and

points in the Pacific Northwest and Canada. Most ICG traffic between Memphis and Jackson moves over this route. Applicant's proposed full rehabilitation of this line to FRA class four track standards with CTC installation is projected to take five years to complete and cost \$72.5 million.

#### C. BATON ROUGE TERRITORY

Applicant proposes to install secondary trackage in the Baton Rouge territory. Applicant states that this project will enable ICG to better serve the major area of industrial growth encompassing Baton Rouge and the east bank of the Mississippi River to New Orleans. Applicant contends that the amount of secondary trackage is inadequate to service three rapidly growing commodity groups—chemicals, farm products, and paper products—and that current traffic demands require extensive re-switching. The proposed project would increase the 83 miles of secondary track that now exist by 49 miles, at a cost of \$16 million.

### II. DESCRIPTION OF PROPOSED PROJECTS

#### A. TRACK REHABILITATION PROJECTS

Track rehabilitation is planned for Edgewood, Illinois to Fulton, Kentucky (Bluford Line) and Memphis, Tennessee to Jackson, Mississippi (Tallahatchie-Yazoo line). Bluford line rehabilitation consists of 5 sub-projects and the Tallahatchie-Yazoo Line consists of four sub-projects. Applicant states that all completed track will surpass track standards necessary to handle anticipated increase volume at 60 miles per hour. Total track rehabilitation will consist of 303 miles of new 136-pound continuous welded rail, 419,600 new 7"x9"x8'-6" cross ties, and 375 miles of undercutting, plus soil stabilization, drainage, and other related work.

#### B. TRACK EXTENSION PROJECTS

1. *Siding Extensions.* Siding extension work is planned by applicant for the Tallahatchie-Yazoo line. Applicant states that completion of this work will enable it to efficiently handle traffic volumes projected for routes to be rehabilitated.

2. *New Secondary Main Track.* New secondary main track is proposed by applicant. One stretch, known as the Memphis "run-around" track, involves 2.5 miles of new construction in addition to 0.7 miles of track rehabilitation. Applicant states this work will enable through trains to avoid the Johnston Yard congestion, and thus expedite traffic. A second project involves linking three pieces of existing side trackage at the north approach to the Jackson, Mississippi yard. With 3.6 miles of planned new construction, a 6.5 mile stretch of second main will be created which applicant contends will enable it to hold arriving or departing trains clear of other yard or main-line movements.

The total new construction for track extension projects involves 22.6 miles of new or secondhand rail, 60,370 cross ties, and various quantities of grading, bridge work, and other similar work.

#### C. SIGNAL AND COMMUNICATION PROJECTS

There are three sub-projects in this category. The work is planned on both the Bluford line and on the Tallahatchie-Yazoo districts. Applicant proposes to install a medium-density, single-track CTC system in order to improve speed and reliability and to give the centralized dispatching facility in Chicago efficient and reliable control over all train operations on these lines. To avoid the present terminal congestion at both ends of the Tallahatchie-Yazoo line, signalled double track is proposed. In order to realize significant maintenance and reliability benefits, applicant plans to install 362 line miles of buried cable and to construct a new microwave station at Edgewood, Illinois.

Signal and communication work is scheduled to begin in 1978 on the Tallahatchie-Yazoo line and part of the Bluford line, and in 1979 on the remaining (central and southern) parts of the Bluford line. The projects allot three years to the Tallahatchie-Yazoo track and two years elsewhere.

#### D. BRIDGE PROJECTS

Bridge work is proposed for the Bluford line and the Tallahatchie-Yazoo

line. On the Bluford line, applicant states that bridge renewal projects will reduce the average bridge age by 17.8 years and eliminate all structures of open-deck construction. Renewal of a number of overhead highway bridges is also planned. Applicant states that an estimated \$1,018,440 of machinery, including a 40-ton capacity pile-driving crane and two smaller cranes is required for the Bluford program and is included in the cost of the Bluford bridge project's cost.

#### E. BATON ROUGE TERRITORY

Applicant proposes massive trackage work in the Baton Rouge area. Of the 15 proposed sub-projects, 13 deal with upgrading, extending, or constructing secondary trackage. The remaining two sub-projects are mechanical facilities. Applicant contends that these projects will improve ICG's capacity to classify and hold cars destined to and from industries in the Baton Rouge territory. The major portion of the Baton Rouge projects consists of a \$16 million program for increasing the 83 miles of secondary track by approximately 49 miles with the construction of a second 10-track hump yard at Geismar, with the upgrading and/or expansion of existing flat yards (without humps) at Baton Rouge, Reserve, Good Hope and Destrehan, and by increasing the number and length of sidings and storage tracks at key collection and distribution points.

#### III. SUMMARY OF LONG-TERM PROGRAM

Two documents from applicant's application appear as a part of this notice as an attempt to provide convenient summaries of the \$156 million proposal. Schedule 1 is a summary of all 30 projects which indicates the applicant's relative priority ranking of each project, the cash costs of each project by year, and the total cash costs of the projects. Schedule 4 provides a summary of the rehabilitation work to be performed, by project, indicating details concerning the type and extent of rehabilitation work to be performed. Taken together, Schedules 1 and 4 present a reasonable outline of the long-term program.

SCHEDULE 1  
SUMMARY OF CASE COSTS FOR PROJECTS AND SUB-PROJECTS BY YEAR

Priority Project Order	Project Name	1977		1978		1979		1980		1981		Totals	
		1-1-78 (\$)	1-1-78 (\$)	1-1-78 (\$)	1-1-78 (\$)	1-1-79 (\$)	1-1-79 (\$)	1-1-80 (\$)	1-1-80 (\$)	1-1-81 (\$)	1-1-81 (\$)	1-1-78 (\$)	1-1-81 (\$)
6	Blufford North Track	5,317,645	5,256,907	8,034,424	6,221,153							11,352,069	11,478,060
4	Blufford Central Track-4	6,665,628	6,587,099	2,002,848	2,060,822	228,288	144,746					8,796,822	8,792,787
5	Blufford Central Track-3	17,300	17,278	7,445,845	7,672,466	3,789,022	4,178,273					11,232,187	11,868,020
7	PA1 Track			2,984,179	3,249,100							2,984,179	3,249,100
3	Blufford South Including Mains, CR and Pullon	1,990,970	1,970,814	7,228,936	7,445,405	5,708,424	6,234,280					14,822,330	15,450,809
19	Blufford All Bridges	329,643	316,776	4,418,673	4,547,114	3,771,219	4,117,417					12,118,097	13,182,118
29	Blufford North Signal and Communications			552,066	568,628							1,709,079	2,031,854
20	Blufford Central and South Signal and Communication			1,742,503	1,902,465							4,133,688	4,469,784
1	Tasoo Track-4	9,857,422	9,742,885	2,431,678	2,428,828	599,051	654,044					12,908,152	12,825,758
2	Tasoo Track-3	570,623	564,244	5,208,765	5,696,041	2,225,348	2,408,265					8,304,736	8,468,550
3	Tallahatchie Track-A	1,909,230	1,868,851	4,831,860	5,079,577	782,508	832,288					8,481,843	8,818,478
8	Tallahatchie Track-B	1,268,931	1,252,278	2,785,626	2,987,176	10,054,377	9,085,149					18,881,955	18,775,322
11	Tallahatchie-Tasoo Bridge and Communication			1,098,373	1,646,431	746,545	815,077					2,345,118	2,461,408
25	Tallahatchie-Tasoo Signal												
18	Tallahatchie-Tasoo New Siding			3,507,871	3,678,839	2,437,293	2,682,775					9,330,790	10,863,005
12	Upgrade Scale-Gelmar	183,136	182,017									183,136	182,017
13	Upgrade Ladders-Bacon Range	953,480	945,044									953,480	945,044
14	New Mains-Gelmar	878,587	869,267									878,587	869,267
15	New Storage Track-Reserve	686,771	678,902									686,771	678,902
16	New Storage Track-Cellars					101,669	112,520					101,669	112,520
17	Siding Extension-Gary			166,787	171,781							166,787	171,781
18	Yard Expansion-Gelmar			314,378	324,902							314,378	324,902
21	Siding Extension-Garyville			1,226,212	1,256,525							1,226,212	1,256,525
22	Siding Extension-Brums			189,106	153,854							189,106	153,854
23	Lead Extension-Gelmar/Barnside					830,845	885,390					830,845	885,390
24	Upgrade Body Track-Bacon Range Yard			239,725	239,896							239,725	239,896
26	New Storage Track-Gelmar			292,248	318,988							292,248	318,988
27	Upgrade Ladders and Leads-Destrian					936,383	1,128,607					936,383	1,128,607
28	Upgrade Existing Yard-Gelmar					383,423	456,942					383,423	456,942
30	Locomotive Service Facility-Gelmar					923,580	1,141,711					923,580	1,141,711
	<b>Total</b>	<b>630,399,267</b>	<b>630,252,263</b>	<b>656,265,139</b>	<b>632,037,173</b>	<b>643,200,315</b>	<b>645,648,025</b>	<b>628,145,965</b>	<b>631,489,815</b>	<b>613,323,802</b>	<b>64,322,648</b>	<b>6,159,774,587</b>	<b>6,164,796,034</b>

Source: Schedule 1, Application for Federal Financial Assistance under Section 105 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, submitted by Illinois Central Gulf Railroad Company, May 2, 1977, p.38.



SUMMARY OF REHABILITATION WORK

Schedule 4  
Sheet 1 of 3

PROJECTS

Project Designation	Project Name	From M.P.	To M.P.	Total Route Miles	Track Miles of		Type of Replacement	Track Miles of		No. of Cars of Ballast-Track Under-Construction	No. of Turnouts Installed	Miles of Subgrade Stabilized	Miles of CTC		Bridge Renewal (Lin. Ft.)	NEW TRACK CONSTRUCTION			
					Existing	Secondary		Replaced	Under-Construction				Installed	Modified		Miles of New Secondary Track	No. of Cross Ties Laid		
A	Bladford Line	0	- 123	178.95	183.75	1368	OWR	38.11	206,303	139,394	7,744	109	24.3	44.2	9,485	120.7	0.0	0.0	0.0
B	Tallahatchie-Tasso	5.68	- 218.57	212.89	138.74	1368	OWR	12.21	213,300	214.74	9,850	195	34.0	200.4	3,014	12.5	24.74	85,568	1,533
C	Matco Range Territory	-	-	-	1.42	1158	OWR	23.82	82,825	-	1,445	220	-	-	-	-	28.86	29,552	1,435

Source: Schedule 4, Application for Federal Financial Assistance under Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, submitted by Illinois Central Gulf Railroad Company, May 2, 1977, p. 50.

## IV. 1977 WORK SEASON PROGRAM

At the request of the FRA, applicant has submitted a proposed 1977 work season program to be funded through the purchase of the Administrator of preference shares issued by the ICG. All elements of this 1977 program are contained in the application. The program focuses on completion of a limited number of projects rather than on commencement of all 1977 projects shown in the application. Applicant states that this work season's program concentrates on its most essential rehabilitation projects and is designed to accelerate the completion of projects so that public benefits will accrue to the maximum extent possible by the close of 1977.

## A. PROJECTS COMPLETED BY JULY 1, 1977

Rehabilitation projects estimated to cost \$14.6 million are scheduled to be completed on or about July 1, 1977. Applicant seeks reimbursement funded through the purchase by the Administrator of preference shares issued by Applicant for the following expenditures on sub-projects:

Project designation	Project name	Estimated amounts <sup>1</sup> (in millions) <sup>2</sup>
A-2	Bluford Central Track-A	\$4.9
A-3	Bluford Central Track-B	.5
A-5	Bluford South including Mason-CR and Fulton	.1
A-6	Bluford Bridge	.1
B-1	Yazoo Track-A	8.2
B-2	Yazoo Track-B	.2
B-4	Tallahatchie Track-B	.3
B-5	Tallahatchie-Yazoo Bridges	.08
C-1	Upgrade Seale-Geismar	.01
C-2	Upgrade Ladders-Baton Rouge	.03
	Total	14.6

<sup>1</sup> For reimbursement through June 30, 1977.

<sup>2</sup> Costs are on a cash basis consistent with schedule 1 in the application. The value of secondhand material used in the subprojects has been excluded and there is no deduction for the value of salvage released.

Source: Exhibit 1, letter, H. S. Meldahn, director of Corporate Planning, Illinois Central Gulf Co. to Charles Swinburn, associate administrator for Federal assistance, FRA, May 15, 1977.

In summary, the ICG anticipates completion of the following work by July 1, 1977:

On the Yazoo District, applicant states it will have installed 41.5 track miles of 136-pound continuous welded rail, 46,000 ties, and 39 switches, as well as added 380 carloads of ballast. ICG will also have installed 33 track miles of 136-pound continuous welded rail, inserted about 10,000 ties, and added approximately 384 carloads of ballast on the central part of the Bluford line. Finally, ICG will have installed an estimated 12,730 ties on Bluford South.

## B. REHABILITATION PROJECTS PROPOSED FOR JULY 1 THROUGH END OF 1977 WORK SEASON

Applicant proposes five distinct sub-projects for the 1977 interim program to be undertaken during the period from July 1, 1977 through the end of the 1977 work season.

Rehabilitation of Bluford North is the highest priority project in the 1977 program. Applicant now believes that it can compress two years of work into one on Bluford North provided that ICG receives early approval for this project. Applicant plans to complete both the 1977 and the 1978 programs shown in the application. The only exclusion from the program is purchased work machinery. However, applicant states that other machinery will be available from other work projects and through leasing.

Additional track rehabilitation on the Yazoo District is ICG's second highest priority for the summer work program. In conjunction with Yazoo District work scheduled for completion prior to July 1, this program anticipates replacement of Yazoo District main-line rail. The program also contemplates completion of the Yazoo tie program plus 21 miles of undercutting. The program anticipates no further installation of switches because of long lead times for delivery.

EFFICIENT-SERVE FUNDED FOR REGENERATION PROJECTS PROPOSED FOR FISCAL YEAR END OF 1977 FISCAL YEAR

EXHIBIT 2

Priority	Sub-project Description	Sub-project Name	Total Mileage			Miles of Track to be Relocated	Miles of Track to be Relocated (From U.S. - to U.S. - Miles Relocated)	Type of Relocation	Miles of Relocated Track	No. of Crossings to be Relocated	Miles of Track to be Relocated (From U.S. - to U.S. - Miles Relocated)	No. of Crossings to be Relocated	Miles of Track to be Relocated	Miles of Track to be Relocated		No. of Crossings to be Relocated	No. of Crossings to be Relocated	Cost (1)
			Miles of Track to be Relocated	Miles of Track to be Relocated	Miles of Track to be Relocated									Miles of Track to be Relocated				
1	Palmer	Palmer	40	40	40	40	40	40	0	0	0	0	0	0	0	0	0	\$ 9,889,486
2	Portlands	Portlands	218.57	70.75	30.3	889 1259	889 1259	889 1259	0	2,509	21.0	920	0	0	0	0	0	7,604,862
3	Jacksonville	Jacksonville	63.4	159.7	0	0	0	0	0	159,509	0	2,009	0	0	0	0	0	11,369,129
4	Palmer	Palmer	147.82	142.14	9.3	889 1139	889 1139	889 1139	0	26,000	0	0	0	0	0	0	0	2,059,213
5	Palmer	Palmer	0	0	0	0	0	0	0	2,608	0	129	0	0	0	0	0	2,582,057
TOTAL			109.4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$ 19,891,685

(1) Compared consistently with schedule 1 of 1977 application for Federal financial assistance under 4-8 Act

SOURCE: Letter, H. S. Weisbach, Director of Corporate Planning, Illinois Central Gulf Railroad Company, to Charles Swinburn, Associate Administrator for Federal Assistance, Federal Railroad Administration, May 18, 1977.

ICG's third priority for the summer program is rehabilitation of the Jackson-Mobile route, which applicant states is essential to consolidation of the former Illinois Central and Gulf, Mobile and Ohio, and to its participation in a unit train movement beginning in 1978 between Memphis and Evanston, Mississippi.

The balance of the additional materials which ICG management believes it can obtain for work in 1977 has been designated by applicant to be applied to the Tallahatchie District track work and to several Baton Rouge projects.

Exhibit 2 provides a summary of the proposed 1977 work season program:

#### V. COMMENTS

Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, not later than the comment closing date indicated in this notice. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

The application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA, subject to the regulations of the office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations, and the applicable regulations and rules of the FRA.

The comments will be taken into consideration by the Federal Railroad Administration in evaluating the application. However, formal acknowledgement of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein. The FRA has no obligation to reimburse an applicant for work performed before the FRA approves an application submitted to it under title V of the 4R Act.

(Sec. 506 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: July 24, 1977.

CHARLES SWINBURN,  
Associate Administrator for  
Federal Assistance, Federal  
Railroad Administration.

[FR Doc.77-18561 Filed 6-27-77;8:45 am]

### UNITED STATES RAILWAY ASSOCIATION

[Docket 211-14]

#### CONSOLIDATED RAIL CORP.

##### Application for a Loan

Subsection (h) of Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. § 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan

agreements with the Consolidated Rail Corporation (ConRail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to Section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of Section 211 requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

On March 1, 1976, ConRail submitted a preliminary application for a loan under the provisions of Section 211(h) in the amount of \$230,000,000. Notice of this application was published in the FEDERAL REGISTER dated March 19, 1976. On March 29, 1976, ConRail supplemented its preliminary application by filing the certifications and exhibits required by "Procedures for Applications for Loans to Pay Obligations of Railroads in Reorganization", 49 CFR Sec. 922 (Loan Procedure), and requested an initial borrowing of \$34,024,000. On April 1, 1976, ConRail and the Association entered into a loan agreement which authorized initial borrowings by ConRail of \$34,024,000. On April 12, 1976, ConRail further supplemented its loan application with a request that the aggregate amount of the initial borrowings be increased to \$51,157,000. On April 15, 1976, the Board of Directors of the Association approved that request.

On July 12, 1976, ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of \$35,778,533.21 and an increase of the maximum amount reserved to \$230,000,000. On July 29, 1976 the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$8,182,352.21.

On November 18, 1976, ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of \$143,804,396.39 and a request for amendment of Section 3.01 of the Loan Agreement to increase the Maximum Borrowing to \$203,143,749.60. This application included the certification and exhibits required by the Loan Procedures. On December 6, 1976 the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$11,251,396.39.

On February 1, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting, among other things, new borrowings of \$107,761,877.76. This application included the certification and exhibits required by the Loan Procedures. On February 17, 1977, the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$107,761,877.76.

On March 16, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of \$25,333,400. This applica-

tion included the certification and exhibits required by the Loan Procedures. On March 31, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$25,333,400.

On April 25, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of \$25,888,400. This application included the certification and exhibits requested by the Loan Procedures. On April 29, 1977, the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of \$7,825,000, to be effective May 10, 1977.

On June 6, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of \$10,137,739.43. This application included the certification and exhibits required by the Loan Procedures.

On June 22, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of \$15,060,000. ConRail states that it will apply \$14,002,000 of the new borrowings to the payment of certain non-employee related pre-conveyance obligations of the Reading Company, and \$1,058,000 of the new borrowings to payment of certain employee-related pre-conveyance obligations of the Reading Company.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, Room 2222, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20595, on or before July 11, 1977, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays expected) between 8:30 a.m. and 5 p.m.

Dated at Washington, D.C., this 24th day of June 1977.

EDWIN RECTOR,  
Assistant Secretary United  
States Railway Association.

[FR Doc.77-18637 Filed 6-28-77;8:45 am]

### INTERSTATE COMMERCE COMMISSION

[Notice No. 424]

#### ASSIGNMENT OF HEARINGS

JUNE 24, 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 142614, Van Rees Trucking, Inc., now being assigned September 12, 1977 (2 days), for hearing in Omaha, Nebraska, in a hearing room to be later designated.

MC 136168 (Sub-No. 5), Wilson Certified Express, Inc., now being assigned September 14, 1977 (3 days), for hearing in Omaha, Nebraska, in a hearing room to be later designated.

MC 142554, Custom Carriers, Inc., now assigned July 8, 1977, at Seattle, Wash., is advanced to July 7, 1977 (2 days), in Room 1844, Federal Office Building, 1915 2nd Avenue, Seattle, Wash.

MC 63973 (Sub-No. 17), Kaler Freight Lines, Inc., now being assigned September 19, 1977 (1 week), for hearing in Des Moines, Iowa, in a hearing room to be later designated.

MC 133095 (Sub-114), Texas Continental Express, Inc., now assigned July 26, 1977, at Minneapolis, Minnesota, is canceled and reassigned July 26, 1977 (2 days), in Court Room 584, Federal Building, 5th Floor, 316 North Robert Street, St. Paul, Minnesota.

MC 29120 (Sub-198), All-American, Inc.; MC 111812 (Sub-525), Midwest Coast Transport, Inc.; MC 114599 (Sub-153), Shaffer Trucking, Inc.; MC 114632 (Sub-93), Apple Lines, Inc.; MC 117940 (Sub-195), Nationwide Carriers, Inc.; MC 129387 (Sub-29), Payne Transportation, Inc.; MC 133689 (Sub-80), Overland Express, Inc.; MC 134477 (Sub-117), Schanno Transportation, Inc.; and MC 135874 (Sub-65), LTL Perishables, Inc., now assigned July 28, 1977 at Minneapolis, Minnesota, is canceled and reassigned July 28, 1977 (2 days), in Court Room 584, Federal Building, 5th Floor, 316 North Robert Street, St. Paul, Minnesota.

MC 138367 (Sub-3), TMI Transport Corp., now assigned August 1, 1977, at Minneapolis, Minnesota, is canceled and reassigned August 1, 1977 (1 week), in Court Room 584, Federal Building, 5th Floor, 316 North Robert Street, St. Paul, Minnesota. W-1314 (Sub-1), A. Wallace Lane and Belva D. Kerby, a partnership d.b.a. Idaho Pacific Navigation, now being assigned August 8, 1977 (1 week), in Room 103, Pioneer Courthouse, 555 South West Yamhill Street, Portland, Oregon.

MC 29613 (Sub-No. 8), Jayne's Motor Freight, Inc., now assigned June 29, 1977, at New York, N.Y., is canceled and application dismissed.

MC 142766 (Sub-3), White Tiger Transportation, Inc., now being assigned July 18, 1977 (1 day), in Room No. E-2222, Federal Building, 26 Federal Plaza, New York, New York.

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

[FR Doc. 77-18629 Filed 6-28-77; 8:45 am]

[Rule 19, Ex Parte 241, Exemption No. 139; 2nd rev.]

**BURLINGTON NORTHERN, INC., ET AL.**  
Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. narrow-door,

plain boxcars; that under present conditions there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 403, issued by W. J. Trelease, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, equipped with doors less than 9 ft. wide; and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Burlington Northern Inc.  
Reporting Marks: BN-CBQ-GN-NP-SPS.  
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.  
Reporting Marks: MILW.  
St. Louis-San Francisco Railway Company.  
Reporting Marks: SLSF.  
Soo Line Railroad Company.  
Reporting Marks: SOO.

Effective 11:59 p.m., June 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 13, 1977.

INTERSTATE COMMERCE  
COMMISSION,  
JOEL E. BURNS,  
Agent.

NOTE.—Southern Railway Company deleted.

[FR Doc. 77-18631 Filed 6-28-77; 8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 129; 9th rev.]

**CHICAGO, WEST PULLMAN & SOUTHERN RAILROAD CO., ET AL.**

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points

<sup>1</sup> Addition.

remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 403 issued by W. J. Trelease, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Chicago, West Pullman & Southern Railroad Company.

Reporting Marks: CWP.  
Chicago, Rock Island and Pacific Railroad Company.<sup>1</sup>

Reporting Marks: RI-ROCK.  
Detroit and Mackinac Railway Company.

Reporting Marks: D&M-DM.  
Illinois Terminal Railroad Company.

Reporting Marks: ITC.  
Louisville, New Albany & Corydon Railroad Company.

Reporting Marks: LNAC.  
Missouri-Kansas-Texas Railroad Company.

Reporting Marks: MKT.  
Missouri Pacific Railroad Company.

Reporting Marks: CEI-MI-MP-TP.  
New Hope and Ivyland Railroad Company.

Reporting Marks: NHIR.  
Southern Railway Company.<sup>1</sup>

Reporting Marks: CG-NS-SA-SOU.

Effective 12:01 a.m., June 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 13, 1977.

INTERSTATE COMMERCE  
COMMISSION,  
JOEL E. BURNS,  
Agent.

[FR Doc. 77-18630 Filed 6-28-77; 8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 90; 29th Rev.]

**CLARENDON AND PITTSFORD RAILROAD CO.**

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

<sup>1</sup> Addition.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 403, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

The Clarendon and Pittsford Railroad Company.

Reporting Marks: CLP.

Green Mountain Railroad Corporation.

Reporting Marks: GMRC.

Greenville and Northern Railway Company.

Reporting Marks: GRN.

Greenwich & Johnsonville Railway Company.

Reporting Marks: GJ.

Lake Erie, Franklin & Clarion Railroad Company.

Reporting Marks: LEF.

Louisville and Wadley Railway Company.

Reporting Marks: LW.

Louisville, New Albany & Corydon Railroad Company.

Reporting Marks: LNAC.

McCloud River Railroad Company.

Reporting Marks: MR.

Missouri-Kansas-Texas Railroad Company.<sup>1</sup>

Reporting Marks: BKTY-MKT.

Ogdensburg Bridge and Port Authority.

Reporting Marks: NSL.

Pearl River Valley Railroad Company.

Reporting Marks: PRV.

The Pittsburgh and Lake Erie Railroad Company.

Reporting Marks: P&LE.

Providence and Worcester Company.

Reporting Marks: PW.

Raritan River Rail Road Company.

Reporting Marks: RR.

Sacramento Northern Railway.

Reporting Marks: SN.

St. Johnsbury & Lamolle County Railroad.

Reporting Marks: SJL.

Sierra Railroad Company.

Reporting Marks: SERA.

Tidewater Southern Railway Company.

Reporting Marks: TS.

Toledo, Peoria & Western Railroad Company.

Reporting Marks: TPW.

Vermont Railway, Inc.

Reporting Marks: VTR.

WCTU Railway Company.

Reporting Marks: WCTR.

Yreka Western Railroad Company.

Reporting Marks: YW.

Effective June 15, 1977, and continuing in effect until further order of this Commission.

<sup>1</sup> Addition

Issued at Washington, D.C., June 13, 1977.

INTERSTATE COMMERCE  
COMMISSION,  
JOEL E. BURNS,  
Agent.

[FR Doc.77-18632 Filed 6-28-77; 8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 138; 2d Rev.]

**MISSOURI PACIFIC RAILROAD CO. AND  
NATIONAL RAILWAYS OF MEXICO**

**Exemption Under Provision of Mandatory  
Car Service Rules**

It appearing, That there are substantial shortages of plain gondola cars on the lines of the Missouri Pacific Railroad Company (MP); that there is an available supply of such cars on the National Railways of Mexico (NDM); that the NDM has consented to use by the MP of certain of these cars; and the MP has secured clearance from the United States Customs Service for use of these cars provided they are interchanged from and to the NDM exclusively by the MP; and that use of these cars by the MP will substantially relieve gondola car shortages on the MP.

*It is ordered,* That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars owned by the National Railways of Mexico (NDM) identified herein may be used by the Missouri Pacific Railroad Company (MP) without regard to the requirements of Car Service Rules 1 and 2.

*It is further ordered,* That NDM plain gondola cars identified herein available empty on lines other than the MP must be returned to the MP either loaded or empty and may not be returned to the NDM by any line other than the MP, regardless of the requirements of Car Service Rules 1 and 2; and

*It is further ordered,* That this exemption is applicable to freight cars owned by the NDM identified in Appendix A hereto.

Effective June 13, 1977, and continuing in effect until further order of this Commission.

Issued in Washington, D.C., June 13, 1977.

INTERSTATE COMMERCE  
COMMISSION,  
JOEL E. BURNS,  
Agent.

APPENDIX A TO  
SECOND REVISED EXEMPTION NO. 138

## REPORTING MARKS NDM

055055	055064	055222	055237	055305	055315	055500	055520	055567	055577
055598	055816	055826	055845	055908	055992	056106	056189	056406	082083
082784	083544	083606	083673	083708	083716	084102	084218	084607	084751
084782	084797	084884	085432	085514	086045	086056	086737	086749	086753
086762	086786	086790	086793	086797	086798	086804	086806	086807	086813
086815	086824	086830	086855	086861	086862	086872	086875	086879	086901
086907	086910	086923	086925	086946	086949	086950	086956	086965	086982
086989	087010	087027	087066	087072	087081	087088	087089	087090	087113
087121	087132	087150	087152	087166	087172	087173	087176	087197	087199
087230	087234	087244	087254	087256	087258	087262	087266	087267	087270
087274	087279	087281	087289	087300	087314	087320	087325	087327	087351
087362	087364	087374	087378	087390	087394	087403	087409	087410	087422
087423	087434	087438	087449	087450	087452	087455	087458	087462	087465
087466	087469	087480	087492	087495	087498	087513	087529	087533	087543
087546	087551	087571	087577	087582	087583	087590	087591	087603	087649
087657	087660	087664	087668	087676	087682	087683	087703	087705	087712
087713	087716	087726	087749	087755	087762	087774	087777	087779	087794
087795	087807	087810	087819	087827	087828	087837	087841	087846	087847
087851	087853	087854	087856	087861	087865	087909	087910	087912	087913
087925	087926	087931	087935	087938	087939	087940	087957	087964	087973
087975	087977	087990	087997	088000	088002	088004	088005	088059	088061
088071	088076	088078	088079	088083	088087	088091	088097	088103	088107
088123	088131	088149	088150	088156	088157	088158	088162	088175	088176
088205	088213	088215	088217	088220	088221	088222	088225	088228	088234
088248	088253	088266	088271	088286	088291	088299	088318	088324	088328
088331	088340	088346	088356	088363	088373	088379	088395	088397	088404
088418	088420	088428							

TOTAL=0263

055028	055067	055073	055131	055262	055296	055313	055318	055510	055523
055555	055589	055600	055626	055636	055771	055775	055779	055780	055806
055833	055843	055880	055928	055961	056000	056024	056055	056193	056271
056321	056445	056457	056480	056499	083182	083382	083573	083697	083872
083895	083941	084004	084029	084143	084290	084301	084544	084634	084799
084866	084929	085040	085191	085257	085319	085342	085450	085451	086725
086772	086777	086805	086812	086826	086825	086902	086978	086987	086988
086990	086996	086997	087009	087021	087054	087076	087111	087165	087168
087198	087202	087269	087280	087292	087298	087301	087332	087366	087384
087399	087412	087416	087425	087528	087532	087580	087597	087613	087625
087685	087686	087688	087697	087714	087728	087746	087753	087756	087797
087805	087814	087877	087896	087950	087991	087995	088027	088036	088060
088082	088108	088125	088126	088133	088165	088181	088191	088203	088312
088322	088342	088347	088406	088417	088567	088627			

TOTAL=0137

[FR Doc.77-18628 Filed 6-28-77;8:45 am]

[AB 116]

**OREGON ELECTRIC RAILWAY CO., ET AL.**  
**Abandonment and Related Trackage Rights**  
 JUNE 23, 1977.

City of Hillsboro—Abandonment of line-in Washington County, Oregon, Finance Docket No. 28378, Oregon Electric Railway Company—trackage rights—over The Southern Pacific Transportation Company between Banks and Hillsboro, Washington County, Oregon, Finance Docket No. 28379, Oregon Electric Railway Company—trackage rights—over The Spokane, Portland and Seattle Railway Company, between Bowers Junction and Banks, Washington County, Oregon, Finance Docket No. 28380, Oregon Electric Railway Company construction and operation—of connecting track at Banks and Hillsboro, between Southern Pacific Transportation Company and Spokane, Portland and Seattle Railway Company, Washington County, Oregon.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment and related trackage rights and construction proposals by the Oregon Electric Railway Company within and adjacent to the cities of Hillsboro and Banks, Oreg., if approved by the Commission, do 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 (NEPA), and that preparation of a detailed environmental impact statement will not be required.

It was concluded, among other things, that abandonment of 1.3 miles of track in the city of Hillsboro would eliminate safety problems at 14 grade crossings and the rail bridge at East Main Street. Trackage rights over alternative rail lines and construction of 2,219 feet of spur and interchange track would enable continued rail service to all local industries served by the Oregon Electric Railway. The actions would result in only minor, short term adverse energy, noise, and ecological impacts.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 5, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceedings and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or

absence of environmental impacts and reasonable alternatives.

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

[FR Doc. 77-18626 Filed 6-28-77; 8:45 am]

[No. MC 102817 (Sub-No. 22)]

**PERKINS FURNITURE TRANSPORT, INC.**  
**Extension-Pianos and Organs;**  
**Determination**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Commodity Interpretation.

SUMMARY: The captioned proceeding involves a question of whether pianos and organs are, or should be, embraced within the commodity description, "furniture," or reasonable variants thereof. Representations are, therefore, solicited concerning industry, or public, usage and practice as to the nature of these musical instruments, for transportation purposes.

DATE: Comments must be received on or before: July 29, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7292.

**SUPPLEMENTARY INFORMATION:** Applicant is a motor common carrier of specified commodities, primarily involved in the transportation of "new furniture" as pertinent from two specified points in Indiana to points in 30 States and the District of Columbia. It assertedly engaged in the transportation of pianos and organs from and to these points until being advised that the decision in Julius Bumb Piano Movers, Inc., Ext.-Additional States, 66 M.C.C. 519 (1956), may preclude such operations. Thereupon it initiated this proceeding seeking specified rights to transport pianos and organs and certain related items, but requesting interpretation of its "new furniture" authority so as to render this proceeding unnecessary as alternative relief.

The Commission, Review Board Number 3, by order entered April 9, 1976, granted authority as sought in the application, but specifically declined to rule on the question of whether "new furniture" (or variants thereof) may embrace the involved items. Inasmuch as such course of action could give the appearance of reaffirming the Bumb decision, it was determined on petition that this proceeding should be reopened for reconsideration of the commodity description issue.

Provision is made in the Administrative Procedure Act for this Commission to issue declaratory orders to terminate controversy or remove uncertainty. 5 U.S.C. Sec. 554(e). Usually the occasion for such action by the Commission is the

filing of a petition by a party seeking relief of this nature. Cf. Petition for Declaratory Order-Peat, 119 M.C.C. 494 (1974). There is no reason, however, why such action may not occur in the context of an application proceeding such as the present one. The parties have submitted evidence indicating that both carriers and shippers of new pianos and organs may consider these articles to be furniture. If this position reflects industry usage and practice, little reason exists to require separate authority to move them. Others, however, may be able to present reasons which would warrant finding the involved pianos and organs to be beyond the scope of the referenced "new furniture" commodity description. Because these matters cannot be resolved on the record as made, non-party carriers and interested members of the public should be afforded an opportunity to present their views on this classification question.

Oral hearings do not appear necessary at this time, and none are contemplated with regard to the issue described above. Anyone wishing to participate in the development of the record herein may, however, do so by the submission of written data, views, or arguments. An original (and 15 copies whenever possible) of such submissions shall be filed with this Commission on or before 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions will be available for public inspection during regular business hours at the offices in the Interstate Commerce Commission, 12th Street and Constitution Ave., NW., Washington, D.C. 20423.

This notice is issued under authority of sections 553 and 554 of the Administrative Procedure Act (5 U.S.C. 553, and 554), and sections 204, and 207 of the Interstate Commerce Act (49 U.S.C. 304, and 307).

By the Commission, Division 1, Acting as an Appellate Division, Commissioners, Stafford, Gresham, and Christian.

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

At a Session of the Interstate Commerce Commission, Division 1, Acting as an Appellate division, held at its office in Washington, D.C., on the 25th day of April, 1977.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of North American Van Lines, Inc., protestant, filed May 19, 1976, for reconsideration;

(2) Reply by applicant, filed June 10, 1976; and good cause appearing therefor:

It appearing, That applicant and petitioner both hold appropriate authority to transport "new furniture" (although petitioner is restricted to the movement of such commodities only when "un-crated"); that applicant avers that it had engaged in transporting pianos and organs pursuant to its authority, until advised that such commodities may be excluded from its rights by reason of the decision in Julius Bumb Piano Covers.



Inc., Ext.-Additional States, 66 M.C.C. 519 (1956); that in an order entered April 9, 1976, the Commission, Review Board Number 3, granted applicant authority to transport pianos and organs, and certain related items from and to numerous points; but that it specifically declined to rule as to whether such items should be found embraced within the description "furniture," or "new furniture," as both applicant and petitioner argue; and good cause appearing therefore:

*It is ordered*, That this proceeding be, and it is hereby reopened for determination of whether pianos and organs are embraced within the commodity-category "new furniture."

*It is further ordered*, That based on the reasons set forth in the attached notice, the general public shall be invited to submit representations concerning the issue here involved, within the time period specified in such notice; that to advise potentially interested parties of this action a copy of this order, and attached notice will be served on each party of record and deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C.; and that a copy of the attached notice shall be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to others which may have an interest concerning the matters involved in this Proceeding on Reconsideration.

By the Commission, Division 1, Acting as an Appellate Division, Commissioners Stafford, Gresham, and Christian.

H. G. HOMME, JR.,  
Acting Secretary.

[FR Doc.77-18627 Filed 6-28-77;8:45 am]

[I.C.C. Order No. 31, Under Service Order No. 1252]

**WESTERN MARYLAND RAILWAY CO.**

**Rerouting Traffic**

In the opinion of Joel E. Burns, Agent, the Western Maryland Railway Company, (WM) is unable to transport traffic over its lines east of Hagerstown, Maryland, because of bridge damage.

*It is ordered*, That: (a) *Rerouting traffic*. The WM being unable to transport traffic over its lines east of Hagerstown, Maryland, because of bridge damage, that line is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained*. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers*. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) *Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability*, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

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

(f) *Effective date*. This order shall become effective at 11:45 p.m., June 13, 1977.

(g) *Expiration date*. This order shall expire at 11:59 p.m., June 30, 1977, unless otherwise modified, changed, or suspended.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division as agent of all railroad 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., June 13, 1977.

INTERSTATE COMMERCE  
COMMISSION  
JOEL E. BURNS,  
Agent.

[FR Doc.77-18633 Filed 6-28-77;8:48 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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Consumer Product Safety Commission	1
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Federal Power Commission	5, 7
International Trade Commission	2
Postal Rate Commission	6

### 1

**AGENCY HOLDING THE MEETING:**  
Consumer Product Safety Commission.

**"FEDERAL REGISTER" CITATION:**  
June 23, 1977 (42 FR 31897).

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 9:30 a.m., June 30, 1977.

**CHANGES IN THE MEETING:** The Commission by majority vote decided to add the following matter to its agenda of June 30, 1977. This matter is scheduled for consideration during the morning session.

**Asbestos Cement.**—The Commission will consider the jurisdictional issues arising from a possible petition concerning the use of asbestos cement in schools and home in Puerto Rico.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:**

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, 1111 18th St. NW, Suite 300, Washington, D.C. 20207, telephone 202-634-7700.

[S-763-77 Filed 6-24-77; 1:16 pm]

### 2

**AGENCY HOLDING THE MEETING:**  
United States International Trade Commission.

**TIME AND DATE:** 9:30 a.m., July 7, 1977.

**PLACE:** Room 117, 701 E Street NW., Washington, D.C. 20436.

**STATUS:** Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:**

**PORTIONS OPEN TO THE PUBLIC:**

1. Reorganization.
2. Agenda.
3. Minutes.
4. Ferrochrome (Inv. TA-201-20)—vote.
5. Status of self-initiated projects.
6. Petitions and complaints (if necessary): (a) Teak windows.

**Item** 7. Training and career development for new analysts—see action jacket ID-77-38.

8. Report by the General Counsel on the Justice Department's proposal on the Customs Court.

9. Any items left over from previous agenda.

**PORTIONS CLOSED TO THE PUBLIC:**

1. Reorganization (portions respecting the selection of personnel).

**CONTACT PERSON FOR MORE INFORMATION:**

Kenneth R. Mason, Secretary, 202-523-0161).

[S-764-77 Filed 6-24-77; 3:29 pm]

### 3

**AGENCY HOLDING THE MEETING:**  
Federal Communications Commission.

**TIME AND DATE:** 9:30 a.m., Thursday, June 30, 1977.

**PLACE:** Room 856, 1919 M Street NW., Washington, D.C.

**STATUS:** Open Commission Meeting.

**MATTERS TO BE CONSIDERED:**

*Agenda, Item No., and Subject*

Safety and Special Radio Services—1—Notice of Proposed Rule Making relating to revision of Subpart D of Part 95 of the Commission's Rules, Citizens Band (CB) Radio Service.

Common Carrier—1—Amendment of Part 63 of the rules to specify the contents of petitions to deny applications filed pursuant to Section 214 of the Communications Act.

Common carrier—2—Petitions for reconsideration and clarification of the Memorandum Opinion, Order and Authorization (Activation Order) authorizing activation of circuits in the Hawaii-3/Transpac-2 Cable System, filed by the American Telephone and Telegraph Company, ITT World Communications Inc., RCA Global Communications, Inc., and Western Union International, Inc.

Common Carrier—3—Petitions to reject and suspend Western Union International Inc.'s revision to Tariff P.C.C. No. 4.

Cable Television—1—Application for review filed November 21, 1975, by Spokane Television, Inc. (KTHI-TV, Fargo, North Dakota) directed against Bureau's action of October 23, 1975, which denied Spokane's petition for reconsideration of the dismissal of its petition to deny Cable Television Relay Service applications of Meyer Broadcasting Company.

Cable Television—2—Request for issuance of cease and desist order filed by XYZ Television, Inc., licensee of Station KREZ-TV, Durango, Colorado.

Cable Television—3—Petitions for special relief filed by XYZ Television, Inc., licensee of Stations KREY-TV, Montrose, Colorado and KREZ-TV, Durango, Colorado.

Assignment of License, Transfer of Control—1—Application (BAL-8908) for consent to the voluntary assignment of license of AM station WJW, Cleveland, Ohio, from Storer Broadcasting Company to Lake Erie Radio Company; petition to deny application or alternatively grant a hearing, filed by the National Association of Broadcast Employees and Technicians; and petition to deny application, to intervene in proceedings and to request hearing, filed by American Federation of Television and Radio Artists, Cleveland Local.

Assignment of License, Transfer of Control—2—Application (BALCT-598) for consent to assignment of License of Screen Gems Stations, Inc., of Television Station WVUE, New Orleans, Louisiana, to Gaylord Broadcasting Company; petition to deny application filed by Larry Jones, et al., and the Southern Media Coalition.

Renewal—1—Informal objection of the Kansas City Branch of the National Association for the Advancement of Colored People against the renewal applications of Meredith Corporation for Stations KCMO-AM-TV, Taft Broadcasting Corporation for Stations WDAF, KYYS-FM, and WDAF-TV, and Metromedia, Inc., for Station KMBC-TV.

Renewal—2—Petitions to deny the applications of Meredith Corporation for renewal of licenses for KCMO, KCEZ-FM, and KCMO-TV, Kansas City, Missouri, filed by the City of Kansas City, Missouri and the National Welfare Rights Organization.

Aural—1—Request for modification of conditions and extension of temporary waiver, filed December 2, 1976, on behalf of WANV, Inc., licensee of AM station WREL, Lexington, Virginia, seeking modification of the two conditions placed upon the grant of the assignment application granted September 30, 1976, by which WANV, Inc., acquired station WREL.

Aural—2—Request for declaratory ruling with respect to the application of Section 1.522(a)(2) of the Commission's Rules and for an extension of time within which to file pleadings to specify issues pursuant to Section 1.584 of the Rules filed by Indianapolis Broadcasting, Inc., on January 17, 1977, in the Indianapolis, Indiana proceeding for the deleted facilities of WIFE-FM.

Television—1—Applications (BPCT-4980 and BSTV-30) of Buford Television of Ohio, Inc., for construction permit for a new commercial television station on Channel 64, Cincinnati, Ohio, and for authority to install subscription television equipment.

Complaints and Compliance—1—Complaint filed on behalf of Washington Community Broadcasting Company regarding a change in the program formats of radio stations WOOK-FM and WFAN-AM, Washington, D.C.

**CONTACT PERSON FOR MORE INFORMATION:**

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: June 23, 1977.

[S-765-77 Filed 6-24-77; 3:29 pm]

4

AGENCY HOLDING THE MEETING:  
Federal Communications Commission.

TIME AND DATE: Follows 9:30 a.m.,  
Open Meeting, Thursday, June 30, 1977.

PLACE: Room 856, 1919 M Street NW.,  
Washington, D.C.

STATUS: Closed meeting.

MATTERS TO BE CONSIDERED:

*Agenda, Item No., and Subject*

General—1—Supreme Court review of ad-  
verse decision in *Western Union Interna-*  
*tional, Inc. v. FCC*, 544 F. 2d 87 (2d Cir.  
1976).

General—2—*American Civil Liberties Union*  
*v. FCC* (Case No. 76-1695).

CONTACT PERSON FOR MORE IN-  
FORMATION:

Samuel M. Sharkey, FCC Public Infor-  
mation Officer, telephone number 202-  
632-7260.

Issued: June 23, 1977.

[S-766-77 Filed 6-24-77; 3:29 pm]

5

AGENCY HOLDING THE MEETING:  
Federal Power Commission.

"FEDERAL REGISTER" CITATION OF  
PREVIOUS ANNOUNCEMENT: S-743-  
77, June 27, 1977.

PREVIOUSLY ANNOUNCED TIME  
AND DATE OF MEETING: 10 a.m.,  
June 29, 1977.

CHANGE IN THE MEETING: The  
above meeting has been changed to June  
28, 1977, at 1 p.m. and will resume on  
Wednesday, June 29, 1977, at 10 a.m.

KENNETH F. PLUMB,  
*Secretary.*

[S-767-77 Filed 6-24-77; 3:55 pm]

6

AGENCY HOLDING THE MEETING:  
Postal Rate Commission.

TIME AND DATE: 9:30 a.m., Friday,  
June 24, 1977.

PLACE: Conference Room, Room 500,  
2000 L St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Draft letter to OMB concerning Com-  
mission comments on H.R. 7700.

By the recorded vote of Chairman  
DuPont and Commissioners O'Doherty  
and Saponaro, it has been determined  
that notice cannot be given at least one  
week prior to the meeting since Commis-  
sion business requires that the meeting  
be called at an earlier time.

CONTACT PERSON FOR MORE IN-  
FORMATION:

Ned Callan, Information Officer, Postal  
Rate Commission, Room 500, 2000 L  
Street, NW., Washington, D.C. 20268,  
telephone 202-254-5614.

[S-770-77 Filed 6-27-77; 11:10 am]

7

AGENCY HOLDING THE MEETING:  
Federal Power Commission.

"FEDERAL REGISTER" CITATION OF  
PREVIOUS ANNOUNCEMENT: S-743-  
77, 42 FR 32614, June 27, 1977.

PREVIOUSLY ANNOUNCED TIME  
AND DATE OF MEETING: 1 p.m.,  
June 28, 1977.

CHANGE IN THE MEETING: The fol-  
lowing items have been added:

*Item No., Docket No., and Company*

P-22.—E-7738 and E-7784, Boston Edison  
Company.

P-23.—Project No. 2146, Alabama Power  
Company.

P-24.—Project No. 553, City of Seattle, De-  
partment of Lighting.

P-25.—ER76-20, Superior Water, Light &  
Power Company.

P-26.—ER76-536, Georgia Power Company.

P-27.—E-9068, E-9118, and E-9497, Ohio  
Edison Company.

P-28.—ER76-785, Monongahela Power  
Company.

P-29.—ER76-331, Wisconsin Power & Light  
Company.

P-30.—ER76-494, Delmarva Power & Light  
Company and Subsidiaries.

P-31.—E-8947, Delmarva Power & Light  
Company.

P-32.—E-9420 and E-9421, Yankee Atomic  
Electric Company and Public Service Com-  
pany of New Hampshire.

P-33.—E-9591, Puget Sound Power & Light  
Company.

P-34.—DA-618-Idaho, Idaho Department  
of Highways, Lands Withdrawn in Power  
Site Reserve No. 91.

P-35.—Project No. 2485, The Connecticut  
Light and Power Company, The Hartford  
Electric Light Company, and Western Mas-  
sachusetts Electric Company.

M-9.—RM74-16, Natural Gas Companies  
Annual Report of Proved Domestic Gas Re-  
serves; FPC Form No. 40.

G-24(B).—RP76-90, Kansas-Nebraska Nat-  
ural Gas Company.

G-47.—RP74-25, Texas Gas Transmission  
Corporation.

G-48.—RP73-102 and RP73-14 (PGA 75-1),  
Michigan Wisconsin Pipe Line Company.

G-49.—RP75-74, Transwestern Pipeline  
Company.

G-50.—RP76-26, *Orange and Rockland*  
*Utilities, Inc. v. Algonquin Gas Transmission*  
*Company*; RP76-56, *New Bedford Gas & Edi-*  
*son Light Co. v. Algonquin Gas Transmission*  
*Company*.

G-51.—RI76-35, et al., Continental Oil  
Company, et al.

G-52.—CP76-256, Natural Gas Pipeline  
Company of America.

G-53.—CI77-95, CI77-96, CI77-97, Gulf Oil  
Corporation.

G-54.—CP77-325, Consolidated Gas Supply  
Corporation; CP77-392, Texas Eastern Trans-  
mission Corporation.

G-55.—CP77-176, Kansas-Nebraska Nat-  
ural Gas Company.

G-56.—CI77-246, The Gordon Oil Com-  
pany.

G-57.—Getty Oil Company, FPC Gas Rate  
Schedule No. 228.

G-58.—RP77-98, Natural Gas Pipeline  
Company of America.

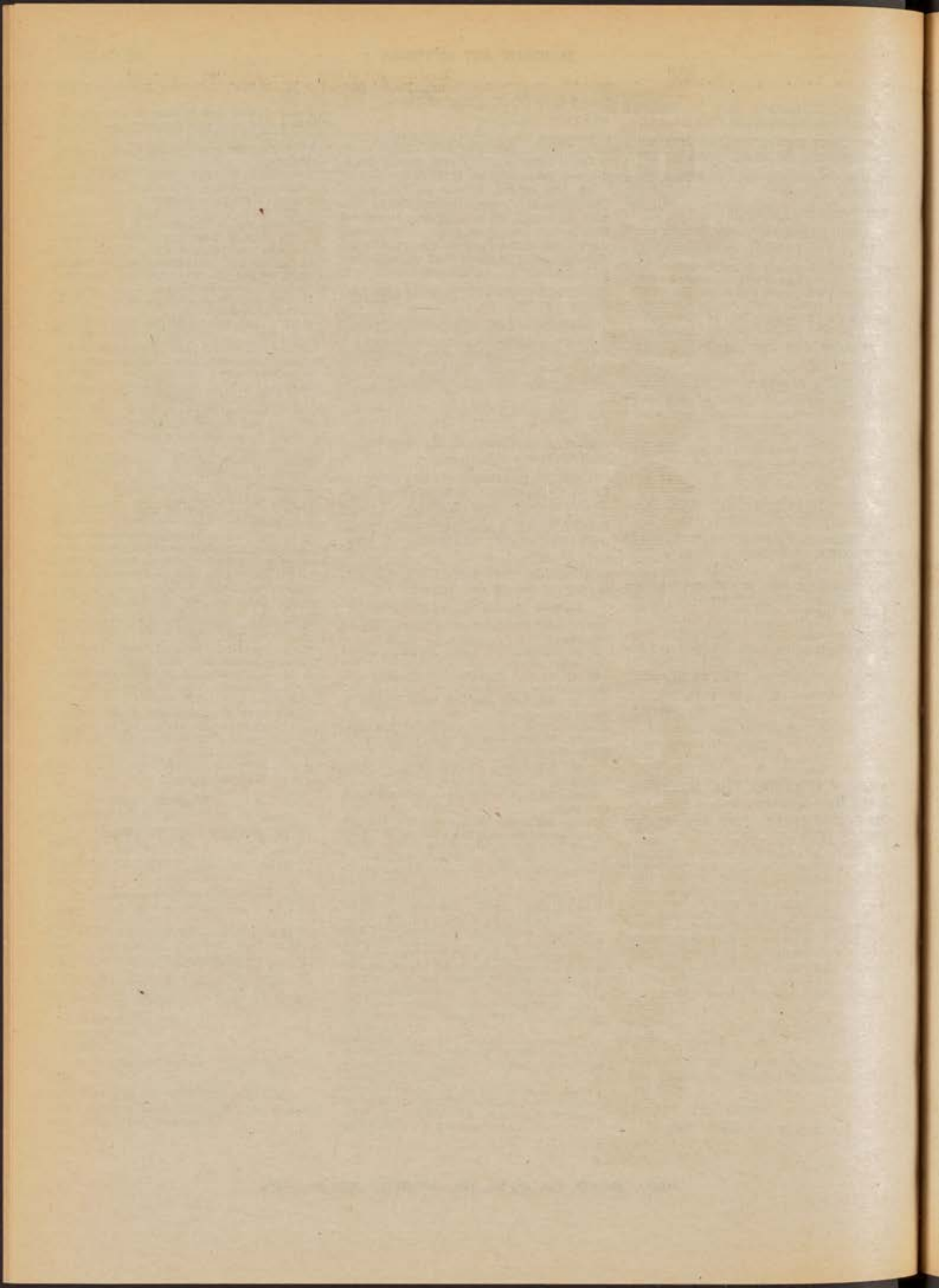
G-59.—CP77-267, Mid Louisiana Gas Com-  
pany and Transcontinental; Gas Pipe Line  
Corporation.

G-60.—CP77-378, Northwest Pipeline Cor-  
poration; CP77-381, Pacific Interstate Trans-  
mission Company; CP77-407, El Paso Natural  
Gas Company.

G-61.—CP77-304, Sabine Pipe Line Com-  
pany; CI77-329, Texaco Inc.

KENNETH F. PLUMB,  
*Secretary.*

[S-769-77 Filed 6-27-77; 3:40 pm]



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**WEDNESDAY, JUNE 29, 1977**

**PART II**



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**SECURITIES AND  
EXCHANGE  
COMMISSION**

■

**ACCOUNTING  
PRACTICES—OIL AND  
GAS PRODUCERS**

**Solicitation of Comments**

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Chapter II ]

[Release Nos. 33-5837, 34-13647, 35-20080]

## ACCOUNTING PRACTICES—OIL AND GAS PRODUCERS

### Solicitation of Comments

AGENCY: Securities and Exchange Commission.

ACTION: Request for comments from interested persons.

**SUMMARY:** The Energy Policy and Conservation Act (Pub. L. 94-163) requires that the Commission assure the development and observance of accounting practices to be followed by persons engaged in the production of crude oil or natural gas in the United States. The accompanying release contains a discussion of a number of issues relating to the development of accounting practices pursuant to the Act. Although the Act pertains directly to reporting certain financial and operating data to the Federal Energy Administrator, the Commission is considering revising its disclosure requirements relating to these types of data in filings under the Securities Acts. Comments from interested parties are requested to provide assistance to the Commission in formulating proposed rules for reporting under both the Energy Policy and Conservation Act and the Securities Acts.

DATE: Comments on or before August 12, 1977.

ADDRESS: Comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All comments will be available for public inspection. (File No. S7-708.)

### FOR FURTHER INFORMATION CONTACT:

Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. (202-755-1671).

### SUPPLEMENTARY INFORMATION:

The Commission's responsibilities under the Energy Policy and Conservation Act (the "Act")<sup>1</sup> may be divided between two related areas: (1) financial reporting standards applicable to general-purpose financial statements of entities involved in oil and gas production and (2) accounting practices necessary for oil and gas producers to report the financial and operating data required by the Act to the Federal Energy Administrator. In carrying out its responsibilities, the Commission is authorized by the Act to prescribe rules or to determine to rely on accounting practices developed by the Financial Accounting Standards Board (the "FASB"), if the Commission is assured that such practices will be ob-

served to the same extent as would result if the Commission had prescribed rules for the accounting practices.

### BACKGROUND

#### THE FASB'S EXTRACTIVE INDUSTRIES PROJECT

The FASB is now engaged in a project addressing financial accounting and reporting in the extractive industries. In that project, the FASB is considering financial accounting standards applicable to oil and gas producers, including issues involving disclosure in financial statements of supplemental financial and operating data similar to those specified in the Act. While the Commission has expressed previously in Securities Act Release No. 5801 (42 FR 8237) that it contemplates the FASB will provide leadership in establishing financial accounting principles and standards in this area, the Act requires producers to report data beyond those the FASB will likely require for inclusion in financial statements.

The FASB has published a discussion memorandum describing the financial reporting issues involved in this project,<sup>2</sup> received written submissions from approximately 140 parties in response to the discussion memorandum, and heard 39 oral presentations during four days of public hearings. The Commission's staff has reviewed the submissions to the FASB and attended the public hearings as an observer. The FASB is now deliberating the issues involved in its project, and an exposure draft presenting its tentative conclusions is expected in the near future. This release is being issued to solicit additional comments to supplement the matters addressed in response to the FASB's discussion memorandum.

#### SEC REPORTING CONSIDERATIONS

In May, 1976, the Commission, in Securities Act Release No. 5706 (41 FR 21764), required disclosure of reserves and operating data in the text of filings with the Commission. In connection with the development of accounting practices pursuant to the Act, the Commission is considering whether the functional financial and operating data addressed by the Act should be included in filings with the Commission in a manner which would require independent public accountants reporting on registrants' financial statements to be associated with the data.

The Commission recognizes that the FASB is considering for inclusion in its proposed standard the disclosure of functional financial data and information on oil and gas reserves. The Commission will be cognizant of the FASB's conclusions in this area and will attempt to coordinate the reporting requirements pursuant to the Act and any revisions proposed to the disclosure requirements under the Securities Acts

<sup>2</sup> FASB Discussion Memorandum: An Analysis of Issues Related to Financial Accounting and Reporting in the Extractive Industries, Dec. 1976. Copies may be obtained from Publications Division, File Reference 1015, Financial Accounting Standards Board, High Ridge Park, Stamford, Connecticut 06905.

with the disclosures required in financial statements by the FASB. Reporting pursuant to the Act and any changes to the Commission's disclosure rules may encompass matters data in addition to or in greater detail than those required by the FASB.

The FASB's tentative conclusions will be announced in an exposure draft which is anticipated to be published prior to the expiration date for the submission of comments in response to this release. The Commission welcomes comments to assist it in coordinating its disclosure efforts with the disclosure requirements proposed in the FASB's exposure draft.

#### REQUIREMENTS OF THE ENERGY DATA BASE

In Subsection 503(c) of the Act, the Commission is required to " \* \* \* assure that accounting practices developed pursuant to (the Act), to the greatest extent practicable, permit the compilation, treating domestic and foreign operations as separate categories, of an energy data base \* \* \* "

#### ACCOUNTING PRACTICES

The accounting practices required to be developed by the Act include (1) financial accounting standards, i.e., accounting principles, practices and methods used in the preparation of financial statements, and (2) accounting practices needed to compile and report the information to be included in the energy data base. Accounting practices for the energy data base will be comprised of the definitions and related guidelines necessary to assure reliable and uniform reporting, to the extent practicable, of the specified energy information.

#### ENERGY DATA BASE

Parts (1) and (2) of subsection 503(c) of the Act require that certain types of information be included in the energy data base, as follows:

1. A tabulation of costs by function, including those charged to expense as incurred as well as those capitalized.
2. Disclosure of revenues from oil and gas production.
3. Disclosure of oil and gas reserves.
4. Disclosure of operating statistics.
5. A classification of financial statement data by function—which would involve reporting of financial statement data according to exploration, discovery and production activities to facilitate interpreting the physical results shown by reserves and other operating statistics.

Part (3) of subsection 503(c) of the Act provides that the data base may include "such other information, projections, and relationships of collected data as shall be necessary to facilitate the compilation of such data base." In all cases, the Act requires separation of data between foreign and domestic activities.

The Act's energy data base concept can be traced directly to an issue of continuing controversy in financial reporting in the extractive industries. The issue involves whether financial statements prepared by companies in the extractive industries in accordance with

<sup>1</sup> A copy of sections 503 and 505 of Title V of Pub. L. 94-163 is included as Appendix I to this release.

generally accepted accounting principles should be supplemented by reserves and other statistical data of an operating nature. Proponents of such disclosure argue that historical cost financial presentations without supplemental information cannot adequately reflect the financial position and results of operations of producers of oil and gas.

This point of view was articulated in the disclosure recommendations of "Accounting Research Study No. 11," a research study commissioned by the AICPA and published in 1969. Subsequently, at the conclusion of its extended deliberations in 1973, the Accounting Principles Board Committee on Extractive Industries indicated its support for these disclosure recommendations, and the FASB is considering them in its current project.

The Act, with certain modifications, reflects three of the recommendations of "ARS No. 11":

*Recommendation 17.* Reserves and operating activities should be sufficiently disclosed to facilitate evaluation of effort and result.

*Recommendation 18.* Financial data should be classified by function to facilitate correlation with reserve and operating statistics.

*Recommendation 19.* A tabulation of exploration, acquisition, and development program expenditures combining both capital and expense items should be presented.

#### COORDINATION WITH OTHER FEDERAL AGENCIES

As required by the Act, the Commission has consulted and will continue to consult with the Federal Energy Administration, the General Accounting Office, and the Federal Power Commission concerning the development of accounting practices. In particular, the Federal Energy Administration, the agency responsible for collecting reports of the energy data required by the Act, has informed the Commission of certain of its data needs relating to oil and gas production.

FEA is currently engaged in a broad project involving financial reporting by petroleum companies. In connection with this project, FEA is further assessing its data needs relating to oil and gas production. As those needs are determined, FEA has indicated that it will inform the Commission so that they can be considered in relation to the development of accounting practices pursuant to the Act.

#### INSTRUCTIONS TO RESPONDERS

The Commission requests that those wishing to submit comments on the matters discussed in this release consider the following:

1. In addition to the issues identified specifically in the following discussion, responders are encouraged to identify and comment on other general and specific issues which relate to the Commission's responsibilities under the Act.

2. The Commission is interested in minimizing, to the extent possible, the burden of reporting by fulfilling the requirements of the Act with information being compiled by oil and gas producers at the present time. The data to be reported pursuant to the Act are similar in

many respects to those currently being reported to Federal agencies and elsewhere. In developing definitions and guidelines, the Commission wishes to use existing practices where they are appropriate.

3. The Commission considers functional financial and operating data as necessary to assist investors in evaluating the operations of oil and gas producers. Evaluations by investors and by the energy regulatory agencies are often similar; however, differences in objectives may result in different data needs. A number of responders to the FASB Discussion Memorandum advocated disclosure in financial statements of the data described in subsection 503(c) of the Act. The Commission specifically requests that comments on the issues presented in this release discuss the data in terms of (1) compiling these data for reporting to the Federal Energy Administrator pursuant to the Act and (2) disclosure of these data in filings under the Securities Acts.

#### MATTERS FOR PUBLIC COMMENT

##### TABULATION OF COSTS BY CLASSIFICATION

Part (1) of subsection 503(c) of the Act requires "[t]he separate calculation of capital, revenue, and operating cost information pertaining to (A) prospecting, (B) acquisition, (C) exploration, (D) development, and (E) production \* \* \*." Disclosure of capital and operating cost information is discussed below in this section and disclosure of revenue information is discussed in the following section.

Reporting pursuant to the Act will require disaggregation of certain data for entities with vertically integrated operations. The FASB in its Statement No. 14, "Financial Reporting for Segments of a Business Enterprise," did not require the disaggregation of financial data pertaining to the vertically integrated operations of an enterprise. However, the Commission considers certain aspects of Statement No. 14 to be appropriate for guidance in this regard, specifically, the FASB's conclusions expressed in paragraph 79 of Statement No. 14 that "certain items of revenue and expense do not relate to segments or cannot always be allocated to segments on the basis of objective evidence \* \* \*. Those items are revenue earned at the corporate level and not derived from operations of any industry segment, general corporate expenses, interest expense, domestic and foreign income taxes, and equity in income or loss from unconsolidated subsidiaries and other unconsolidated investees."

For purposes of reporting capital and expense cost data pursuant to the Act, the Commission proposes to follow the concepts contained in paragraphs 10d and 10e, respectively, of Statement No. 14 relating to (1) operating expenses used to determine operating profit or loss of an industry segment and (2) identifiable assets of an industry segment. These concepts are proposed to be applied to the exploration, development and production operations of an oil and gas pro-

ducer as if those operations were an industry segment under Statement No. 14.

Statement No. 14 describes operating expenses as all expenses related to both revenue from sales to unaffiliated parties and to intersegment sales or transfers. Operating expenses may include expenses not directly traceable to an industry segment but exclude the types of expenses described in paragraph 79 of Statement No. 14, as quoted above. The nature of the expense rather than the location of its incurrence determines whether it is an operating expense; accordingly, some expenses incurred at an enterprise's central administrative office may not be general corporate expenses.

Costs of the identifiable assets of an industry segment, according to Statement No. 14, include those tangible and intangible enterprise assets that are used by the industry segment. Costs of assets maintained for general corporate purposes (i.e., those not used in the operations of any industry segment) would not be allocated to the segment.

Costs incurred in oil and gas exploration, development, and production may be reported as either capital costs or current period expenses depending on the method of accounting followed by the entity incurring the expenditures. The FASB is considering how these costs should be reported in the entities' balance sheets, statements of income, and statements of changes in financial position. Irrespective of the treatment of these costs in the basic financial statements, it has been suggested that disclosure of all costs by function would be beneficial to (1) assist in relating the basic financial statements and supplemental data on reserves and operating activities, (2) present the total costs of exploration, development and production activities classified by function, and (3) indicate the nature and volume of current operations.<sup>3</sup>

The Act's classification of information corresponds with the description in "ARS No. 11" of the five operational phases or functions in the process of finding and recovering minerals. In the FASB Discussion Memorandum, definitions of the costs to be associated with these five phases were provided (see Appendix 2).

Response to inquiries in the FASB Discussion Memorandum indicated that the descriptions of the five stages of operations contained in Appendix 2 are accurate. However, as identified in both "ARS No. 11" and in the FASB Discussion Memorandum and as commented on by a number of responders to the latter, a major problem in classifying costs by the above five stages is that certain types of costs, particularly geological and geophysical costs, cannot be distinguished as between prospecting and exploration except on some arbitrary basis, such as defining all costs incurred prior to acquiring ownership

<sup>3</sup> Additional support for such disclosure is given in Chapter 8 of "Accounting Research Study No. 11" in support of its Recommendation 19 and in the FASB's Discussion Memorandum, beginning with paragraph 636.

rights as prospecting costs. In "ARS No. 11" the five stages are used to describe the extractive process; however, the disclosure recommendations of "ARS No. 11" are based on the three major functions.

The classification of costs used most commonly is based on three major functions: (1) Exploration, (2) development and (3) production. This classification would involve combining the prospecting (this term is generally considered to be more applicable to mining than to oil and gas operations), acquisition and exploration functions presented above. An example of this classification, together with categories of costs incurred in the basic functions, is used in Schedule 1 of the proposed Federal Power Commission Form 64, which, together with its related instructions, is included in Appendix 3 for illustrative purposes.

Many responders to the FASB Discussion Memorandum stated that a classification on the basis of the three major functions would be more meaningful than one using the five stages set forth in the Act, since the problem of costs overlapping functions could be largely avoided.

In this connection, comments on the following questions are requested:

(1) Which functional classification system for cost data would achieve the most meaningful presentation?

(2) If classification by function were required according to the five stages of operations provided in the Act, what specific problems would be encountered in reporting costs based on the descriptions provided in Appendix 2? What guidelines would be necessary to assure uniform and reliable reporting?

(3) If functional cost data were reported based on a classification system similar to that presented in Appendix 3, what problems would be encountered in compiling and reporting specific types of costs by the subcategories presented, based on the instructions provided?

(4) Should the Commission follow the operating expense and identifiable assets concepts from FASB Statement No. 14 for purposes of reporting pursuant to the Act and should operating profit or loss (revenues, as discussed in the following section, less operating expenses) from oil and gas production should be reported?

(5) The instructions to FPC Form 64 permit, but do not require, allocation to major functions of general and administrative overhead not directly identified with specific functions. For purposes of reporting costs related to major functions pursuant to the Act, the Commission proposes that expenses be limited to operating expenses as that term is used in Statement No. 14. Should overhead included in operating expenses but not directly traceable to a function be allocated to specific functions? If so, explain the need for the allocations and the basis for making the allocations.

(6) Reporting of cost data on a geographical basis may be necessary. For instance, domestic data may be required to be divided between Alaska and the

lower 48 states, with the latter further divided between offshore and onshore. Foreign data may be required to be reported by country or groups of countries. What allocation or other problems would be encountered if geographic reporting of costs were required?

#### DISCLOSURE OF REVENUES

A literal reading of the Act would appear to require reporting of revenue classified on a functional basis similar to that for costs as discussed in the immediately preceding section. This issue was raised in the FASB Discussion Memorandum. No practicable basis for such an allocation of revenue has been identified. Accordingly, the Commission proposes to develop accounting practices which would permit the separate reporting of revenue from production, including sales to outside parties and to affiliates and transfers to other petroleum operations in which the producer may be engaged, such as refining, chemical processing, or transportation.

The major problem in reporting these revenues is the pricing of products transferred to producers' other operations or to affiliates. The most meaningful basis for pricing such transfers would be the price at which the products could be sold at the point of transfer in an arm's-length transaction with an unaffiliated party.

Several recommendations were made in response to an inquiry on this matter included in the FASB Discussion Memorandum, three of which are listed below:

1. Transfers should be priced domestically on the basis of field posted prices for crude oil and condensate and negotiated purchase and sale contracts for natural gas. Foreign production, depending on arrangements governed by contract with or through the host government, generally should be equated to free world market prices. Use of market prices to value production is required to make settlements with royalty owners and to pay production and severance taxes.

2. Transfers should be calculated using an arm's-length value of the oil and gas based on market conditions, adjusted to reflect such factors as guaranteed prices resulting from contractual arrangements or limitations established by law or regulatory agencies.

3. A single method should not be specified for pricing oil and gas production transferred to other phases of an entity's operations. However, a conceptual guideline could be established requiring companies to determine transfer prices as though each transaction were made in a competitive, arm's-length environment. Comments on the following questions regarding the pricing of transfers of oil and gas are requested:

1. On what basis can market prices be estimated in those areas of the world where no market transactions or sales of products occur or where quantities sold to unaffiliated parties are substantially less than the producer's transfers?

2. What other specific problems would be encountered in adopting a standard

which would require pricing of transfers at estimated market value?

3. What guidelines are needed to achieve, to the extent practicable, uniform reporting of revenues from production?

#### CLASSIFICATION OF REVENUE

Revenue and volumes of production are reported in the 1971 Joint Association Survey<sup>1</sup> using the following classifications:

- (a) Crude oil and condensate
- (b) Natural gas
- (c) Plant product—liquids recovered from cycling operations and/or under processing type contracts
- (d) Royalties
- (e) Other lease revenues

Instructions for classifying revenue in this manner are included in Appendix 4.

The Commission requests comments on the following questions relating to reporting revenue from oil and gas by type:

1. What specific problems would be encountered in compiling and reporting revenues on a basis similar to that presented above? Is this classification the most meaningful?

2. What guidelines would be necessary to achieve, to the extent practicable, uniform reporting?

3. Would the disclosure of revenues by type of production (similar to the Joint Association Survey categories presented above) be useful to investors if disclosed in filings with the Commission?

#### OIL AND GAS RESERVES

In May, 1976, the Commission adopted amendments to certain registration and annual report forms to require disclosure of proved developed and proved undeveloped net recoverable oil and gas reserves by registrants where oil and gas operations are material to the registrant's business operations or financial position (see Securities Act Release No. 5706 (41 FR 21764)).

The definition of proved reserves adopted in that release is included in Appendix 5.

The Act, in subsection 503(c), Part (2)(A), requires "disclosure of reserves and operating activities, both domestic and foreign, to facilitate evaluation of financial effort and result \* \* \*."

A substantial majority of responders to the FASB Discussion Memorandum who advocated the disclosure of oil and gas reserves indicated that disclosure should be limited to proved reserves and some felt that only proved developed reserves should be disclosed. The imprecision in estimating reserves other than those meeting the criteria for proved reserves and the absence of established definitions and guidelines for estimating other than proved reserves

<sup>1</sup> This survey is an annual undertaking to collect data from the petroleum industry through the joint efforts of three oil and gas industry trade associations, the American Petroleum Institute, the Independent Petroleum Association of America, and the Mid-Continent Oil and Gas Association.



were the reasons given by those advocating limiting disclosure to proved reserves or proved developed reserves.

Many respondents to the FASB Discussion Memorandum indicated that the FASB should adopt the SEC definition of proved reserves for purposes of financial reporting. A few indicated that the definition of proved reserves contained in Technical Report No. 1, "Definitions for Petroleum Statistics," of the American Petroleum Institute should be used rather than that of the SEC. The Commission views the definition of proved reserves adopted in Securities Act Release No. 5706 to be essentially the same as the API's definition, with the Commission's definition expressly limiting estimates of reserves to those which are commercially recoverable at current prices and costs.<sup>5</sup> Some have indicated that the Commission's definition was worded in such a manner which would permit registrants to include in estimates of proved reserves certain amounts in excess of those which would be included using the API's definition. In the Commission's view, use of either the SEC or the API definition of reserves should result in substantially the same estimates of reserves, provided the current price and cost assumption is applied.

The Commission believes that disclosure of changes in reserves on at least an annual basis is necessary to facilitate evaluation of financial effort and result. Several examples of schedules analyzing changes in reserve estimates were suggested in the responses to the FASB Discussion Memorandum. A proposed format for such a schedule is included in Appendix 6.

Comments on the following questions relating to disclosure of quantities of oil and gas reserves are requested:

1. Is the definition of proved reserves adopted by the Commission in Securities Act Release No. 5706 appropriate for purposes of reporting pursuant to the Act?

2. Should information on quantities of oil and gas other than estimates of proved reserves be required for reporting pursuant to the Act and/or disclosure in filings with the Commission? Should such disclosure be permitted in filings with the Commission? If so, indicate the nature of the data for such disclosure and the definitions and guidelines to be used in estimating them.

3. Is the proposed format presented in Appendix 6 for annual reporting of changes in estimated reserves appropriate? Identify specific problems which could be encountered in analyzing changes in estimates of reserves in this manner.

<sup>5</sup> Current prices include consideration of changes in existing prices provided by contractual arrangements, by law, or by regulatory agencies, where applicable; and for changes in prices for gas to be produced subsequent to termination or expiration of existing contracts, which latter prices should be based on current prices plus escalation for similar production subject to the entity's or other entities' recent contracts.

4. Should changes in reserves be presented separately for developed and undeveloped reserves and/or for producing and nonproducing reserves?

#### OPERATING STATISTICS

As indicated, the Act provides for disclosure of certain operating statistics. In Securities Act Release No. 5706, the Commission required the presentation of certain operating statistics, as described in Appendix 7.

Many responders to the FASB Discussion Memorandum indicated that data required in Securities Act Release No. 5706 was sufficient to accomplish the objectives of the Act. Others suggested additions and/or reductions to these data. In addition, the Commission has requested that the consulting Federal agencies inform the Commission of their needs for operating statistical information.

The Commission solicits any comments from those who did not respond to or who wish to supplement their responses to the FASB Discussion Memorandum on the disclosure of operating statistics needed to facilitate evaluation of financial information.

#### OTHER MATTERS

Subsection 503(c) indicates that the energy data base specified by the Act is also comprised of "such other information, projections, and relationships of collected data as shall be necessary to facilitate the compilation of such data base."

In this regard the following questions, derived from suggestions made by respondents to the FASB Discussion Memorandum, are listed for comment:

1. When undeveloped reserves are disclosed, should disclosure of estimated future costs to develop proved reserves be required?

2. Should disclosure be required of (1) estimated future exploration and development expenditures and/or (2) estimated future quantities of production from existing proved reserves together with related revenue and expenses? If so, for what periods?

3. Should there be disclosure regarding the status of major projects in progress including expenditures to date, estimated expenditures to complete, and estimated expenditures for the next fiscal year?

#### QUARTERLY REPORTING

In section 505 of the Act, the Federal Energy Administrator is required to "file quarterly reports with the President and the Congress compiled from accounts kept in accordance with (accounting practices developed pursuant to) Section 503 and (reports by producers) submitted to the Administrator \* \* \*."

The Commission solicits comments on the current availability of the data (including costs, reserves, and operating statistics) discussed in the preceding sections of this release on a quarterly basis and on specific problems which could result from quarterly reporting. If accounting practices in addition to those developed for annual reporting are needed to

compile and report the functional cost, reserve and operating data on a quarterly basis, the Commission is interested in receiving suggestions on the matters to consider in developing such practices. Some respondents to the FASB Discussion Memorandum indicated that it would be impracticable to expend quarterly reporting for operating data beyond disclosing significant changes in the data from that reported on an annual basis. Comments are requested on this point of view and how it could be implemented.

#### REPORTING FOREIGN OPERATIONS

The Act requires that all data be reported treating domestic and foreign operations as separate categories. It also requires separate disclosure of reserves and operating activities and classification of financial information by function for domestic and foreign operations.

In recent years, significant changes have occurred in the arrangements under which oil and gas producers operate in countries outside the United States. Many producers which previously owned equity interests in reserves or in production now operate under long-term supply, purchase, or similar agreements. Recent changes in the nature of these agreements make difficult the development of guidelines for reporting pursuant to the Act and the Securities Acts.

The Commission solicits comments on criteria which would be useful to distinguish the different types of arrangements under which companies operate in their foreign operations and on the effects these arrangements would have on reporting under the Act. In particular, information is requested on the differences in risks between operations in different countries or areas of the world under equity and other types of operating arrangements with host countries.

#### PROPOSED MANAGEMENT'S ANALYSIS OF OIL AND GAS OPERATIONS

Many responders to the FASB Discussion Memorandum indicated that disclosure of oil and gas reserves, operating statistics, and functional costs and financial data would be inherently misleading because of the complexities involved in assessing the operations of producers of oil and gas. Their position was based on the inability to precisely relate costs and changes in reserves on any meaningful basis because of the time lag between incurring and knowing the results of expenditures and because of the inability to associate unproductive exploration costs with specific reserve activity.

Many other factors affect the assessment of operations of an oil and gas producer, including the following:

1. Uncertainties in estimating quantities of oil and gas result from inherent imprecisions in engineering techniques used for estimating reserves. Reliability of reserve estimates is also dependent on the number and relative size of the producers' properties (estimates of reserves by producers with a large number of properties are likely to be more accurate than those with relatively large portions

of their reserves concentrated in a small number of properties). In addition, the risk of estimating errors is greater for reserves determined using volumetric techniques compared with those determined on production data. Other factors could be cited which result in significant uncertainties in estimating reserves of oil and gas.

2. The likelihood of potential recoverable reserves from discoveries during the year being substantially in excess of proved reserves added during the year could make presentations of proved reserves and current expenditures not representative of current operations.

3. Significant investments in and plans to undertake improve recovery programs could affect an evaluation of a producer's operations.

4. Major changes in management philosophy regarding its exploration and development activities would be important factors in assessing operations.

5. The effects of changing prices resulting from inflation and other factors, the impact of government regulation, and changes in relationships with host governments are other factors which could require consideration in evaluating supplemental data.

Because of the complexities involved in assessing financial effort and result and in attempting to correlate functional financial information with reserve and operating statistics, as required by the Act, the Commission is considering requiring a narrative analysis by management of its oil and gas operations to assist users in interpreting the disclosure of reserves, operating statistics, and functional cost and financial data. This analysis, if required, is contemplated to be similar in concept to "Management's Discussion and Analysis of the Summary of Earnings" as discussed in Accounting Series Release No. 159 (39 FR 31894).

Comments are requested on the advisability of requiring such an analysis and for suggested guidelines to make the analysis a meaningful technique.

#### USE OF SCHEDULES OF OIL AND GAS DISCLOSURES IN COMMISSION FILINGS

The Commission is considering developing schedules for disclosure of data on oil and gas reserves, operating statistics, and functional cost and financial statement data for use in filings with the Commission. The disclosure of these data appear to be susceptible to presentation in schedule format, and the use of schedules would seem to facilitate uniform reporting for comparative purposes. To attempt to minimize the burden of compliance for registrants, discussions have been held with the staff of the Federal Energy Administration concerning the designing of schedules on a joint basis. Conceivably, identical or similar schedules could be used both in reporting to FEA pursuant to the Act and in reporting to the Commission for those data required to be reported to both agencies.

Comments are requested on the feasibility of (1) the Commission's prescrib-

ing schedules for disclosure of oil and gas reserves, operating statistics, and functional financial data for inclusion in filings with the Commission, and (2) the use of identical or similar schedules for reporting of such data to the SEC and to the FEA. Suggested formats for these schedules would be welcomed for consideration by the Commission.

#### AVAILABILITY OF DATA FOR PAST YEARS

In "ARS No. 11," the following comment is made concerning disclosure of comparative data:

Short-term effects can disguise long-term trends unless data are given for a relatively long period of years. Mineral reserve data for individual years or for only a few years are not very significant because many years are usually involved both in realizing profits from mineral reserves and properties and in assessing the cumulative effects of expenditures. Comparative data for a period of time corresponding to the typical cycle from exploration to production should be given (say 10 to 20 years). The intent of disclosing reserve and operating data should be to indicate the pattern of physical effort and achievement as an aid to interpretation of current financial reports.

The following questions are raised concerning disclosure of comparative data:

1. Is disclosure of financial and operating information for a relatively long period of years necessary to facilitate evaluation of financial effort and result and correlation of financial information by function with reserve and operating statistics? If so, for how many years should reporting be required?

2. To what extent are data such as those discussed in earlier sections of this release available in companies' records for past years? Indicate the number of past years for which such data are available.

#### CURRENT VALUE AND CURRENT COST DATA

In March 1976, the Commission adopted in Accounting Series Release No. 190 a new rule which requires certain large, nonfinancial registrants to disclose in their financial statements filed with the Commission information about the replacement costs of their inventories and fixed assets. In connection with the adoption of this rule, a one year exemption was granted to registrants' mineral resource assets, i.e., those assets which are directly related to and which derive value for mineral reserves. During this year, an independent research study has been sponsored by the American Petroleum Institute to consider alternative approaches in applying the replacement cost concept to mineral resource assets in the oil and gas industry. The Commission's staff has recently received, and is currently reviewing, the results of the research study together with recommendations of the American Petroleum Institute. No comments are being solicited on the disclosure of current value and current cost data until the evaluation of the American Petroleum Institute project is completed.

#### COMMENTS

All comments on the matters discussed in this release should be submitted to George A. Fitzsimmons, Secretary, Se-

curities and Exchange Commission, Washington, D.C. 20549. All such communications should refer to File No. S7-708 and will be available for public inspection.

GEORGE A. FITZSIMMONS,  
Secretary.

JUNE 20, 1977.

APPENDIX 1—SECTIONS 503 AND 505 OF TITLE V FROM PUBLIC LAW 94-163, ENERGY POLICY AND CONSERVATION ACT

#### ACCOUNTING PRACTICES

SEC. 503. (a) For purposes of developing a reliable energy data base related to the production of crude oil and natural gas, the Securities and Exchange Commission shall take such steps as may be necessary to assure the development and observance of accounting practices to be followed in the preparation of accounts by persons engaged, in whole or in part, in the production of crude oil or natural gas in the United States. Such practices shall be developed not later than 24 months after the date of enactment of this Act and shall take effect with respect to the fiscal year of each such person which begins 3 months after the date on which such practices are prescribed or made effective under authority of subsection (b) (2).

(b) In carrying out its responsibilities under subsection (a), the Securities and Exchange Commission shall—

(1) Consult with the Federal Energy Administration, the General Accounting Office, and the Federal Power Commission with respect to accounting practices to be developed under subsection (a), and

(2) Have authority to prescribe rules applicable to persons engaged in the production of crude oil or natural gas, or make effective by recognition, or by other appropriate means indicating a determination to rely on, accounting practices developed by the Financial Accounting Standards Board, if the Securities and Exchange Commission is assured that such practice will be observed by persons engaged in the production of crude oil or natural gas to the same extent as would result if the Securities and Exchange Commission had prescribed such practices by rule.

The Securities and Exchange Commission shall afford interested persons an opportunity to submit written comment with respect to whether it should exercise its discretion to recognize or otherwise rely on such accounting practice in lieu of prescribing such practices by rule and may extend the 24 month period referred to in subsection (a) as it determines may be necessary to allow for a meaningful comment period with respect to such determination.

(c) The Securities and Exchange Commission shall assure that accounting practices developed pursuant to this section, to the greatest extent practicable, permit the compilation, treating domestic and foreign operations as separate categories, of an energy data base consisting of:

(1) The separate calculation of capital revenue, and operating cost information pertaining to—

- (A) Prospecting,
- (B) Acquisition,
- (C) Exploration,
- (D) Development, and
- (E) Production,

including geological and geophysical costs, carrying costs, unsuccessful exploratory drill costs, intangible drilling and development costs on productive wells, the cost of unsuccessful development wells, and the

cost of acquiring oil and gas reserves by means other than development. Any such calculation shall take into account disposition of capitalized costs, contractual arrangements involving special conveyance of rights and joint operations, differences between book and tax income, and prices used in the transfer of products or other assets from one person to any other person, including a person controlled by controlling or under common control with such person.

(2) The full presentation of the financial information of persons engaged in the production of crude oil or natural gas, including—

(A) Disclosure of reserves and operating activities, both domestic and foreign, to facilitate evaluation of financial effort and result; and

(B) Classification of financial information by function to facilitate correlation with reserve and operating statistics, both domestic and foreign.

(3) Such other information, projections, and relationships of collected data as shall be necessary to facilitate the compilation of such data base.

**AMENDMENT TO ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT OF 1974**

Sec. 505 (a) Section 11(c) of the Energy Supply and Environmental Coordination Act of 1974 is amended by adding at the end thereof the following:

"(3) In order to carry out his responsibilities under subsection (a) of this section, the Federal Energy Administrator shall require, pursuant to subsection (b)(1)(A) of this section, that persons engaged, in whole or in part, in the production of crude oil or natural gas—

"(A) Keep energy information in accordance with the accounting practices developed pursuant to section 503 of the Energy Policy and Conservation Act, and

"(B) Submit reports with respect to energy information kept in accordance with such practices.

The Administrator shall file quarterly reports with the President and the Congress compiled from accounts kept in accordance with such section 503 and submitted to the Administrator in accordance with this paragraph. Such reports shall present energy information in the categories specified in subsection (c) of such section 503 to the extent that such information shall be compiled from such accounts. Such energy information shall be collected and such quarterly reports made for each calendar quarter which begins 6 months after the date on which the accounting practices developed pursuant to such section 503 are made effective."

(b) The amendment made by subsection (a) to section 11(c) of the Energy Supply and Environmental Coordination Act of 1974 shall take effect on the first day of the first accounting quarter to which such practices apply.

**APPENDIX 2—DEFINITION OF THE FIVE PHASES IN THE PROCESS OF FINDING AND RECOVERING MINERALS<sup>1</sup>**

**A. PROSPECTING COSTS**

Direct and indirect costs incurred to identify areas of interest that may warrant detailed exploration. Such costs include those

<sup>1</sup>These definitions were obtained from Appendix D, "Glossary of Terms," of the PASB Discussion Memorandum, An Analysis of Issues Related to Financial Accounting and Reporting in the Extractive Industries, December 1976. References to mining costs contained in the definitions presented in the PASB Discussion Memorandum have been deleted.

incurred for the following: Topographical, geological, and geophysical studies; rights of access to properties in order to conduct such studies; salaries, equipment, instruments, and supplies for geologist, geophysical crews, and others conducting such studies; and overhead that can be identified with these activities.

**B. ACQUISITION COSTS**

Direct costs and indirect costs incurred to acquire legal rights to wasting natural resources. Direct costs include costs incurred to obtain options to lease or purchase mineral rights and costs incurred for the actual leasing (e.g., lease bonuses) or purchasing of the rights. Indirect costs included such costs as the following: Brokers' commissions and expenses; abstract and recording fees; filing and patenting fees; and costs of legal examination of title and documents.

**C. EXPLORATION COSTS**

Direct and indirect costs incurred in order to examine in detail a specific area that shows evidence of containing mineral reserves. Although most exploration costs are usually incurred after the acquisition stage, some exploration costs may be incurred prior to the acquisition stage in probing a specific area of probable mineralization located in the prospecting stage. Exploration costs include, but are not limited to, the costs of geological and geophysical studies and the costs of drilling wells or cores. Exploration costs also include the costs of labor, administrative overhead, depreciation of drilling equipment, supplies, and some access or support facilities, such as housing for crews in remote areas.

**D. DEVELOPMENT COSTS**

Direct and indirect costs incurred after the exploration stage, in an attempt (whether or not successful) to obtain access to known minerals-in-place and to prepare appropriate facilities for production. Development costs include the costs of drilling wells, and installing or constructing roads, dikes, and field storage facilities. Development costs also include the costs incurred in relocating public roads, gas lines, power lines, etc., required to develop reserves. Such exploratory facilities as wells frequently are extended or augmented by incurring additional development costs during the development and, possibly, production stages of operations.

**E. PRODUCTION COSTS**

All direct and indirect costs incurred to physically extract oil and gas. Those include the following: royalties (other than those that relate to revenue that is excluded from the producer's gross revenue); exhaustion of capital facilities provided during the exploration and development phases; depreciation of production equipment; maintenance of facilities and properties; costs of improved recovery operations; waste disposal costs; temporary storage facility costs; direct and indirect labor, supplies, attendant supervisory and administrative overheads; and restoration costs.

**APPENDIX 3—CLASSIFICATION OF EXPENDITURES PROPOSED FPC FORM 64**

**A. EXPLORATION**

01. Drilling and equipping exploratory wells.
02. Dry exploratory holes.
03. Acquiring undeveloped acreage.
04. Lease rentals and related expenditures.
05. Geological and geophysical.
06. Contributions toward test wells.
07. Land department, leasing, and scouting.
08. Other including direct overhead.
09. Total exploration.

**B. DEVELOPMENT**

10. Drilling and equipping developmental wells.
11. Dry developmental holes.
12. Lease equipment.
13. Improved recovery programs.
14. Other including direct overhead.
15. Total development.

**C. PRODUCTION**

16. Production expenditures.
17. Direct overhead.
18. Production or severance taxes.
19. Ad valorem taxes.
20. Total production.

**D. G&A OVERHEAD NOT REPORTED ELSEWHERE**

21. Allocated to exploration.
22. Allocated to development.
23. Allocated to production.
24. Total G & A overhead.

Extracts of the instructions for completing Schedule No. 1 of FPC Form 64 follow:

**GENERAL INSTRUCTIONS**

In this schedule, the classification of exploratory and development well expenditures should be based on the AAPG well classifications as follows:

(1) Exploratory wells which include new field wildcats, new-pool wildcats, deeper-pool tests, shallower-pool tests, and outposts (extensions).

(2) Development wells which are those wells drilled to produce oil or gas from pools discovered by previous drilling.

Report only expenditures for your net working interest, whether for company operated or non-operated properties. Report expenditures for dry holes as exploratory or development on Line Nos. 02 or 11 in accordance with the above classification. Because service wells do not fall necessarily within any one category of expenditures, see definitions below for Line Nos. 13 and 14 for treatment of expenditures for service wells.

**INSTRUCTIONS FOR SPECIFIC ITEMS—DRILLING AND EQUIPPING EXPLORATORY WELLS (INCLUDING PLATFORM COSTS) AND DRY HOLES—LINE NOS. 01 AND 02**

Report all expenditures made during the report year (reduced by the amount of outside cash contributions such as bottom hole or dry hole) for drilling exploratory wells which include only successful wells and dry holes completed during the report year. Include: (a) Expenditures for casing, tubing, and wellhead fittings associated with exploratory wells; (b) expenditures for roads, grading, etc.; (c) expenditures for drilling platforms; and (d) all other expenditures incident to exploratory drilling. Reduce cost of exploratory dry holes by salvage of equipment capable of re-use. Exclude all expenditures for equipment beyond the Christmas tree and expenditures for all downhole pumping and artificial lift equipment which should be reported on Line No. 12. In addition, exclude all expenditures related to wells still drilling or not completed at the end of the report year.

**ACQUIRING UNDEVELOPED ACREAGE—LINE NO. 03**

Report expenditures incurred during the year for acquiring undeveloped acreage including lease bonuses, advance initial rentals which because of unusual circumstances are actually in the nature of a bonus, and any other outlays necessary to acquire leases, mineral rights, and fee lands incident to oil and gas exploration. Exclude annual rentals and other lease-carrying expenditures which should be reported on Line No. 04.

LEASE RENTALS AND RELATED EXPENDITURES—  
LINE NO. 04

Report expenditures made during the year for lease rentals and other expenditures for carrying leases, such as shut-in royalties and annual payments. Omit land department, leasing, and scouting expenditures, which should be reported on Line No. 07.

## GEOLOGICAL AND GEOPHYSICAL—LINE NO. 05

Report all expenditures for geological and geophysical exploration. Include expenditures for capital equipment identifiable with G & G and for core drilling (such as some types of slim hole stratigraphic tests) where the intention in advance of drilling is not to complete the well as a producing well, and/or when such tests are drilled in such a manner that productive completion is not possible.

CONTRIBUTIONS TOWARD TEST WELLS—LINE  
NO. 06

Report all contributions toward test wells, including dry hole money, bottom hole money, etc. Do not include the cost of acreage contributions.

LAND DEPARTMENT, LEASING, AND SCOUTING—  
LINE NO. 07

Report all land department, scouting, and lease acquisition expenditures except the actual outlays for purchase or land leasing reported under Line Nos. 03 and 04 above.

OTHER, INCLUDING DIRECT OVERHEAD—  
LINE NO. 08

Report all expenditures not listed above, which relate to exploration for oil and gas, whether such expenditures are capitalized or expensed on the books of account. Include expenditures for exploratory capital equipment constructed or purchased, not included on Line Nos. 01 through 07 above. Include direct overhead, especially at district and field levels, where such overhead can be identified with the exploratory function: E.g., district supervisory salaries; ad valorem taxes on non-producing leases; and taxes on buildings and equipment used for exploratory purposes. Report exploration overhead costs which cannot be directly identified with exploratory activities undertaken during the year on Line No. 21.

DRILLING AND EQUIPMENT DEVELOPMENT WELLS  
(INCLUDING PLATFORM COSTS) AND DRY  
HOLES—LINE NOS. 10 AND 11

Report all expenditures made during the report year for drilling development wells which include only successful wells and dry holes completed during the report year. Include: (a) Expenditures for casing, tubing, and wellhead fittings associated with development wells; (b) expenditures for roads, grading, etc.; (c) expenditures for drilling platforms; and all expenditures incident to development drilling. Exclude all expenditures for equipment beyond the Christmas tree and all expenditures for downhole pumping and artificial lift equipment which should be reported on Line No. 12. In addition, exclude all expenditures related to wells still drilling or not completed at the end of the report year.

## LEASE EQUIPMENT—LINE NO. 12

Report all lease equipment expenditures beyond the Christmas tree installation, including flow lines, flow tanks, field separators, heater-treaters, and related field facilities. Include expenditures for all normal pumping and other artificial lift equipment, including downhole installations required for primary production.

FLUID INJECTION AND IMPROVED RECOVERY  
PROGRAMS—LINE NO. 13

Fluid injection and improved recovery programs include gas injection, water injection, steam injection, miscible phase, in situ combustion, etc., associated with oil and gas production. Report expenditures for procuring and installing all facilities and for drilling service wells, or converting existing wells to service wells, associated with such programs. Facilities should include pumps, compressors, engines, tankage, gathering and injection lines, treating facilities, special downhole and surface equipment, etc. Service wells include wells used for gas injection, water injection, steam injection, air injection, and water supply for injection. Do not include expenditures for observation wells, salt water disposal wells, water supply wells, or other wells required for primary production operations which should be reported on Line No. 14.

OTHER, INCLUDING DIRECT OVERHEAD—  
LINE NO. 14

Report all other development expenditures, including such items as: Access facilities to district installations (as opposed to individual wells) such as roads, bridges, canals, and other improvements; camp and district facilities; fuel gas systems; observation wells, salt water disposal wells, and water supply wells other than reported on Line No. 13; directly assignable overhead expenditures; and expenditures for capital equipment used for development not otherwise accounted for. Exclude expenditures for equipment and buildings used by personnel engaged in general producing and administrative activities as distinguished from development operations.

Report overhead expenditures which cannot be directly identified with development activities during the year on Line No. 22.

PRODUCTION EXPENDITURES AND DIRECT  
OVERHEAD—LINE NOS. 16 AND 17

Report lifting expenditures and all other expenditures which are directly applicable to the production of oil and gas, as distinguished from exploratory and development activities. Include expenditures for: Labor; supervision in the field; repair and maintenance including workovers; production platforms; fuel; power and water; small tools and supplies; cost of treating oil; teaming and trucking; insurance; taxes (not including production and ad valorem taxes, and federal and state income taxes); bailing, shooting, fracturing, and acidizing, when not part of original completion work; abandonments; and expenditures for maintaining field offices. Include direct overhead, especially at district and field levels, where such overhead can be directly identified with the production function. Do not include expenditures applicable to gas processing plants or gas systems.

## PRODUCTION OR SEVERANCE TAXES—LINE NO. 18

Report here the total payments for production or severance taxes to state and local governments. Do not reduce the value of crude oil and natural gas produced at the wellhead by such amounts.

## AD VALOREM TAXES—LINE NO. 19

Report expenditures for ad valorem taxes on producing properties or equipment thereon, buildings, lease or field facilities, and other property used in production operations. Exclude: Ad valorem taxes on undeveloped properties and property taxes on buildings and equipment used for exploratory purposes, which should be included on Line No. 08; ad valorem taxes on office buildings or other facilities used for general and adminis-

trative purposes, which should be included on Line Nos. 21-24 to the extent that they are applicable to the operations covered by this report.

GENERAL AND ADMINISTRATIVE OVERHEAD NOT  
REPORTED ELSEWHERE—LINE NOS. 21  
THROUGH 24

Report all general operating and administrative expenditures above the field level, which are applicable to exploration, development, and production activities, excluding only those items which have been directly classified on Line Nos. 08, 14 and 17. Include salaries and office expenditures and "depreciation charges" for office buildings, etc.

If engaged in activities other than the production of oil and gas, include under this heading only that portion of general and administrative expenditures allocable to the oil and gas exploration and production departments. Do not include interest on investment or state and federal income taxes.

General and administrative overhead reported in total on Line No. 24 may be distributed to exploration, Line No. 21, development, Line No. 22, and production Line No. 23, in accordance with company practice. If allocations are not customarily made, report under Line No. 24.

## APPENDIX 4

INSTRUCTIONS FOR CLASSIFYING REVENUE BY  
TYPE

The following are instructions for reporting revenues classified by type in the JAS Survey:<sup>1</sup>

## CRUDE OIL AND LEASE CONDENSATE:

Report the net company working interest in crude oil and lease condensate produced. The volume should be the net company working interest in liquids produced from all wells in which all or part of the working interest is owned, including unitized projects. The volume reported should not include liquid products derived from gas processed under casinghead or percentage type contracts, from cycling operations and/or under processing type contracts.

The value reported should be the amount of revenue credited to the lease (after royalty payments, production payment disbursements, and net profit disbursements). Do not include the lease sales value of liquid products derived from gas processed under a casinghead or percentage type contract, which is to be reported as natural gas sales or from cycling operations and/or under processing type contracts which is to be reported as natural gas sales or plant product sales, depending on the basis recorded in company accounts. Do not deduct production or severance taxes since these should be reported as expenditures.

## NATURAL GAS SALES

Volume—Report the volume of net company working interest in gas produced from oil and gas wells, and subsequently sold, including:

(1) The volume of gas delivered to respondent's own gas processing plants or gas systems. For cycling operations and/or under processing type contracts, if the sale of residue gas and liquid products is recorded on a separate basis, report only the leases' share of

<sup>1</sup> These guidelines were extracted from the 1975 Joint Association Survey, an annual undertaking to collect data from the petroleum industry through the joint efforts of three oil and gas associations, the American Petroleum Institute, the Independent Petroleum Association of America, and the Mid-Continent Oil and Gas Association.

the net company working interest in residue gas sold by the plant. If recorded on a raw gas basis, as under a casinghead contract, report the net working interest raw gas volume.

(2) The volume of gas used in drilling or producing operations, if the value of such gas is credited to lease revenue with a corresponding charge to lease operations.

#### EXCLUDE THE FOLLOWING

(1) The volume of residue gas sold (or returned for lease operations) where such residue gas (or proceeds therefrom) represents all or part of the consideration received from the sale of casinghead gas, as under a casinghead or percentage type gas contract. (The inclusion of residue gas volume would amount to duplication, since residue volume is included in the volume of raw gas sold to the gas processing plant.)

(2) The volume of gas returned to the producing reservoir.

The volumes reported should be at the pressure base reflected in the accounts of the reporting producers, and such volumes need not be adjusted to any uniform pressure base, such as 14.65 psi. However, indicate the pressure base used.

**Value**—The value of net company working interest in gas produced from oil and gas wells and credited to lease revenues should include:

(1) Revenue received from sale of gas. This value should include (a) the revenue derived from the sale of liquids and residue gas extracted from gas processed under casinghead or percentage type contracts, and (b) the revenue received from the sale of residue gas from cycling operations or under processing type contracts if so recorded in company accounts. If recorded on a raw gas basis, report the revenue from both residue gas and liquids.

(2) The value of gas delivered to respondent's own gas processing plants or gas systems which is credited to the lease.

(3) The value of gas used in drilling or producing operations, including residue gas returned from plants, if the value of such gas is credited to lease revenue with a corresponding charge to operations.

#### LEASES' SHARE OF LIQUIDS RECOVERED FROM CYCLING OPERATIONS AND/OR UNDER PROCESSING TYPE CONTRACTS

Report the leases' share of the net company working interest in the volume and value of liquids recovered from cycling operations and/or under processing type contracts, if recorded separately on company records. If not separated, report the volume and value of the leases' share of liquids sold from such operations (on a raw gas basis) as natural gas sales.

#### OIL AND GAS ROYALTY REVENUE

Report oil and gas revenue from royalties owned plus revenue from oil payment interests received, net profit interests received, etc.

#### OTHER LEASE REVENUES FROM PRODUCING OPERATIONS

Report any other lease revenues strictly incidental to oil and gas operations; such as equipment rentals; receipts from services performed for others; sales of water or steam; etc. Do not include revenue attributable to operations of gas processing plants or gas systems, or receipts from sale of assets, producing properties, etc. Do not include revenue applicable to mined sulfur, oil, shale, uranium, or other mineral operations.

#### APPENDIX 5—DEFINITION OF PROVED OIL AND GAS RESERVES FROM SECURITIES ACT RELEASE 5706

The following definition of proved reserves is included in Securities Act Release No. 5706 [41 FR 21764]:

Estimates of future recoverable oil and gas shall be limited to proved developed and proved undeveloped future net recoverable reserves. For purposes of this instruction "proved reserves" are defined to be those quantities of crude oil, natural gas, and natural gas liquids which, upon analysis of geologic and engineering data, appear with reasonable certainty to be recoverable in the future from known oil and gas reservoirs under existing economic and operating conditions. Proved reserves are limited to those quantities of oil and gas which can be expected, with little doubt, to be recoverable commercially at current prices and costs, under existing regulatory practices and with existing conventional equipment and operating methods. Depending upon their status of development, such proved reserves shall be subdivided into the following classification:

(a) **Proved Developed Reserves.** These are proved reserves which can be expected to be recovered through existing wells with existing equipment and operating methods. This classification shall include:

(i) **Proved Developed Producing Reserves.** These are proved developed reserves which are expected to be produced from existing completion interval(s) now open for production in existing wells; and

(ii) **Proved Developed Non-Producing Reserves.** These are proved developed reserves which exist behind the casing of existing wells, or at minor depths below the present bottom of such wells, which are expected to be produced through these wells in the predictable future, where the cost of making such oil and gas available for production should be relatively small compared to the cost of a new well.

Additional oil and gas expected to be obtained through the application of fluid injection or other improved recovery techniques for supplementing the natural forces and mechanisms of primary recovery should be included as "Proved Developed Reserves" only after testing by a pilot project or after the operation of an installed program has confirmed through production response that increased recovery will be achieved.

(b) **Proved Undeveloped Reserves.** These are proved reserves which are expected to be recovered from new wells on undrilled acreage or from existing wells where a relatively major expenditure is required for recompletion. Reserves on undrilled acreage shall be limited to those drilling units offsetting productive units, which are reasonably certain of production when drilled. Proved reserves for other undrilled units can be claimed only where it can be demonstrated with certainty that there is continuity of production from the existing productive formation.

Under no circumstances should estimates for proved undeveloped reserves be attributable to any acreage for which an application of fluid injection or other improved recovery technique is contemplated, unless such techniques have been proved effective by actual tests in the area and in the same reservoir. If warranted, however, a narrative discussion can be provided to point out those areas where future drilling or other operations may develop oil and gas production which at the time of filing is considered too uncertain to be expressed as numerical estimates for proved reserves.

The reserves disclosed in SEC filings must be reported by "appropriate geographic area(s)", such as by continent or by country, except that United States reserves shall be shown separately. As to foreign reserves, the following is provided:

(a) Consideration should be given to the effect on ownership of reserves of any takeover or nationalization by foreign governments of properties owned by the registrant, including any possible change of a property interest into a long-term supply, purchase, or similar agreement.

(b) The amounts of oil and gas subject to purchase under long-term supply, purchase or similar agreements with foreign governments or authorities should be disclosed separately \* \* \* when such agreements cover all or part of the registrant's reserves under a previous equity interest, or when the registrant has invested monies in foreign prospects, or has some special arrangement.

(c) When any foreign government restricts the disclosure of estimated reserves for properties under their governmental authority, or amounts under long-term supply, purchase, or similar agreements to be disclosed pursuant to [(b) above], the registrant need not disclose such estimates or amounts but should identify the country and state that the reported reserve estimates or amounts do not include figures for the named country.

#### APPENDIX 6.—SCHEDULE OF ANNUAL CHANGES IN ESTIMATES OF PROVED RESERVES

An example of the lines of a schedule analyzing changes in estimates of reserve is presented below:

ESTIMATE—BEGINNING OF YEAR
Revisions to previous estimate
ESTIMATE—BEGINNING OF THE YEAR, AS ADJUSTED
Additions:
New reserves discovered in new fields
Extensions of old reservoirs
New reserves discovered in new reservoirs in old fields
Reserves added through improved recovery techniques
Purchases of recoverable reserves
Deductions:
Production
Sales of recoverable reserves
ESTIMATE—END OF YEAR

The following definitions<sup>1</sup> would apply:

1. Revisions to previous estimates—changes in earlier estimates, either upward or downward, resulting from new information (except from an increase in proved acreage) obtained from development drilling and production history.
2. New reserves discovered in new fields—proved reserves credited to new fields as the result of successful exploratory drilling and associated development drilling during the current year.
3. Extensions of old reservoirs—increases in estimates resulting from the drilling of wells in years subsequent to the discovery of a reservoir which add to the proved area of previously discovered reservoirs.

<sup>1</sup> The general source of these definitions is Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada as of December 31, 1975. This publication is issued annually by the American Petroleum Institute, the American Gas Association, and the Canadian Petroleum Association.

## PROPOSED RULES

4. New reserves discovered in new reservoirs in old fields—proved reserves credited to new reservoirs in old fields as the result of successful exploratory drilling and associated development drilling during the current year.

5. Reserves added through improved recovery techniques—proved reserves added through any method for supplementing natural reservoir forces and energy, or otherwise increasing ultimate recovery from a reservoir.

Separate presentation would be required for quantities of liquid hydrocarbons (crude oil and natural gas liquids) and natural gas. Some have suggested that separate report-

ing be required for crude oil, condensate, and other natural gas liquids.

## APPENDIX 7.—OPERATING STATISTICS

In Securities Act Release No. 5705 (41 FR 21764), the Commission required registrants with significant oil and gas operations to disclose the following operating statistics:

1. Net oil and gas production for oil in barrels and gas in MCF for each of the last five years, by areas no larger than the geographic areas used for estimated reserves.

2. Total gross and net productive wells, expressed separately for oil and for gas, and the total gross and net producing areas.

3. The availability of oil and gas from the present reserve or contract supply for at

least one year from the "as of" date of the reserve estimate.

4. As of a reasonably current date, the amounts of undeveloped acreage, both leases and concessions, if any, expressed in both gross and net acres by state, country, or other appropriate geographic area, together with an indication of acreage concentrations, and, where material, the minimum remaining terms of leases and concessions.

5. Present activities, such as the number of wells in process of drilling, waterfloods in process of installation, pressure maintenance operations, and any other related operations of material importance.

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**Federal Register**

WEDNESDAY, JUNE 29, 1977

PART III



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DEPARTMENT OF  
HEALTH,  
EDUCATION, AND  
WELFARE

Office of Education



FOLLOW THROUGH  
PROGRAM

## Title 45—Public Welfare

## CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 158—FOLLOW THROUGH PROGRAM

AGENCY: Office of Education, HEW.

ACTION: Final regulation.

**SUMMARY:** This document amends the final regulation governing the Follow Through program. The amendments make three substantive changes:

(a) The provisions authorizing the Commissioner of Education to increase the Federal share of local project costs have been modified.

(b) The Commissioner is authorized to award additional funds to selected local project grantees for the purpose of demonstrating to interested persons educational practices found to have been successfully implemented in the program.

(c) The Commissioner is authorized to increase on a case by case basis the prescribed funding levels for grants and contracts for technical assistance.

These substantive amendments are prompted by changing economic conditions and by the availability of additional program funds.

**EFFECTIVE DATE:** Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of that transmission, subject to the provisions in that section concerning Congressional action and adjournment.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Rosemary C. Wilson, Director, Division of Follow Through, U.S. Office of Education, 400 Maryland Avenue SW., Room 3624, ROB-3, Washington, D.C. 20202. (Telephone: 202-245-9846.)

**SUPPLEMENTARY INFORMATION:** Notice of proposed rulemaking was published in the FEDERAL REGISTER on November 30, 1976 (41 FR 52488), and the public was given 45 days following publication of that notice to submit written comments, suggestions, or objections to the proposed amendments. In addition, copies of the notice of proposed rulemaking were distributed to Follow Through Project Coordinators, Chairpersons of the Policy Advisory Committees for local Follow Through projects, State Follow Through Coordinators, and other State contact persons. One written comment was received in response to the notice. That comment and the Commissioner's response is discussed below under the heading "Summary of Comment and Response".

The following discussion may help the reader to better understand the program and the reasons for these amendments.

## A. BACKGROUND

Follow Through is a community services program established in 1967 under an amendment to the Economic Opportunity Act of 1964 for children in kindergarten and the primary grades who are from low-income families. The program was designed to sustain and expand on the gains made by children in Head Start or similar preschool programs. The majority of the children served by the program are from low-income families, and the majority of the children served were previously enrolled in Head Start or a similar preschool program. The program emphasizes community and parental involvement and encourages the focusing of available local, State, private, and Federal resources on low-income persons.

Follow Through has been implemented as an experimental program based on the concept of "planned variation," the purpose of which is to explore the effects of several different approaches to education of low-income children in kindergarten and the primary grades and to provide documentation on the various approaches. These approaches have been developed by several community agencies or institutions of higher education, designated as "sponsors."

Three types of awards are made:

(A) Grants for local Follow Through Projects (Subpart B); (B) Grants and Contracts for Technical Assistance (Subpart C); and (C) Grants and Contracts for Demonstration (Subpart D).

The grants for local projects under Subpart B are awarded primarily to local educational agencies which must provide comprehensive services to participating low-income children. The activities of the local projects include instruction, medical, and dental services, nutrition services, social services, staff development, and career advancement for instructional staff. All of these components must be systematically evaluated. Local projects implement one of the "sponsored" approaches or one that they have developed themselves. Most of the Subpart B local project grantees are sponsored and agree to carry out their projects in cooperation with the "sponsors."

The grants and contracts for technical assistance under Subpart C allow State educational agencies and/or other appropriate agencies to provide technical assistance to local projects and to disseminate information to other communities in their States. The grants and contracts for demonstration under Subpart D fund the "sponsors" to enable them to assist the local projects implementing their approaches.

At this time all grants made under Subpart B and D are continuations: i.e., grants are made only to grantees which have satisfactorily operated projects under Subpart B or Subpart D in the immediate prior year.

The enabling statute authorizes \$60,000,000 for the fiscal years 1975-1977. Congress has appropriated \$55,000,000 for the program in fiscal year 1975 and \$59,000,000 in both fiscal years 1976 and

1977. The program currently is serving approximately 75,700 low-income children.

## B. CHANGES TO EXISTING REGULATION

The change with respect to increase in the Federal share affects only the relative percentage of the project costs contributed by the grantee and by the Federal government to the projects which provide services to eligible children—the so-called "Subpart B" projects.

The statute governing Follow Through (Title V of the Economic Opportunity Act, section 552(b), 42 U.S.C. 2929a(b)), provides that Federal financial assistance for providing services to eligible children shall not exceed 80 percent of the approved costs of the assisted programs or activities. The statute however authorizes the Secretary to increase the Federal share of a Follow Through Project "if he (the Secretary) determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of this part" (referring to the Subpart B projects). The current Follow Through regulation pertaining to increase of the Federal share (45 CFR 158.65, "Waiver of Non-Federal share") permits increase of that share based on the amount of per capita income in the geographic area where the project is located, or, if the project serves migratory children or Indian children residing on reservations, based on the per capita income of the group being served. This amendment to the regulation revises upward the minimum per capita income required to a figure which is realistic in light of cost of living increases which have occurred since the present regulation was issued. Also, in connection with increase of the Federal share, the regulation adds a definition of a "major disaster"; and, in light of the financial difficulties being experienced by some local educational agencies, adds a new standard permitting increase in instances where the Follow Through project is located in a community recognized by Federal law as presently being unable to obtain or in danger of obtaining seasonal or current financing. The amendment deletes language in the present regulation which authorizes increase of the Federal share in cases where the grantee has ceased to qualify for this increase on other grounds and, at the same time, the cost of the project has significantly increased. Based on program experience, it appears that this provision is unnecessary.

The changes affecting the Federal share conform closely to the proposed regulations governing the Head Start program (45 CFR 1301.4-2, published as notice of proposed rulemaking in the FEDERAL REGISTER on May 5, 1976 (41 FR 18608-18609)). A similar statutory requirement governing the Federal share applies to the Head Start program.

School year 1977-1978 is the first year for which additional funds for conducting expanded demonstration activities will be available. Grantees will be selected for funding under this section based on their project's ranking with



respect to past implementation of the instructional component required by § 158.26(a); their effectiveness to date as measured by the criteria in § 158.24(b), and their capability of demonstrating educational practices to large numbers of persons.

The change in § 158.64 concerning the percent of the non-Federal share of a Subpart B project are clarifying, not substantive. The percent figures stated in the present regulation are computed against the approved Federal cost of the project, not the total (combined Federal and non-Federal) approved cost. The percent figures substituted by the amendment would be computed against the total (combined Federal and non-Federal) approved cost. Mathematically the result is the same. This revision is being made because the present regulation has caused confusion, being interpreted by some as being inconsistent with the governing statutory provisions which, as noted above, generally require a non-Federal share of not less than 20 percent of the total (combined Federal and non-Federal) approved cost of the project.

C. SUMMARY OF COMMENT AND RESPONSE

With respect to the additional funds for demonstration, a commenter recommended that the first priority for use of additional funds should instead be to provide a cost of living increase to all local "Subpart B" projects to enable the continued provision of comprehensive services to eligible children.

The regulation has not been changed. The Commissioner has decided that the limited amount of additional funds should be used for the demonstration of successful educational practices, because this use is in keeping with the experimental nature of the program. The Office of Education will however review on a case-by-case basis requests from local grantees for funds to carry out adequately the comprehensive intent of the Follow Through program.

The final regulation is published in its entirety for clarity and includes the amendments published as a notice of proposed rulemaking on November 30, 1976 (40 FR 52488). Technical errors have also been corrected.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order No. 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program Number 13.433, Follow Through.)

Dated: April 6, 1977.

WILLIAM F. PIERCE,  
Acting U.S. Commissioner  
of Education.

Approved: June 15, 1977.

JOSEPH A. CALIFANO, JR.  
Secretary of Health, Education,  
and Welfare.

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AUTHORITY: Title V, Pub. L. 88-452, 78 Stat. 516, as amended by Pub. L. 93-644, sec. 8(a), 88 Stat. 2306 (42 U.S.C. 2929 et seq.) except as otherwise noted.

Subpart A—Purpose and Definitions

§ 158.1 Program purpose.

The Follow Through Program implemented by these regulations is an experimental community services program designed to assist, in a research setting, the overall development of children enrolled in kindergarten through third grade from low-income families, and to amplify the educational gains made by such children in Head Start and other similar quality preschool programs by (a) implementing innovative educational approaches, (b) providing comprehensive services and special activities in the areas of physical and mental health, social

services, nutrition, and such other areas which supplement basic services already available within the school system, (c) conducting the program in a context of effective community service and parental involvement, and (d) providing documentation on those models which are found to be effective.

(Economic Opportunity Act, Title V, sec. 551, 554 (Pub. L. 93-644 sec. 8(a)))

§ 158.2 Definitions.

As used in this part:

"Act" means the Economic Opportunity Act of 1964, Pub. L. 88-452, (42 U.S.C. 2701 et seq.) as amended.

"Follow Through children" means all children in public or private school who have been enrolled in a Follow Through project in accordance with § 158.12.

"Follow Through parents" means all parents of children enrolled (or to be enrolled) in a Follow Through project, including the parents of private school children participating in the project.

"Head Start Agency" means an organization funded in whole or in part by the Office of Child Development, HEW, pursuant to Title V, Part A of the Act. (Economic Opportunity Act, Title V, sec. 514 (Pub. L. 93-644 sec. 8(a)))

"Inservice training" means such specialized training as may be required or recommended for project staff during the course of employment in the Follow Through project.

"Local educational agency" means a public school board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Low-income children" or "low-income person" means children or persons from families whose annual income falls at or below the official poverty line as defined by the Office of Management and Budget and as revised periodically by the Department of Health, Education, and Welfare pursuant to section 625 of the Act.

"Paraprofessional" means a person who does not have a baccalaureate or equivalent degree of certification, but who directly assists persons in the performance of educational, social service, medical, or other duties of a professional nature in a Follow Through project, (e.g., teacher's aide, nurse's aide, or social worker aide).

"Preservice training" means workshops, courses, seminars, and other forms of specialized training which precede, and are required or recommended for, employment as a member of a Follow Through project staff.

"Primary grades" means grades 1 through 3 inclusive.

"Project sponsor" means a college, university, regional education laboratory, or other agency, organization or institution which receives a grant or contract to undertake some or all of the activities listed in § 158.51 and which maintains a contractual relationship with one or more local Follow Through projects for the purpose of conducting such activities in conjunction with such projects.

"Project area" means the local community or the smaller geographic area within such community (defined by school attendance zones or other similar neighborhood boundaries) in which a Follow Through project operates.

"Project staff" means all persons who work (full time or part time) directly in the Follow Through project, either on public or private school premises, whether or not such persons are paid with funds made available under the Act.

"Rural" as applied to a geographic area, means an area which is not included within a Standard Metropolitan Statistical Area (as defined by the U.S. Bureau of Census) and which is not within or coterminous with a city, town, borough, or village or other subcounty political unit, the population of which exceeds 2,500.

"State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.

(Economic Opportunity Act, Title V, sec. 571(2) (Pub. L. 93-644 sec. 8(a)))

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or State law.

"Supplementary training" means the training of paraprofessionals and non-professionals in programs leading to college level degrees, particularly in the field of early childhood education.

(Economic Opportunity Act, Title V, sec. 551(a); 553(a) (1) (3) (Pub. L. 93-644 sec. 8(a)))

#### § 158.3 Planned variation.

(a) Follow Through project grants are made to local educational agencies and other public or non-profit private agencies, organizations, or institutions in order to explore the effects of a number of promising approaches to the education of children from low-income families in the early elementary grades. Most grantees must agree to carry out the project in cooperation with project sponsors who have developed such approaches in affiliation with the U.S. Office of Education.

(b) In order to assess the effectiveness of each approach, evaluation data is being collected by the U.S. Office of Education. Because the collection of data will continue for a number of years, project and sponsor grantees are required to work together in the development and

implementation of the sponsor's approach for the period of their participation in the Follow Through program except if the Commissioner determines otherwise.

(Economic Opportunity Act, Title V, secs. 551, 553(a) (1), (2) (Pub. L. 93-644 sec. 8(a)))

### Subpart B—Grants for Local Follow Through Projects

#### ELIGIBILITY REQUIREMENTS AND PROCEDURES

##### § 158.11 Eligible applicants.

(a) Except as provided in paragraph (b) of this section, the Commissioner will provide financial assistance under this subpart, in the form of grants, only to local educational agencies.

(b) Whenever the Commissioner determines that (1) a local educational agency receiving assistance under paragraph (a) of this section is unable or unwilling to serve private school children as required by § 158.28 or (2) it is otherwise necessary in order to best fulfill the purposes of Follow Through as set forth in § 158.1, he may provide financial assistance to be used for this purpose to a Head Start agency or other public or appropriate non-profit private agency, organization, or institution.

(Economic Opportunity Act, Title V, section 551(a) (1), (2) (Public L. 93-644 sec. 8(a)))

##### § 158.12 Eligible children.

(a) *Low-income children.* Subject to the provisions of paragraph (b) of this section, only low-income children enrolled in the early elementary grades may participate in projects funded under this subpart. At least 50 percent of the children in each entering class shall be children who have previously participated in a full-year Head Start or similar quality preschool program and who were low-income children at the time of enrollment in such preschool program; except that the Commissioner may reduce this percentage requirement in special cases where he determines that its enforcement would prevent the most effective use of Follow Through funds (e.g., where the grantee is implementing a racial desegregation plan).

(b) *Non-low-income children.* If the Commissioner determines (1) that participation in the project of children from diverse socio-economic backgrounds would enhance the development of the low-income children to be served and would benefit the community in which the project is located, or (2) that such socio-economic diversity in a particular project will produce evidence concerning how best to fulfill the purposes of Follow Through as set forth in § 158.1, he may require or permit the inclusion of a specified percentage of children other than low-income children in the project. The inclusion of such other children in a project shall not in any case dilute or interfere with the services designed for low-income children. In order to prevent such dilution, families of such other children may be required to pay (to the extent that the family's financial situation

makes payment appropriate), or have payment made in their behalf from some other source, e.g., by the grantee, for all or part of the identifiable costs of the services such children receive.

(c) *Procedures for selection.* Agencies proposing to operate or continue projects under this subpart shall establish procedures for identification and selection of eligible children which comply with the requirements of this section and shall set forth such procedures in the project proposal. Such procedures shall assure that every reasonable effort will be made (1) to serve first the poorest children enrolled under paragraph (a) of this section, and (2) to determine an equitable basis on which payment shall be made with respect to children enrolled under paragraph (b) of this section.

(d) *Records.* Each project shall maintain records establishing that its identification and selection of eligible children complied with the requirements in this section.

(Economic Opportunity Act, Title V, sec. 551(a), 553(a) (1), (2) (Pub. L. 93-644 sec. 8(a)))

##### § 158.13 Selection of grantees and application procedures.

(a) In order to provide the necessary continuity for evaluation of the planned variation approaches provided for in § 158.3, grants will be given only to applicants who are successfully conducting Follow Through projects during the current fiscal year and who demonstrate the capability to continue to so operate projects in accordance with the planned variation approach.

(b) Project proposals will be disposed of by the Commissioner in accordance with § 100a.27 of this chapter, and negotiated in a process of consultation with the applicant and low-income parents of Follow Through children as needed.

(Economic Opportunity Act, Title V, secs. 551(a) (1), (3); 553(a) (1) (Pub. L. 93-644 sec. 8(a)))

##### § 158.15 Criteria for refunding of projects.

In accordance with the provisions of § 158.13(b) and the criteria set forth in § 100a.26(b) of this chapter, the Commissioner reviews funding for projects under this subpart on the basis that the applicant has satisfactorily operated a federally-funded Follow Through project in the immediate prior year consistent with the purposes of the program as set forth in § 158.1. In order to determine whether the applicant has satisfactorily operated a Follow Through project in the immediate prior year in accordance with the purposes of the program as set forth in § 158.1, the following criteria shall be used (each of the criteria shall be rated on the following scale: unsatisfactory, satisfactory, above average, outstanding):

(a) The proportion of children enrolled in the schools of the project who are low-income according to the official poverty line as defined by the Office of Management and Budget;

(b) The proportion of children enrolled in the schools of the project who

are graduates of Head Start or similar preschool programs as required by § 158.12(a);

(c) The provision for parental and community involvement as required by § 158.26(b);

(d) The participation of Follow Through parents in the development and operation of the project as required by § 158.19 (a) and (d);

(e) The role of the Policy Advisory Committee in recommending the filling of staff positions as required by § 158.19 (d) (3) and (4);

(f) The extent to which the membership of the Policy Advisory Committee is composed of low-income parents elected by such parents as required by § 158.19(b);

(g) The extent to which the Policy Advisory Committee participates in the decision-making process in respect to important aspects of the project in accordance with § 158.19(d);

(h) The extent to which priority is given to low-income parents in the employment of nonprofessionals and paraprofessionals as required by § 158.20;

(i) If appropriate, the extent to which the supplementary training program is serving nonprofessional and paraprofessional staff of the project in accordance with § 158.26(h) (3);

(j) The role of the Career Development Committee as required by § 158.19(d) (9);

(k) The provision for staff training as required by § 158.26(g);

(l) The extent to which the instructional component is implemented as required by § 158.26(a);

(m) The provision and coordination of comprehensive services as required by §§ 158.26 and 158.26(b);

- (1) Nutrition;
- (2) Medical and dental services;
- (3) Social services;
- (4) Psychological services;
- (5) Career development;

(n) The use or the coordination, or both, of other resources and programs with the project in accordance with § 158.25(b); and

(o) The extent to which the evaluations conducted to date indicate program effectiveness according to criteria such as those defined by § 158.24(b).

(Economic Opportunity Act, Title V, sec. 551(a) (1), (3), 554(a) (Pub. L. 93-644 sec. 8(a)).)

**§ 158.15a Additional funds for demonstration.**

For the purpose of conducting expanded demonstration activities, the Commissioner may make additional funds available to certain applicants which have been selected for funding in accordance with § 158.15 for the same year for which the additional funds are to be made available. These applicants must have received a satisfactory rating with respect to all the funding criteria listed in § 158.15, and must have received an outstanding rating with respect to the funding criteria listed in § 158.15 paragraphs (l) and (o). The following additional criterion will be applied in making awards under this section: the extent to

which, the applicant has the capability of demonstrating educational practices to large numbers of interested persons. Factors to be used in determining this capability include the following: geographic location, ease of accessibility, availability of transportation and lodging facilities for large numbers of persons, and personnel resources. The requirements imposed by § 158.64 of this part with respect to non-Federal share do not apply to funds made available under this section.

(42 U.S.C. 2029b(a) (1).)

**§ 158.16 Financial support of projects.**

The grantee shall support project activities conducted under this subpart through the following combination of resources:

(a) The normal effort (in funds and services) which the grantee is required to maintain under § 158.67 and upon which the project builds;

(b) The Federal funds appropriated under the Act and distributed under this subpart; and

(c) The non-Federal contribution required by §§ 158.64 and 158.65.

(42 U.S.C. 2029, 2029a)

**PROJECT MANAGEMENT**

**§ 158.13 Project coordinator.**

(a) *Position.* Each grantee receiving funds under this subpart shall, with the approval of the Policy Advisory Committee described in § 158.19, appoint a project coordinator to be responsible for overall project management. The position of project coordinator shall be a full-time position, unless the Commissioner, in individual cases, specifies otherwise.

(b) *Duties.* The project coordinator's duties shall include: (1) supervising all project staff; (2) serving as liaison between the project and Federal, regional, State, and local agencies involved in the Follow Through program; (3) working with the program sponsor to implement the program approach selected; (4) attending all relevant Follow Through meetings, workshops, and training sessions sponsored by the Commissioner or by the project's program sponsor; (5) ensuring that project components and activities are interrelated so that children are not served in a fragmented manner; and (6) maintaining communication and cooperation among the program sponsor, Follow Through parents, Policy Advisory Committee members, project staff, administrative and other school staff, and the various community agencies and organizations which serve low income persons.

(Economic Opportunity Act, Title V, sec. 551 (1), (2) (Pub. L. 93-644 sec. 8(a)).)

**§ 158.19 Policy Advisory Committee.**

(a) *Purpose.* Each grantee shall, upon the identification of Follow Through project children, establish a Policy Advisory Committee, selected in accordance with paragraphs (b) and (c) of this section, to assist with the planning and operation of project activities and to ac-

tively participate in decision making concerning these activities.

(b) *Membership.* (1) More than one-half of the Policy Advisory Committee members shall be low-income Follow Through parents who are elected (or re-elected) by such parents in elections held at least annually.

(2) The remaining members shall be chosen by the parent members, elected under paragraph (b) (1) of this section, from among the various persons and representatives of agencies and organizations in the community who have manifested concern in the interests of low-income persons.

(3) In no case shall an officer of the Policy Advisory Committee serve for more than two consecutive years as an officer.

(c) *Advisors.* At the request of the Policy Advisory Committee, elected or appointed officials and employees of the local educational agency (including project staff) in whose jurisdiction the project is located and any group contracted to work for such agency may serve in an advisory capacity to the Committee, but shall in no case have the right to vote.

(d) *Duties.* The Policy Advisory Committee's duties shall include: (1) developing by-laws which define the purposes and procedures of the Committee; (2) helping to develop all components of the project proposal and approving them in their final form; (3) assisting in the development of criteria for selection of professional staff and recommending the selection of such staff; (4) assisting in the development of criteria for the selection of nonprofessional and paraprofessional staff, exercising primary responsibility in recommending the selection of such staff for participation in the project and for participation in supplementary training programs which the Commissioner may from time to time sponsor; (5) exercising the primary role in developing criteria for selection and recruiting of eligible children which are required by § 158.12; (6) contributing to the continued effectiveness of the project coordinator; (7) establishing and operating a procedure of petition and discussion under which complaints of parents and other interested persons can be promptly and fairly considered; (8) mobilizing community resources and securing the active participation of Follow Through parents in the projects; (9) supervising a Career Development Committee to provide direction and initiative for the career development component as required by § 158.26(h). The members of the Career Development Committee shall be appointed by the Policy Advisory Committee from among the following groups in numbers adequate to assure their effective representation: (i) The low-income Follow Through parents, including low-income parent members of the Policy Advisory Committee; (ii) para-professionals and non-professionals working in the project, and (iii) the professional members of the project staff. The Career Development Committee's duties shall include: (i)

devising a career development plan in accordance with § 158.26(h), (ii) assisting the Policy Advisory Committee to fulfill its responsibilities under subparagraph (4) of this paragraph for selecting paraprofessionals and nonprofessionals to participate in supplementary training programs which the Commissioner may from time to time sponsor.

(e) *Funding.* (1) In order to facilitate the functioning of the Policy Advisory Committee, (i) the committee shall submit a proposed budget of its projected operational costs for each budget period to the grantee for inclusion in the grantee's application, and on the basis of such budget and the negotiations held pursuant to § 158.13(b), and in accordance with local laws and regulations, shall at the beginning of each grant period allocate to the Committee a sum sufficient to allow it effectively to fulfill its responsibilities under paragraph (d) of this section.

(2) Funds allocated to the Policy Advisory Committee under paragraph (e) (1) of this section shall not be used for: (i) The purchase of classroom equipment, (ii) classroom instructional purposes, (iii) personal loans or expenditures.

(3) Policy Advisory Committee members may be compensated for attending a negotiation workshop, special conference or board of education meeting directly related to the Follow Through project at a rate not less than the Federal minimum wage nor more than the wages he would otherwise earn during such time, but in no event shall payments be made to members if no wages are actually lost.

(Economic Opportunity Act, Title V, secs. 551(a)(3), 554(a) (Pub. L. 93-644 sec. 8(a)); 20 U.S.C. 1231d)

#### § 158.20 Employment of low-income persons.

Whenever an opening exists in project staff positions for nonprofessionals or paraprofessionals, the grantee shall actively solicit applications from low-income persons and give preference to such persons in hiring. The highest priority shall be accorded to low-income persons who are parents of Follow Through children. The grantee shall establish hiring procedures which assure that the Policy Advisory Committee will be primarily responsible for recommending the filling of nonprofessional and paraprofessional positions in accordance with § 158.19(d) (4).

(Economic Opportunity Act, Title V, sec. 554(a) (Pub. L. 93-644 sec. 8(a))

#### § 158.22 Parent-implemented projects.

(a) *Eligible projects.* The Commissioner may designate certain of the projects funded under this subpart as parent-implemented projects. Both projects operated directly by nonprofit, private agencies or organizations constituted by parent groups to whom grants are awarded under § 158.11(b)(2) and projects operated by other grantees who delegate significant operating authority to

a parent group are eligible for such a designation.

(b) *Functions of parents.* In a parent-implemented project, the parents (as defined in paragraph (c) of this section) shall assume at least the following functions in regard to project management: (1) All functions of the Policy Advisory Committee set forth in § 158.19(d); (2) all functions of the Career Development Committee set forth in § 158.19(d)(9); (3) primary responsibility and authority for selecting the project coordinator and other project staff.

(c) *Definition.* For purposes of this section, "parents" means all parents of children enrolled or to be enrolled in the project or their duly elected representatives, except that, where the grantee is itself a parent group, it may choose to define "parents" to include the entire body of parents which it represents. In the latter case, the Follow Through parents shall be equitably represented on all boards or committees performing the functions specified in paragraph (b) of this section.

(Economic Opportunity Act, Title V, sec. 551(a)(3) (Pub. L. 93-644 sec. 8(a)); 20 U.S.C. 1231d)

#### § 158.24 Evaluation of program effectiveness.

(a) *General.* Grantees shall participate to the extent requested by the Commissioner in periodic evaluations of the Follow Through Program. Grantees shall comply with all evaluation procedures that the Commissioner from time to time may require unless, after consultation with a particular grantee, he determines that compliance with one or more such procedures would not be in the best interest of the project. Such procedures shall include making available upon request any records or other information which may be reasonably necessary to the conduct of evaluation activities. General program evaluation data may be collected through testing of children, interviews, and questionnaires.

(b) *Evaluation criteria.* In the evaluations referred to in the preceding paragraph, program effectiveness will be evaluated on the basis of criteria established by the Commissioner, such as:

(1) Comparisons of cognitive and affective development of the children served with non-Follow Through children;

(2) Comparison of the cognitive and affective development of Follow Through children, who participated in Head Start and other quality preschool programs with the cognitive and affective development of Follow Through children who did not;

(3) Extent of parent involvement in the project, including participation in the decision-making process and participation in the classroom as paid employees or volunteers, and the effect of the project upon parental attitudes concerning the school and education in general;

(4) Extent of medical and dental care, of psychological services, and of social

services available to low-income Follow-Through children:

(5) Evidence of changes in school programs and in institutional rules and practices which increase the responsiveness of the educational system to low-income children and their parents;

(6) Evidence of positive changes in attitudes of program participants towards themselves and the community; and

(7) Evidence of coordination of community services (e. g., medical services) with the participating schools and their responsiveness to the needs of low-income persons.

(Economic Opportunity Act, Title V, sec. 551(a)(1), (3), 553(a)(2) (Pub. L. 93-644 sec. 8(a)))

#### PROJECT IMPLEMENTATION

#### § 158.25 Project design and development.

(a) *Services and activities.* Each Follow Through project assisted under this subpart shall be designed to fulfill the special purposes of Follow Through set forth in § 158.1 by providing services and activities which focus upon all aspects of child learning and development. The services and activities incorporated into the project proposal shall include all of the program components set forth in § 158.26.

(Economic Opportunity Act, Title V, sec. 551(a)(1), (3))

(b) *Coordination.* In designing and developing the project, the grantee shall provide for coordination among the various program components set forth in § 158.26 to prevent fragmentation of services, and for coordination of each such program component with related community agencies and resources to prevent duplication of existing services. Each program component shall be developed with the participation of (1) the Policy Advisory Committee established under § 158.19; (2) interested community agencies and organizations, including the Head Start agency; and (3) to the extent appropriate, the projects program sponsor.

(c) *Policy Advisory Committee approval.* No program proposal shall be approved or funded by the Commissioner without the prior approval of all program components by the Policy Advisory Committee, unless the Commissioner determines that the basis of the Committee's refusal to approve the proposal is inconsistent with these regulations.

(Economic Opportunity Act, Title V, sec. 551(a)(3) (Pub. L. 93-644 sec. 8(a)); 20 U.S.C. 1231d)

#### § 158.26 Program components.

Unless the Commissioner in particular cases specifies otherwise, each Follow Through project shall include at least the following program components:

(a) An instructional component which generally through association with a program sponsor, implements a particular innovative approach to the educa-

tion and development of low-income children;

(b) A parent and community involvement component which actively involves parents and other interested persons in the community in all aspects of the project through such activities as (1) participation in the work of the Policy Advisory Committee and other parent groups; (2) participation in the classroom as observers or volunteers, or as paid employees under § 158.20; (3) regular home visits and other contacts initiated by project staff; and (4) participation in educational and community activities, developed through other program components;

(c) A health component, developed with the direct assistance of health professionals, which responds to both short- and long-range needs by providing (1) screening, referral, and corrective treatment services for all low-income Follow Through children; (2) preventive activities such as health education for Follow Through children and their families; and (3) activities designed to encourage and improve related community health services and maximum opportunities for their continuation even after conclusion of the Follow Through project;

(d) A social services component designed to aid families of low-income Follow Through children in identifying and solving family problems and to assist in the development of more effective community social services for low-income families;

(e) A guidance and psychological services component which (to the extent consistent with the program approach of the project's program sponsor) utilizes trained psychological personnel to assist the psychological development of low-income Follow Through children through (1) classroom observation followed by consultation with teachers, teacher aides, and other staff members; (2) staff development of pertinent Follow Through personnel; (3) work with Follow Through parents; and (4) testing and appropriate follow-up for Follow Through children where necessary;

(f) A nutrition component which provides for (1) a daily type-A lunch (as defined by the U.S. Department of Agriculture); (2) breakfast and snack where necessary; (3) nutrition education and counseling for Follow Through children and their parents; and (4) training in nutrition for Follow Through staff members;

(g) A training component which includes: (1) Pre-service and in-service training, developed with the assistance of the project sponsor, for the Follow Through staff members including parent coordinator, social services aides and other ancillary personnel, (2) orientation activities for non-Follow Through personnel who have responsibilities relating to the Follow Through project;

(h) A career development component for paraprofessionals and nonprofessionals coordinated with other education opportunities which includes: (1) The implementation of a career development

plan which is established for the purpose of providing for increases in both salary and job responsibility on the basis of job experience, academic background, and other relevant factors; (2) the provision for guidance and counseling in career development; (3) the provision of supplementary training; and (4) the provision of other education opportunities through such means as high school equivalency programs and vocational training programs.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (3) (Pub. L. 93-644 sec. 8(a)))

#### PARTICIPATION OF PRIVATE SCHOOL CHILDREN

##### § 158.28 Numbers of private school children to be served.

(a) Local educational agencies receiving assistance under this subpart, and other agencies, organizations, and institutions receiving such assistance for projects in which one or more local educational agencies participate, shall serve public and private school children in equitable proportions. Such proportions shall approximate the relative proportions of low-income children enrolled at the entering grade level served by the project in the public and private schools in the local education agency's school district who are graduates of a full-year Head Start or similar quality pre-school program.

(b) If a grantee is unwilling or unable to serve public and private school children in equitable proportions as required by paragraph (a) of this section, the Commissioner may appropriately reduce the funds to which such grantee would otherwise be entitled and award another contract or grant under § 158.11(b) for the purpose of serving that proportion of private school children which such grantee would otherwise have served. In determining the amount to be withheld from the latter grantee, the Commissioner will take into account (1) the number of private school children who are excluded from effective participation in the Follow Through project, and who, except for such exclusion, might reasonably have been expected to participate; (2) the number of staff that would reasonably have been required to serve such children, and (3) the nature and extent of services being provided to public school children by the project from which private school children are excluded.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (2) (Pub. L. 93-644 sec. 8(a)))

##### § 158.29 Manner of service.

(a) Private school children may be served pursuant to § 158.28: (1) on public school premises through dual enrollment or shared-time programs; (2) on private school premises, in accordance with § 158.30, or (3) on a neutral site donated or rented for use in the project. If private school children are served under subparagraphs (2) or (3) of this paragraph, they shall be concentrated in as few sites as possible, and such sites shall be located, to the extent practical, in a

public school project area or in reasonable proximity thereto.

(b) The grantee shall involve private school officials and the parents of private school children in planning all phases of the project, including the selection of the method for serving private school children under paragraph (a) of this section and the selection of the program sponsor.

(c) Private school children shall participate to the maximum feasible extent in all phases of the project, and services provided for such children shall be comparable to those provided for public school children in terms of quality, scope, and opportunity.

(d) Any project to be carried out in public facilities and involving a joint participation of children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid classes which are separated by school enrollment or religious affiliation of the children.

(e) The applicant shall be required to inform the Commissioner of the number of private school children to be served and the manner in which and places at which they will be served. If the services differ in type or extent from those to be provided for public school children, the project application shall indicate how and why such services will differ. Letters from private school officials describing their participation in the planning of the project shall be attached to the project proposal.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (2) (Pub. L. 93-644 sec. 8(a)))

##### § 158.30 Provision of services.

(a) Services shall be provided to private school children by the grantee, directly or through a third party contractor (other than the private school whose children are served). In providing such services, the grantee shall: (1) Maintain custody of funds and exercise control over their expenditure, (2) retain title to equipment, textbooks, and other materials acquired with project funds or donated (by other than the private school) as a non-Federal contribution to the project, (3) ensure that project funds are not used to provide services for private school children which would, in the absence of the project, have been provided by the private school in which such children are enrolled and (4) ensure that none of the Follow Through services received by private school children in any way involve religious worship or instruction or religious proselytization.

(b) In complying with paragraph (a) (4) of this section, the grantee shall establish procedures for insuring compliance with the following requirements:

(1) Facilities renovated or rented for use in the project shall be devoid of sectarian or religious symbols, decoration, or other identification. Other facilities used primarily for the project shall, to the maximum feasible extent, also be devoid of sectarian or religious symbols, decoration, or other identification;

(2) Textbooks and other instructional materials used in the project shall be only those which are used in, or approved by an appropriate State or local educational agency or authority for use in, the public schools, or which have been specifically recommended by the program sponsor; and

(3) Project funds shall not be used to pay the salaries of teachers or other employees of a private sectarian school.

(c) The grantee shall describe in the project proposal the method by which it will provide services to private school children in compliance with the requirements of this section.

(Economic Opportunity, Title V, sec. 551(a) (1), (2) (Pub. L. 93-644 Sec. 8(a)); *Lemon v. Kurtzman*, 403 U.S. 602 (1971))

#### Subpart C—Grants and Contracts for Technical Assistance

§ 158.41 Grants and contracts with State educational agencies and other appropriate organizations for technical assistance and leadership.

The Commissioner may make grants to State educational agencies and contracts with other appropriate agencies, organizations, or institutions to enable them to provide technical assistance to local Follow Through projects and otherwise exercise leadership in regard to Follow Through activities in the State. Activities undertaken for such purpose may include, but need not be limited to, familiarizing State educational agency personnel with the Follow Through program and with the projects in their States through on-site visits and other means; promoting the coordination of Follow Through with other State and local programs having similar objectives; assisting local projects to identify and make maximum use of available public and private resources which can contribute to the development of comprehensive projects; assisting local projects to improve school-community relationships; assisting local projects to evaluate project activities and to disseminate information regarding project activities and their evaluation; and assisting local projects with staff training and developmental programs.

(Economic Opportunity Act, Title V, Sec. 553 (a) (3) (Pub. L. 93-644 Sec. 8(a)))

§ 158.42 Criteria for approval and funding of grants or contracts.

(a) *Level of funding.* The amount of a grant or contract awarded under this subpart may not exceed the total of:

(1) \$4,000, which is the base rate;

(2) \$2,000, for each Follow Through project expected to be in operation during the period for which the application is being made; and

(3) An amount arrived at by multiplying the relative incidence of children from low-income families in the State by the amount remaining after subtraction of the total amount computed for all States under subparagraphs (1) and (2) from the total amount available for funding grants and contracts under

this subpart. The Commissioner may increase the amounts stated in subparagraph (2) on a case by case basis.

(b) *Application approval criteria.* The Commissioner will select and fund projects eligible under this section (subject to the provisions of paragraph (a) and (b) of this section) in accordance with the following criteria:

(1) *Programmatic.* (Unsatisfactory, satisfactory, above average, outstanding).

(i) The extent to which the applicant has shown or will show familiarity with the Follow Through program and the projects in its State through site visits and other means;

(ii) The extent to which the applicant will promote coordination of Follow Through with other State and local programs having similar objectives;

(iii) The extent to which the applicant will assist local projects in identifying and making the maximum use of available public and private resources which can contribute to the development of comprehensive projects;

(iv) The extent to which the applicant will assist local projects in improving parent-school-community relationships;

(v) The extent to which the applicant will assist local projects in evaluating project activities and disseminating information regarding project activities and their evaluation;

(vi) The extent to which the applicant will assist local projects with staff training and development programs.

(2) *Organizational.* (Unsatisfactory, satisfactory, above average, outstanding). The extent to which the staffing for administering the grant is adequate to carry out the objectives.

(3) *Management.* (Unsatisfactory, satisfactory, above average, outstanding). The extent to which the applicant will seek information from the local project sites to meet their project needs for technical assistance.

(Economic Opportunity Act, Title V, sec. 553(a) (3) (Pub. L. 93-644 sec. 8(a)))

§ 158.43 Joint applications for technical assistance grants and contracts.

In order to more effectively carry out the purpose of this subpart, applicants which are eligible to receive a technical assistance grant under § 153.41 may submit applications which either in whole or in part envision a joint technical assistance program undertaken in cooperation with other eligible agencies pursuant to § 100a.19 of this chapter. Such joint applications shall clearly delineate the responsibilities of each separate agency in administering the program, and a separate grant will be awarded to each agency to administer its portion of the joint program. No agency receiving funds under this section may be the fiscal or administrative agent for a technical assistance grant or contract for another such agency.

(Economic Opportunity Act, Title V, sec. 553(a) (3) (Pub. L. 93-644 sec. 8(a)))

#### Subpart D—Grants and Contracts for Demonstration

§ 158.51 Eligible projects.

(a) *Activities.* The Commissioner may make awards in the form of grants or contracts, to public and private agencies, organizations, and institutions for the purpose of developing and implementing approaches to the education and development of disadvantaged children, which approaches can serve as models for use in Follow Through and similar programs. Activities undertaken with such assistance may include:

(1) The implementation of classroom instructional techniques and approaches;

(2) The implementation of methods for enlisting and utilizing the parents of disadvantaged children in the educational process;

(3) The implementation of methods for enlisting and utilizing members of the community (other than the parents referred to in paragraph (a) (2) of this section) in the educational process;

(4) The development and application of methods for the evaluation of educational programs designed for disadvantaged children, and for the use and dissemination of information derived from such evaluation; and

(5) The development of techniques for, and the provision of, specialized training for teachers and other personnel (both professional and nonprofessional) involved in the education of low-income children.

(Economic Opportunity Act, Title V, sec. 553(a) (1) (Pub. L. 93-644 sec. 8(a)))

(b) *Special problems.* In addition to the assistance provided under paragraph (a) of the section, the Commissioner may also, where he has determined that projects of the type funded under paragraph (a) of this section can benefit therefrom, make grants or contracts for research pertaining to special problems encountered in the education of disadvantaged children.

(Economic Opportunity Act, Title V, sec. 553(a) (1) (Pub. L. 93-644 sec. 8(a)))

§ 158.52 Funding criteria.

In order to provide the necessary continuity for evaluation of the planned variation approach provided for in § 158.3, the Commissioner will provide financial assistance under this subpart only to those applicants who sponsor educational approaches currently being implemented in the Follow Through Program. The Commissioner shall in accordance with the criteria set forth in Title 45 CFR 100a.26(b), and subject to the requirement of paragraph (c) of § 158.51, renew funding for projects under this subpart on the basis that an applicant has satisfactorily operated a federally funded project under this subpart in the immediate prior year. In order to determine whether the applicant has satisfactorily operated a federally funded project under this subpart in the immediate prior year, the following criteria shall be used.

rated on the scale unsatisfactory, satisfactory, above average, outstanding:

(a) The extent to which the evaluations conducted to date indicate program effectiveness according to criteria such as those defined by § 158.24(b).

(b) The extent to which the sponsor's objectives have been clearly stated.

(c) The extent to which the strategies for achieving the objectives have been clearly delineated in at least the following areas:

- (1) Administration;
- (2) Field services and training;
- (3) Development of previously unused or unpublished materials;
- (4) Evaluation;

(d) The extent to which parents have been and will be involved in sponsor activities.

(e) The extent to which the sponsor has provided and will provide for the training of:

- (1) Administrators;
- (2) Teachers;
- (3) Teacher aides and other paraprofessionals;
- (4) Parents;
- (5) Others;

(f) The extent to which the sponsor has provided and will provide for the evaluation of the educational approach.

(g) The extent to which indicators of effective management have been present including:

- (1) Staffing pattern and percent of time allocated;
- (2) Qualifications of key personnel.

(h) The extent to which the sponsor has provided and will provide for monitoring the implementation of the model in the projects.

(Economic Opportunity Act Title V, sec. 553(a)(1) (Pub. L. 93-644 sec. 8(a)))

**Subpart E—Federal Financial Participation**  
**§ 158.63 Federal share of expenditures.**

The Federal share of expenditures incurred under Follow Through grants and contracts made pursuant to this part, up to the total specified in the award document, shall be:

(a) For local projects under Subpart B of this part (excluding Supplementary Training and the additional funds for demonstration awarded under § 158.15(a)), the difference between the non-Federal share required by § 158.64 and total expenditures;

(b) for Supplementary Training under Subpart B and for technical assistance under Subpart C of this part, 100 percent of expenditures; and

(c) For demonstration programs under § 158.15(a) of Subpart B and Subpart D of this part, 100 percent of expenditures.

(Economic Opportunity Act, Title V, sec. 551, 552(b), 553(a)(1), (3) (Pub. L. 93-644 sec. 8(a)))

**§ 158.64 Non-Federal share.**

Subject to the provisions of § 158.63, the grantee shall share part of the costs of a Follow Through project funded under Subpart B of this part. That share (hereinafter, "non-Federal share") is an amount equal to not more than:

(a) 20 percent of the total (combined Federal and non-Federal approved cost of the project if the project comprises one grade level;

(b) 18.5 percent of that cost if the project comprises two grade levels;

(c) 14.5 percent of that cost if the project comprises three grade levels; and

(d) 12.5 percent of that cost if the project comprises four or more grade levels.

Once the project has reached its highest grade level (at least four grades, unless no kindergarten is in operation in the school district) and has operated at that level for a period of two project years, the non-Federal share increases again up to the maximum 20 percent, rising in the same increments (one per year) in which it decreased to its lowest point. Criteria and procedures for the allowability and evaluation of cash and in-kind contributions in satisfying the non-Federal share are set forth in Subpart H of Part 100a of this chapter.

(Economic Opportunity Act, Title V, sec. 552(b) (Pub. L. 93-644 sec. 8(a)))

**§ 158.65 Criteria for increase in Federal share.**

The Commissioner is authorized to increase the Federal share of the cost of a project indicated in § 158.63(a) under the following circumstances:

(a) *Minimum per capita income of area which project serves.* (1) Where the total per capita personal income in 1973 in the county which the Follow Through project serves was less than \$3,000 per year as stated in the April 1975 edition of "Survey of Current Business" published by the U.S. Department of Commerce (tables on pages 36-53); or

(2) If based on: recent reliable data, the total per capita personal income of the county which the Follow Through project serves was less than \$3,000 per year in a year later than 1973; or

(3) If the recipient can demonstrate, using reliable data, that the total per capita personal income of the political subdivision of the county which the Follow Through project serves, or of the project area, was less than \$3,000 in 1973 or any later year; or

(4) If, in the case of a project serving migratory children or Indian children on reservations, it is demonstrated, based on reliable data, that the total per capita personal income of the group being served by that project was less than \$3,000 in 1973 or any later year.

(b) *Major disaster in project area.* Where a major disaster has occurred in the area served by the Follow Through project and that major disaster affects the capability of the applicant to operate the project unless the Federal share of the total approved cost is increased above 80 percent. For purposes of this paragraph "major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other natural catastrophe.

(c) *Inability of local support agency to obtain current financing.* If the Follow Through grantee is being supported

wholly or in part by local funds and the county or city (or political subdivision of the county or city) which provides local funds to the grantee is recognized under Federal law as being eligible for Federal financial assistance during the fiscal year in which the project is carried out, because of the inability or threatened inability of that county, city, or political subdivision to obtain current or seasonal financing from its customary sources;

(d) *Unusual circumstances.* If the financial or human resources which would otherwise be available for use in the Follow Through project have been significantly reduced by unusual circumstances (other than those referred to in paragraphs (b) and (c) of this section) affecting the city, county, or political subdivision of the city or county being served by the project.

(42 U.S.C. 2029a(b).)

**§ 158.65a Application for increase in Federal share and review of applications.**

(a) *Contents of application.* An applicant which desires an increase in the Federal share of a Follow Through project as authorized by § 158.65 shall request this increase in writing and in this request include the following:

(1) A statement of the applicant's reason for requesting the increase, supported by information sufficient to enable the Commissioner to determine the validity of the reason for the request. This information shall indicate, where relevant, the total per capita personal income of the county, city, or political subdivision of the county or city served by the project, or the total per capita personal income of the group being served by the project, and the source or sources of this information concerning total per capita personal income;

(2) Information showing that the applicant has made a reasonable effort to provide the non-Federal share required by § 158.64;

(3) A statement of the amount of the non-Federal share which the applicant is able to provide, and the extent to which this contribution is in kind.

(b) *Projects serving more than one area.* An applicant whose project serves more than one county, city, or political subdivision of a county or city, may apply for financial assistance in excess of 80 percent of the total (combined Federal and non-Federal) approved cost of that portion of the project serving the county, city or political subdivision which is eligible for an increase in the Federal share under § 158.65.

(c) *Review of applications.* Based on the Commissioner's review of an application submitted under paragraph (a) of this section and such additional evidence as may be required, the Commissioner may approve the application for a reason specified in § 158.65 in any amount up to 100 percent of the total approved cost of the project, or may disapprove the application. The Commissioner shall render a decision in writing and shall include a statement of the facts and the reasons for the decision.

(d) *Period of increase.* The Commissioner may not approve an increase in the Federal share for any period in excess of one year, but may renew approval upon resubmission of a written application that complies with this section.

(42 U.S.C. 2929a(b))

**§ 158.66 Use of funds for sectarian purposes.**

Funds appropriated under the Act and distributed under this part shall not be used for any purpose which involves religious worship or instruction or religious proselytization.

(*Lemon v. Kurtzman*, 403 U.S. 602 (1971))

**§ 158.67 Prohibition against supplanting.**

Services and activities provided with funds made available under Subpart B of these regulations shall be in addition to, and not in substitution for, services and activities previously provided without Federal assistance.

(Economic Opportunity Act, Title V, Sec. 552(c) (Pub. L. 93-644 sec. 8(a)))

**§ 158.68 Salary and wage limitations.**

To the extent paid from Federal funds or matching non-Federal funds, the rate of compensation of persons engaged in activities funded under this part shall not be less than the prevailing Federal minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, nor more than the average rate paid to a substantial number of the persons providing substantially comparable services in the community where the project is located or, if higher, the average rate paid for such services in the area of the employee's immediately preceding employment.

(Economic Opportunity Act, Title V, sec. 573(a) (Pub. L. 93-644 sec. 8(a)))

**Subpart F—General Provisions**

**§ 158.84 Suspension, termination, and refusal to refund.**

(a) (1) Assistance under the program may be terminated in whole or in part if the Commissioner determines after affording the recipient reasonable notice and an opportunity for a full and fair hearing, that the recipient has failed to carry out its approved project proposal in accordance with the applicable law and the terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term or condition applicable to the program. Assistance under this program may be suspended during the pendency of a termination proceeding initiated pursuant to this paragraph but only in emergency situations, e.g., where there is evidence of flagrant misuse of funds by the recipient, or evidence of unauthorized activity by the recipient which poses a threat of harm to children participating in the program.

(2) Proceedings with respect to the termination of a grant shall be initiated by the mailing to the recipient of a notice by certified mail, return receipt

requested, informing the recipient of the Government's request for termination and the specific grounds therefor, together with information regarding the time, place, and nature of the hearing to be held and such other information with respect to the conduct of such proceedings as the Commissioner may determine. If the Commissioner determines for the reason specified in subparagraph (1) that suspension of assistance during the pendency of such proceedings is necessary, he shall afford the recipient reasonable notice of such determination. Such notice shall: (i) Inform the recipient of such determination, (ii) advise the recipient of the effective date of such suspension (which will be no earlier than the date of such notice), and (iii) offer the recipient an opportunity to show cause why such action should not be taken.

(3) A notice of suspension of assistance shall advise the recipient, in addition to the matters described in paragraph (a)(2) of this section, that any new expenditures or obligations made or incurred in connection with the program during the period of the suspension will not be recognized by the Government in the event the assistance is ultimately terminated. Expenditures to fulfill legally enforceable commitment made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program or project, and not in anticipation of suspension or termination, shall not be considered new expenditures.

(4) Termination of assistance shall be effected by the delivery to the recipient of a final order of termination, signed by the Commissioner or his designee, or where the recipient invokes the procedures available under paragraph (b)(2) of this section, upon an initial decision of an administrative law judge becoming final without appeal to or review by the Commissioner. If an initial decision of the administrative law judge is appealed to or reviewed by the Commissioner pursuant to paragraph (b)(2) of this section, then termination of assistance shall be effective upon a decision by the Commissioner holding that such termination is appropriate.

(5) In the event assistance is terminated under this section, financial obligations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended pursuant to paragraph (a)(1) of this section and no obligations incurred in anticipation of suspension or termination will be allowed. Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any amounts found due.

(b) (1) If the recipient requests an opportunity to show cause why a suspension of assistance pursuant to paragraph (a)(1) of this section should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for such purpose.

(2) Hearings respecting the termination of assistance pursuant to this section shall be conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 554-557). Proposed findings of fact, conclusions of law, and briefs will be submitted to the presiding officer within 20 days of the conclusion of the hearing.

(3) The initial decision of an administrative law judge regarding the termination of a grant under the program shall become the decision of the Commissioner without further proceedings unless there is an appeal to, or review on motion of, the Commissioner made in writing no later than 15 days after receipt by the party requesting such appeal or review of the decision of the administrative law judge. A request for appeal or review under this section shall be accompanied by exception to the administrative law judge's decision, proposed findings, supporting reasons and briefs. The adverse party shall submit its reply no later than 15 days after the submission of such request for appeal or review. The Commissioner shall issue a final decision in the case of such appeal or review no later than 30 days after the final submission of the above materials by the parties. The Commissioner may delegate his functions under this subparagraph to an appellate review council established and appointed by him.

(c) The procedures established by this section shall not preclude the Commissioner from pursuing any other remedies authorized by law. Proceedings pursuant to Part 80 of this title with respect to the eligibility of an applicant for assistance under Title VI of the Civil Rights Act (42 U.S.C. 2000d) shall be governed by the regulations in that part and Part 81.

(d) The Commissioner may not deny applications for refunding under this part unless the applicant has been given reasonable notice and opportunity to show cause why this action should not be taken.

(Economic Opportunity Act, Title V, sec. 554(b), (c) (Pub. L. 93-644 sec. 8(a)))

**§ 158.85 Nondiscrimination provisions.**

(a) The Secretary shall not provide financial assistance for any program, project, or activity under this part unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation or beliefs.

(Economic Opportunity Act, Title V, sec. 574(a) (Pub. L. 93-644 sec. 8(a)))

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the



benefits of, be subject to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this part. Section 603 of the Civil Rights Act of 1964 shall apply to any action taken by the Secretary to enforce this paragraph.

(Economic Opportunity Act, Title V, sec. 574(b) (Pub. L. 93-644 sec. 8(a)))

(c) This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program, project, or activity receiving assistance under this part.

(Economic Opportunity Act, Title V, sec. 574(b) (Pub. L. 93-644 sec. 8(a)))

**§ 158.86 Limitation with respect to certain unlawful activities.**

No individual employed or assigned by any agency assisted under this part shall, pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this part by such agency, plan, initiate, participate in, or otherwise aid or assist in the conduct of

any unlawful demonstration, rioting, or civil disturbance.

(Economic Opportunity Act, Title V, sec. 574(b) (Pub. L. 93-644 sec. 8(a)))

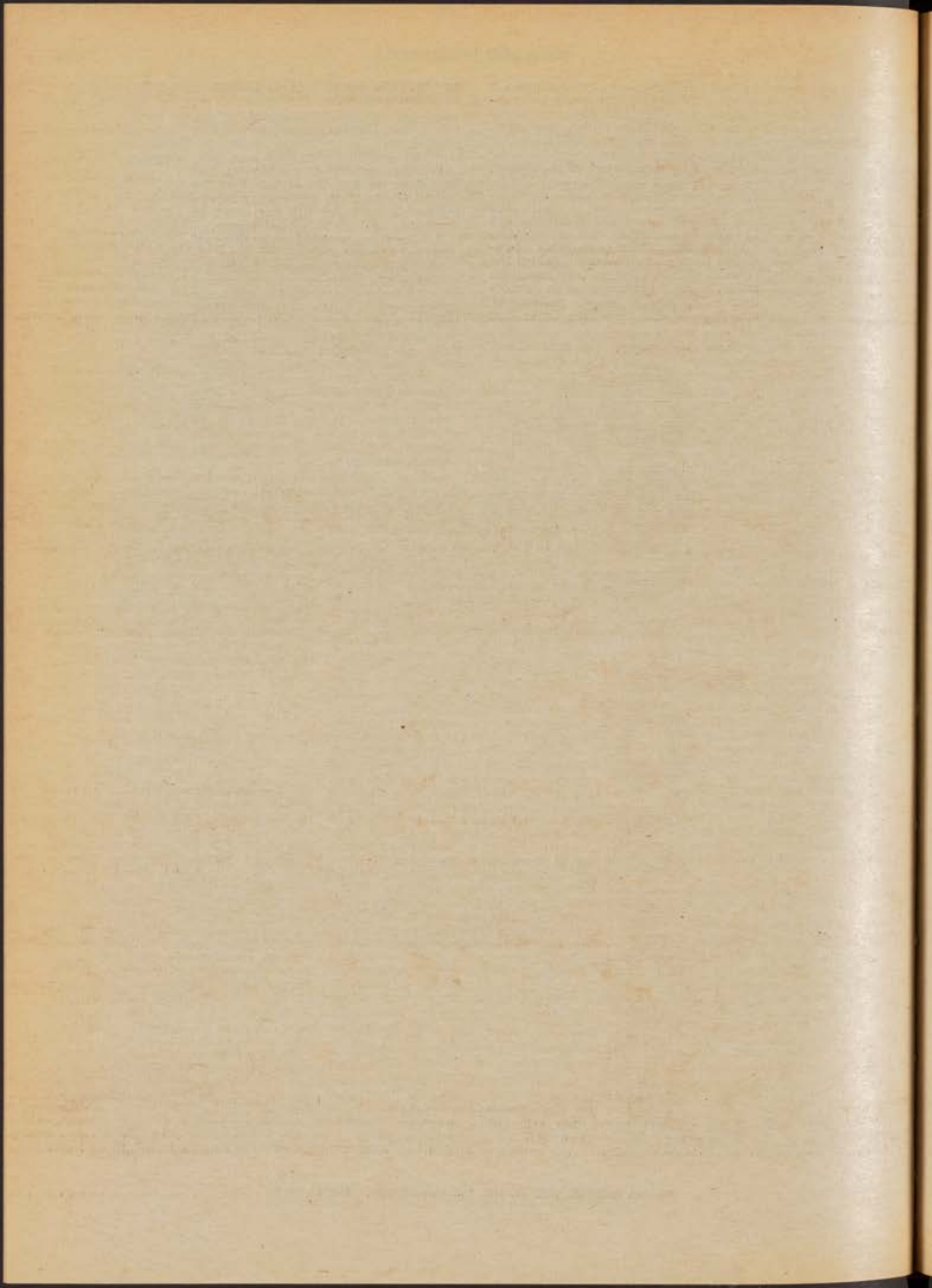
**§ 158.87 Political activities.**

(a) For purposes of clauses (1) and (2) of section 1502(a) of title 5 of the United States Code, any agency receiving assistance under this part shall be deemed to be a State or local agency.

(b) Programs assisted under this part shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity.

(Economic Opportunity Act, Title V, sec. 576 (a), (b) (Pub. L. 93-644 sec. 8(a)))

[FR Doc. 77-18282 Filed 6-28-77; 8:45 am]



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register**

**WEDNESDAY, JUNE 29, 1977**

**PART IV**



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**FEDERAL ENERGY  
ADMINISTRATION**

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**ENERGY AUDIT  
PROCEDURES**

**Title 10—Energy**  
**CHAPTER II—FEDERAL ENERGY**  
**ADMINISTRATION**  
**PART 450—ENERGY AUDITS**

AGENCY: Federal Energy Administration.

ACTION: Final rule.

**SUMMARY:** This document designates types of, and requirements for, energy audits as required by the Energy Conservation and Production Act. Energy audits are procedures to be used in determining energy and cost savings likely to result from the purchase and installation of a particular modification in a building or industrial plant. This document also contains projections of future energy prices to be used in calculating these savings and includes certain criteria for determining whether a particular modification meets certain requirements prescribed by law for either an energy conservation measure or a renewable-resource energy measure.

**DATE:** Effective date: June 20, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Sydney D. Berwager, Office of Program Development, Office of Conservation, Federal Energy Administration, Washington, D.C. 20461, 202-566-7472.

**SUPPLEMENTARY INFORMATION:**

1. Introduction.
2. Section 450.2 Uses of Energy Audits.
3. Section 450.3 Definitions.
4. Section 450.4 Qualifying Conditions.
  - A. Primary Purpose.
  - B. Ineligible Fuel Conversion.
  - C. Energy Price Projections.
5. Information Audits:
  - A. Section 450.12 Contents.
  - B. Section 450.13 Auditors.
  - C. Section 450.14 Costs.
6. Verification Audits:
  - A. Section 450.21 Contents.
  - B. Section 450.22 Auditors.
  - C. Section 450.23 Costs.

**1. INTRODUCTION**

On April 8, 1977, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking, 42 FR 20012 et seq., April 15, 1977, to add a new Part 450 to Chapter II of Title 10, Code of Federal Regulations (CFR), to designate, by rule, types of, and requirements for, energy audits under Section 432(d), 42 U.S.C. 6325(e) (2), of the Energy Conservation and Production Act (Act), Pub. L. 94-385, 90 Stat. 1125 et seq.

Comments on the proposed rules were invited from interested persons by May 13, 1977, and public hearings were held in Washington, D.C. on May 10, 1977, and in San Francisco, California on May 13, 1977. In addition, FEA accepted oral comments on the proposed rules at the public hearings it scheduled in each of the ten FEA regions on its proposed supplemental State energy conservation plan guidelines. In response to

the notice of proposed rulemaking, 19 persons presented oral testimony and 31 written comments were received by FEA. These final rules contain revisions to the proposed rule which reflect FEA's consideration of the comments as well as other information available to FEA.

Some comments reflected a general lack of understanding of the nature of the rules. Three noted they found the rules confusing. Six comments confused the conduct of energy audits with programs under which an industry regularly reports to the Federal Government on the characteristics of its energy use. Two other comments recommended that the energy audits be used after the purchase and installation of a modification to assure that anticipated energy and cost savings are achieved. To correct the misunderstandings evidenced by these comments, FEA has revised certain sections of the rules to make clear that these rules cover energy audits which are undertaken voluntarily by building and industrial plant owners and operators to identify cost-effective opportunities for reducing energy costs.

Seven comments recommended changes contrary to the enabling legislation or recommended that the rules be revised to reflect adoption of requirements in legislative proposals being considered by the Congress, with particular reference to those submitted by the President under his recommended National Energy Plan and various proposed amendments to the Clean Air Act. This regulation implements provisions of the Act pertaining to energy audits and energy measures and cannot legally create by rule requirements not authorized by enabling legislation enacted at this time.

Eight comments were received concerning the need for certain FEA administrative actions to enable States to conduct energy audit programs which they feel would be more effective than those developed under current guidelines. Examples of this type of comment are the five received regarding FEA's restrictions on the use of Federal financial assistance to pay auditors to perform Class A energy audits. While these comments have some relevance to the energy audit rules, they have already been addressed in developing FEA's supplemental State energy plan guidelines, 42 FR 26413, May 24, 1977.

A number of specific comments were received advocating various actions which are outside the purview of the energy audit rules. Two comments recommended specific equipment for designation as energy measures. These comments will be considered by FEA along with other comments to be received in response to the proposed energy measures list, 42 FR 29906, which was published on June 10, 1977. Five comments contained observations regarding areas for reducing energy waste. Three pointed out that parties other than States could carry out information audits and one strongly protested that government activity in the conduct of energy audits was inappropriate.

**2. SECTION 450.2 USES OF ENERGY**  
**AUDITS**

FEA received eight comments on the uses of energy audits. Three comments concerned the applicability of energy audits to major energy consuming industries required to report to FEA on their progress in improving energy efficiency under Part D, Title III, of the Energy Policy and Conservation Act 42 U.S.C. 6345. One comment suggested they be applicable only when used voluntarily. Two comments recommended the guidelines be sufficiently flexible so as not to render ineligible for qualification as information audits existing energy audit programs.

Two comments also revealed uncertainty concerning the differences between uses of information and verification audits. They expressed concern that the only differences appeared to be in the amount of detail required and that there seemed to be no specific use for the verification audit.

This regulation does not change proposed § 450.2. However, some further clarification may prove useful. An energy audit provides a process to identify an energy measure and to establish the energy and cost savings likely to result from the purchase and installation of an energy measure.

The information audit procedures provided by this rulemaking will be used by States participating in the program for supplemental State energy conservation plans. To be eligible for financial assistance, Section 432 of the Act (42 U.S.C. 6326), provides that a supplemental plan shall include procedures to encourage energy audits. As discussed above, final guidelines for supplemental plans were published by FEA, and Congress has appropriated \$12 million for this program.

A verification audit may be used by FEA to identify an energy measure which may be eligible for Federal financial assistance under Section 451 of the Act, 42 U.S.C. 6881. Additionally, FEA may require a verification audit to verify the effectiveness of a renewable-resource energy measure selected to receive financial assistance under Section 509 of the Housing and Urban Development Act of 1970, as amended (Section 441 of the Act; 12 U.S.C. 1701z-8). No funds have been appropriated to provide financial assistance for implementation of either of these programs.

**3. SECTION 450.3 DEFINITIONS**

FEA received eleven comments on the definition of energy audits. Two considered the definition so narrow as to inhibit State creativity and innovation. Three expressed the view that the definition is too limited because it does not require analysis of non-capital and operational changes such as lowering thermostats, cleaning exhaust filters and lubricating motors and bearings.

The statutory definition of energy audits is restricted to a process for identifying the energy and cost savings likely to result from the purchase and installation of an energy measure. An

energy measure is a specific change made to a building, industrial plant or industrial process and which involves a measurable purchase and installation cost. The Act's definition is thus too narrow to provide for an energy audit of operational changes such as new management systems for repairs, replacements and maintenance. Moreover, the definition does not include procedures for identifying either inefficient energy consuming conditions, practices or procedures or techniques for evaluating cost-effective combinations of energy conservation techniques to remedy deficient conditions. At the present time, FEA is confined by the restrictions imposed by the statutory definitions although it encourages the use of procedures similar to energy audits for these other purposes.

One comment observed that the proposed rules allowed energy measures an unreasonably long period within which to recover the costs of purchase and installation. Another recommended adding the word "source" after the word "energy" each time it appeared in the definition of energy conservation measure. In both these cases, FEA will use the statutory wording.

Two comments were received on the definitions of fuels. As a result, changes have been made to the definitions of "Distillate Fuel" and "Liquefied Petroleum Gas" to make them consistent with the definitions used in the Project Independence Evaluation System to project the prices for each as shown in Appendix A.

One comment suggested that peat be specified as a non-fossil fuel. FEA has not made this revision because it has not determined that peat is not a fossil fuel.

FEA revised the definition of "Modification" to provide that it must not only constitute a change to a building or industrial plant but must also be capable of being purchased and installed and of producing energy and cost savings.

To provide greater clarity and precision, this rulemaking also changes the definitions for "British Thermal Unit," "Energy Audit," "Energy Conservation Measure," and "Renewable-Resource Energy Measure." Moreover, to provide clarity of drafting, the following definitions have been added—"Act," "FEA" and "Regional Administrator."

#### 4. SECTION 450.4 QUALIFYING CONDITIONS

Proposed § 450.4 stated the criteria FEA would use to determine whether a particular modification meets certain requirements of the Act for designation as an energy measure.

##### A. PRIMARY PURPOSE

FEA received seven comments on the "primary purpose" requirement for an energy conservation measure as set forth in proposed § 450.4(a). Four of the comments did not properly interpret the relationship between proposed § 450.4(a), which pertained to "primary purpose," and proposed § 450.21(b)(5)(i) and (ii), which required an evaluation of any increased energy efficiency. Only if there

is an increase in the energy efficiency index with the use of a modification will FEA find an improvement in the efficiency of energy use. The final rulemaking provides this clarification in § 450.4(a). Only if a modification would produce an increase in the energy efficiency index, as required in § 450.21(b)(5)(i) and (ii), will FEA find an improvement in the efficiency of energy use.

Two comments suggested that, if not less than 50 percent of the purchase and installation costs of a modification were recovered from energy cost savings, the primary purpose requirement should be considered met because there may be cost savings other than those considered in proposed § 450.4(a).

FEA believes complete cost recovery should be shown because the regulation, as revised, now requires the consideration of the cost savings associated with a modification's operating and maintenance costs in § 450.21(b)(2). However, the audit procedures do not consider other types of cost savings which might result from the modification because such savings are beyond the scope of this rulemaking.

Two comments indicated that specifying the energy value of electricity at 3,412 Btu per kilowatt-hour unduly promoted the utilization of electrically powered modifications. Another comment stated that the consequences of electrical energy use were not well defined because of the diversity of fuels and methods used for electrical energy generation. A fourth comment advocated using a value which would reflect the loss of energy both at the point of electric power generation and during transmission to the point of use.

To account for these losses, § 450.21(b)(5) now provides for a conversion factor of 10,500 Btu per kilowatt-hour of electricity. However, the lower conversion factor is retained for use in § 450.21(d)(2) as it represents the energy content of a kilowatt-hour of electricity at the point of use after the generation and transmission losses have occurred.

##### B. INELIGIBLE FUEL CONVERSION

FEA received fifteen comments on various aspects of fuel conversions. Seven comments recommended adopting the procedure prescribed in Chapter 12 of ASHRAE Standard 90-75, for computation of primary source energy use. FEA has determined that the limited applicability of ASHRAE 90-75 makes it unsuitable for these guidelines, but has identified no other generally applicable process that will permit accurate computation of primary source energy use. While a technique for evaluating the impact of a modification on the consumption of imported fuel at the point of generation would be ideal, FEA knows of no such technique which is sufficiently accurate and efficient to adopt in these guidelines.

One comment recommended that a conversion to natural gas be an eligible conversion, citing the fact that since the proposed guidelines for energy audits were published prior to release of the

President's proposed National Energy Plan the guidelines did not properly reflect provisions of that plan relating to natural gas. FEA finds that National policy has been consistently directed at reducing the demand for natural gas, and that § 450.4(b) is consistent with this policy by discouraging conversions to natural gas.

##### C. ENERGY PRICE PROJECTIONS

FEA received twenty-one comments on various issues related to the FEA price projections published in proposed § 450.4(d) and (e) and Appendix A.

One comment focused on the various assumptions used to develop the Project Independence Energy System (PIES) price projections. Specific criticisms were made regarding the capital cost, high capacity utilization and implicit Federal subsidy factors used in projecting electricity rates. Four comments recommended that the price projections reflect proposed energy and environmental legislation being considered by the Congress although none took issue with FEA's judgment that they are reasonable reflections of existing laws and policies.

Two comments were received regarding possible revision of the price projections. One recommended that significant changes—either based on better information and forecasting techniques or on revised energy and environmental policies—undergo public hearings. Another recommended that FEA's official projections be revised no more than once a year so that analyses and analytical models would not have to undergo revision too frequently.

FEA intends to revise its projections when appropriate and may hold public hearings when significant changes are made to these projections. FEA will endeavor to provide up-to-date projections but not with such frequency as to cause undue burdens, uncertainty, and confusion for energy auditors.

One comment criticized the Reference Case assumption that imported oil prices would remain constant because of rising exploration and development costs. However, the price projections are based, in part, on the fact that production costs, particularly in the Middle East, are much lower than the price being charged for the exported oil.

One comment recommended the use of marginal energy prices to better reflect the social costs of energy consumption. However, FEA's projected prices reflect the actual costs which FEA believes the consumer will have to pay.

Another comment pointed out the lack of projected prices for residential and commercial consumers of coal. FEA projects that such consumption will be extremely small, even into the 1990's. Additionally, a disproportionate share of the costs of coal to these users would consist of local transportation and distribution costs which might vary greatly within a region and State. Therefore, until such time as FEA has reason to believe that residential and commercial coal consumption will make up a signifi-

cant share of the energy market, it will not attempt to project these costs.

A number of nonspecific comments on the energy price projections were received. Two criticized their reliability. Three asserted that the use of escalation rates would provide a better basis for investment decisions. Three comments stated that the price projections should be further differentiated to account for declining block rates or for differences between utilities within a region or State. FEA considers that its approach, which differentiates between regions and types of customers while allowing optional use of an adjustment formula to account for sub-regional or specific user differences, is the most effective approach for evaluation of the influence of major factors on future energy prices.

Two comments pointed out a technical error in the formula which allows an applicant to adjust the non-electricity prices in Appendix A to better reflect the applicant's individual conditions. The formula in § 450.4(d)(2)(i) has been corrected.

Finally, the prices in Appendix A of this final rule are slightly different from those included in the proposed rule. They reflect the April 19, 1977, PIES Base Case results. This is based on a recent forecast of future growth in the gross national product by the President's Council of Economic Advisers and is the case used as a reference for evaluating the initiatives included in the National Energy Plan announced by the President on April 20, 1977. In addition, a few minor technical changes were made in the forecasting model.

#### 5. INFORMATION AUDITS

FEA received forty-one comments concerning both information and verification audits. Several pertained to guidelines in Subpart E, of Part 420, Chapter II of Title 10, CFR, which prescribe rules for supplemental State energy conservation plans. Seven of these concerned the use of Federal funds in conducting State-sponsored information audits.

Section 420.106 of Subpart E, which prescribes guidelines for allocation and uses of Federal financial assistance funds in the development, implementation, and modification of State supplemental plans, provides that grant funds may not be used to pay auditors to perform Class A energy audits. However, FEA expects that almost all States will charge fees to perform Class A energy audits of commercial buildings and industrial plants, which fees may be used to compensate persons who carry out Class A energy audits. This provision does not prohibit a State from using grant funds to employ a person to plan or supervise the implementation of a Class A information audit program measure or to develop Class A information audit materials.

Five comments referred to the funding, availability, or applicability of information audit materials, such as Class C workbooks, and to the conduct of Class B audits. These matters are beyond the scope of this rulemaking and were considered in the final rulemaking for supplemental plans.

#### A. SECTION 450.12 CONTENTS

Three comments were received to the effect that the guidelines for the contents of information audits were too strict. One of these comments recommended that the regulation should specify only that a State should be required to submit a plan to FEA for approval. Another advocated that the regulation should only specify energy audit and related energy savings goals for each State to use in devising its program strategy.

FEA has basically retained the approach contained in the proposal. FEA has been prescriptive with respect to contents to assure a certain minimum level of performance and quality. However, one important change has been made in § 450.12(d) that permits a simplified approach to an information audit of a dwelling unit. A State may use either the Project Conserve Questionnaire and related computer program, which is a Class B information audit package available from FEA; the Home Energy Savers Workbook, which is a Class C information audit workbook prepared by FEA; or an approach determined by the Regional Administrator to meet or exceed the standards set by the questionnaire and the Workbook.

#### B. SECTION 450.13 AUDITORS

One comment supported, and two disagreed with, the concept that an audit should be performed only by an auditor who is independent of the building or industrial plant that is the subject of the audit in order to prevent mismanagement and to achieve the most cost-effective results. One comment suggested that proposed § 450.11(a)(1) be amended to require that a Class A information audit be performed by a person meeting qualifications of auditors as prescribed for verification audits in proposed § 450.22 (a) or (b) as appropriate.

FEA has determined to retain proposed § 450.13 in this rulemaking in its entirety. FEA believes that precluding an otherwise qualified person from conducting an information audit because of a financial interest such as ownership of or employment in a building or industrial plant could, in fact, be counter-productive. A person with a financial interest may frequently have comprehensive knowledge of conditions in the building or industrial plant that is the subject of an information audit.

#### C. SECTION 450.14 COSTS

FEA received twenty comments applicable to information audit costs. Seventeen of the comments dealt specifically with the amount proposed to be allowed. One comment said that the effect of prescribing a maximum fee would actually result in that amount becoming a "floor" for audit fees. Six of the comments stated that the 7 percent figure was unfair or inapplicable because 7 percent of the year's energy costs for a separate single family residence or a small commercial building would not be sufficient to pay the costs of a Class A energy audit while the same percentage would exceed the costs of conducting a Class A

information audit of a larger facility. Two comments suggested using either a formula or a ceiling value per hour of effort in performing an audit. One comment recommended using a 3 percent upper limit with certain exceptions, and another recommended that the only limit imposed should be for government reimbursement. Three comments recommended using an approach which FEA has decided to follow.

FEA has considered these comments and other information available and concludes that § 450.14(b) should be revised. In § 450.14(b) where total annual energy costs for the preceding 12 months are less than \$40,000, the fee must be less than 10 percent of those energy costs; where total annual energy costs are more than \$40,000 but less than 1 million dollars, the fee must be less than 5 percent or \$4,000 (whichever is greater); where annual energy costs exceed 1 million dollars, it must be less than 2.5 percent or \$50,000 (whichever is greater). A State's supplemental plan may include provision for exceptions to the cost guidelines for those isolated cases where a building or an industrial plant possesses unique or unusually complex characteristics in the use of energy. A State may prescribe lower fees in its supplemental plan.

One comment stated that basing audit costs on energy costs was unfair as energy prices vary significantly among regions, and an audit in one region is allowed to cost substantially more than an audit for a similar installation in another region. FEA does not intend to prescribe the proper fee but to set some easily identifiable upper limit. Moreover, this approach is the most reasonable since the scope of work necessary for an audit will vary with each specific case.

One comment asserted that the person for whose benefit the audit is conducted should be required to pay a portion of its cost so that he will have a financial incentive to use the information obtained to conserve energy. FEA believes that energy audits are to be encouraged by a State's supplemental plan and FEA will not require cost sharing by persons benefiting from the audit. Moreover, the Act requires that an audit impose no direct costs on individuals who are occupants of dwelling units in any State having a supplemental plan.

#### 6. VERIFICATION AUDITS

Twenty-seven parties commented on one or more aspects of the analytical approach proposed in Subpart C, Verification Audits. Many of the general comments indicated a misunderstanding of the use of verification audits. This issue has been discussed above.

Five general comments were received. Three recommended, on the one hand, that FEA prescribe more technical detail. On the other hand, one comment suggested that it was premature to issue energy audit rules at this time because techniques for conducting energy audits are constantly being improved. FEA is under statutory requirement to develop the types of, and requirements for, energy audits. FEA intends to provide ad-

ditional approaches and improve the techniques prescribed as experience is gained in the use and evaluation of energy audits.

#### A. SECTION 450.21 CONTENTS

Fourteen comments were received regarding the possible inclusion of operating and maintenance costs in the cost recovery calculations. One agreed with the FEA proposal to ignore such costs. Thirteen disagreed and recommended that operating and maintenance costs which are attributable to the use of a modification be included in the cost of purchase and installation. Upon consideration, FEA agrees with this recommendation and has accordingly added § 450.21(d)(1)(iii) to require the inclusion of operating and maintenance costs. FEA believes such costs can be accurately identified and should be considered.

Eight comments were received on the net present value approach in proposed § 450.21(d) for comparing the costs and savings to be derived over the attributed life of the measure. One comment stated that the 10 percent discount rate in proposed Appendix B was too high; two indicated their view that it was too low and one suggested the use of the investor's desired internal rate of return as a discount rate. FEA, however, still believes that the 10 percent discount rate represents an appropriate balance among the somewhat competing requirements for standardization, equity, and financial soundness the discount rate attempts to meet.

On a further issue related to proposed § 450.21(d), three comments noted that, on the one hand, principal and interest payments were expressed in current dollars not adjusted for inflation and, on the other hand, projected energy cost savings were expressed in constant dollars, in which such an adjustment is implicit. According to these comments, the effect is similar to trying to compare different currencies for which no rate of exchange has been established. One comment recommended using an 8 percent inflation rate to convert from inflated to constant dollars; another suggested 5 percent.

FEA cannot accurately predict an inflation factor for the economy. However, the disequilibrium created by comparing current dollars for purchase and installation costs with constant dollars for energy savings cannot be ignored. Accordingly, in § 450.21(d)(1)(i), FEA requires the use of correction factors set forth in Appendix C. This effects a technical adjustment to make projected principal and interest payments comparable with projected energy cost savings.

As FEA develops further experience in the use of energy audits, it will continue to consider and evaluate the consequences of this approach and, where appropriate, make allowances and adjustments to ensure requisite comparability between projected principal and interest payments and projected energy cost savings.

Seven comments emphasized the need to strengthen the audit's ability to ensure that Federal assistance is not provided for one measure where another, more cost-effective, measure is available. How an audit will be used in a Federal program which provides financial assistance for an energy measure is at this time an important but premature concern which is expected to be fully considered in the context of the specific Federal program.

Two comments recommended both the modification to be purchased and installed and any modification which could be a reasonable substitute undergo detailed assessment; another recommended that the regulation require that the most cost-effective measure available be chosen. One recommended that an audit demonstrate that all cost-effective, low capital measures for reducing energy use will be taken. Finally, one suggested that the applicant show reasons for rejection of other modifications.

After considering these comments, FEA has revised its proposed rules to require the identification of all modifications and energy conservation actions that were considered but rejected. Under § 450.21(b)(3), a verification audit must explain the reasons for choosing not to implement the modifications and energy conservation actions which were rejected. This avoids a cumbersome requirement for detailed, costly assessment of all alternative modifications but still provides information on the analysis which preceded the selection of a modification.

Eleven comments suggested that FEA allow combinations of modifications to qualify as an energy measure, even if certain specific modifications do not meet each requirement for separately qualifying as an energy measure. In § 450.21(b), FEA requires that the analysis incorporate all other modifications and energy actions to be undertaken in combination with the principal modification.

One comment recommended the use of time versus energy consumption displays as an effective means for isolating energy waste in a verification audit. While FEA agrees that such displays can be extremely valuable, it does not consider them essential to the conduct of a sound audit and has, therefore, chosen not to require their use.

Two comments recommended including the tax ramifications of purchasing and installing a modification in the verification audit procedure. However, since the Act specifically prohibits such effects from being considered in the cost-recovery calculation upon which a measure's eligibility will be assessed, FEA has not adopted this recommendation.

#### B. SECTION 450.22 AUDITORS

FEA received forty-three comments dealing with proposed § 450.22 concerning the qualifications of auditors, conflicts of interest, and the certification of a verification audit report. One stated the requirements were too vague; two contended the requirements may prove

too restrictive and would preclude residential verification audits owing to the high cost involved; another indicated that there may not be enough qualified auditors for all the different types of buildings, industrial plants and industrial processes. Nineteen comments bore directly on the qualifications required for an auditor.

There were several recommendations that persons other than a professional engineer, licensed architect, or graduate engineer should be permitted, with certain limitations, to conduct verification audits. One comment advocated that persons with a reasonable amount of training provided by experience in the employ of a utility company should be deemed qualified to conduct audits of "smaller commercial and industrial" buildings and plants, particularly where lighting and heating, ventilation and air conditioning are concerned. Another comment recommended a determination that journeymen in the electrical, heating, air conditioning or other related trades are qualified to conduct energy audits concerning non-design and non-process modifications such as installing insulation or replacing equipment with equivalent, but more efficient, equipment. Two comments claimed that a certified Test and Balance Engineer or Supervisor has unique qualifications in the performance of building verification audits, and one comment stated that a Certified Public Accountant, in conjunction with other qualified personnel, also possesses capabilities that will enhance the conduct of verification audits and expand significantly the number of persons qualified.

FEA has taken these comments into consideration along with other available information in revising proposed § 450.22 (a). A Certified Public Accountant in association with a Test and Balance Engineer who is certified by the Associated Air Balance Council, or a Testing, Adjusting, and Balancing Supervisor who is certified by the National Environmental Balancing Bureau, shall be qualified to conduct a building verification audit. Further, § 450.22 adds a new paragraph (b) to provide that, for a residential building having less than three dwelling units, a Federal agency which is administering a program using an energy audit may prescribe other qualifications, subject to FEA approval.

Four comments recommended that training procedures or courses be established to ensure that qualified persons are available to conduct verification audits. FEA has elected not to take this approach for several reasons. A national system of training courses would require expenditure of funds for which no authorization or appropriation has been made by the Congress; the persons who have been included in § 450.22 as qualified to perform verification audits are expected to provide a sufficient supply of auditors to meet program needs; and the professional status of such licensed, certified and registered persons will ensure that only those persons who meet the qualifications prescribed in this section actually perform audits.

FEA received one comment pertaining to adherence by auditors to laws, rules, and regulations of State and local jurisdictions where, for example, it may be required that any plans or specifications for buildings or industrial plants must be certified by a professional engineer licensed in that State. It is not the intent of this regulation that such requirements be contravened. One comment advocated amending § 450.22(a) (2) to insert before the word "accredited" the words "Engineers Council for Professional Development." FEA agrees with this and has revised pertinent paragraphs of § 450.22 to this effect.

Six comments concerned the possibility of conflict of interest on the part of persons conducting verification audits. Two of the comments indicated apparent confusion with respect to the voluntary nature of a verification audit in that both said the auditor should be required to reveal his employer or his background. Three comments advocated either that an auditor should be required to disclose all energy interests and that any conflict of interest should be ground for disqualification, or that anyone with a financial interest in the subject of the audit should be disqualified. As with the proposed regulation, FEA believes the procedures prescribed in § 450.22 of this final regulation will accelerate the adoption of energy conservation measures. At the same time, required disclosure will alert the person for whom the audit is performed and any Federal agency which may consider the audit report to the possibility that an auditor's findings may be influenced by personal interests. However, because an auditor with a financial interest may still be well qualified to perform an audit, this may encourage the use of, and reduce the costs of, energy audits.

There were three comments concerning certification of a verification audit report. One comment stated that since the auditor was merely projecting energy and cost savings, he should not be required to guarantee future events if he has used the "best professional judgment." FEA believes that the certification requirements do not impose so stringent a burden. The auditor must certify that he has followed the procedures of this regulation and accurately reported his findings. However, he does not certify the correctness or accuracy of these findings themselves.

#### C. SECTION 450.23 COSTS

FEA received a number of comments that pertained to the costs of both information and verification audits which have been discussed above. Section 450.23 establishes a range of verification audit costs identical to that provided for information audits and authorizes the Regional Administrator to grant an exception to these limitations if he determines unique circumstances merited such treatment.

One comment indicated uncertainty with respect to the procedure for determining audits costs where the owner, occupant, or operator of a particular building or industrial plant is planning

to make a substantial change in use or process, has no prior energy consumption experience, or is in the process of moving to a new location. FEA believes the regulation adequately provides for an unusual situation by permitting a case-by-case review of applications with unique or unusually complex energy use characteristics, as in § 450.22, and for estimates of energy consumption where actual data are not available, as in § 450.21(a) (3).

The proposed regulation was reviewed in accordance with Executive Order 11821 and OMB Circular A-107 issued November 7, 1974, by Executive Order 11949 and has been determined not to be a major proposal requiring an evaluation of its inflationary impact.

(Part B of Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq.; also issued under Part C of Title III of the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871 et seq. (42 U.S.C. 6321 et seq.); Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended (15 U.S.C. 761 et seq.); Executive Order 11790, 39 FR 23185.)

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

Issued in Washington, D.C., June 20, 1977.

ERIC FYGE,  
Acting General Counsel,  
Federal Energy Administration.

Subchapter D, Chapter II of Title 10 Code of Federal Regulations, is amended by establishing Part 450 as follows—

Subpart A—General Provisions	
Sec.	Purpose and scope.
450.1	Uses of energy audit procedures.
450.2	Definitions.
450.3	Qualifying conditions.
Subpart B—Information Audits	
450.10	Purpose and scope.
450.11	Classes of, and requirements for, information audits.
450.12	Contents of information audits.
450.13	Auditors.
450.14	Cost of information audits.
Subpart C—Verification Audits	
450.20	Purpose and scope.
450.21	Contents of verification audits.
450.22	Auditors.
450.23	Cost of verification audits.

**AUTHORITY:** Part B of Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq.; also issued under Part C of Title III of the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871 et seq. (42 U.S.C. 6321 et seq.); Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended (15 U.S.C. 761 et seq.); Executive Order 11790, 39 FR 23185.

#### Subpart A—General Provisions

##### § 450.1 Purpose and scope.

This part designates the types of, and requirements for, energy audits as required by the Federal Energy Administration, pursuant to section 432(d) of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq., which adds section 365(e) (2), 42 U.S.C.

6325(e) (2), to the Energy Policy and Conservation Act, 42 U.S.C. 6201 et seq. This part also contains the projections of future energy prices, which shall be used in calculating the changes in energy costs which will result from installation of a particular modification in a building or industrial plant, and includes the criteria for determining whether the installation of a particular modification meets certain requirements of the Act for designation as an energy measure.

#### § 450.2 Uses of energy audit procedures.

The requirements of this part shall be used—

(a) To establish minimum requirements for the type of energy audit to be carried out under a supplemental plan;

(b) To provide a process to measure the energy and cost savings to be derived from the installation or implementation of an energy measure; and

(c) To provide a process to identify a modification as an energy measure for purposes of the Act.

#### § 450.3 Definitions.

As used in this part—

"Act" means the Energy Conservation and Production Act, Pub. L. 94-385, 42 U.S.C. 6325.

"Administrator" means the Administrator of the Federal Energy Administration.

"Appliance" means an energy consuming article or device designed for household use, the primary purpose of which is labor saving or personal convenience and which, although connected to public utilities servicing a building, is not attached to the building in such a way that it would be considered part of the building or building system; for example, room air-conditioners, room heat pumps, room heaters, refrigerators, refrigerator-freezers, clothes washers and dryers, dishwashers, kitchen ranges and ovens, and television sets. Energy consuming articles or devices not classified as an appliance and considered part of a building or building system include, but are not limited to, water heaters, central heat pumps, central air-conditioners, and central heating units.

"Approved" means, with respect to an energy measure, any modification which is included on the list of energy measures published by FEA pursuant to Section 365(e) (1), 42 U.S.C. 6325(e) (1), of the Energy Policy and Conservation Act.

"Attributed Life" means, with respect to an energy conservation measure, the time period which is equal to either the useful life or 15 years, whichever is less or, with respect to a renewable-resource energy measure, the time period which is equal to either the useful life or 25 years, whichever is less.

"Auditor" means any person who conducts an energy audit and certifies it to be in conformance with this regulation.

"British Thermal Unit" means the amount of heat required to raise the temperature of one pound of water from 59.5 to 60.5 degrees Fahrenheit at one atmosphere of pressure.



"Btu" means British thermal unit or units.

"Building" means any structure which includes provisions for a heating or cooling system, or both, or a hot water system, and which was constructed prior to August 14, 1976.

"Building Envelope" means all external building surfaces, such as walls, doors, windows, roof, and floors in contact with the ground, which are affected by weather.

"Depletable Energy Resource" means a fossil fuel or nuclear fission fuel.

"Distillate Fuel" means those light and middle fuel oil derivatives from petroleum, such as kerosene, home heating oil, range oil, stove oil, diesel fuel, kerosene-type jet fuel, including Numbers 1, 2, 3, and 4 fuel oils.

"Dual-Purpose Power Plant" means an equipment configuration which produces both electricity and useful thermal energy and which consumes, exclusive of the fuel required to produce the useful thermal energy, less than 7,500 Btu of fuel per kilowatt-hour of electricity produced.

"Dwelling Unit" means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters.

"Energy Audit" means a process, carried out in accordance with this part, which identifies and specifies the energy and cost savings which are likely to be realized through the purchase and installation of an energy measure.

"Energy Conservation Measure" means a modification which has been determined by means of an energy audit or by FEA, by rule, to be likely to improve the efficiency of energy use and to reduce energy costs in an amount sufficient to enable a person to recover the total cost of purchasing and installing such measure, without regard to any tax benefit or Federal financial assistance applicable thereto, within the period of—

(1) The useful life of the modification involved; or

(2) Fifteen years after the purchase and installation of the modification, whichever is less.

The term does not include the purchase or installation of any appliance, any conversion from one fuel or source of energy to another which FEA, by rule, determines is ineligible on the basis that such type of conversion is inconsistent with national policy with respect to energy conservation or reduction of imports of fuels, or any measure or type of measure which does not have as its primary purpose an improvement in efficiency of energy use.

"Energy Measure" means an energy conservation measure or a renewable-resource energy measure.

"FEA" means the Federal Energy Administration.

"Industrial Plant" means any fixed equipment or facility which is used in connection with, or as part of, any process or system for industrial production or output and which was constructed prior to August 14, 1976.

"Industrial Process" means an action or series of actions in connection with, or part of, a process or system contributing to the production or output of an industrial plant.

"Liquefied Petroleum Gas" means propane, butane, propane/butane mixes, ethylene and ethane.

"LPG" means liquefied petroleum gas.

"Modification" means a change which can be purchased and installed in a building or industrial plant, and which can result in energy and cost savings.

"Nondepletable Energy Resource" means a type of energy resource other than a depletable energy resource.

"Regional Administrator" means a Regional Administrator of the Federal Energy Administration.

"Renewable-Resource Energy Measure" means a modification which has been determined by means of an energy audit or by FEA, by rule, to—

(1) Involve changing, in whole or in part, the fuel or source of energy used to meet the requirements of such building or plant from a depletable source of energy to a nondepletable source of energy; and

(2) Be likely to reduce energy costs in an amount not less than the total cost of purchasing and installing such measure, without regard to any tax benefit or Federal financial assistance applicable thereto, within the period of—

(i) The useful life of the modification involved; or

(ii) Twenty-five years after purchase and installation of the modification, whichever is less. The term does not include the purchase or installation of any appliance.

"Residual Fuel" means Numbers 5 and 6 fuel oils, heavy diesel, Navy diesel, Bunker C and all other fuel oils which have a fifty percent boiling point over 700° F in the American Society for Testing Materials D-86 standard distillation test, as reapproved in 1972.

"Supplemental Plan" means a supplemental State energy conservation plan which is eligible for financial assistance under Part 420, Subchapter E, Chapter II of Title 10, Code of Federal Regulations.

"Useful Life" means that period of time for which a modification used under specified conditions is able to fulfill its intended function, and which does not exceed the period of remaining use of the building or that element of the industrial plant which is being modified.

#### § 450.4 Qualifying conditions.

(a) The primary purpose of a modification shall be an improvement in energy use efficiency only if the cost of the purchase and installation of the modification will be recovered, during its attributed life, by its projected energy cost savings, and results in an increase, with the use of the modification, in the energy efficiency index computed as required by § 450.21(b)(6).

(b) A modification shall result in an ineligible conversion if its implementation would result in an increase, expressed in Btu, at the building or in-

dustrial plant, in the consumption of petroleum products, natural gas, or a combination of the two.

(c) An increase in the consumption of petroleum products at a building or industrial plant shall not be an ineligible conversion, as provided by paragraph (b) of this section, if the increase will result from the installation of dual-purpose power plant equipment and FEA determines this modification would produce an off-setting reduction elsewhere in the consumption of petroleum products, natural gas, or a combination of the two.

(d) Projected prices for electricity, natural gas, distillate, residual fuel, LPG, and coal shall be derived from either—

(1) The projected energy prices set forth in Appendix A, Tables 1-20; or

(2) The following adjustment formulas—

(i) For petroleum products, coal, and natural gas—

$PA_t = PR_t - ((1985 - t) \cdot (PR_t - PA_t) / (1985 - b))$ , for  $t < 1985$   
 $PA_t = PR_t$ , for  $t \geq 1985$ ; and

(ii) For electricity:  
 $PA_t = PR_t \cdot PA_b / PR_b$ , for all years;

(iii) where:  
 $PA_t$  = projected fuel price for future year  $t$ ;  
 $PA_b$  = fuel price actually paid in base year  $b$ ;  
 $PR_t$  = regional fuel price for base year as set forth in Appendix A;

$PR_t$  = projected regional fuel price for future year  $t$  as set forth in Appendix A;

$t$  = future year for which fuel price is being projected;  
 $b$  = base year used in current FEA projection of fuel price, as shown in Appendix A.

#### Subpart B—Information Audits

##### § 450.10 Purpose and scope.

This subpart establishes the classes of, and requirements for, the conduct of information audits, the qualifications of persons conducting Class A information audits and the allowable cost of information audits. Provisions for encouraging and carrying out information audits are required in a supplemental State energy conservation plan for which financial assistance is provided under Part 420, Subpart E, Chapter II of Title 10, Code of Federal Regulations.

##### § 450.11 Classes of, and requirements for, information audits.

(a) A Class A information audit shall consist of—

(1) An on-site visit at the building or industrial plant by an auditor who has qualifications considered appropriate by a State; and

(2) An evaluation by an auditor of the building or industrial plant's energy consumption and energy systems, consisting of—

(i) An analysis of the energy and cost savings likely to result from the purchase and installation of one or more modifications selected by a State; or

(ii) General recommendations and a workbook, manual, or other instructional material enabling an owner, operator, or occupant of a building or industrial plant to calculate the energy and cost savings resulting from the purchase and installation of one or more modifications selected by a State.

(b) A Class B information audit shall consist of—

(1) A completed questionnaire, containing information provided by an owner, operator, or occupant of a building or industrial plant, which has been developed and distributed by a State; and

(2) An evaluation which analyzes the information obtained pursuant to paragraph (b) (1) of this section to identify the energy and cost savings likely to result from not less than two modifications selected by a State, taking into account such factors as heating and cooling degree days, fuel cost, and other data considered appropriate by a State, which evaluation shall be sent to the person who provided the information.

(c) A Class C information audit shall consist of—

(1) A workbook provided by a State, which will enable the owner, operator, or occupant of the building or industrial plant to identify the energy and cost savings for each of not less than four modifications selected by a State, which calculation shall take into account factors such as heating and cooling degree days, fuel prices, and other data considered appropriate by a State; and

(2) Pamphlets, books, brochures, or similar data, provided by a State, to be used in conjunction with the workbook referred to in paragraph (c) (1) of this section, regarding the purchase and installation of the modifications in the type of building or industrial plant for which the workbook is to be used.

#### § 450.12 Contents of information audits.

(a) All three classes of information audits shall include an energy consumption description containing the following—

(1) For a building—

(i) Actual energy consumption by type of fuel by month for the preceding 12 months, except that where actual energy consumption data are not available, estimates of actual energy consumption and an explanation of the derivation of the estimates;

(ii) Cost of energy by type of fuel for the preceding 12 months;

(iii) Building profile, including description of—

(A) Location, climatic context, and immediate site conditions;

(B) Configuration, envelope, construction, and condition; and

(C) Heating, ventilating air conditioning, hot water and lighting systems;

(2) For an industrial plant—

(i) Actual energy consumption for both the industrial plant's building operations and its industrial processes, by type of fuel by month for the preceding 12 months, except that where actual energy consumption data are not available, estimates of actual energy consumption and an explanation of the derivation of the estimates;

(ii) Cost of energy by type of fuel for the preceding 12 months;

(iii) Description of the industrial plant's building characteristics, providing the information required by paragraph (a) (1) (iii) of this section;

(iv) Profile of the industrial plant's industrial processes, including a description of—

(A) The process layout and conditions within which it operates;

(B) Material storage, handling, and processing; and

(C) All mechanical, electrical, hydraulic, and pneumatic systems, including those for waste handling; and

(v) Energy consumption of each process system by type of fuel.

(b) Each information audit shall identify and describe a modification sufficiently to enable the determination of the effects of the modification or combination of modifications on a building or industrial plant's energy consumption.

(c) Each information audit shall—

(1) Identify and describe, by the procedures set forth in § 450.21 or other appropriate procedures as prescribed by a State, subject to approval by FEA in the review of a State's supplemental plan, the total costs of purchasing and installing at least one modification, and the related energy and cost savings; and

(2) State whether or not projected energy cost savings attributable to the modification(s) are sufficient to recover the total cost of purchasing and installing the modification(s) within the attributed life of the modification(s).

(d) An information audit of an individual dwelling unit need not meet the requirements of paragraphs (a), (b), or (c) of this section if—

(1) The information audit uses the Project Conserve Questionnaire and related computer program, as revised from time to time by FEA, which FEA will make available to a State upon request;

(2) The information audit uses the Home Energy Savers Workbook (FEA Publication FEA/D-77/117), as amended by FEA from time to time; or

(3) A State develops an audit procedure which is determined by the Regional Administrator to meet or exceed the requirements of the material referred to in paragraphs (d) (1) and (d) (2) of this section.

#### § 450.13 Auditors.

Subject to the approval of the Regional Administrator, a State shall establish in its supplemental plan procedures for—

(a) Ascertaining that a person conducting a Class A information audit is qualified;

(b) Assuring full disclosure by an auditor of his or her financial interests relating to an audit or any modifications assessed by the audit; and

(c) Providing certification by the auditor to assure that each audit has been conducted in accordance with this regulation.

#### § 450.14 Cost of information audits.

(a) An information audit conducted under a supplemental plan shall—

(1) For an individual dwelling unit, be conducted at no direct cost to the occupants of that dwelling unit; and

(2) For any building or industrial plant, not referred to in paragraph (a)

of this section, be conducted at a cost which is less than—

(i) 10 percent of the building's or industrial plant's total energy costs for the preceding 12 months, when such energy costs were less than \$40,000;

(ii) \$4,000 or 5 percent of the building's or industrial plant's total energy costs for the preceding 12 months, whichever is greater, when such energy costs were equal to or greater than \$40,000 but less than \$1,000,000; or

(iii) \$50,000 or 2.5 percent of the building's or industrial plant's total energy cost for the preceding 12 months, whichever is greater, when such energy costs were equal to or greater than \$1,000,000.

(b) Subject to FEA review and approval, a State may establish procedures to permit information audit costs to exceed the limitations set forth in paragraph (a) (2) of this section in those cases where the State finds that buildings or industrial plants exhibit unique or unusually complex characteristics relating to energy use.

#### Subpart C—Verification Audits

##### § 450.20 Purpose and scope.

This subpart prescribes guidelines for building and industrial process verification audits, which provide a detailed analysis of the changes in energy use and costs likely to result from the purchase and installation of an energy measure.

##### § 450.21 Contents of verification audits.

(a) A verification audit shall contain an analysis of the actual or estimated energy consumption of the one or more building systems or industrial processes to be affected by the purchase and installation of a modification. The actual energy consumption of the building or industrial process shall be computed by type of fuel by month for a consecutive 12 months period; if available. Information in a verification audit shall include—

(1) Location, and immediate site conditions;

(2) Operating characteristics, which shall include—

(i) For a building, a description of the building configuration, construction and condition, and daily hours of use; and

(ii) For an industrial process, a description of the plant, process, and system layout, and operating conditions; and

(3) Actual energy consumption of the building or industrial process, by type of fuel per month, for the representative year selected, except that where actual energy consumption data are not available, estimates of actual energy consumption and an explanation of the derivation of the estimates.

(b) A verification audit shall identify and describe—

(1) The modification which is the subject of the audit, including when appropriate—

(i) The model and manufacturer;

(ii) Method of application to the building or industrial process;

(iii) Performance specifications, which may include engineering drawings;

(iv) Useful life; and

(v) For a modification under consideration as a renewable-resource energy measure, a description of the process by which the modification will convert one or more nondepletable energy resources to useful energy;

(2) All other modifications and energy conservation actions, including non-capital and operational changes such as reduced thermostat settings and changes in maintenance procedures and hours of operation, that are anticipated to be implemented by an owner, operator, or occupant of the building or industrial plant;

(3) All alternative modifications and energy conservation actions, including non-capital and operational changes, considered but rejected in favor of those modifications identified in paragraphs (b) (1) and (b) (2) of this section and a brief explanation for the rejection;

(4) Future energy consumption for each year of the attributed life of the modification, by type of energy, in terms of both physical units, such as kilowatt-hours of electricity or barrels of distillate fuel, and equivalent Btu of energy resources consumed using the conversion factors specified in paragraph (b) (5) of this section under each of the following conditions—

(i) Without implementation of the modification identified in paragraph (b) (1) of this section, but including implementation of all of the modifications and energy conservation actions identified in paragraph (b) (2) of this section, if any; and

(ii) With implementation both of the modification identified in paragraph (b) (1) of this section and of all of the modifications and energy conservation actions identified in paragraph (b) (2) of this section, if any;

(5) For the purposes of paragraph (b) (4) of this section, the following conversion factors shall be used to convert physical units of energy used at the building or industrial plant site to equivalent Btu of energy resources consumed—

(i) Electricity—10,500 Btu per kilowatt-hour;

(ii) Natural gas—1,030 Btu per cubic foot;

(iii) Distillate—5.825 million Btu per barrel;

(iv) Residual fuel—6.287 million Btu per barrel;

(v) Coal—22.5 million Btu per standard short ton;

(vi) LPG—4.01 million Btu per barrel;

(6) Whether or not the energy efficiency index, for a modification under evaluation as an energy conservation measure, computed with respect to paragraph (b) (4) (ii) of this section exceeds the energy efficiency index computed for paragraph (b) (4) (i) of this section, where the energy efficiency index is computed—

(i) For a building, by dividing the size of the building, expressed in terms of net square feet, by the number of Btu used in its operation; or

(ii) For an industrial process, by dividing the amount of production, con-

sistently expressed in units, weight, or volume, achieved by the industrial process being modified, by the number of Btu used in its operation; and

(7) Whether the number of Btu of depletable energy resources, estimated to be consumed by a modification under evaluation as a renewable-resource energy measure, computed with respect to paragraph (b) (4) (ii) of this section is less than the number of Btu of depletable energy resources estimated to be consumed computed for paragraph (b) (4) (i) of this section.

(c) Costs and savings shall be presented in terms of constant dollars using the same base year as in the most current FEA projection of fuel prices set forth in Appendix A.

(d) A verification audit shall contain a finding that a modification will reduce energy costs sufficiently to recover purchase and installation costs within the attributed life of the modification if the net present value is either zero or a positive value. The net present value of implementing the modification shall be computed by subtracting the present value of purchase and installation costs calculated in accordance with paragraph (d) (1) of this section from the present value of energy cost savings calculated in accordance with paragraph (d) (2) of this section.

(1) The present value of purchase and installation cost shall be calculated by—

(i) Establishing the costs of purchasing and installing the modification, including the annual principal and interest payments on debt incurred, converted to base year dollars using the adjustment factors set forth in Appendix C: *Provided, however*, That the principal amount of indebtedness shall be used instead where it exceeds the sum of such adjusted principal and interest costs, and the costs of engineering design, less any salvage value of the existing equipment replaced by the modification;

(ii) Establishing future purchase and installation costs for normal replacement of significant components and parts of the modification, less the normal replacement costs of the equipment replaced by the modification and significant components of the equipment;

(iii) Deriving the yearly costs of operating and maintaining the modification less the costs that would be incurred for operating and maintaining the equipment replaced by the modification for the attributed life of the modification;

(iv) Computing the present value of the purchase and installation costs for each year of the attributed life of the modification by multiplying the costs derived in paragraphs (d) (1) (i), (ii), and (iii) of this section by the factors set forth in Appendix B; and

(v) Establishing the present value of the purchase and installation costs for the attributed life of the modification by adding together the yearly costs computed in paragraph (d) (1) (iv) of this section.

(2) The present value of energy cost savings, assuming no change in building

size or production level, shall be calculated by—

(i) Deriving fuel prices by type of fuel for each year of the attributed life of the modification using projected energy prices provided in § 450.4(d);

(ii) Establishing annual fuel costs for each year of attributed life of the modification by multiplying the fuel prices determined in paragraph (d) (2) (i) of this section by future energy consumption for each year, with and without the modification, as referred to in paragraph (b) (4) (ii) and (i) of this section, respectively, except that the conversion factor to be used for electricity for Tables 11-20 in Appendix A shall be 3412 useable Btu per kilowatt-hour;

(iii) Computing the net annual fuel costs for each year of the attributed life of the modification by subtracting the annual fuel cost with the modification from the annual cost without the modification, as provided in paragraph (d) (2) (ii) of this section;

(iv) Computing the present value of energy cost savings for each year of the attributed life of the modification by multiplying the values derived in paragraph (d) (2) (iii) of this section by the factors set forth in Appendix B; and

(v) Establishing the present value of energy costs savings for the attributed life of the modification by adding together the yearly savings computed in paragraph (d) (2) (iv) of this section.

(e) The contents of a verification audit shall be reduced to writing in the form of an audit report which shall contain the information and supporting documentation required by this section.

§ 450.22 Auditors.

(a) A person who conducts a building verification audit shall—

(1) Be a licensed professional engineer or architect;

(2) Have an engineering degree from a college or university accredited by the Engineers Council for Professional Development in addition to 4 years of subsequent experience in one or more of the following—

(i) Heating, ventilating and air conditioning installation or design work;

(ii) Building operations, including operation of the environmental systems;

(iii) Design of the building systems which are to be modified; or

(3) Be a Certified Public Accountant in the State in which the audit is performed and use building and building systems data provided by—

(i) A Test and Balance Engineer as certified by the Associated Air Balance Council; or

(ii) A Testing, Adjusting, and Balancing Supervisor who is qualified by, and employed by a firm that is certified by, the National Environmental Balancing Bureau.

(b) A person who conducts a verification audit of a residential building having less than three dwelling units shall meet—

(1) The requirements specified in paragraph (a) of this section; or

(2) Subject to the approval of FEA, other requirements which shall be pre-

scribed by a Federal agency whose program utilizes such audits.

(c) A person who conducts an industrial process verification audit shall—

(1) Be a licensed professional engineer, or

(2) Have an engineering degree from a college or university accredited by the Engineers Council for Professional Development in addition to 4 years of subsequent experience with a relevant industrial process.

(d) Prior to conducting a verification audit, the auditor shall disclose in writing to the person for whom the audit is to be performed any significant financial interest held by the auditor, the auditor's spouse, or any child of the auditor, in a partnership, corporation, sole proprietorship, or other business enterprise engaged in the manufacturing, including manufacturing of major components marketing, installing, or servicing, of the modification which is the subject of an audit, or in the ownership or operation of the building or industrial plant which is the subject of an audit. A copy of the disclosure statement shall be signed by the auditor and shall accompany submission of the energy audit report or any portion thereof to FEA or any other agency, department or other instrumentality of the Federal Government.

(e) A financial interest shall be significant for the purposes of this section if it is one of the following—

(1) Employment, including employment as a consultant, by a partnership, corporation, sole proprietorship, or other business enterprise engaged in the manufacturing, marketing, installing, or servicing of the modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit;

(2) Ownership of 10 or more percent of the stock, including options to purchase stock, or other securities issued by a corporation, or of a 10 percent or more financial interest in any other business enterprise engaged in the manufacturing, marketing, installing, or servicing of a modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit;

(3) A position as a director or officer of a corporation or partner in a partnership or active principal in a consortium or any other business enterprise engaged in the manufacturing, marketing, installing, or servicing of a modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit;

(4) Participation in the profit-sharing program of a partnership, corporation, or other business enterprise engaged in the manufacturing, marketing, installing, or servicing of a modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit; or

(5) Ownership of patent rights or other industrial property interests or the receipt of royalties therefrom for the manufacturing, installing, or servicing of a modification which is the subject of an audit.

(f) Each verification audit report shall include a statement signed by the auditor certifying that—

(1) The auditor meets the applicable qualifications set forth in this section;

(2) The auditor has made a full written disclosure of any significant financial interests in accordance with paragraph (d) of this section;

(3) The audit was conducted in accordance with the requirements of Subpart C of this part;

(4) The audit report required by § 450.21(e) and accompanying documentation accurately describe the audit findings; and

(5) The auditor understands that the report will be submitted to a department or agency of the United States which may rely on the contents of the material prepared by the auditor.

#### § 450.23 Cost of verification audits.

(a) A verification audit shall be conducted without cost to the occupant of a dwelling unit.

(b) For any building or industrial plant not referred to in paragraph (a) of this section, a verification audit shall be conducted at a cost which is less than

(1) 10 percent of the building's or industrial plant's total energy costs for the preceding 12 months, when such energy costs were less than \$40,000;

(2) \$4,000 or 5 percent of the building's or industrial plant's total energy costs for the preceding 12 months, whichever is greater, when such energy costs were equal to or greater than \$40,000 but less than \$1,000,000; or

(3) \$50,000 or 2.5 percent of the building's or industrial plant's total energy costs for the preceding 12 months, whichever is greater, when such energy costs were equal to or greater than \$1,000,000;

(c) The Regional Administrator may grant exceptions to the limitations set forth in paragraph (b) of this section, when requested, if he determines upon specific review of a proposed audit that the audited building or plant exhibits unique or unusually complex charac-

teristics relating to energy use and that the audit will therefore be unusually costly to perform.

#### APPENDIX A—ENERGY PRICE PROJECTIONS

1. Tables 1-10 show energy prices by fuel unit.

2. Tables 11-20 show energy prices per million useable Btu.

3. For the years following 1991, use 1991 prices.

4. FEA regions are comprised of the following:

##### REGION I—NEW ENGLAND

Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts

##### REGION II—NEW YORK/NEW JERSEY

New York, New Jersey, Puerto Rico,<sup>1</sup> Virgin Islands<sup>1</sup>

##### REGION III—MID-ATLANTIC

Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia

##### REGION IV—SOUTH ATLANTIC

North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Canal Zone<sup>1</sup>

##### REGION V—MIDWEST

Michigan, Ohio, Indiana, Wisconsin, Minnesota, Illinois

##### REGION VI—SOUTHWEST

Arkansas, Louisiana, Oklahoma, Texas, New Mexico

##### REGION VII—CENTRAL

Iowa, Missouri, Nebraska, Kansas

##### REGION VIII—NORTH CENTRAL

North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah

##### REGION IX—WESTERN

Nevada, Arizona, California, Hawaii, American Samoa,<sup>1</sup> Guam,<sup>1</sup> Trust Territory of the Pacific Islands<sup>1</sup>

##### REGION X—NORTHWESTERN

Idaho, Washington, Oregon, Alaska

5. Column heading abbreviations mean as follows:

RES.—Residential Customer.

COMM.—Commercial Customer.

IND.—Industrial Customer.

ELECT.—Electricity.

N. GAS—Natural Gas.

Dist.—Distillate Fuel.

RESID.—Residual Fuel.

LPG—Liquefied Petroleum Gas.

\$/MKWH—Dollars per thousand kilowatt-hours.

\$/MCFT—Dollars per thousand cubic feet.

\$/BBL—Dollars per barrel.

\$/MEST—Dollars per standard short ton (22.5 million Btu per ton).

<sup>1</sup> Price projections not yet available. Until such time as they are made available, prices by the region indicated shall be applicable.

TABLE I  
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT  
PCA REGION I NEW ENGLAND  
(PRICES ASSUMED CONSTANT FROM 1960 ONWARD)

	RES. ELECT. \$/MWH	COM. ELECT. \$/MWH	IND. ELECT. \$/MWH	RES. N. GAS \$/MCF	COM. N. GAS \$/MCF	IND. N. GAS \$/MCF	RES. DIST. \$/BBL	COM. DIST. \$/BBL	IND. DIST. \$/BBL	RES. LPG \$/BBL	COM. LPG \$/BBL	IND. LPG \$/BBL	RES. COAL \$/MST
175	49.58	48.27	35.52	3.47	2.88	2.44	20.86	17.75	17.75	14.66	14.73	15.61	28.46
176	49.55	48.22	35.65	3.49	2.89	2.46	20.85	17.92	17.92	15.16	15.28	15.80	30.74
177	49.28	48.17	36.39	3.51	2.89	2.49	20.85	18.13	18.12	15.66	15.83	15.19	33.02
178	49.13	48.13	36.85	3.53	2.90	2.52	20.84	18.32	18.31	16.16	16.30	14.98	35.29
179	48.98	48.08	37.58	3.54	2.91	2.54	20.84	18.51	18.50	16.66	16.80	14.77	37.57
180	48.83	48.04	37.87	3.56	2.91	3.07	20.83	18.70	18.69	17.16	17.49	14.56	39.85
181	48.75	48.06	38.09	3.52	3.07	3.09	20.22	18.89	18.88	17.20	17.53	14.75	42.19
182	48.97	48.08	39.11	3.48	3.23	3.10	20.41	19.08	19.07	17.24	17.57	14.94	44.50
183	48.40	48.10	39.33	3.48	3.09	3.12	20.61	19.27	19.26	17.28	17.61	15.14	46.89
184	48.22	48.12	40.25	3.50	3.25	3.14	20.80	19.47	19.45	17.32	17.65	15.33	49.23
185	48.09	48.15	40.77	3.48	3.11	3.16	20.99	19.66	19.65	17.36	17.69	15.53	51.58
186	48.68	48.68	42.10	3.52	3.37	3.32	21.29	19.84	19.85	17.68	18.01	15.74	53.97
187	49.31	49.21	43.33	3.49	3.44	3.49	21.59	20.24	20.24	18.00	18.33	15.95	56.36
188	49.74	49.74	44.86	3.45	3.20	3.45	21.89	20.55	20.50	18.31	18.64	16.16	58.75
189	50.17	50.27	45.90	3.42	3.37	3.42	22.16	20.85	20.80	18.63	18.96	16.37	61.14
190	50.60	50.60	46.42	3.46	3.53	3.48	22.48	21.15	21.14	18.95	19.28	16.59	63.53
191	50.60	50.60	46.42	3.48	3.53	3.48	22.80	21.15	21.14	18.95	19.28	16.59	65.92

TABLE 2  
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT  
SEA REGION II NEW YORK/NEW JERSEY  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. \$/MWH	COM. ELECT. \$/MWH	IND. ELECT. \$/MWH	RES. N. GAS \$/CFT	COM. N. GAS \$/CFT	IND. N. GAS \$/CFT	RES. DIST. \$/BBL	COM. DIST. \$/BBL	IND. DIST. \$/BBL	RES. RESID. \$/BBL	COM. RESID. \$/BBL	IND. RESID. \$/BBL	RES. LPG \$/BBL	COM. LPG \$/BBL	IND. LPG \$/BBL	RES. COAL \$/WEST	COM. COAL \$/WEST	IND. COAL \$/WEST
1975	55.70	50.00	30.33	2.93	2.30	1.71	18.20	16.60	16.53	19.32	19.32	19.32	13.02	11.65	11.65	23.78	23.78	23.78
1976	55.12	55.95	31.21	2.92	2.30	1.78	18.67	17.06	16.99	19.00	19.00	19.12	13.29	12.06	12.06	26.88	26.88	26.88
1977	54.53	54.91	31.09	3.02	2.40	1.84	19.00	17.53	17.85	19.45	19.45	19.45	13.35	12.37	12.37	29.20	29.20	29.20
1978	54.95	54.87	31.08	3.11	2.52	1.91	19.50	18.00	17.91	19.30	19.30	19.30	13.41	12.49	12.49	31.90	31.90	31.90
1979	54.37	54.82	31.06	3.20	2.62	1.97	19.01	18.44	18.37	17.02	17.02	17.22	13.47	12.55	12.55	34.65	34.65	34.65
1980	52.79	54.78	31.70	3.29	2.71	2.03	20.33	18.93	18.63	17.72	17.72	18.33	13.53	12.63	12.63	37.37	37.37	37.37
1981	52.33	54.66	32.70	3.33	2.84	2.11	20.55	19.15	19.05	17.76	17.76	18.37	13.58	12.72	12.72	40.10	40.10	40.10
1982	51.86	54.53	32.62	3.54	2.98	2.21	20.76	19.37	19.27	17.00	17.00	18.01	13.77	12.84	12.84	42.87	42.87	42.87
1983	51.40	54.01	32.68	3.70	3.12	2.34	20.98	19.58	19.50	17.88	17.88	18.44	13.99	12.96	12.96	45.64	45.64	45.64
1984	50.93	53.99	32.92	3.83	3.25	2.50	21.20	19.80	19.70	17.86	17.86	18.98	14.11	13.08	13.08	48.41	48.41	48.41
1985	50.46	53.17	32.96	3.97	3.39	2.72	21.92	20.02	19.92	17.92	17.92	19.22	14.23	13.20	13.20	51.18	51.18	51.18
1986	50.56	53.76	33.55	4.09	3.51	2.80	21.72	20.32	20.22	18.23	18.23	19.53	14.35	13.33	13.33	53.95	53.95	53.95
1987	50.49	53.90	34.13	4.21	3.63	2.95	22.02	20.62	20.52	18.56	18.56	19.84	14.48	13.46	13.46	56.72	56.72	56.72
1988	50.72	54.02	34.71	4.33	3.74	3.07	22.31	20.92	20.82	18.88	18.88	20.15	14.61	13.59	13.59	59.49	59.49	59.49
1989	50.60	54.00	34.30	4.45	3.86	3.19	22.61	21.22	21.12	19.19	19.19	20.46	14.74	13.72	13.72	62.26	62.26	62.26
1990	50.67	54.24	34.88	4.50	3.98	3.31	22.91	21.52	21.42	19.51	19.51	20.77	14.87	13.85	13.85	65.03	65.03	65.03
1991	50.67	54.24	34.88	4.50	3.98	3.31	22.91	21.52	21.42	19.51	19.51	20.77	14.87	13.85	13.85	65.03	65.03	65.03

TABLE 3  
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT  
FOR REGION III MID-ATLANTIC  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. \$/MWH	COMM. ELECT. \$/MWH	IND. ELECT. \$/MWH	RES. N. GAS \$/MCF	COMM. N. GAS \$/MCF	IND. N. GAS \$/MCF	RES. DIST. \$/BBL	COMM. DIST. \$/BBL	IND. DIST. \$/BBL	RES. LPG \$/BBL	COMM. RESID. \$/BBL	IND. RESID. \$/BBL	RES. LPG \$/BBL	IND. LPG \$/BBL	RES. COAL \$/HEST	IND. COAL \$/HEST
105	41.77	36.95	27.36	2.19	1.87	1.22	17.81	14.53	14.40	19.25	19.04	19.04	11.45	10.98	18.32	18.32
107	41.57	36.74	27.15	2.31	1.97	1.43	18.52	17.06	17.07	15.30	15.04	15.04	12.49	11.64	21.66	21.66
107	41.14	36.44	27.04	2.44	2.07	1.45	19.23	17.40	17.73	16.34	16.04	16.04	13.34	12.38	22.05	22.05
108	41.15	36.45	26.92	2.57	2.17	1.66	19.94	18.13	18.40	17.41	17.05	17.05	14.19	13.07	22.41	22.41
109	40.48	36.25	26.70	2.69	2.27	2.04	20.64	18.66	19.06	18.47	18.05	18.05	15.03	13.77	22.78	22.78
109	40.33	36.22	26.60	2.83	2.36	2.24	21.35	19.19	19.72	19.52	19.05	19.05	15.88	14.47	23.14	23.14
109	40.48	36.48	26.57	2.95	2.50	2.31	21.56	19.40	19.93	19.56	19.09	19.09	16.11	14.70	23.49	23.49
109	41.35	39.49	30.35	3.07	2.62	2.36	21.77	19.61	20.14	19.60	19.13	19.13	16.34	14.93	23.84	23.84
109	41.37	39.50	31.32	3.20	2.75	2.45	21.98	19.82	20.35	19.80	19.17	19.17	16.57	15.16	24.16	24.16
109	41.42	39.54	31.40	3.32	2.87	2.52	22.10	20.03	20.56	19.68	19.21	19.21	16.80	15.39	24.53	24.53
109	41.49	40.32	32.07	3.44	2.94	2.58	22.40	20.24	20.77	19.72	19.25	19.25	17.03	15.61	24.88	24.88
109	42.10	40.56	33.53	3.58	3.09	2.66	22.70	20.54	21.07	20.09	19.57	19.57	17.23	15.82	25.03	25.03
109	42.45	41.00	34.19	3.71	3.18	2.74	23.00	20.84	21.37	20.34	19.89	19.89	17.43	16.02	25.17	25.17
109	42.55	41.14	35.24	3.73	3.20	2.84	23.20	21.14	21.67	20.68	20.21	20.21	17.64	16.22	25.32	25.32
109	43.49	41.88	36.10	3.82	3.27	2.91	23.50	21.44	21.99	21.00	20.53	20.53	17.84	16.43	25.47	25.47
109	43.53	42.32	36.94	3.92	3.34	3.07	23.69	21.74	22.24	21.32	20.84	20.84	18.04	16.63	25.62	25.62
109	43.53	42.32	36.94	3.92	3.34	3.07	23.69	21.74	22.24	21.32	20.84	20.84	18.04	16.63	25.62	25.62

TABLE 4  
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT  
SEA REGION IV SOUTH ATLANTIC  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. \$/WKWH	COMM. ELECT. \$/WKWH	IND. ELECT. \$/WKWH	RES. N. GAS \$/MCF	COMM. N. GAS \$/MCF	IND. N. GAS \$/MCF	RES. DIST. \$/BBL	COMM. DIST. \$/BBL	IND. DIST. \$/BBL	RES. LPG \$/BBL	COMM. LPG \$/BBL	IND. LPG \$/BBL	RES. COAL \$/TST
1975	30.74	32.20	19.82	1.99	1.33	0.93	17.94	16.93	18.80	12.84	10.98	10.15	21.78
1976	31.66	33.02	21.30	1.81	1.33	1.03	18.70	17.97	17.06	13.71	11.08	11.03	22.29
1977	32.50	33.95	22.78	1.93	1.53	1.15	19.66	17.61	17.71	14.58	11.98	11.93	22.71
1978	33.51	34.97	23.66	2.07	1.63	1.25	20.22	18.14	18.36	15.31	12.97	12.82	23.17
1979	34.44	35.89	24.54	2.19	1.73	1.35	20.99	18.68	19.01	16.00	13.97	13.71	23.64
1980	35.36	36.81	25.42	2.32	1.83	1.45	21.75	19.22	19.47	16.71	14.97	14.60	24.10
1981	35.88	37.33	26.30	2.45	1.93	1.51	21.86	19.33	19.66	17.10	15.21	14.85	24.50
1982	35.96	37.39	26.38	2.47	2.08	1.74	22.14	19.93	20.09	17.91	15.49	15.00	24.90
1983	35.66	37.08	26.25	2.70	2.20	1.92	22.37	19.83	20.29	18.26	15.66	15.34	25.29
1984	35.73	37.15	26.33	2.82	2.33	2.08	22.58	20.05	20.51	18.51	15.92	15.59	25.69
1985	35.85	37.27	26.46	2.95	2.45	2.23	22.79	20.26	20.71	18.76	16.15	15.84	26.08
1986	35.77	37.19	26.38	3.07	2.58	2.33	23.00	20.54	21.01	19.07	16.30	16.02	26.43
1987	36.08	37.50	26.60	3.19	2.70	2.59	23.19	20.88	21.31	19.39	16.53	16.21	26.83
1988	36.41	37.81	26.82	3.32	2.82	2.83	23.38	21.18	21.61	19.61	16.71	16.39	27.23
1989	36.73	38.13	27.04	3.44	2.95	3.08	23.57	21.46	21.83	19.83	16.90	16.58	27.63
1990	36.85	38.25	27.16	3.56	3.07	3.29	23.76	21.74	22.01	19.85	17.00	16.76	28.03
1991	36.97	38.37	27.28	3.68	3.19	3.50	23.95	22.02	22.21	19.85	17.00	16.76	28.43



TABLE 5  
ENERGY PRICES IN 1977 COLLARS PER FUEL UNIT  
W. VA. REGION V MIDWEST  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

1975	RES. ELECT. \$/KWH	COM. ELECT. \$/KWH	IND. ELECT. \$/KWH	RES. N. GAS \$/MCF	COM. N. GAS \$/MCF	IND. N. GAS \$/MCF	RES. DISP. \$/BBL	COM. DISP. \$/BBL	IND. DISP. \$/BBL	COM. RESID. \$/BBL	IND. RESID. \$/BBL	RES. LPG \$/BBL	IND. LPG \$/BBL	IND. COAL \$/WEST	
															1976
1975	36.37	35.56	21.99	1.73	1.86	1.21	16.92	15.95	15.95	15.35	15.28	10.41	9.79	21.78	
1976	36.61	35.90	22.63	1.85	1.97	1.31	17.72	16.35	16.34	15.99	15.91	11.10	10.48	24.50	
1977	34.84	34.22	23.44	1.97	1.88	1.40	17.72	16.74	16.73	16.03	16.59	11.79	11.17	26.83	
1978	37.11	36.53	24.99	2.09	1.99	1.49	18.12	17.33	17.11	17.28	17.16	12.07	11.64	29.35	
1979	37.35	36.85	25.33	2.20	2.09	1.59	18.33	17.82	17.50	17.92	17.79	13.16	12.50	31.86	
1980	37.60	37.17	26.14	2.32	2.00	1.68	18.33	17.91	17.69	18.56	18.41	13.85	13.23	34.40	
1981	37.95	37.50	27.12	2.43	2.12	1.83	19.22	18.19	18.17	18.61	18.46	14.11	13.48	36.65	
1982	38.31	38.02	28.09	2.54	2.24	1.97	19.50	18.86	18.66	18.65	18.51	14.36	13.73	38.90	
1983	38.64	38.44	29.05	2.63	2.36	2.11	19.79	18.77	18.73	18.70	18.56	14.62	13.97	41.18	
1984	39.01	38.87	30.01	2.75	2.48	2.25	20.37	19.05	19.03	18.75	18.61	14.87	14.22	43.50	
1985	39.37	39.29	30.98	2.86	2.60	2.40	20.56	19.34	19.32	18.80	18.66	15.13	14.47	45.84	
1986	39.63	39.43	31.85	3.04	2.78	2.58	20.66	19.62	19.62	19.13	18.99	15.31	14.65	48.19	
1987	39.90	39.66	32.72	3.21	3.07	2.76	20.96	19.94	19.91	19.46	19.32	15.50	14.84	50.53	
1988	40.16	40.10	33.59	3.39	3.19	2.92	21.26	20.24	20.21	19.79	19.65	15.69	15.02	52.88	
1989	40.42	40.43	34.46	3.56	3.36	3.08	21.56	20.53	20.51	20.12	19.98	15.87	15.21	55.23	
1990	40.69	40.94	35.33	3.74	3.52	3.24	21.86	20.83	20.81	20.45	20.31	16.04	15.39	57.58	
1991	40.69	40.94	35.33	3.74	3.52	3.24	21.86	20.83	20.81	20.45	20.31	16.04	15.39	57.58	

TABLE 6  
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT  
FEA REGION VI SOUTHWEST  
(PRICES ASSUMED CONSTANT FROM 1960 ONWARD)

	RES. ELECT. \$/KWH	COM. ELECT. \$/KWH	IND. ELECT. \$/KWH	RES. N. GAS \$/CCF	COM. N. GAS \$/CCF	IND. N. GAS \$/CCF	RES. DIST. \$/BBL	COM. DIST. \$/BBL	IND. DIST. \$/BBL	RES. RESID. \$/BBL	COM. RESID. \$/BBL	IND. RESID. \$/BBL	RES. LHS \$/BBL	IND. LHS \$/BBL	RES. COAL \$/MEST	IND. COAL \$/MEST
1975	29.49	25.93	15.91	1.53	1.03	0.80	17.83	15.95	15.89	13.28	13.69	13.69	10.72	9.92	41.93	41.93
1976	32.13	28.56	18.99	1.60	1.12	1.05	17.92	16.86	16.81	14.12	14.43	14.43	11.42	10.62	39.75	39.75
1977	36.57	32.18	22.07	1.64	1.29	1.30	18.95	17.00	19.92	19.97	15.19	15.19	12.13	11.32	37.47	37.47
1978	40.60	35.60	24.15	1.73	1.33	1.58	18.94	17.52	17.48	15.81	15.81	15.81	12.88	12.02	35.99	35.99
1979	45.89	39.82	27.22	1.79	1.45	1.79	19.47	18.05	17.95	16.04	16.70	16.70	13.58	12.71	33.51	33.51
1980	48.86	42.89	29.30	1.86	1.55	2.03	19.98	18.57	18.47	17.50	17.85	17.85	14.25	13.41	31.93	31.93
1981	49.46	43.62	30.55	1.93	1.73	2.06	20.18	18.78	18.68	17.55	17.66	17.66	14.99	14.15	31.13	31.13
1982	49.08	43.60	30.60	2.00	1.91	2.09	20.39	18.99	18.89	17.60	17.58	17.58	15.72	14.89	32.03	32.03
1983	45.86	40.36	27.05	2.06	2.09	2.11	20.60	19.19	19.10	17.65	17.56	17.56	15.66	14.83	32.32	32.32
1984	45.28	40.16	27.29	2.13	2.27	2.14	20.81	19.30	19.30	17.60	17.60	17.60	15.26	14.44	32.62	32.62
1985	43.88	39.02	27.53	2.20	2.35	2.17	21.02	19.61	19.51	17.73	17.69	17.69	15.38	14.56	32.92	32.92
1986	45.27	40.52	28.56	2.39	2.67	2.38	21.32	19.91	19.81	18.07	18.01	18.01	15.62	14.79	33.21	33.21
1987	45.64	40.89	29.62	2.47	2.60	2.60	21.62	20.21	20.11	18.19	18.19	18.19	15.81	14.97	33.91	33.91
1988	46.05	41.66	30.66	2.61	3.11	2.62	21.92	20.51	20.41	18.72	18.66	18.66	15.99	15.16	34.60	34.60
1989	46.43	42.31	31.71	2.75	3.22	3.08	22.22	20.81	20.71	19.05	18.99	18.99	16.16	15.34	35.30	35.30
1990	46.83	42.75	32.75	2.86	3.59	3.26	22.52	21.11	21.01	19.37	19.32	19.32	16.36	15.53	35.39	35.39
1991	46.65	42.60	32.75	2.86	3.59	3.26	22.52	21.11	21.01	19.37	19.32	19.32	16.36	15.53	35.39	35.39

TABLE 7  
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT  
SEA REGION VII CENTRAL  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. \$/KWH	COM. ELECT. \$/KWH	IND. ELECT. \$/KWH	RES. N. GAS \$/CFT	COM. N. GAS \$/CFT	IND. N. GAS \$/CFT	RES. DIST. \$/BBL	COM. DIST. \$/BBL	IND. DIST. \$/BBL	RES. LBS \$/BBL	COM. LBS \$/BBL	IND. LBS \$/BBL	RES. COAL \$/MST	COM. COAL \$/MST	IND. COAL \$/MST
1975	33.40	31.00	21.28	1.46	1.10	0.76	17.11	16.02	15.95	16.79	16.60	16.79	10.50	10.50	9.79
1976	33.75	31.22	22.79	1.52	1.15	1.19	17.36	16.30	16.24	16.80	17.00	16.80	11.09	10.80	10.40
1977	34.05	31.44	24.30	1.57	1.21	1.63	17.61	16.57	16.52	17.21	17.40	17.21	11.48	11.01	10.54
1978	34.38	31.66	25.81	1.63	1.26	2.08	17.87	16.85	16.80	17.62	17.81	17.62	12.07	11.52	11.06
1979	34.70	31.88	27.32	1.68	1.31	2.59	18.12	17.13	17.08	18.03	18.21	18.03	12.66	12.13	11.66
1980	35.03	32.10	28.83	1.74	1.36	3.10	18.37	17.40	17.35	18.44	18.61	18.44	13.25	12.71	12.21
1981	35.32	32.31	30.34	1.79	1.40	3.68	18.64	17.68	17.63	18.98	19.16	18.98	13.84	13.30	12.80
1982	35.60	32.51	31.85	1.84	1.45	4.27	18.91	17.97	17.93	19.53	19.71	19.53	14.43	13.89	13.36
1983	35.89	32.71	33.36	1.89	1.50	4.86	19.18	18.26	18.22	20.10	20.28	20.10	15.02	14.48	13.95
1984	36.18	32.91	34.87	1.95	1.55	5.45	19.45	18.55	18.50	20.68	20.86	20.68	15.61	15.07	14.54
1985	36.47	33.11	36.38	2.00	1.60	6.04	19.72	18.84	18.79	21.26	21.44	21.26	16.20	15.66	15.13
1986	36.76	33.31	37.89	2.06	1.65	6.63	20.00	19.13	19.09	21.84	22.02	21.84	16.79	16.25	15.72
1987	37.05	33.51	39.40	2.11	1.70	7.22	20.27	19.42	19.38	22.42	22.60	22.42	17.38	16.84	16.31
1988	37.34	33.71	40.91	2.16	1.75	7.81	20.54	19.71	19.67	23.00	23.18	23.00	17.97	17.43	16.90
1989	37.63	33.91	42.42	2.21	1.80	8.40	20.81	20.00	19.96	23.58	23.76	23.58	18.56	18.02	17.49
1990	37.92	34.11	43.93	2.26	1.85	8.99	21.08	20.29	20.25	24.16	24.34	24.16	19.15	18.61	18.08
1991	38.21	34.31	45.44	2.31	1.90	9.58	21.35	20.58	20.54	24.74	24.92	24.74	19.74	19.20	18.67

TABLE 6  
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT  
FEA REGION VIII NORTH CENTRAL  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. \$/MWH	COM. ELECT. \$/MWH	IND. ELECT. \$/MWH	RES. N. GAS \$/CFT	COM. N. GAS \$/CFT	IND. N. GAS \$/CFT	RES. DIST. \$/BBL	COM. DIST. \$/BBL	IND. DIST. \$/BBL	RES. LPG \$/BBL	COM. LPG \$/BBL	IND. LPG \$/BBL	RES. COAL \$/WEST	COM. COAL \$/WEST	IND. COAL \$/WEST
175	3078	2586	1396	1.33	1.11	0.68	17.08	17.17	17.17	11.51	17.93	10.72	20.58	11.94	21.06
176	3086	2616	1407	1.41	1.20	0.97	18.26	17.30	17.43	11.94	17.89	11.15	21.06		
177	3099	2636	1508	1.50	1.37	1.26	18.57	17.60	17.69	12.38	18.18	11.58	23.22		
178	3101	2676	1608	1.59	1.40	1.55	18.88	17.82	17.94	12.61	18.30	12.02	23.55		
179	3109	2707	1700	1.67	1.42	1.80	19.20	18.03	18.20	13.24	18.45	12.95	25.09		
180	3117	2737	1800	1.76	1.45	2.13	19.51	18.25	18.68	13.67	18.60	12.68	27.22		
181	3108	2750	1905	1.81	1.47	2.18	19.78	18.52	18.73	13.62	18.97	13.15	27.42		
182	3099	2762	2070	1.86	1.49	2.24	20.05	18.79	18.99	13.17	19.02	13.37	27.42		
183	3090	2775	2150	1.91	1.51	2.29	20.32	19.05	19.26	13.62	19.12	13.62	27.42		
184	3061	2788	2230	1.95	1.53	2.38	20.59	19.32	19.53	13.66	19.20	13.67	28.22		
185	3072	2801	2328	2.00	1.55	2.39	20.86	19.58	19.80	13.67	19.27	13.67	28.22		
186	3106	2856	2452	2.17	1.62	2.55	21.16	19.80	20.10	15.12	19.61	14.33	28.22		
187	3100	2911	2579	2.30	1.68	2.72	21.45	20.10	20.40	15.31	20.35	14.58	28.22		
188	3178	2967	2707	2.51	1.75	2.89	21.75	20.40	20.70	15.39	20.68	14.58	29.05		
189	3208	3022	2835	2.68	1.82	3.06	22.05	20.70	21.00	15.46	21.02	14.58	29.05		
190	3232	3078	2962	2.85	1.88	3.22	22.35	21.00	21.30	15.47	21.04	15.17	29.05		
191	3242	3176	3062	2.85	1.88	3.22	22.35	21.00	21.30	15.47	21.04	15.17	29.05		

TABLE 9  
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT  
FEA REGION IX WESTERN  
(PRICES ASSUMED CONSTANT FROM 1998 ONWARD)

	RES. ELECT. \$/MWH	COMK. ELECT. \$/MWH	IND. ELECT. \$/MWH	RES. N. GAS \$/MCF	COMK. N. GAS \$/MCF	IND. N. GAS \$/MCF	RES. DIST. \$/88L	COMK. DIST. \$/88L	IND. DIST. \$/88L	RES. REG. \$/88L	COMK. REG. \$/88L	IND. REG. \$/88L	RES. LPG \$/88L	COMK. LPG \$/88L	IND. LPG \$/88L	RES. COAL \$/MEST	COMK. COAL \$/MEST	IND. COAL \$/MEST
1975	36.97	31.11	23.76	1.73	1.92	1.12	19.16	17.56	17.56	18.19	18.26	18.19	12.31	12.31	11.29	41.33	41.33	41.33
1976	38.67	33.30	26.10	1.84	1.58	1.53	19.30	17.71	17.71	18.12	18.12	18.08	12.67	12.67	11.67	39.90	39.90	39.90
1977	40.77	35.48	28.95	2.09	1.66	1.99	19.95	17.87	17.87	17.99	17.99	17.99	13.03	13.03	12.05	38.98	38.98	38.98
1978	42.67	37.66	30.79	2.22	1.79	2.36	19.59	18.03	18.03	17.82	17.82	17.82	13.39	13.39	12.43	37.93	37.93	37.93
1979	44.66	39.83	33.19	2.36	1.91	2.77	19.73	18.19	18.19	17.72	17.72	17.69	13.75	13.75	12.61	35.59	35.59	35.59
1980	46.46	42.02	35.89	2.50	2.03	3.18	19.88	18.35	18.35	17.59	17.59	17.57	14.12	14.12	13.19	34.15	34.15	34.15
1981	48.06	44.00	38.56	2.79	2.28	3.66	20.09	18.57	18.57	17.63	17.63	17.61	14.55	14.55	13.43	32.50	32.50	32.50
1982	49.66	46.78	41.68	3.04	2.53	4.05	20.31	18.78	18.78	17.67	17.67	17.65	14.99	14.99	13.67	30.85	30.85	30.85
1983	51.26	49.66	45.71	3.29	2.78	4.63	20.53	19.00	19.00	17.71	17.71	17.69	15.43	15.43	13.90	29.19	29.19	29.19
1984	52.86	51.54	48.79	3.53	3.03	5.21	20.75	19.22	19.22	17.75	17.75	17.73	15.87	15.87	14.19	27.53	27.53	27.53
1985	54.46	53.43	51.86	3.78	3.28	5.80	20.97	19.44	19.44	17.79	17.79	17.76	16.31	16.31	14.48	25.88	25.88	25.88
1986	56.07	55.71	55.33	4.02	3.52	6.38	21.30	19.77	19.77	18.11	18.11	18.08	16.75	16.75	14.81	24.23	24.23	24.23
1987	57.67	58.00	58.81	4.26	3.76	6.96	21.63	20.10	20.10	18.42	18.42	18.40	17.19	17.19	15.14	22.58	22.58	22.58
1988	59.27	60.29	61.20	4.50	4.00	7.54	21.96	20.43	20.43	18.76	18.76	18.72	17.59	17.59	15.47	20.93	20.93	20.93
1989	60.86	62.58	63.77	4.74	4.24	8.12	22.29	20.76	20.76	19.06	19.06	19.08	17.99	17.99	15.80	19.28	19.28	19.28
1990	62.46	64.87	65.25	4.98	4.48	8.70	22.62	21.09	21.09	19.38	19.38	19.36	18.39	18.39	16.13	17.63	17.63	17.63
1991	64.06	67.67	68.25	5.22	4.72	9.28	22.95	21.42	21.42	19.70	19.70	19.68	18.79	18.79	16.46	16.03	16.03	16.03

TABLE 10  
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT  
FEA REGION X NORTHWESTERN  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. \$/MWH	COMM. ELECT. \$/MWH	IND. ELECT. \$/MWH	RES. N. GAS \$/MCF	COMM. N. GAS \$/MCF	IND. N. GAS \$/MCF	RES. DIST. \$/BBL	COMM. DIST. \$/BBL	IND. DIST. \$/BBL	RES. LPG \$/BBL	COMM. RESID. \$/BBL	IND. RESID. \$/BBL	RES. LPG \$/BBL	COMM. RESID. \$/BBL	IND. LPG \$/BBL	RES. LPG \$/BBL	COMM. RESID. \$/BBL	IND. LPG \$/BBL	RES. LPG \$/BBL	COMM. RESID. \$/BBL	IND. LPG \$/BBL	RES. LPG \$/BBL	COMM. RESID. \$/BBL	IND. LPG \$/BBL
1975	15.91	16.66	6.16	2.37	1.76	1.17	18.77	17.17	17.11	17.73	17.91	17.91	11.91	17.91	17.91	11.91	17.91	17.91	11.91	17.91	17.91	11.91	17.91	17.91
1976	17.27	17.93	7.85	2.59	2.00	1.35	18.99	17.91	17.36	17.65	17.65	17.91	12.35	17.91	17.91	12.35	17.91	17.91	12.35	17.91	17.91	12.35	17.91	17.91
1977	16.62	19.20	9.25	2.60	2.22	1.59	19.22	17.98	17.60	17.53	17.91	17.91	12.79	17.91	17.91	12.79	17.91	17.91	12.79	17.91	17.91	12.79	17.91	17.91
1978	19.97	20.87	11.23	3.02	2.33	1.89	19.43	17.85	17.85	17.85	17.91	17.91	13.23	17.91	17.91	13.23	17.91	17.91	13.23	17.91	17.91	13.23	17.91	17.91
1979	21.32	21.74	12.93	3.23	2.66	2.01	19.56	18.11	18.10	17.20	17.91	17.91	13.47	17.91	17.91	13.47	17.91	17.91	13.47	17.91	17.91	13.47	17.91	17.91
1980	22.67	23.01	15.43	3.35	2.88	2.22	19.68	18.35	18.35	17.17	17.91	17.91	13.12	17.91	17.91	13.12	17.91	17.91	13.12	17.91	17.91	13.12	17.91	17.91
1981	24.62	25.67	18.92	3.46	2.69	2.43	20.09	18.57	18.57	17.21	17.91	17.91	13.35	17.91	17.91	13.35	17.91	17.91	13.35	17.91	17.91	13.35	17.91	17.91
1982	22.56	22.73	15.22	3.46	2.89	2.23	20.31	18.78	18.78	17.25	17.91	17.91	13.59	17.91	17.91	13.59	17.91	17.91	13.59	17.91	17.91	13.59	17.91	17.91
1983	22.51	22.60	15.51	3.47	2.90	2.24	20.33	19.00	19.00	17.29	18.02	18.02	13.83	18.02	18.02	13.83	18.02	18.02	13.83	18.02	18.02	13.83	18.02	18.02
1984	22.45	22.46	15.60	3.47	2.90	2.24	20.35	19.22	19.22	17.33	18.06	18.06	13.83	18.06	18.06	13.83	18.06	18.06	13.83	18.06	18.06	13.83	18.06	18.06
1985	22.40	22.32	15.69	3.48	2.90	2.24	20.37	19.44	19.44	17.37	18.09	18.09	13.83	18.09	18.09	13.83	18.09	18.09	13.83	18.09	18.09	13.83	18.09	18.09
1986	22.76	22.60	16.60	3.51	3.22	2.56	21.10	19.77	19.77	17.60	18.01	18.01	13.83	18.01	18.01	13.83	18.01	18.01	13.83	18.01	18.01	13.83	18.01	18.01
1987	22.12	22.68	17.51	3.53	3.53	2.88	21.43	20.10	20.10	18.01	18.73	18.73	13.70	18.73	18.73	13.70	18.73	18.73	13.70	18.73	18.73	13.70	18.73	18.73
1988	21.88	23.16	18.22	3.26	3.84	3.20	21.66	20.33	20.33	18.33	19.05	19.05	13.69	19.05	19.05	13.69	19.05	19.05	13.69	19.05	19.05	13.69	19.05	19.05
1989	21.63	23.35	18.93	3.19	4.16	3.52	22.19	20.56	20.56	18.63	19.37	19.37	13.69	19.37	19.37	13.69	19.37	19.37	13.69	19.37	19.37	13.69	19.37	19.37
1990	21.20	23.73	19.65	3.12	4.50	3.84	22.32	21.09	21.09	18.94	19.69	19.69	13.69	19.69	19.69	13.69	19.69	19.69	13.69	19.69	19.69	13.69	19.69	19.69
1991	21.20	23.73	19.65	3.12	4.50	3.84	22.32	21.09	21.09	18.94	19.69	19.69	13.69	19.69	19.69	13.69	19.69	19.69	13.69	19.69	19.69	13.69	19.69	19.69

TABLE 11  
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS  
PMA REGION I, NEW ENGLAND  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COM. ELECT.	IND. ELECT.	RES. N. GAS	COM. N. GAS	IND. N. GAS	RES. DIST.	COM. DIST.	IND. DIST.	COM. RESID.	IND. RESID.	RES. LPG	IND. LPG	RES. COAL	IND. COAL
1975	19.55	19.15	10.35	3.37	2.79	2.36	3.49	3.05	3.05	2.33	2.34	3.69	3.32	1.26	1.26
1976	19.49	19.13	10.50	3.36	2.80	2.49	3.49	3.08	3.08	2.91	2.93	3.69	3.34	1.37	1.37
1977	19.44	19.12	10.65	3.40	2.81	2.61	3.49	3.11	3.11	2.99	2.92	3.79	3.36	1.97	1.97
1978	19.46	19.11	10.60	3.42	2.82	2.73	3.49	3.14	3.14	2.97	2.91	3.74	3.37	1.57	1.57
1979	19.45	19.09	10.95	3.49	2.86	2.86	3.49	3.18	3.18	2.65	2.69	3.66	3.39	1.67	1.67
1980	19.31	19.08	11.10	3.44	2.83	2.98	3.49	3.21	3.21	2.73	2.78	3.63	3.41	1.77	1.77
1981	19.29	19.06	11.26	3.61	2.96	3.00	3.67	3.24	3.24	2.74	2.79	3.68	3.46	1.70	1.70
1982	19.27	19.09	11.44	3.77	3.19	3.01	3.50	3.28	3.27	2.74	2.79	3.73	3.51	1.60	1.60
1983	19.24	19.10	11.65	3.92	3.20	3.03	3.54	3.31	3.31	2.75	2.80	3.78	3.56	1.62	1.62
1984	19.22	19.10	11.83	4.08	3.25	3.05	3.57	3.34	3.34	2.75	2.81	3.82	3.60	1.63	1.63
1985	19.20	19.11	12.01	4.23	3.40	3.07	3.60	3.37	3.37	2.76	2.81	3.87	3.65	1.65	1.65
1986	19.32	19.27	12.33	4.39	3.76	3.23	3.65	3.43	3.42	2.81	2.86	3.92	3.70	1.66	1.66
1987	19.95	19.82	12.67	4.55	3.92	3.39	3.71	3.48	3.48	2.86	2.91	3.98	3.75	1.67	1.67
1988	19.56	19.56	13.00	4.71	4.06	3.55	3.76	3.53	3.53	2.91	2.97	4.03	3.80	1.67	1.67
1989	19.70	19.73	13.33	4.87	4.23	3.71	3.81	3.58	3.58	2.96	3.02	4.08	3.85	1.66	1.66
1990	19.83	19.80	13.64	5.03	4.40	3.87	3.86	3.63	3.63	3.01	3.07	4.14	3.90	1.69	1.69
1991	19.85	19.89	13.84	5.03	4.40	3.87	3.86	3.63	3.63	3.01	3.07	4.14	3.90	1.69	1.69

TABLE 12  
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS  
FEA REGION II NEW YORK/NEW JERSEY  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COM. ELECT.	IND. ELECT.	RES. N. GAS	COM. N. GAS	IND. N. GAS	RES. DIST.	COM. DIST.	IND. DIST.	RES. LPG	COM. RESID.	IND. RESID.	RES. LPG	COM. LPG	IND. LPG	RES. COAL	COM. COAL	IND. COAL
1975	16.12	16.81	8.89	2.75	2.23	1.66	3.13	2.85	2.84	3.22	2.26	2.28	3.22	2.99	2.99	1.86		1.86
1976	16.15	16.80	8.85	2.84	2.31	1.72	3.21	2.93	2.92	3.31	2.39	2.80	3.31	3.01	3.01	1.88		1.88
1977	15.98	16.39	8.82	2.93	2.39	1.79	3.28	3.01	3.00	3.40	2.49	2.53	3.40	3.11	3.11	1.90		1.90
1978	15.81	16.37	8.79	3.02	2.47	1.85	3.35	3.09	3.07	3.48	2.60	2.64	3.48	3.21	3.21	1.92		1.92
1979	15.68	16.36	8.75	3.10	2.55	1.91	3.42	3.17	3.15	3.56	2.71	2.79	3.56	3.32	3.32	1.94		1.94
1980	15.47	16.35	8.72	3.19	2.63	1.98	3.49	3.25	3.23	3.65	2.82	2.91	3.65	3.42	3.42	1.96		1.96
1981	15.34	16.37	8.73	3.28	2.70	2.11	3.53	3.29	3.27	3.73	2.92	2.92	3.73	3.48	3.48	1.98		1.98
1982	15.20	16.39	8.74	3.36	2.89	2.20	3.56	3.32	3.31	3.78	3.03	2.93	3.78	3.53	3.53	1.99		1.99
1983	15.07	16.42	8.74	3.45	3.02	2.27	3.60	3.36	3.35	3.84	3.14	2.93	3.84	3.64	3.64	1.99		1.99
1984	14.93	16.45	8.74	3.52	3.16	2.31	3.64	3.40	3.36	3.93	3.25	2.94	3.93	3.74	3.74	1.99		1.99
1985	14.79	16.46	8.76	3.60	3.29	2.34	3.68	3.44	3.42	4.02	3.36	2.95	4.02	3.85	3.85	1.99		1.99
1986	14.62	16.49	8.95	3.67	3.40	2.45	3.73	3.49	3.47	4.10	3.47	3.00	4.10	3.96	3.96	1.99		1.99
1987	14.44	16.52	9.12	3.74	3.52	2.57	3.78	3.54	3.52	4.19	3.58	3.05	4.19	4.07	4.07	1.98		1.98
1988	14.26	16.50	9.29	3.82	3.69	2.68	3.83	3.59	3.57	4.28	3.69	3.09	4.28	4.16	4.16	1.76		1.76
1989	14.09	16.49	9.47	3.92	3.75	2.80	3.88	3.64	3.63	4.37	3.80	3.15	4.37	4.25	4.25	1.77		1.77
1990	13.91	16.37	9.64	4.03	3.87	3.21	3.93	3.69	3.65	4.46	3.91	3.20	4.46	4.34	4.34	1.78		1.78
1991	13.91	16.37	9.64	4.03	3.87	3.21	3.93	3.69	3.65	4.46	3.91	3.20	4.46	4.34	4.34	1.78		1.78



TABLE 13  
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS  
PE4 REGION III, MID-ATLANTIC  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COM. ELECT.	IND. ELECT.	RES. N. 545	COM. N. 545	IND. N. 545	RES. DIST.	COM. DIST.	IND. DIST.	COM. RESID.	IND. RESID.	RES. L45	IND. L45	RES. L45	IND. L45
1975	12.24	11.38	8.02	2.12	1.81	1.19	3.08	2.88	2.82	2.27	2.23	2.99	2.74	2.99	2.81
1976	12.18	11.35	8.10	2.25	1.91	1.30	3.18	2.93	2.93	2.33	2.39	3.12	2.91	3.12	2.94
1977	12.12	11.32	8.19	2.37	2.01	1.58	3.30	3.02	3.04	2.40	2.55	3.33	3.09	3.33	3.09
1978	12.06	11.29	8.27	2.50	2.11	1.78	3.82	3.11	3.16	2.77	2.71	3.54	3.26	3.54	3.26
1979	12.00	11.26	8.36	2.62	2.21	1.98	3.59	3.20	3.27	2.89	2.87	3.75	3.35	3.75	3.35
1980	11.94	11.23	8.44	2.74	2.31	2.18	3.67	3.30	3.39	3.11	3.03	3.96	3.61	3.96	3.61
1981	12.01	11.33	8.67	2.86	2.43	2.29	3.70	3.33	3.42	3.11	3.09	4.02	3.67	4.02	3.67
1982	12.06	11.39	8.89	2.98	2.55	2.31	3.74	3.37	3.46	3.12	3.09	4.07	3.72	4.07	3.72
1983	12.15	11.55	9.12	3.10	2.67	2.38	3.77	3.40	3.49	3.12	3.05	4.15	3.78	4.15	3.81
1984	12.23	11.65	9.35	3.22	2.79	2.49	3.81	3.44	3.57	3.13	3.04	4.19	3.83	4.19	3.83
1985	12.30	11.76	9.58	3.34	2.90	2.51	3.84	3.47	3.67	3.14	3.06	4.25	3.89	4.25	3.89
1986	12.40	11.89	9.83	3.45	3.00	2.60	3.90	3.53	3.62	3.19	3.11	4.30	3.99	4.30	3.99
1987	12.49	12.02	10.08	3.53	3.09	2.70	3.95	3.58	3.67	3.24	3.19	4.35	4.09	4.35	4.09
1988	12.59	12.18	10.33	3.62	3.18	2.79	4.00	3.63	3.72	3.29	3.21	4.40	4.14	4.40	4.14
1989	12.69	12.27	10.58	3.71	3.27	2.89	4.05	3.68	3.77	3.34	3.26	4.45	4.19	4.45	4.19
1990	12.79	12.40	10.83	3.80	3.36	2.98	4.10	3.73	3.82	3.39	3.32	4.50	4.28	4.50	4.28
1991	12.79	12.40	10.83	3.80	3.36	2.98	4.10	3.73	3.82	3.39	3.32	4.50	4.28	4.50	4.28

TABLE 14  
ENERGY PRICES IN 1977, DOLLARS PER MILLION BTUS  
PEA REGION, IV SOUTH ATLANTIC  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COM. ELECT.	IND. ELECT.	RES. N. GAS	COM. N. GAS	IND. N. GAS	RES. DIST.	COM. DIST.	IND. DIST.	COM. RESID.	IND. RESID.	RES. LPS	IND. LPS	IND. COAL
195	9.01	9.03	5.01	1.63	1.30	0.91	3.00	2.88	2.82	2.02	2.05	2.74	2.53	0.97
196	9.26	9.05	6.23	1.76	1.30	1.01	3.21	2.93	2.93	2.17	2.18	2.90	2.75	1.12
197	9.55	9.02	4.88	1.88	1.49	1.11	3.39	3.02	3.09	2.32	2.32	3.28	3.07	1.28
198	9.82	10.16	7.11	2.01	1.50	1.21	3.87	3.11	3.15	2.86	2.85	3.88	3.20	1.83
199	10.09	10.30	7.53	2.13	1.66	1.31	3.60	3.21	3.26	2.61	2.59	3.73	3.02	1.58
200	10.36	10.63	7.98	2.25	1.77	1.41	3.73	3.30	3.38	2.15	2.72	3.98	3.63	1.74
201	10.59	10.68	8.18	2.38	1.80	1.54	3.77	3.33	3.41	2.76	2.73	4.04	3.70	1.74
202	10.82	10.69	8.38	2.50	2.02	1.71	3.81	3.37	3.45	2.77	2.78	4.10	3.76	1.77
203	10.85	10.63	8.57	2.62	2.13	1.84	3.89	3.41	3.48	2.78	2.75	4.16	3.83	1.79
204	10.88	10.63	8.77	2.73	2.24	2.02	3.89	3.46	3.52	2.78	2.75	4.22	3.89	1.81
205	10.51	10.63	8.97	2.84	2.38	2.17	3.91	3.48	3.56	2.79	2.74	4.28	3.95	1.83
206	10.53	10.63	9.17	2.98	2.50	2.27	3.94	3.53	3.61	2.89	2.81	4.33	4.00	1.83
207	10.56	10.63	9.38	3.10	2.62	2.36	4.02	3.58	3.66	2.89	2.86	4.37	4.04	1.84
208	10.41	10.63	9.58	3.22	2.73	2.44	4.07	3.63	3.71	2.90	2.91	4.42	4.09	1.85
209	10.65	10.65	9.78	3.33	2.80	2.56	4.12	3.68	3.76	3.00	2.96	4.46	4.13	1.85
200	10.66	10.65	9.99	3.46	2.96	2.66	4.17	3.73	3.81	3.05	3.01	4.51	4.16	1.86
201	10.66	10.65	9.99	3.60	2.96	2.66	4.17	3.73	3.81	3.05	3.01	4.51	4.16	1.86

TABLE 15  
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS  
FEA REGION V MIDWEST  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	COMM. RESID.	IND. RESID.	RES. LPG	IND. LPG	IND. COAL
1975	10.66	10.93	6.95	1.68	1.82	1.18	2.90	2.74	2.74	2.49	2.93	2.60	2.44	0.97
1976	10.73	10.52	6.60	1.80	1.52	1.27	2.97	2.61	2.81	2.54	2.53	2.77	2.61	1.08
1977	10.60	10.91	6.93	1.91	1.93	1.34	3.00	2.87	2.87	2.95	2.93	2.94	2.79	1.19
1978	10.68	10.71	7.18	2.03	1.73	1.95	3.11	2.94	2.94	2.75	2.73	3.11	2.66	1.16
1979	10.95	10.80	7.42	2.14	1.84	1.54	3.18	3.01	3.00	2.85	2.63	3.13	3.13	1.22
1980	11.22	10.69	7.67	2.25	1.94	1.63	3.25	3.07	3.07	2.95	2.93	3.45	3.30	1.33
1981	11.32	11.02	7.95	2.36	2.06	1.77	3.30	3.12	3.12	2.96	2.90	3.52	3.34	1.54
1982	11.23	11.19	8.23	2.46	2.17	1.91	3.35	3.17	3.17	2.97	2.94	3.58	3.42	1.55
1983	11.33	11.27	8.51	2.57	2.29	2.05	3.40	3.22	3.22	2.97	2.95	3.65	3.48	1.54
1984	11.33	11.39	8.80	2.67	2.41	2.19	3.45	3.27	3.27	2.98	2.94	3.71	3.55	1.57
1985	11.54	11.52	9.08	2.78	2.52	2.33	3.50	3.32	3.32	2.99	2.97	3.77	3.61	1.58
1986	11.62	11.61	9.33	2.95	2.68	2.46	3.55	3.37	3.37	3.00	3.02	3.82	3.65	1.59
1987	11.69	11.71	9.59	3.12	2.84	2.60	3.60	3.42	3.42	3.10	3.07	3.87	3.70	1.61
1988	11.77	11.81	9.84	3.29	3.00	2.70	3.65	3.47	3.47	3.15	3.12	3.91	3.75	1.62
1989	11.85	11.91	10.10	3.46	3.16	2.87	3.70	3.52	3.52	3.20	3.18	3.96	3.79	1.63
1990	11.83	12.01	10.36	3.63	3.32	3.01	3.75	3.58	3.57	3.25	3.23	4.00	3.80	1.64
1991	11.93	12.01	10.54	3.83	3.32	3.01	3.75	3.58	3.57	3.25	3.23	4.00	3.80	1.64

TABLE 16  
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS  
PEA REGION VI SOUTHWEST  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COM. ELECT.	IND. ELECT.	RES. N. GAS	COM. N. GAS	IND. N. GAS	RES. DIST.	COM. DIST.	IND. DIST.	RES. LPG	COM. RESID.	IND. RESID.	RES. LPG	IND. LPG	RES. IND. COAL
1955	8.50	7.00	9.60	1.88	1.00	0.78	2.99	2.78	2.73	2.67	2.11	2.18	2.67	2.97	1.84
1956	9.71	8.06	9.60	1.55	1.10	1.02	3.08	2.85	2.82	2.85	2.25	2.30	2.85	2.65	1.77
1957	10.72	9.72	7.05	1.61	1.20	1.26	3.17	2.92	2.91	3.02	2.38	2.42	3.02	2.92	1.87
1958	11.22	10.79	8.23	1.68	1.30	1.50	3.25	3.01	2.90	3.20	2.52	2.58	3.20	3.09	1.58
1959	12.73	11.65	9.49	1.74	1.40	1.74	3.34	3.10	3.06	3.38	2.65	2.68	3.38	3.17	1.49
1960	13.79	12.91	10.69	1.80	1.51	1.98	3.43	3.19	3.17	3.55	2.78	2.77	3.55	3.34	1.50
1961	13.62	12.84	10.71	1.67	1.68	2.00	3.47	3.22	3.21	3.61	2.79	2.78	3.61	3.40	1.41
1962	13.51	12.78	10.78	1.94	1.86	2.03	3.50	3.26	3.24	3.67	2.89	2.79	3.67	3.46	1.42
1963	13.39	12.72	10.86	2.00	2.03	2.05	3.54	3.30	3.28	3.73	2.81	2.80	3.73	3.52	1.43
1964	13.27	12.65	10.93	2.07	2.21	2.08	3.57	3.33	3.31	3.79	2.81	2.81	3.79	3.58	1.45
1965	13.15	12.59	11.00	2.14	2.34	2.10	3.61	3.37	3.35	3.85	2.82	2.81	3.85	3.64	1.46
1966	13.27	12.73	11.31	2.27	2.59	2.32	3.64	3.42	3.40	3.99	2.87	2.87	3.99	3.69	1.48
1967	13.36	12.82	11.61	2.40	2.80	2.53	3.71	3.47	3.45	3.94	2.93	2.92	3.94	3.73	1.51
1968	13.50	13.09	11.92	2.57	3.02	2.74	3.74	3.52	3.50	3.99	3.08	2.97	3.99	3.78	1.53
1969	13.61	13.26	12.22	2.67	3.23	2.95	3.81	3.57	3.54	4.03	3.03	3.02	4.03	3.87	1.55
1970	13.72	13.42	12.53	2.80	3.44	3.16	3.87	3.62	3.61	4.08	3.08	3.07	4.08	3.87	1.57
1971	13.72	13.42	12.53	2.80	3.44	3.16	3.87	3.62	3.61	4.08	3.08	3.07	4.08	3.87	1.57



TABLE 18  
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS  
FEL REGION VIII, NORTH CENTRAL  
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. OIL	COMM. OIL	IND. OIL	RES. LPG	COMM. LPG	IND. LPG	RES. COAL	COMM. COAL	IND. COAL
1975	9.02	7.58	9.09	1.29	1.08	0.94	3.08	2.95	2.95	2.89	2.89	2.87	2.81	2.81	0.91
1976	9.09	7.67	9.39	1.37	1.20	0.94	3.13	2.95	2.99	2.85	2.79	2.76	2.98	2.79	0.97
1977	9.07	7.74	9.68	1.46	1.33	1.22	3.19	3.02	3.04	2.89	2.83	2.80	3.09	2.89	1.03
1978	9.09	7.83	9.98	1.53	1.41	1.31	3.23	3.06	3.08	2.87	2.81	2.80	3.19	2.89	1.09
1979	9.11	7.93	10.27	1.62	1.57	1.39	3.35	3.10	3.12	2.87	2.81	2.80	3.30	2.90	1.15
1980	9.19	8.02	10.57	1.71	1.70	2.07	3.35	3.13	3.17	3.01	2.86	3.01	3.31	3.01	1.21
1981	9.11	8.06	10.82	1.76	1.91	2.12	3.40	3.18	3.21	3.02	2.91	3.01	3.31	3.01	1.22
1982	9.08	8.10	11.07	1.80	2.13	2.17	3.44	3.23	3.26	3.03	2.98	3.03	3.31	3.03	1.23
1983	9.06	8.13	11.31	1.85	2.38	2.22	3.48	3.27	3.31	3.04	2.99	3.04	3.39	3.04	1.23
1984	9.03	8.17	11.54	1.90	2.55	2.27	3.53	3.32	3.35	3.05	3.00	3.05	3.46	3.05	1.25
1985	9.00	8.21	11.81	1.94	2.77	2.32	3.58	3.34	3.40	3.07	3.01	3.07	3.72	3.07	1.25
1986	9.10	8.27	12.19	2.11	2.93	2.38	3.63	3.41	3.45	3.15	3.10	3.17	3.77	3.17	1.27
1987	9.20	8.33	12.58	2.27	3.09	2.49	3.68	3.47	3.50	3.23	3.19	3.23	3.82	3.19	1.28
1988	9.30	8.70	12.93	2.44	3.25	2.60	3.73	3.52	3.55	3.32	3.27	3.32	3.88	3.27	1.30
1989	9.40	8.89	13.31	2.60	3.42	2.67	3.79	3.57	3.60	3.41	3.36	3.45	3.93	3.36	1.32
1990	9.50	9.02	13.68	2.77	3.58	3.13	3.84	3.62	3.66	3.49	3.44	3.58	3.98	3.44	1.33
1991	9.50	9.02	13.68	2.77	3.58	3.13	3.84	3.62	3.66	3.49	3.44	3.58	3.98	3.44	1.33

TABLE 19  
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS  
FEA REGION II, WESTERN  
(PRICES ASSUMED CONSTANT FROM 1966 ONWARD)

	RES. ELECT.	COM. ELECT.	IND. ELECT.	RES. N. GAS	COM. N. GAS	IND. N. GAS	RES. DIST.	COM. DIST.	IND. DIST.	COM. RESID.	IND. RESID.	RES. LPG	IND. LPG	IND. COAL
1975	14.85	9.12	6.96	1.66	1.77	1.99	3.29	3.01	3.01	2.90	2.89	3.07	2.82	1.69
1976	14.30	9.76	7.65	1.69	1.50	1.99	3.31	3.04	3.04	2.86	2.87	3.16	2.91	1.77
1977	14.95	10.00	8.39	2.00	1.62	1.99	3.34	3.07	3.07	2.84	2.85	3.35	3.01	1.71
1978	14.50	11.09	9.03	2.15	1.78	2.09	3.36	3.10	3.10	2.84	2.83	3.39	3.10	1.65
1979	13.06	11.68	9.71	2.31	1.86	2.09	3.39	3.12	3.12	2.82	2.81	3.33	3.19	1.56
1980	13.62	12.32	10.40	2.47	1.98	2.09	3.41	3.15	3.15	2.80	2.79	3.29	3.29	1.52
1981	13.56	12.28	10.32	2.71	2.22	2.07	3.45	3.19	3.19	2.80	2.80	3.38	3.35	1.53
1982	13.30	12.25	10.39	2.95	2.46	2.06	3.49	3.22	3.22	2.81	2.81	3.44	3.41	1.55
1983	13.27	12.21	10.37	3.19	2.70	2.05	3.52	3.26	3.26	2.82	2.81	3.40	3.47	1.58
1984	13.15	12.16	10.30	3.43	2.94	2.05	3.56	3.30	3.30	2.82	2.82	3.70	3.53	1.58
1985	13.03	12.10	10.21	3.67	3.18	2.02	3.60	3.34	3.34	2.83	2.83	3.82	3.50	1.59
1986	13.03	12.23	10.05	3.91	3.42	2.05	3.66	3.39	3.39	2.86	2.85	3.87	3.64	1.62
1987	13.03	12.31	10.79	3.55	3.66	2.05	3.71	3.45	3.45	2.91	2.93	3.93	3.70	1.64
1988	13.03	12.37	10.93	3.99	3.90	2.06	3.77	3.51	3.51	2.96	2.96	3.99	3.76	1.64
1989	13.03	12.46	11.07	3.93	3.99	2.07	3.83	3.56	3.56	3.03	3.03	4.05	3.81	1.66
1990	13.04	12.56	11.21	3.97	4.08	2.08	3.88	3.62	3.62	3.06	3.06	4.10	3.87	1.70
1991	13.04	12.56	11.21	3.97	4.08	2.08	3.88	3.62	3.62	3.06	3.06	4.10	3.87	1.70

TABLE 20  
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS  
FEA REGION X NORTHWESTERN  
(PRICES ASSUMED CONSTANT FROM 1980 ONWARD)

	RES. ELECT.	COM. ELECT.	IND. ELECT.	RES. N. GAS	COM. N. GAS	IND. N. GAS	RES. OIL	COM. OIL	IND. OIL	RES. LNG	COM. LNG	IND. LNG	RES. COAL	COM. COAL	IND. COAL
1975	5.60	5.60	1.00	2.20	1.75	1.15	3.22	2.95	2.94	2.87	2.85	2.85	3.37	3.37	1.07
1976	5.06	5.26	2.50	2.51	1.94	1.54	3.26	2.90	2.98	2.81	2.85	2.85	3.38	3.38	1.09
1977	5.06	5.03	2.00	2.72	2.16	1.54	3.30	3.03	3.02	2.79	2.85	2.85	3.39	3.39	1.12
1978	5.05	5.00	3.20	2.93	2.37	1.95	3.33	3.07	3.06	2.77	2.85	2.85	3.39	3.39	1.13
1979	6.25	6.37	3.70	3.14	2.50	1.95	3.37	3.11	3.11	2.75	2.85	2.85	3.41	3.41	1.16
1980	6.64	6.73	4.20	3.35	2.60	2.16	3.41	3.15	3.15	2.73	2.85	2.85	3.42	3.42	1.19
1981	6.63	6.70	4.37	3.36	2.60	2.16	3.45	3.19	3.19	2.72	2.85	2.85	3.46	3.46	1.27
1982	6.61	6.66	4.40	3.34	2.61	2.17	3.49	3.22	3.22	2.74	2.84	2.84	3.48	3.48	1.35
1983	6.60	6.62	4.55	3.37	2.61	2.17	3.52	3.26	3.26	2.75	2.87	2.87	3.50	3.50	1.35
1984	6.58	6.58	4.63	3.37	2.62	2.17	3.56	3.30	3.30	2.76	2.87	2.87	3.52	3.52	1.31
1985	6.56	6.54	4.72	3.37	2.62	2.16	3.60	3.34	3.34	2.76	2.88	2.88	3.52	3.52	1.30
1986	6.67	6.62	4.92	3.31	3.13	2.40	3.66	3.39	3.39	2.81	2.93	2.93	3.57	3.57	1.38
1987	6.78	6.71	5.13	3.29	3.49	2.60	3.71	3.45	3.45	2.80	2.98	2.98	3.57	3.57	1.39
1988	6.66	6.70	5.34	3.17	3.75	3.11	3.77	3.51	3.51	2.91	3.03	3.03	3.60	3.60	1.33
1989	6.90	6.87	5.55	3.10	4.06	3.42	3.83	3.54	3.54	2.91	3.08	3.08	3.65	3.65	1.38
1990	7.00	6.95	5.76	3.03	4.37	3.73	3.88	3.62	3.62	3.02	3.13	3.13	3.66	3.66	1.33
1991	7.00	6.95	5.76	3.03	4.37	3.73	3.88	3.62	3.62	3.02	3.13	3.13	3.66	3.66	1.33



Appendix B - Discount Factors  
(Discounting Rate of 10 Percent)

<u>Year since Implementation</u>	<u>Discount Factors*</u>
1	0.909091
2	0.826446
3	0.751315
4	0.683013
5	0.620921
6	0.564474
7	0.513158
8	0.466507
9	0.424098
10	0.385543
11	0.350494
12	0.318631
13	0.289664
14	0.263331
15	0.239392
16	0.217629
17	0.197845
18	0.179859
20	0.148644
21	0.135131
22	0.122846
23	0.111678
24	0.101526
25	0.092296

\*The discount factors presented in the table above assume end-of-year lump-sum costs and returns. When costs and returns occur in a steady stream, applying mid-year discount factors may be appropriate. Present value cost and benefit computed from this table can be converted to a mid-year discounting basis by multiplying them by the factor 1.048809. (For example, if the present value cost of a series of annual expenditures computed from the above table is \$1,200.00, the present value cost on a mid-year discounting basis is \$1,200.00 x 1.048809 or \$1,258.57.)

Appendix C - Factors to Adjust Future  
Principal and Interest Payments  
to Base Year Equivalent Values

<u>Year since Base Year</u>	<u>Adjustment Factor</u>
1	0.9524
2	0.9070
3	0.8638
4	0.8227
5	0.7835
6	0.7462
7	0.7107
8	0.6768
9	0.6446
10	0.6139
11	0.5847
12	0.5568
13	0.5303
14	0.5051
15	0.4810
16	0.4581
17	0.4363
18	0.4155
19	0.3957
20	0.3769
21	0.3589
22	0.3418
23	0.3256
24	0.3101
25	0.2953

[FR Doc.77 Filed 6-28-77;10:52 am]

**federal register**

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WEDNESDAY, JUNE 29, 1977

907152

PART V



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**INTERSTATE  
COMMERCE  
COMMISSION**



**CHICAGO, ROCK ISLAND  
AND PACIFIC  
RAILROAD CO.**

**System Diagram Map**

**INTERSTATE COMMERCE COMMISSION**

[AB 46 (SDM)]

**WILLIAM M. GIBBONS, TRUSTEE OF THE PROPERTY OF CHICAGO,  
ROCK ISLAND AND PACIFIC RAILROAD COMPANY, DEBTOR**

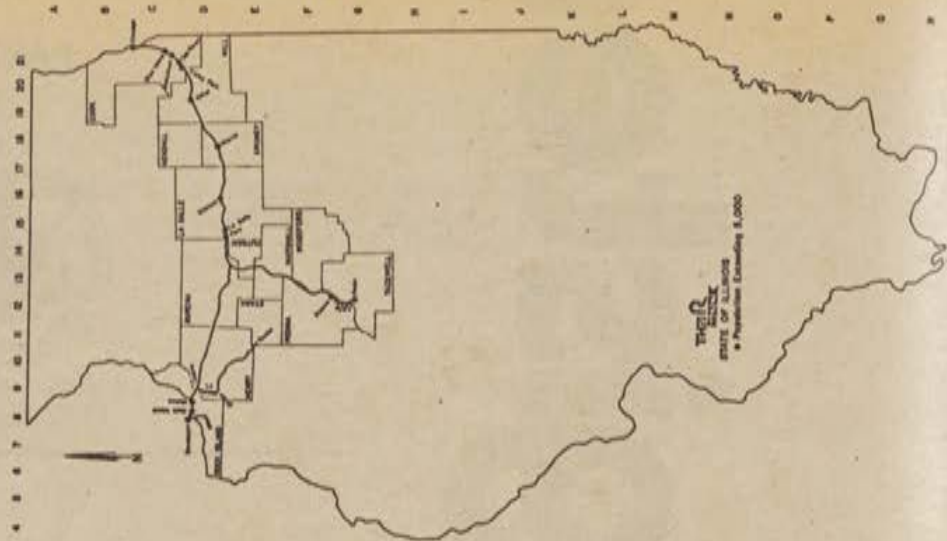
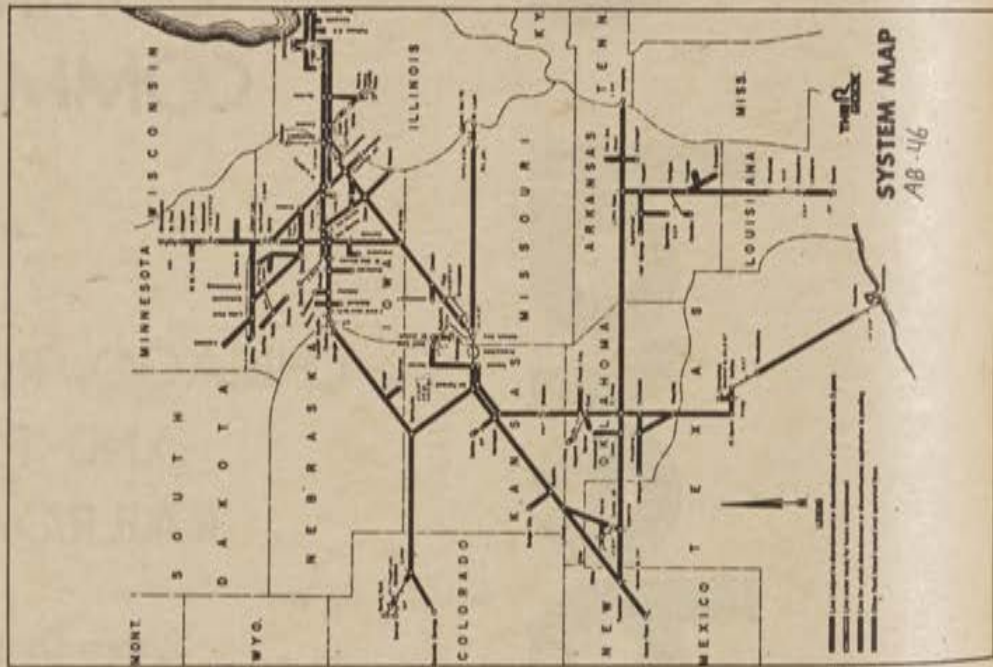
**System Diagram Map**

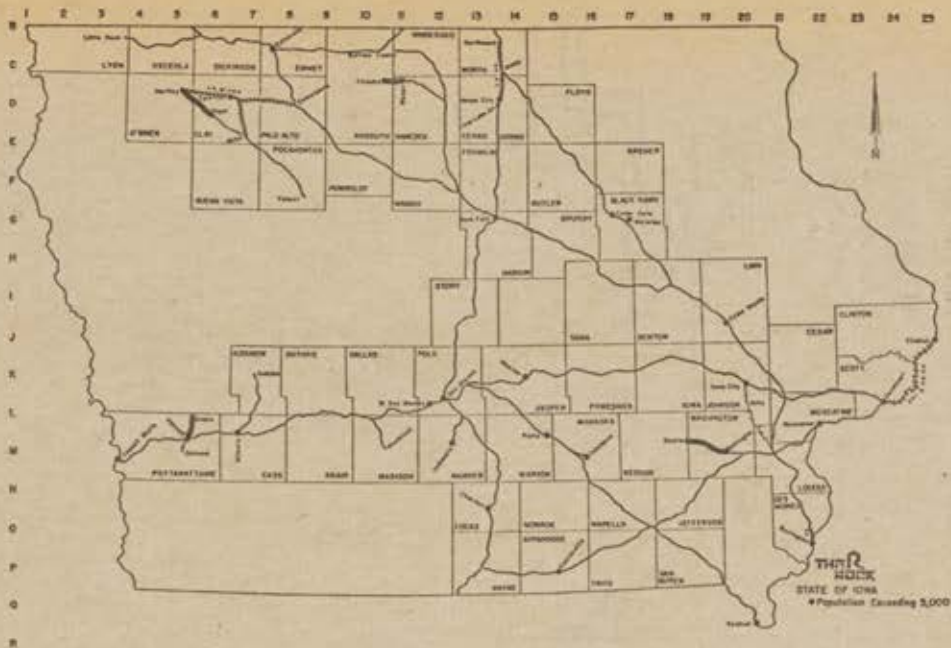
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Chicago, Rock Island and Pacific Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 46 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on June 16, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

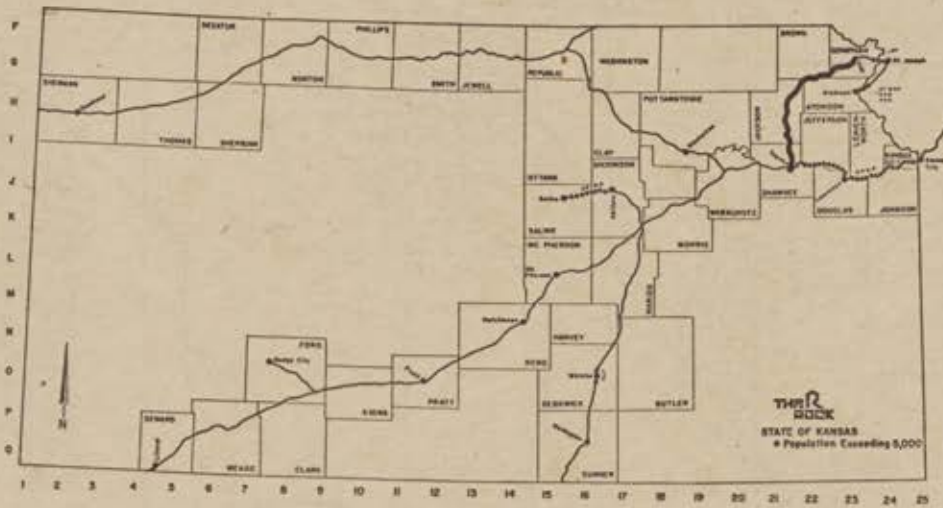
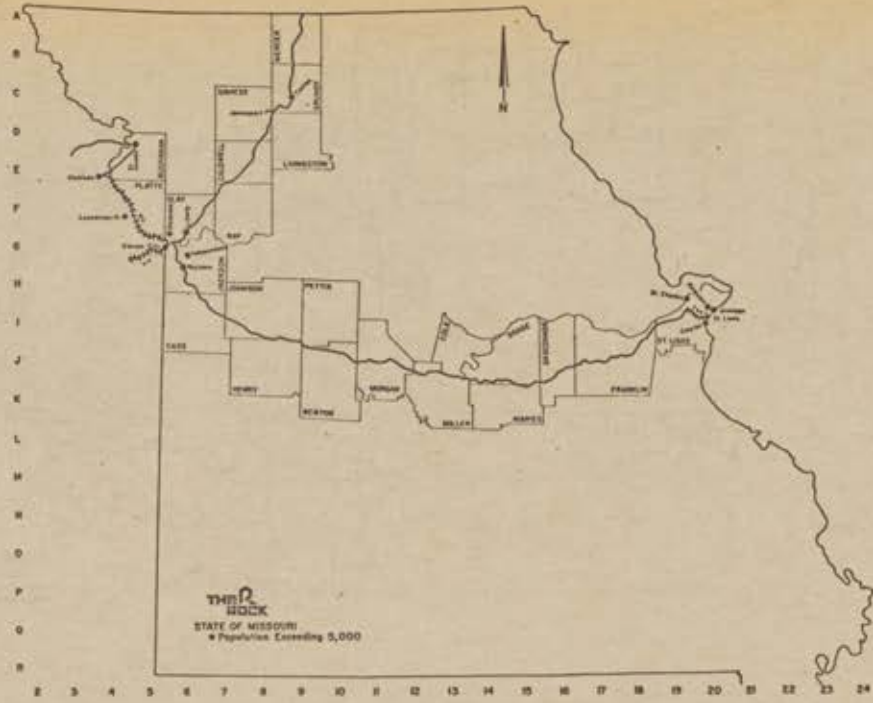
Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 46 (SDM).

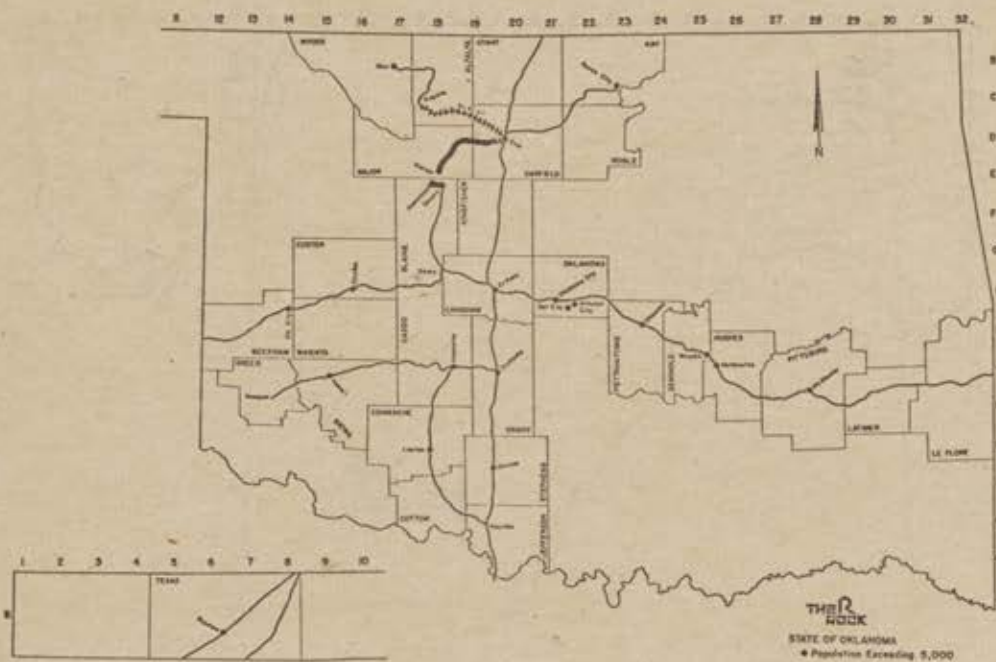
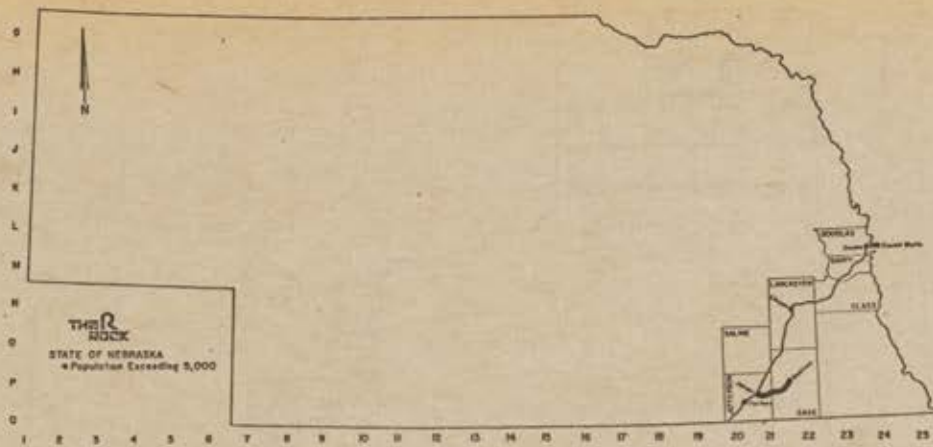
H. G. HOMME, Jr.

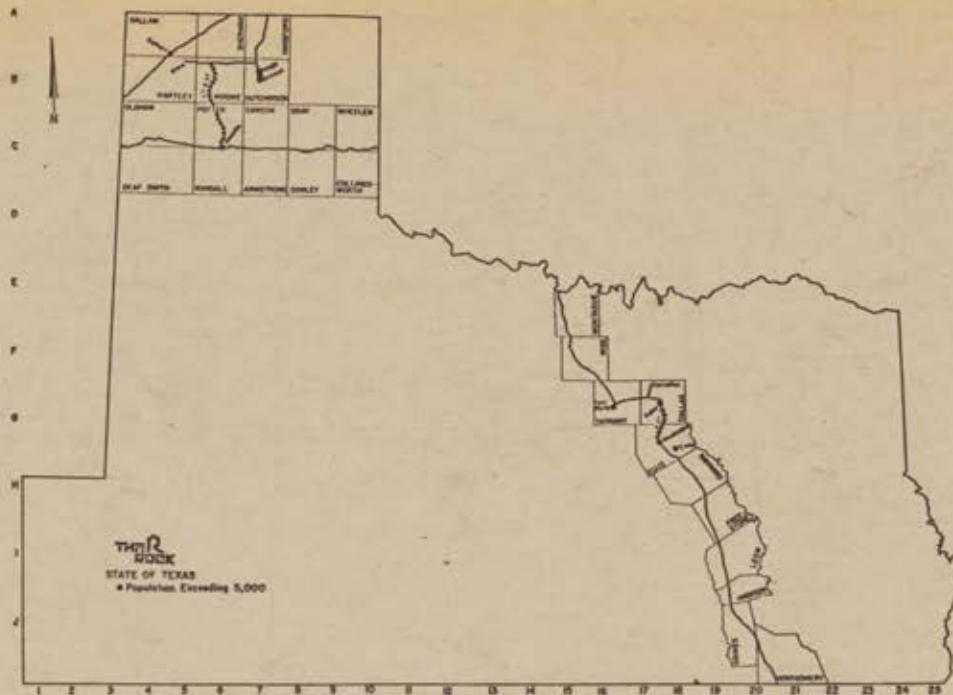
*Acting Secretary.*



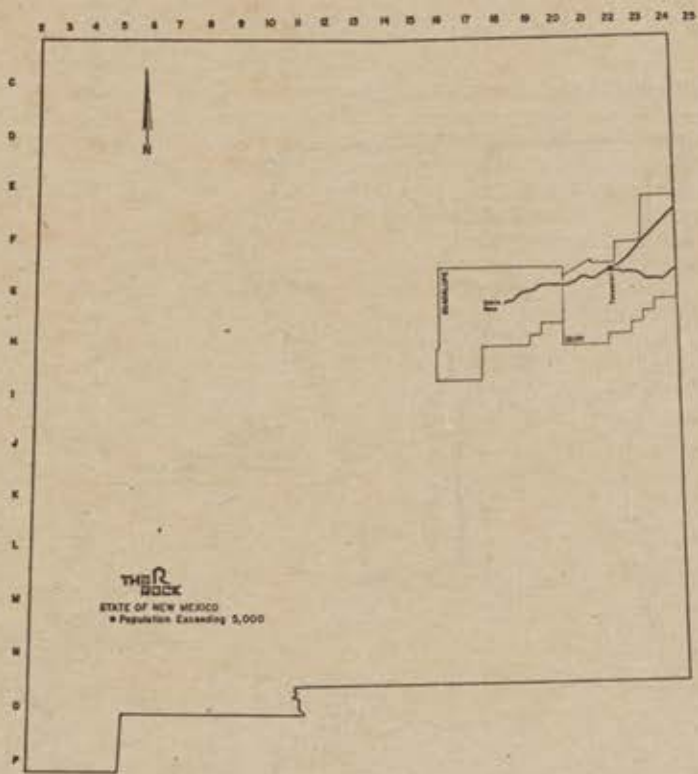
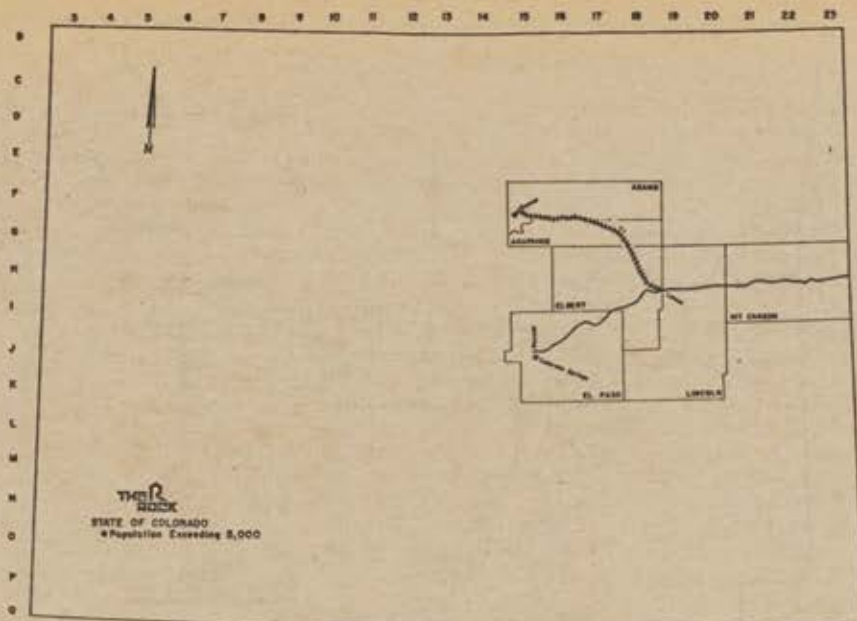


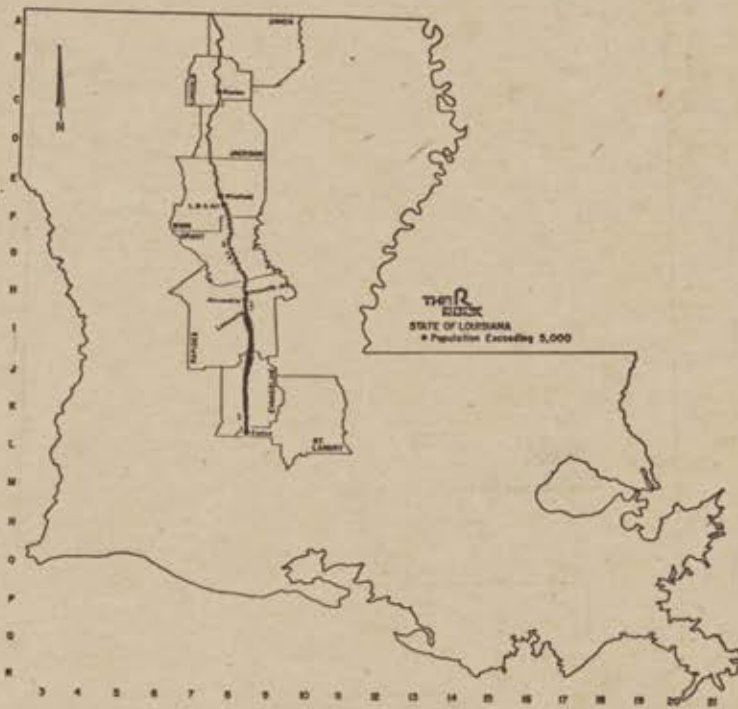












IOWA

Category 1: Lines subject to abandonment or discontinuance of operation within 3 years

Moden to Titonka in Kosciusko and Hancock Counties

Terminal Points

Moden M.P. 166.50  
Titonka M.P. 172.80

Royal to (but not including) Bartley in Clay and O'Brien Counties

Terminal Points

Royal M.P. 501.80  
Bartley M.P. 515.00

Washington to Keoka in Washington and Keokuk Counties

Terminal Points

Washington M.P. 248.20  
Keoka M.P. 263.65

Hancock to Avoca in Pottawattamie County

Terminal Points

Hancock M.P. 6.40  
Avoca M.P. 0.00

ARKANSAS

Category 1: Line subject to abandonment or discontinuance of operation within 3 years

Mesa to Des Arc in Prairie County

Terminal Points

Mesa M.P. 0.00  
Des Arc M.P. 14.98

Category 3: Lines for which abandonment or discontinuance application is pending

Whitlow Jct. to Crossett in Ashley County

Terminal Points

Whitlow Jct. M.P. 38.50  
Crossett M.P. 43.10

Warren & Ouachita Valley Railway Company: AB-133  
Banks to Warren in Bradley County

Terminal Points

Banks M.P. 15.66  
Warren M.P. 0.00

LOUISIANA

Category 3: Line for which abandonment or discontinuance application is pending

Alexandria to Eunice in Rapides and Evangeline Counties

Terminal Points and Agency Stations

Alexandria	M.P. 246.80
Lacour, Jct.	M.P. 257.70
Lecompte	M.P. 261.00
Turkey Creek	M.P. 276.00
Pine Prairie	M.P. 282.40
Easton	M.P. 284.50
Manou	M.P. 292.80
Eunice	M.P. 302.60

KANSAS

Category 1: Lines subject to abandonment or discontinuance of operation within 3 years

Troy to North Topeka in Doniphan, Atchison, Jackson and Shawnee Counties

Terminal Points and Agency Stations

Troy	M.P. 13.50
Benders	M.P. 19.20
Denton	M.P. 24.10
Barton	M.P. 40.80
Bolton	M.P. 60.10
Mayetta	M.P. 69.40
Boyt	M.P. 75.80
North Topeka	M.P. 85.30

MINNESOTA

Category 1: Lines subject to abandonment or discontinuance of operation within 3 years

Category 1: Line subject to abandonment or discontinuance of operation within 3 years

Worthington to Lismore in Nobles County

Terminal Points and Agency Stations

Worthington M.P. 254.70  
 Reading M.P. 261.90  
 Wilmont M.P. 269.10  
 Lismore M.P. 275.77

Jansen to Beatrice in Jefferson and Gage Counties

Terminal Points and Agency Stations

Jansen M.P. 149.00  
 Barbine M.P. 143.20  
 Ellis M.P. 137.60  
 Beatrice M.P. 128.40

Clarks Grove to Maple Island in Freeborn County

Terminal Points and Agency Stations

Clarks Grove M.P. 0.00  
 West Side M.P. 3.60  
 Bollandale M.P. 6.70  
 Maple Island M.P. 8.70

Rake, Ioes (state line) to Albert Lea in Faribault and Freeborn Counties

Terminal Points and Agency Stations

Ioes-Minnesota State Line M.P. 51.48  
 Ericelyn M.P. 57.20  
 Walters M.P. 66.00  
 Conger M.P. 73.40  
 Albert Lea M.P. 82.86

TEXAS

Category 1: Line subject to abandonment or discontinuance of operation within 3 years

Fringie to Stinnett in Hutchinson County

Terminal Points

Fringie M.P. 67.30  
Stinnett M.P. 57.00

OKLAHOMA

Category 1: Lines subject to abandonment or discontinuance of operation within 3 years

Enid to Warren in Garfield and Major Counties

Terminal Points and Agency Stations

North Enid M.P. 4.50  
Lahoma M.P. 12.10  
Meno M.P. 17.10  
Ringwood M.P. 20.80  
Warren M.P. 24.10

Okeene to Homestead in Blaine County

Terminal Points

Okeene M.P. 37.30  
Homestead M.P. 42.80

[FR Doc. 77-18287 Filed 6-28-77; 8:45 am]

**Federal Register**

WEDNESDAY, JUNE 29, 1977

PART VI



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**DEPARTMENT OF  
HOUSING AND  
URBAN  
DEVELOPMENT**

**Federal Insurance  
Administration**

■

**NATIONAL FLOOD  
INSURANCE PROGRAM**

**Communities Eligible for Sale of  
Insurance; Special Hazard Areas**

Title 24—Housing and Urban  
Development

CHAPTER X—FEDERAL INSURANCE  
ADMINISTRATION, DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT  
SUBCHAPTER B—NATIONAL FLOOD  
INSURANCE PROGRAM

[Docket No. FI-3061]

PART 1914—COMMUNITIES ELIGIBLE  
FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Adminis-  
tration.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program. Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Richard Krimm, Assistant Admin-  
istrator, Office of Flood Insurance, 202-  
755-5581 or Toll Free Line, 800-424-  
8872, Room 5270, 451 Seventh St., SW.,  
Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or

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

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

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

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

<u>State</u> ***	<u>County</u> ***	<u>Location</u> ***	<u>Effective date of authorization of sale of flood insurance for area</u> ***		<u>Hazard area identified</u> ***	<u>Community number</u> ***
Arizona.	Yavapai.	Prescott, City of.	February 25, 1972. February 2, 1977. February 15, 1977. June 3, 1977.	Emerg. Reg. Susp. Rein.	5-17-74	04098A
California. (24 CFR § 1914.6)	San Diego.	Carlsbad, City of.	July 2, 1975. June 14, 1977.	Emerg. Reg.	5-31-74	060295A
<u>State</u> ***	<u>County</u> ***	<u>Location</u> ***	<u>Effective date of authorization of sale of flood insurance for area</u> ***		<u>Hazard area identified</u> ***	<u>Community number</u> ***
Maine.	Somerset	Jackman, Town of.	June 15, 1977	Emerg.	1-24-75 & 1-14-77	238362A



<u>State</u> ***	<u>County</u> ***	<u>Location</u> ***	<u>Effective date of authorization of sale of flood insurance for area</u> ***	<u>Hazard area identified</u> ***	<u>Community number</u> ***
Michigan.	Monroe.	Monroe, City of.	December 29, 1972. June 15, 1977.	Emerg. Reg.	3-3-74 260153A
New York.	Tioga.	Owego, Town of.	December 29, 1972. June 15, 1977.	Emerg. Reg.	11-1-74 & 8-6-76 360839B
Pennsylvania.	Schuylkill.	Blythe, Township of.	March 30, 1973. June 15, 1977.	Emerg. Reg.	8-30-74 420767B
Do.	Butler.	Clearfield, Township of.	June 15, 1977.	Emerg.	1-10-75 422344
Do.	Carbon.	East Penn, Township of.	October 19, 1973. June 15, 1977.	Emerg. Reg.	1-16-74 421013A
Do.	Montgomery.	Hatboro, Borough of.	February 16, 1973. June 15, 1977.	Emerg. Reg.	8-9-74 & 5-26-76 420697B
Do.	York.	Spring Garden, Township of.	August 27, 1973. June 15, 1977.	Emerg. Reg.	5-10-74 & 3-5-76 420937B
Do.	Luzerne.	Swoyersville, Borough of.	January 26, 1973. June 15, 1977.	Emerg. Reg.	5-16-77 420627
Do.	Delaware.	Upper Providence, Township of.	December 3, 1971. June 15, 1977.	Emerg. Reg.	2-20-73 & 4-13-73 420441B
Do.	Crawford.	West Mead, Township of.	April 14, 1972. June 15, 1977.	Emerg. Reg.	8-31-73 & 3-29-74 420356C
Do.	York.	York, City of.	October 6, 1972. June 15, 1977.	Emerg. Reg.	2-1-74 & 3-26-76 420945B
Wisconsin.	Milwaukee & Ozaukee.	Bayside, Village of.	August 7, 1973. June 15, 1977.	Emerg. Reg.	2-22-74 & 6-16-77 550270B

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

Issued: June 4, 1977.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.

[FR Doc.77-18138 Filed 6-28-77;8:45 am]

[Docket No. FI-3012]

**PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS**

**Communities With Detailed Engineering Data (Flood Insurance Rate Maps)**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to provide a cumulative list of communities for which the Federal Insurance Administrator has published a Flood Insurance Rate Map (FIRM), usually pro-

viding water surface elevations for Special Flood Hazard Areas. The engineering data on the FIRM is used by local community officials as the basis for flood plain management measures to reduce future flood losses; it is also the basis for actuarial rates for flood insurance.

EFFECTIVE DATE: The effective date of the most recent revision is listed in the fifth column.

FOR FURTHER INFORMATION CONTACT:

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

202-755-5581 or Toll Free Line, 800-424-8872, Room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The effective date of the most recent revision of the FIRM for the communities listed will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

1915.4 List of communities with detailed engineering data (FIRM's).

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
AK	UNORGANIZED	BETHEL, CITY OF	020104	760316
AK	MULTIPLE	NENANA, CITY OF	025010	760409
	WRANGELL-P			
AK	KENAI PENINSULASKAGWAY, CITY OF		025011	770301
AK	No. STAR BORO.	FAIRBANKS & VICINITY	025009	751003

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
AL	BALDWIN	BALDWIN COUNTY #	015000	761008
AL	MOBILE	BAYOU LA BATRE, CITY OF	015001	760402
AL	LOWNDES	BENTON, TOWN OF	015002	751017
AL	MOBILE	CHICKASAW, CITY OF	015003	751024
AL	CULLMAN	CULLMAN, CITY OF	010209	770114
AL	COFFEE	ELBA, CITY OF	015004	760507
AL	LAUDERDALE	FLORENCE, CITY OF	010140	770502
AL	BALDWIN	GULF SHORES, TOWN OF	015005	760514
AL	WINSTON	HALEYVILLE, CITY OF	010303	760625
AL	JEFFERSON	HOMEWOOD, CITY OF	015006	760806
AL	MOBILE	MOBILE COUNTY #	015008	740701
AL	MOBILE	MOBILE, CITY OF	015007	760507
AL	LAMAR	SULLIGENT, TOWN OF	010138	760625

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
AR	LOGAN	BOONEVILLE, CITY OF	050472	760625
AR	LAFAYETTE	BUCKNER, CITY OF	050115	760625
AR	LAWRENCE	COLLEGE CITY, CITY OF	050316	760625
AR	BAXTER	COTTER, CITY OF	050011	760625
AR	ASHLEY	CROSSETT, CITY OF	050471	760625
AR	YELL	DARDANELLE, CITY OF	050233	751107
AR	NEVADA	EMMET, CITY OF	050411	760625
AR	SEBASTIAN	FORT SMITH, CITY OF	055013	760507
AR	MISSISSIPPI	GOSNELL, CITY OF	050144	760507
AR	CLAY	KNUBEL, TOWN OF	050032	760625
AR	MISSISSIPPI	LEACHVILLE, CITY OF	050147	760625
AR	WHITE	MC RAE, CITY OF	050228	760625
AR	MISSISSIPPI	USCEOLA, CITY OF	050151	760625
AR	CHAWFORD	RUDY, TOWN OF	050052	760625
AR	POPE	RUSSELLVILLE, CITY OF	050178	751121
AR	JEFFERSON	SHEKRILL, TOWN OF	050110	751121
AR	COLUMBIA	TAYLOR, CITY OF	050042	751121
AR	MILLEN	TEXARKANA, CITY OF	050137	761231
AR	MISSISSIPPI	WILSON, CITY OF	050153	760625

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LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
AZ	COCHISE	BENSUN, TOWN OF	040013	760625
AZ	COCHISE	HUACHUCA, CITY OF	040016	760514
AZ	YUMA	PARKER, TOWN OF	040100	760514
AZ	MARICOPA	SCOTTSDALE, CITY OF	049012	760109
AZ	APACHE	SPRINGERVILLE, TOWN OF	040011	760625
AZ	YAVAPAI	PRESCOTT, CITY	040098	740517

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LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
CA	PLACER	AUBURN, CITY OF	060240	760625
CA	MARIN	BELVEDERE, CITY OF	060429	770502
CA	RIVERSIDE	BLYTHE, CITY OF	060248	770502
CA	SANTA CLARA	CAMPBELL, CITY OF	060338	770502
CA	SANTA BARBARA	CARPINTERIA, CITY OF	060332	770315
CA	SAN BERNARDINO	CHINO, CITY OF	060272	770315
CA	COLUSA	COLUSA, CITY OF	060023	770315
CA	SAN MATEO	FOSTER CITY, CITY OF	060318	770107
CA	LOS ANGELES	GLENORA, CITY OF	065031	770107
CA	LOS ANGELES	HAWAIIAN GARDENS, CITY OF	065032	770107
CA	IMPERIAL	IMPERIAL, CITY OF	060071	770107
CA	SAN DIEGO	LA MESA, CITY OF	060292	760625
CA	LOS ANGELES	PARAMOUNT, CITY OF	065049	750502
CA	LOS ANGELES	SAN DIMAS, CITY OF	060154	770401
CA	LOS ANGELES	SAN FERNANDO, CITY OF	060628	770401
CA	LOS ANGELES	SAN GABRIEL, CITY OF	065055	760416
CA	RIVERSIDE	SAN JACINTO, CITY OF	065056	751212
CA	LOS ANGELES	SOUTH EL MONTE, CITY OF	060162	760220
CA	LOS ANGELES	SOUTH PASADENA, CITY OF	065061	760220
CA	SAN BERNARDINO	VICTORVILLE, CITY OF	065068	740701
CA	IMPERIAL	WESTMORLAND, CITY OF	060072	740701
CA	CONTRA COSTA	EL CERRITO, CITY OF	065027	770601
CA	MARIN	TIBURON, CITY OF	060430	770516

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
CO	MULTIPLE JEFFERSON	ARVADA, CITY OF	085072	760423
CO	BOULDER	BROOMFIELD, CITY OF	085073	750822
CO	MONTEZUMA	CORTEZ, CITY OF	080121	770415
CO	ARAPAHOE	ENGLEWOOD, CITY OF	085074	750411
CO	CONEJOS	LA JARA, TOWN OF	080038	750411
CO	JEFFERSON	LAKWOOD, CITY OF	085075	740701
CO	BOULDER	LOUISVILLE, CITY OF	085076	750725
CO	OTERU	MANZANOLA, TOWN OF	080134	750725
CO	OURAY	RIDGWAY, TOWN OF	080138	750725
CO	ARAPAHOE	SHERIDAN, CITY OF	080018	760713
CO	BACA	WALSH, TOWN OF	080021	760713
CO	JEFFERSON	WHEAT RIDGE, CITY OF	085079	740701
CO.	PUEBLO	PUEBLO, CITY OF	085077	760402
CO.	GARFIELD	RIFLE, CITY OF	085078	760312

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
CT	FAIRFIELD	DANBURY, CITY OF	090004	770502
CT	NEW LONDON	GROTON, TOWN OF	090097	770415
CT	HARTFORD	HARTFORD, CITY OF	095080	740701
CT	NEW LONDON	NEW LONDON, CITY OF	090100	770502
CT	NEW HAVEN	PROSPECT, TOWN OF	090151	770204
CT	LITCHFIELD	TORRINGTON, CITY OF	095081	760305
CT	HARTFORD	WEST HARTFORD, CITY OF	095082	740701
CT	HARTFORD	WETHERSFIELD, TOWN OF	090040	770502
CT.	HARTFORD	AVON, TOWN OF	090021	770516
CT	FAIRFIELD	NEW CANAAN, TOWN OF	090010	770516
CT	HARTFORD	SIMSBURY, TOWN OF	090035	770516

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LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
DE	SUSSEX	BETHANY BEACH, TOWN OF	105083	760213
DE	SUSSEX	BRIDGEVILLE, TOWN OF	100032	770107
DE	KENT	CHESWOLD, TOWN OF	100004	770107
DE	NEW CASTLE	DELAWARE CITY, CITY OF	100022	770216
DE	NEW CASTLE	ELSMERE, TOWN OF	100023	761231
DE	KENT	FELTON, TOWN OF	100008	770107
DE	SUSSEX	FENWICK ISLAND, TOWN OF	105084	750926
DE	SUSSEX	LEWES, CITY OF	100041	770315
DE	NEW CASTLE	MIDDLETOWN, TOWN OF	100024	770107
DE	NEW CASTLE	NEW CASTLE COUNTY *	105085	751226
DE	NEW CASTLE	NEW CASTLE, CITY OF	100026	751226
DE	NEW CASTLE	NEWARK, CITY OF	100025	751226
DE	SUSSEX	REHOBOTH BEACH, CITY OF	105086	760312
DE	SUSSEX	SOUTH BETHANY, TOWN OF	100051	761006
DE	SUSSEX	SUSSEX COUNTY #	100029	761006
DE	NEW CASTLE	WILMINGTON, CITY OF	100028	770502
DE	KENT	CLAYTON, TOWN OF	100005	770601
DE	KENT	HARRINGTON, CITY OF	100010	770601
DE	KENT & SUSSEX	MILFORD, CITY OF	100042	770601
DE	KENT	SMYRNA, TOWN OF	100017	770601

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
FL	MANATEE	ANNA MARIA, CITY OF	125087	760220
FL	DUVAL	ATLANTIC BEACH, CITY OF	120075	770315
FL	DUVAL	BALDWIN, TOWN OF	120076	770315
FL	PINELLAS	BELLEAIR BEACH, CITY OF	125089	751128
FL	PINELLAS	BELLEAIR SHORE, TOWN OF	125090	751017
FL	PINELLAS	BELLEAIR, TOWN OF	125088	760813
FL	MANATEE	BHADENTON BEACH, CITY OF	125091	760220
FL	BREVARD	BREVARD COUNTY #	125092	760806
FL	BROWARD	BROWARD COUNTY #	125093	760730
FL	SUMTER	BUSHNELL, CITY OF	120297	760625
FL	BREVARD	CAPE CANAVERAL, CITY OF	125094	750815
FL	CHARLOTTE	CHARLOTTE COUNTY #	120061	750919
FL	PINELLAS	CLEARWATER, CITY OF	125096	740701
FL	HENDRY	CLEWISTON, CITY OF	120108	770315
FL	BREVARD	COCUA BEACH, CITY OF	125097	751226
FL	DADE	DADE COUNTY #	125098	770318
FL	BROWARD	DAVIE, TOWN OF	120035	760713
FL	VOLUSIA	DAYTONA BEACH SHORES, CITY OF	125100	750926
FL	VOLUSIA	DAYTONA BEACH, CITY OF	125099	740701
FL	BROWARD	DEERFIELD BEACH, CITY OF	125101	760430
FL	PALM BEACH	DELRAY BEACH, CITY OF	125102	760716
FL	PINELLAS	DUNEDIN, CITY OF	125103	761022
FL	COLLIER	EVERGLADES, CITY OF	125104	751128
FL	NASSAU	FERNANDINA BEACH, CITY OF	120172	770114
FL	BROWARD	FORT LAUDEHDALE, CITY OF	125105	760514
FL	OKALOUSA	FORT WALTON BEACH, CITY OF	120174	770401
FL	ALACHUA	GAINESVILLE, CITY OF	125107	760319
FL	PALM BEACH	GULF STREAM, TOWN OF	125109	750926
FL	PINELLAS	GULFPORT, CITY OF	125108	751226
FL	BROWARD	HALLANDALE, CITY OF	125110	750829
FL	PALM BEACH	HIGHLAND BEACH, TOWN OF	125111	760109
FL	VOLUSIA	HOLLY HILL, CITY OF	125112	751031
FL	BROWARD	HOLLYWOOD, CITY OF	125113	760423
FL	MANATEE	HOLMES BEACH, CITY OF	125114	760806
FL	BREVARD	INDIALANTIC, TOWN OF	125115	760507
FL	BREVARD	INDIAN HARBOUR BEACH, CITY OF	125116	750926
FL	PINELLAS	INDIAN ROCKS BEACH, CITY OF	125117	760813
FL	PINELLAS	INDIAN SHORES, TOWN OF	125118	750606
FL	DUVAL	JACKSONVILLE BEACH, CITY OF	120078	770315
FL	PALM BEACH	JUPITER INLET COLONY, TOWN OF	125120	760416

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LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
FL	MARTIN	JUPITER ISLAND, TOWN OF	120162	770202
FL	PALM BEACH	JUPIITER, TOWN OF	125119	760514
FL	MONROE	KEY COLONY BEACH, CITY OF	125121	760105
FL	MONROE	KEY WEST, CITY OF	120168	761029
FL	PALM BEACH	LANTANA, TOWN OF	120214	761001
FL	PINELLAS	LARGO, CITY OF	125122	761022
FL	BROWARD	LAUDERDALE-BY-THE-SEA, TOWN OF	125123	760430
FL	MUNROE	LAYTON, CITY OF	120169	760123
FL	BROWARD	LIGHTHOUSE POINT, CITY OF	125125	760430
FL	MANATEE	LONGBOAT KEY, TOWN OF	125126	760220
FL	PINELLAS	MADEIRA BEACH, CITY OF	125127	751017
FL	PALM BEACH	MANALAPAN, TOWN OF	120215	761001
FL	MANATEE	MANATEE COUNTY #	120153	760220
FL	BREVARD	MELBOURNE BEACH, TOWN OF	125128	751003
FL	MONROE	MONROE COUNTY #	125129	760702
FL	COLLIER	NAPLES, CITY OF	125130	760213
FL	ESCAMBIA	NAVARRE BEACH	125131	751226
FL	DUVAL	NEPTUNE BEACH, CITY OF	120079	770315
FL	VOLUSIA	NEW SMYRNA BEACH, CITY OF	125132	740701
FL	PINELLAS	NORTH REDINGTON BEACH, TOWN OF	125133	770107
FL	PALM BEACH	OCEAN RIDGE, TOWN OF	125134	751205
FL	OKALOUSSA	OKALOUSSA ISLAND BEACHES	125135	751205
FL	PINELLAS	OLDSMAR, CITY OF	120250	761112
FL	VOLUSIA	ORMOND BEACH, CITY OF	125136	740701
FL	PALM BEACH	PALM BEACH SHORES, TOWN OF	125137	740701
FL	ESCAMBIA	PENSACOLA BEACH, CITY OF	125138	761126
FL	PINELLAS	PINELLAS COUNTY #	125139	740701
FL	VOLUSIA	PONCE INLET, TOWN OF	120312	761008
FL	CHARLOTTE	PUNTA GORDA, CITY OF	120062	750919
FL	PINELLAS	REDINGTON BEACH, TOWN OF	125140	750926
FL	PINELLAS	REDINGTON SHORES, TOWN OF	125141	751017
FL	PALM BEACH	RIVIERA BEACH, CITY OF	125142	751024
FL	PINELLAS	SAFETY HARBOUR, CITY OF	125143	761022
FL	SARASOTA	SARASOTA COUNTY #	125144	760402
FL	SARASOTA	SARASOTA, CITY OF	125150	760220
FL	BREVARD	SATELLITE BEACH, CITY OF	120028	760213
FL	BROWARD	SEA RANCH LAKES, VILLAGE OF	120056	770216
FL	VOLUSIA	SOUTH DAYTONA, TOWN OF	120314	761008
FL	PINELLAS	SOUTH PASADENA, CITY OF	125151	751031
FL	ST. JUHNS	ST. AUGUSTINE BEACH, TOWN OF	125146	751031
FL	ST. JUHNS	ST. AUGUSTINE, CITY OF	125145	751128

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## LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
FL	ST. JOHNS	ST. JOHNS COUNTY #	125147	760528
FL	PINELLAS	ST. PETERSBURG BEACH, CITY OF	125149	751017
FL	PINELLAS	ST. PETERSBURG, CITY OF	125148	761217
FL	LEON	TALLAHASSEE, CITY OF	120144	761206
FL	PINELLAS	TARPON SPRINGS, CITY OF	120259	770107
FL	PALM BEACH	TEQUESTA, VILLAGE OF	120228	761008
FL	BREVARD	TITUSVILLE, CITY OF	125152	760430
FL	PINELLAS	TREASURE ISLAND, CITY OF	125153	750928
FL	OKALOUSSA	VALAPAHAISSO, CITY OF	120176	770401
FL	SARASOTA	VENICE, CITY OF	125154	760220
FL	VOLUSIA	VOLUSIA COUNTY #	125155	740701
FL	HANDDEE	WAUCHULA, CITY OF	120105	760625
FL	BROWARD	WILTON MANORS, CITY OF	125156	751017
FL	LEVY	YANKEETOWN, TOWN OF	120147	760227
FL	BROWARD	COOPER CITY, CITY OF	120032	770601
FL	BROWARD	DANIA, CITY OF	120034	760514
FL	DUVAL	JACKSONVILLE, CITY OF	120077	770315
FL	BAY	LYNN HAVEN, CITY OF	120009	770601
FL	SANTA ROSA	MILTON, CITY OF	120276	770601
FL	BAY	PANAMA CITY BEACH, CITY OF	120013	770601
FL	VOLUSIA	PORT ORANGE, CITY OF	120313	770516
FL	HILLSBOROUGH	TEMPLE TERRACE, CITY OF	120115	770315



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LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
GA	MULTIPLE	ATLANTA, CITY OF "	135157	761112
GA	GORDON	CALHOUN, CITY OF "	130095	770401
GA	MUSCOGEE	COLUMBUS, CITY OF	135158	740701
GA	DEKALB	DECATUR, CITY OF "	135159	751128
GA	FULTON	EAST POINT, CITY OF	130087	770315
GA	PEACH	FORT VALLEY, CITY OF	130148	760625
GA	FULTON	FULTON COUNTY "	135160	760903
GA	CHATHAM	GARDEN CITY, CITY OF	135161	760319
GA	COLUMBIA	GROVETOWN, CITY OF "	130265	770128
GA	COLUMBIA	HARLEM, CITY OF	130266	770128
GA	RICHMOND	HEPHZIBAH, TOWN OF	130442	760625
GA	DOOLY	PINEHURST, CITY OF	130071	760625
GA	CHATHAM	PORT WENTWORTH, CITY OF	135162	751226
GA	BERRIEN	HAY CITY, TOWN OF "	130009	770401
GA	CHATHAM	SAVANNAH BEACH, TOWN OF	135164	750905
GA	CHATHAM	SAVANNAH, CITY OF	135163	740701
GA	CHATHAM	VENNONBURG, TOWN OF	135165	751031
GA	TALBOT	WOODLAND, CITY OF	130397	760625
GA.	CLAYTON & FULTON	FOREST PARK, CITY OF	130042	770516
GA	THOMAS	THOMASVILLE, CITY OF	130170	770516

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HI HAWAII HILO & VICINITY 155166 740701

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LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
IA	FLOYD	CHARLES CITY, CITY OF	190128	770202
IA	DUBUQUE	DUBUQUE, CITY OF =	195180	751031
IA	MULTIPLE CEDAR, SCO	DURANT, CITY OF	190922	751031
IA	WEBSTER	FORT DODGE, CITY OF	195181	760102
IA	JOHNSON	IOWA CITY, CITY OF	190171	770502
IA	CLAYTON	MARQUETTE, CITY OF	195182	751003
IA	CLAYTON	MC GREGOR, CITY OF	195183	751017
IA	BUCHANAN	INDEPENDENCE, CITY OF	190031	770516
IA	SCOTT		190239	770601

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
ID	POWER	AMERICAN FALLS, CITY OF	160109	751017
ID	BONNEVILLE	AMMON, CITY OF	160028	751017
ID	BOUNDARY	BONNERS FERRY, CITY OF	160031	770422
ID	VALLEY	DONNELLY, CITY OF	160121	770415
ID	GEM	EMMETT, CITY OF	160063	770415
ID	BONNEVILLE	IONA, CITY OF	160030	770415
ID	ADA	KUNA, CITY OF	160174	770415
ID	MINIDOKA	PAUL, CITY OF	160100	770415
ID	POWER	ROCKLAND, CITY OF	160110	770401
ID	KOOTENAI	WORLEY, CITY OF	160085	770401

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
IL	MC LEAN	CHENOA, CITY OF	170492	770401
IL	PEORIA	CHILLICOTHE, CITY OF	170535	770202
IL	MC LEAN	COOKSVILLE, VILLAGE OF	170494	770202
IL	MOULTRIE	DALTON CITY, VILLAGE OF	170522	770202
IL	JO DAVIESS	GALENA, CITY OF	175168	750905
IL	VERMILION	GEORGETOWN, CITY OF	170665	750905
IL	COOK	HILLSIDE, VILLAGE OF	170104	750905
IL	MCLEAN	HUDSON, VILLAGE OF	170498	750905
IL	PIKE	HULL, VILLAGE OF	170553	750905
IL	FULTON	IPAVA, VILLAGE OF	170756	750905
IL	COOK	LEMONT, VILLAGE OF	170117	750905
IL	COOK	MARKHAM, CITY OF	175169	750912
IL	MC LEAN	MCLEAN, VILLAGE OF	170501	750912
IL	COOK	PALATINE, VILLAGE OF	175170	760319
IL	KENDALL	PLANO, CITY OF	170346	760319
IL	OGLE	POLU, CITY OF	170531	760319
IL	ROCK ISLAND	ROCK ISLAND, CITY OF	175171	750912
IL	ST. CLAIR	SMITHTON, VILLAGE OF	170892	760625
IL	KANE	SUGAR GROVE, VILLAGE OF	170333	760625
IL	WILL	SYMERTON, VILLAGE OF	170714	760625

IL	STEPHENSON	FREEMONT, CITY OF	170640	770516
IL	HENRY	GENESEO, CITY OF	170284	770516

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LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
IN	DEARBORN	AURORA, CITY OF	185172	751226
IN	PORTER	BEVERLY SHORES, TOWN OF	185173	751017
IN	BROWN	BROWN COUNTY #	185174	760116
IN	VERMILLION	DANA, TOWN OF	180260	760116
IN	JASPER	DEMOTTE, TOWN OF	180100	760116
IN	KNOX	EDWARDSPORT, TOWN OF	180324	760116
IN	HAMILTON	FISHERS, TOWN OF	180423	760116
IN	CLINTON	FRANKFURT, CITY OF	180030	760116
IN	DE KALB	GARKETT, CITY OF	180048	760116
IN	POSEY	GRIFFIN, TOWN OF	180305	760116
IN	LAKE	GRIFFITH, TOWN OF	185175	750530
IN	JEFFERSON	HANOVER, TOWN OF	180326	750530
IN	LAKE	HIGHLAND, TOWN OF	185176	751010
IN	ST. JOSEPH	LAKEVILLE, TOWN OF	180226	751010
IN	LA PORTE	LONG BEACH, TOWN OF	185177	751121
IN	BROWN	NASHVILLE, TOWN OF	180018	760124
IN	FLOYD	NEW ALBANY, CITY OF	180062	761217
IN	JAY	PORTLAND, CITY OF	185178	751107
IN	ST. JOSEPH	ROSELAND, TOWN OF	185179	750815
IN	PERRY	TELL CITY, CITY OF	180197	770301

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LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
KS	SEDGWICK	ANDALE, CITY OF	200322	770301
KS	HARVEY	BURRTON, CITY OF	200130	770301
KS	MONTGOMERY	COFFEYVILLE, CITY OF	200232	760312
KS	JOHNSON	COUNTRYSIDE, CITY OF	200160	760312
KS	FORD	DODGE CITY, CITY OF	205184	760430
KS	BUTLER	EL DORADO, CITY OF	200039	760305
KS	JOHNSON	FAIRWAY, CITY OF	205185	760109
KS	FINNEY	GARDEN CITY, CITY OF	205186	750411
KS	JOHNSON	GARDNER, CITY OF	200164	770415
KS	ELK	HOWARD, CITY OF	200507	770408
KS	ELLSWORTH	KANOPOLIS, CITY OF	200511	770408
KS	KEARNY	LAKIN, CITY OF	200182	770408
KS	DUNIPHAN	LEUNA, CITY OF	200082	770107
KS	BARTON	PAWNEE ROCK, CITY OF	200021	770114
KS	JOHNSON	ROELAND PARK, CITY OF	200176	770114
KS	SHAWNEE	TOPEKA, CITY OF	205187	751010
KS	SEDGWICK	VALLEY CENTER, CITY OF	200327	770114
KS	JOHNSON	WESTWOOD, TOWN OF	200179	760625

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## LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
KY	MARSHALL	BENTON, CITY OF	210163	770315
KY	HARLAN	CUMBERLAND, CITY OF	210100	770315
KY	PERRY	HAZARD, CITY OF	215188	760220
KY	RUSSELL	JAMESTOWN, CITY OF	210206	760625
KY	JEFFERSON	JEFFERSONTOWN, CITY OF	210121	760305
KY	HARLAN	LOYALL, CITY OF	215189	751107
KY	MASON	MAYSVILLE, CITY OF	210168	751107
KY	BELL	MIDDLESBORO, CITY OF	215190	751114
KY	HOPKINS	MORTONS GAP, CITY OF	210116	751114
KY	PERRY	PERRY COUNTY #	215191	760813
KY	HARLAN	WALLINS CREEK, CITY OF	215192	750523

KY JEFFERSON ST. MATTHEWS, CITY OF 2/10/23 760305

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## LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
LA	TANGIPAHOA	AMITE CITY, TOWN OF	220207	750523
LA	EAST BATON ROUGE	BAKER, CITY OF	225193	760102
LA	CAMERON	CAMERON PARISH *	225194	740701
LA	ST LANDRY	CANKTON, VILLAGE OF	220167	760625
LA	AVOUELLES	COTTONPORT, TOWN OF	220021	760625
LA	ACADIA	CROWLEY, CITY OF	225195	750404
LA	LAFOURCHE	GOLDEN MEADOW, TOWN OF	225196	750711
LA	ST. LANDRY	GRAND CUTEAU, TOWN OF	220169	750711
LA	JEFFERSON	GRANDE ISLE, TOWN OF	225197	750418
LA	JEFFERSON	GHETNA, CITY OF	225198	760213
LA	JEFFERSON	HARAMAN, CITY OF	225200	750711
LA	JEFFERSON	JEAN LAFITTE, VILLAGE OF	220371	760326
LA	IBERIA	JEANERETTE, TOWN OF	220080	760326
LA	JEFFERSON	JEFFERSON PARISH #	225199	740701
LA	JEFFERSON	KENNER, CITY OF	225201	750822
LA	AVOUELLES	MANSURA, TOWN OF	220255	760625
LA	VERMILION	MAURICE, VILLAGE OF	220227	760625
LA	ASSUMPTION	NAPOLEONVILLE, TOWN OF	220018	760625
LA	ORLEANS	ORLEANS PARISH *	225203	750414
LA	EVANGELINE	PINE PRAIRIE, VILLAGE OF	220068	760625
LA	ST. BERNARD	ST. BERNARD PARISH *	225204	750206
LA	WEST FELICIANA	ST. FRANCISVILLE, TOWN OF	220246	770502
LA	ST. TAMMANY	ST. TAMMANY PARISH #	225205	740701
LA	TERREBONNE	TERREBONNE PARISH #	225206	761119
LA	JEFFERSON	WESTEGU, CITY OF	220094	770311

LA WEST BATON ADDIS, VILLAGE OF 220240 770815  
ROUGE

LA WEST. BATON BRUSLY, TOWN OF 220241 770815  
ROUGE

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MA	MIDDLESEX	BEDFORD, TOWN OF	255209	760227
MA	BARNSTABLE	BOURNE, TOWN OF	255210	760507
MA	NORFOLK	BROOKLINE, TOWN OF	250234	770502
MA	BARNSTABLE	DENNIS, TOWN OF	250005	761006
MA	PLYMOUTH	DUXBURY, TOWN OF	250263	770502
MA	BRISTOL	FAIRHAVEN, TOWN OF	250054	760316
MA	FRANKLIN	HEATH, TOWN OF	250350	760316
MA	NORFOLK	HOLBROOK, TOWN OF	255212	760102
MA	PLYMOUTH	MARION, TOWN OF	255213	760102
MA	PLYMOUTH	MATTAPUSETT, TOWN OF	255214	760109
MA	ESSEX	NAHANT, TOWN OF	250095	760719
MA	NORFOLK	NEEDHAM, TOWN OF	255215	760319
MA	BRISTOL	NEW BEDFORD, CITY OF	255216	760709
MA	ESSEX	NEWBURY, TOWN OF	250096	770315
MA	NORFOLK	NORFOLK, TOWN OF	255217	761029
MA	BARNSTABLE	PROVINCETOWN, TOWN OF	255218	760309
MA	NORFOLK	QUINCY, CITY OF	255219	760730
MA	ESSEX	SALEM, CITY OF	250102	770315
MA	ESSEX	SALISBURY, TOWN OF	250103	770502
MA	BRISTOL	SOMERSET, TOWN OF	255220	760423
MA	ESSEX	SWAMPSCOTT, TOWN OF	250105	760903
MA	BRISTOL	SWANSEA, TOWN OF	255221	760730
MA	PLYMOUTH	WAREHAM, TOWN OF	255223	760521
MA	BRISTOL	WESTPORT, TOWN OF	255224	760514
MA	NORFOLK	WESTWOOD, TOWN OF	255225	760130
MA	SUFFOLK	WINTHROP, TOWN OF	250289	740719
MA	BARNSTABLE	YARMOUTH, TOWN OF	250015	770502

MA BARNSTABLE FALMOUTH, TOWN OF 255211 750808

MA BRISTOL MANSFIELD, TOWN OF 250057 770401

MA BARNSTABLE TRURO, TOWN OF 255222 751212

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LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MD	DORCHESTER	BROOKVIEW, TOWN OF	240097	770107
MD	FREDERICK	BRUNSWICK, CITY OF	240028	770107
MD	MULTIPLE	FEDERALSBURG, TOWN OF	240013	770315
MD	HOWARD	HOWARD COUNTY #	240044	770315
MD	WUXCESTER	OCEAN CITY, TOWN OF	245207	760206
MD	CECIL	PERRYVILLE, TOWN OF	240024	770301
MD	CECIL	PORT DEPOSIT, TOWN OF	240025	770216
MD	PRINCE GEORGE	SPRINCE GEORGE'S COUNTY #	245208	760828

MD HARFORD HAURE DE GRACE, CITY OF 240043 770315

MD CARROLL UNION BRIDGE, TOWN OF 240017 770801

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## LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
ME	OXFORD	HEBRON, TOWN OF	230335	760828

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## LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MI	OAKLAND	CLAWSON, CITY OF	260170	760828
MI	WAYNE	GROSSE POINTE WOODS, CITY OF	260231	760828
MI	OAKLAND	LATHRUP VILLAGE, CITY OF	260297	760828
MI	INGHAM	MERIDIAN, CHARTER TOWNSHIP OF	260093	770202
MI	MUSKEGON	NORTH MUSKEGON, CITY OF	260164	770502
MI	MONROE	PETERSBURG, CITY OF	260288	760625
MI	TUSCULA	VASSAR, CITY OF	260208	770401
MI	EMMET	HARBOR SPRINGS, CITY OF	260272	770516
MI	MONROE	LASALLE, TOWNSHIP OF	260448	770815
MI	MONROE	MONROE, CITY OF	260553	770615
MI	MUSKEGON	MUSKEGON, CITY OF	260161	770601
MI	MENOMINEE	STEPHENSON, CITY OF	260139	770516
MI	LEELANAU	SUTTONS BAY, VILLAGE OF	260283	770601

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LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MN	WASHINGTON	AFTON, CITY OF	275226	760102
MN	ANOKA	ANOKA, CITY OF	275227	760227
MN	MOWER	AUSTIN, CITY OF	275228	751128
MN	WASHINGTON	BAYPORT, CITY OF	275229	760213
MN	HENNEPIN	BLOOMINGTON, CITY OF	275230	760312
MN	BLUE EARTH	BLUE EARTH COUNTY #	275231	760507
MN	WILKIN	BRECKENRIDGE, CITY OF	275232	760220
MN	CARVER	CARVER, CITY OF	275233	760326
MN	CARVER	CHASKA, CITY OF	275234	760326
MN	CLAY	CLAY COUNTY #	275235	760611
MN	ST. LOUIS	COOK, CITY OF	270420	770301
MN	ANOKA	CUON RAPIDS, CITY OF	270011	770315
MN	WASHINGTON	COTTAGE GROVE, CITY OF	270502	760430
MN	SHERBOURNE	ELK RIVER, CITY OF	270436	770502
MN	MULTIPLE	GRANITE FALLS, CITY OF	270068	770401
MN	HUUSTON	LACHESCENT, CITY OF	275237	751128
MN	WASHINGTON	LAKE ST. CRUIX BEACH, CITY OF	275240	750905
MN	WASHINGTON	LAKELAND SHORES, CITY OF	275239	750905
MN	WASHINGTON	LAKELAND, CITY OF	275238	750606
MN	DAKOTA	LILYDALE, CITY OF	275241	751114
MN	BLUE EARTH	MANKATO, CITY OF	275242	760312
MN	CHIPPEWA	MONTEVIDEO, CITY OF	275243	750829
MN	CLAY	MOORHEAD, CITY OF	275244	740927
MN	NICOLLET	NORTH MANKATO, CITY OF	275245	751017
MN	OLMSTED	RUCHESTER, CITY OF	275246	760213
MN	WASHINGTON	STILLWATER, CITY OF	275249	751121
MN	MULTIPLE	ST. CLOUD, CITY OF (STEARNS)	270456	770401
MN	WASHINGTON	ST. MARY'S POINT, CITY OF	275247	750926
MN	RAMSEY	ST. PAUL, CITY OF	275248	760227
MN	RAMSEY	VAONNAIS HEIGHTS, CITY OF	270385	760227
MN	WINONA	WINONA, CITY OF	275250	760213
MN	HENNEPIN	CHAMPLIN, CITY OF	270153	770718
MN	STEARNS	COLD SPRING, CITY OF	270444	770801
MN	HENNEPIN	ST. LOUIS PARK, CITY OF	270184	770601

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## LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MO	CLARK	ALEXANDRIA, CITY OF	290080	770502
MO	CLAY	AVONDALE, CITY OF	290087	761026
MO	PIKE	HOWLING GREEN, CITY OF	290288	770502
MO	TANEY	BRANSON, CITY OF	290436	761026
MO	LEWIS	CANTON, CITY OF	290204	770202
MO	BARRY	CASSVILLE, CITY OF	290022	770415
MO	CALLAWAY	CEDAR CITY, CITY OF	290050	770202
MO	BOUNE	CENTRALIA, CITY OF	290035	770415
MO	ST. LOUIS	CLARKSON VALLEY, VILLAGE OF	290340	770408
MO	PIKE	CLARKSVILLE, CITY OF	290289	770401
MO	ST. LOUIS	CLAYTON, CITY OF	290341	760723
MO	BOUNE	COLUMBIA, CITY OF	290036	760116
MO	PEMISCOT	COOTER, TOWN OF	290603	760116
MO	ST. LOUIS	CRESTWOOD, CITY OF	290343	770502
MO	JEFFERSON	DE SOTO, CITY OF	295263	750718
MO	CASS	DREXEL, CITY OF	290064	770408
MO	LINCOLN	ELSBERRY, CITY OF	290209	770502
MO	MULTIPLE	EMMA, CITY OF	290587	770502
MO	SALINE AND MULTIPLE	EXCELSIOR SPRINGS, CITY OF	290090	770315
MO	JEFFERSON	FESTUS, CITY OF	290191	760214
MO	ST. FRANCOIS	FLAT RIVER, CITY OF	295264	750905
MO	CASS	GARDEN CITY, CITY OF	290067	770415
MO	SCOTT	HAYWOOD CITY, CITY OF	290598	770415
MO	GASCONADE	HERMANN, CITY OF	290141	760423
MO	CAPE GIRARDEAU	JACKSON, CITY OF	295265	760102
MO	MULTIPLE	JOPLIN, CITY OF	290183	761208
MO	LEWIS	LA GRANGE, CITY OF	290205	760713
MO	ST. LOUIS	LADUE, CITY OF	290363	760316
MO	ST. LOUIS	MAPLEWOOD, CITY OF	295266	750502
MO	AUDRAIN	MEXICO, CITY OF	295267	760514
MO	PHELPS	NEWBURG, CITY OF	295268	760220
MO	CLAY	NORTH KANSAS CITY, CITY OF	290099	760305
MO	MULTIPLE	PACIFIC, CITY OF	290134	770315
MO	MONROE	PARIS, CITY OF	290241	760305
MO	CASS	PLEASANT HILL, CITY OF	295269	751226
MO	ST. CHARLES	PORTAGE DES SIOUX, CITY OF	290317	770401
MO	MERCEK	PRINCETON, CITY OF	290225	760514
MO	HARRISON	RIDGEWAY, CITY OF	290543	760514
MO	NEWTON	SENECA, CITY OF	290269	770315
MO	NEW MADRID	SIKESTON, CITY OF	295270	770429
MO	CLAY	SMITHVILLE, CITY OF	295271	760423



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LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MO	CRAWFORD	STEELVILLE, CITY OF	290114	760214
MO	ST. LOUIS	ST. JOHN, CITY OF	290384	770415
MO	STE. GENEVIEVE CO.	ST. MARY'S, CITY OF	290326	770415
MO	PEMISCOT	WARDELL, VILLAGE OF	290632	770415
MO	PULASKI	WAYNESVILLE, CITY OF	290300	761006
MO	ST. LOUIS	WINCHESTER, CITY OF	290397	761006
MO	ST. LOUIS	WOODSON TERRACE, CITY OF	290398	761006
MO	MISSISSIPPI	WYATT, CITY OF	290236	760625
MO	ST. LOUIS	BRENTWOOD, CITY OF	290338	770516
MO	CLAY	CLAYCOMO, VILLAGE OF	290089	770801
MO	ST. LOUIS	COOL VALLEY, VILLAGE OF	290342	770516
MO	MARION	_____	290222	770516
MO	RANDOLPH	MOBERLY, CITY OF	290305	770601
MO	ST. LOUIS	RICHMOND HEIGHTS, CITY OF	290380	770516
MO	ST. LOUIS	ROCK HILL, CITY OF	290382	770516
MO	ST. CHARLES	ST. CHARLES, CITY OF	290318	770315

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MS	PANOLA	BATESVILLE, TOWNSHIP OF	280126	760625
MS	HANCOCK	BAY ST. LOUIS, CITY OF	285251	751031
MS	BOLIVAR	BEULAH, TOWN OF	280014	760625
MS	HARRISON	BILUXI, CITY OF	285252	760416
MS	LOWNDES	COLUMBUS, CITY OF	280108	760713
MS	HARRISON	GULFPORT, CITY OF	285253	760220
MS	BOLIVAR	GUNNISON, TOWN OF	280018	760625
MS	MULTIPLE	HATTIESBURG, CITY OF	280053	761112
MS	HARRISON	LUNG BEACH, CITY OF	285257	751017
MS	CUAHOMA	LYON, TOWN OF	280043	760625
MS	JACKSON	MOSS POINT, CITY OF	285258	760409
MS	JACKSON	OCEAN SPRINGS, CITY OF	285259	760514
MS	JACKSON	PASCAGOULA, CITY OF	285260	760514
MS	HARRISON	PASS CHRISTIAN, CITY OF	285261	751017
MS	HANCUCK	WAVELAND, CITY OF	285262	760416

MS LINCOLN BROOKHAVEN, CITY OF 280107 770718

MS HANCOCK \_\_\_\_\_ 285254 740701

MS HARRISON \_\_\_\_\_ 285255 740701

MS JACKSON \_\_\_\_\_ 285256 740701

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NB	PLATTE	COLUMBUS, CITY OF	315272	760227
NB	DAWSON	COZAD, CITY OF	310059	760227
NB	LANCASTER	LINCOLN, CITY OF	315273	760903
NB	DOUGLAS	OMAHA, CITY OF	315274	760521
NB	SARPY	PAPILLION, CITY OF	315275	751010
NB	RICHARDSON	SALEM, VILLAGE OF	310185	770408
NB	DOUGLAS	WATERLOO, VILLAGE OF	310079	770114

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LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NC	CARTEKET	ATLANTIC BEACH, TOWN OF	370044	770315
NC	CARTEKET	BEAUFORT, TOWN OF	375346	750829
NC	HAYWOOD	CANTON, TOWN OF	370121	770202
NC	CARTEKET	CAPE CARTERET, TOWN OF	370046	770401
NC	NEW HANOVER	CAROLINA BEACH, TOWN OF	375347	750502
NC	ORANGE	CARRBORO, VILLAGE OF	370275	760625
NC	GRANVILLE	CREEDMOOR, CITY OF	370107	760625
NC	CARTEKET	EMERALD ISLE, TOWN OF	370047	770401
NC	HALIFAX	ENFIELD, TOWN OF	370115	760625
NC	FORSYTH	FORSYTH COUNTY #	375349	760514
NC	MACON	FRANKLIN, TOWN OF	375350	760813
NC	GATES	GATESVILLE, TOWN OF	370104	770513
NC	GUILFORD	GREENSBORO, CITY OF	375351	760521
NC	CABARRUS	HARRISBURG, TOWN OF	370038	760521
NC	BRUNSWICK	HOLDEN BEACH, TOWN OF	375352	740701
NC	DARE	KILL DEVIL HILLS, TOWN OF	375353	760305
NC	BRUNSWICK	LONG BEACH, TOWN OF	375354	751226
NC	DARE	MANTEO, TOWN OF	375355	760910
NC	CARTEKET	MOREHEAD CITY, TOWN OF	370048	770216
NC	DARE	NAGS HEAD, TOWN OF	375356	751017
NC	BRUNSWICK	OCEAN ISLE BEACH, TOWN OF	375357	751205
NC	TRANSYLVANIA	HOSMAN, TOWN OF	375358	760319
NC	BRUNSWICK	SOUTHPORT, CITY OF	370028	770415
NC	BRUNSWICK	SUNSET BEACH, TOWN OF	375359	760220
NC	PENDER	SURF CITY, TOWN OF	370186	770502
NC	BEAUFORT	WASHINGTON PARK, TOWN OF	370268	761122
NC	BEAUFORT	WASHINGTON, CITY OF	370017	770202
NC	FORSYTH	WINSTON-SALEM, CITY OF	375360	760709
NC	NEW HANOVER	WRIGHTSVILLE BEACH, TOWN OF	375361	750905
NC	BRUNSWICK	YAUPON BEACH, TOWN OF	370030	770216
NC	BEAUFORT	BELHAVEN, TOWN OF	370015	770516
NC	DARE		375348	740701

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LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
ND	RANSOM	ENDERLIN, CITY OF	385363	760430
ND	CASS	FARGO, CITY OF	385364	760423
ND	STUTSMAN	JAMESTOWN, CITY OF	385366	760409
ND	WARD	MINOT, CITY OF	385367	751114
ND	HETTINGER	MOTT, CITY OF	380038	761208
ND	PEMBINA	PEMBINA, CITY OF	385368	760430
ND	BURKE	POWERS LAKE, CITY OF	380016	760430
ND	STARK	STARK COUNTY #	385369	760730
ND	WARD	WARD COUNTY #	385370	761015

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NH	COOS	LANCASTER, TOWN OF	335277	751212

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NJ	ATLANTIC	ABSECON CITY, CITY OF	340001	760305
NJ	ATLANTIC	ATLANTIC CITY, CITY OF	345278	760109
NJ	CAPE MAY	AVALON, BOROUGH OF	345279	751031
NJ	OCEAN	BARNEGAT LIGHT, BOROUGH OF	345280	760514
NJ	OCEAN	BAY HEAD, BOROUGH OF	345281	760319
NJ	OCEAN	BEACH HAVEN, BOROUGH OF	345282	750926
NJ	MONMOUTH	BELMAR, BOROUGH OF	345283	760227
NJ	CAMDEN	BEHLIN, BOROUGH OF	340125	770513
NJ	PASSAIC	BLOOMINGDALE, BOROUGH OF	345284	760709
NJ	OCEAN	BRICK, TOWNSHIP OF	345285	740701
NJ	ATLANTIC	BRIGANTINE, CITY OF	345286	770128
NJ	BURLINGTON	BURLINGTON, CITY OF	345287	760220
NJ	CAPE MAY	CAPE MAY CITY, CITY OF	345288	760213
NJ	CAPE MAY	CAPE MAY POINT, BOROUGH OF	345289	760213
NJ	MORRIS	CHATHAM, BOROUGH OF	340338	760214
NJ	UNION	CLARK, TOWNSHIP OF	345290	760514
NJ	HUNTERDON	CLINTON, TOWN OF	340233	770202
NJ	UNION	CRANFORD, TOWNSHIP OF	345291	760130
NJ	MONMOUTH	DEAL, BOROUGH OF	340292	760305
NJ	BURLINGTON	DELRAH, TOWNSHIP OF	340094	770502
NJ	MORRIS	DENVILLE, TOWNSHIP OF	345292	751205
NJ	OCEAN	DOVER, TOWNSHIP OF	345293	760423
NJ	MIDDLESEX	DUNELLEN, BOROUGH OF	340259	770401
NJ	ESSEX	EAST ORANGE, CITY OF	340181	770202
NJ	UNION	ELIZABETH, CITY OF	345523	760827
NJ	MERCER	EWING, TOWNSHIP OF	345294	760130
NJ	ESSEX	FAIRFIELD, BOROUGH OF	345295	760716
NJ	UNION	GARWOOD, BOROUGH OF	340464	770201
NJ	SOMERSET	GREEN BROOK, TOWNSHIP OF	340435	770315
NJ	CAMDEN	HADDONFIELD, BOROUGH OF	340501	770415
NJ	ATLANTIC	HAMILTON, TOWNSHIP OF	340009	770315
NJ	OCEAN	HARVEY CEDARS, BOROUGH OF	345296	760213
NJ	BERGEN	HASBROUCK HEIGHTS, BOROUGH OF	340041	760213
NJ	MONMOUTH	HIGHLANDS, BOROUGH OF	345297	760630
NJ	MERCER	HIGHTSTOWN, BOROUGH OF	340247	770315
NJ	MERCER	HUPEWELL, TOWNSHIP OF	345298	760521
NJ	OCEAN	LAKEWOOD, TOWNSHIP OF	340378	770315
NJ	CAMDEN	LAUREL SPRINGS, BOROUGH OF	340547	770513
NJ	OCEAN	LAVALLETTE, BOROUGH OF	340379	760416
NJ	HUNTERDON	LEBANON, BOROUGH OF	345299	760416
NJ	MORRIS	LINCOLN PARK, BOROUGH OF	345300	760806
NJ	UNION	LINDEN, CITY OF	340467	761124

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LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NJ	ESSEX	LIVINGSTON, TOWNSHIP OF	340185	770315
NJ	OCEAN	LONG BEACH, TOWNSHIP OF	345301	760305
NJ	MONMOUTH	LONG BRANCH, CITY OF	340307	760505
NJ	ATLANTIC	LONGPORT, BOROUGH OF	345302	750822
NJ	MONMOUTH	MANASQUAN, BOROUGH OF	345303	760116
NJ	ATLANTIC	MARGATE CITY, CITY OF	345304	760213
NJ	MIDDLESEX	MIDDLESEX, BOROUGH OF	345305	760109
NJ	UNION	MOUNTAINSIDE, BOROUGH OF	340468	770216
NJ	MONMOUTH	NEPTUNE, TOWNSHIP OF	340317	770216
NJ	BERGEN	NEW MILFORD, BOROUGH OF	340054	770401
NJ	UNION	NEW PROVIDENCE, BOROUGH OF	345306	760903
NJ	SOMERSET	NORTH PLAINFIELD, BOROUGH OF	345307	760213
NJ	CAPE MAY	NORTH WILDWOOD, CITY OF	345308	751219
NJ	ESSEX	NUTLEY, TOWN OF	340191	770415
NJ	BERGEN	OAKLAND, BOROUGH OF	345309	760723
NJ	CAPE MAY	OCEAN CITY, CITY OF	345310	751226
NJ	MONMOUTH	OCEANPORT, BOROUGH OF	340320	770216
NJ	BERGEN	OLD TAPPAN, BOROUGH OF	340059	770415
NJ	BERGEN	ORADELL, BOROUGH OF	340060	770315
NJ	PASSAIC	PATERSON, CITY OF	340404	770216
NJ	MERCEK	PENNINGTON, BOROUGH OF	340251	760625
NJ	CAMDEN	PENNSAUKEN, TOWNSHIP OF	340142	770415
NJ	MORRIS	PEQUANNOCK, TOWNSHIP OF	345311	760903
NJ	CAMDEN	PINE HILL, BOROUGH OF	340143	770513
NJ	UNION	PLAINFIELD, CITY OF	345312	750613
NJ	OCEAN	POINT PLEASANT, BOROUGH OF	345313	760409
NJ	PASSAIC	POMPTON LAKES, BOROUGH OF	345528	761015
NJ	UNION	RAHWAY, CITY OF	345314	750905
NJ	BERGEN	RIDGEFIELD, BOROUGH OF	340065	770315
NJ	RUHLINGTON	RIVERTON, BOROUGH OF	340114	770415
NJ	MORRIS	ROCKAWAY, BOROUGH OF	345315	750926
NJ	MONMOUTH	RUMSON, BOROUGH OF	345316	760423
NJ	MONMOUTH	SEA BRIGHT, BOROUGH OF	345317	760423
NJ	MONMOUTH	SEA GIRT, BOROUGH OF	340325	760305
NJ	CAPE MAY	SEA ISLE CITY, CITY OF	345318	751226
NJ	OCEAN	SEASIDE PARK, BOROUGH OF	345319	760319
NJ	OCEAN	SHIP BOTTOM, BOROUGH OF	345320	750829
NJ	MONMOUTH	SPRING LAKE, BOROUGH OF	340329	760305
NJ	UNION	SPRINGFIELD, TOWNSHIP OF	345321	760109
NJ	HUNTERDON	STOCKTON, BOROUGH OF	345322	751114
NJ	CAPE MAY	STONE HARBOR, BOROUGH OF	345323	751114
NJ	UNION	SUMMIT, CITY OF	340476	770202
NJ	OCEAN	SURF CITY, BOROUGH OF	345324	751107

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NJ	MERCER	THENTON, CITY OF	345325	760102
NJ	CAPE MAY	UPPER, TOWNSHIP OF	340159	761208
NJ	ATLANTIC	VENTNOR, CITY OF	345326	751226
NJ	MONMOUTH	WALL, TOWNSHIP OF	340333	770216
NJ	PASSAIC	WAYNE, TOWNSHIP OF	345327	761119
NJ	ESSEX	WEST ORANGE, TOWN OF	340197	770502
NJ	CAPE MAY	WEST WILDWOOD, BOROUGH OF	345328	751017
NJ	CAPE MAY	WILDWOOD CREST, BOROUGH OF	345330	751226
NJ	CAPE MAY	WILDWOOD, CITY OF	345329	751219
NJ	MIDDLESEX	WOODBRIDGE, TOWNSHIP OF	345331	760430
NJ	BERGEN	BERGENFIELD, BOROUGH OF	340020	770601
NJ	MIDDLESEX	HIGHLAND PARK, BOROUGH OF	340263	770601
NJ	BERGEN	HO HO KUS, BOROUGH OF	340044	770601
NJ	CAPE MAY	MIDDLE, TOWNSHIP OF	340154	770516
NJ	MONMOUTH	MONMOUTH BEACH, BOROUGH OF	340315	770516
NJ	BERGEN	SADDLE RIVER, BOROUGH OF	340073	770516
NJ	BERGEN	WYCKOFF, TOWN OF	340084	770801

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NM	DONA ANA	LAS CRUCES, CITY OF	355332	770506

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LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NY	SUFFOLK	ASHAROKEN, VILLAGE OF	365333	751010
NY	ERIE	BLASDELL, VILLAGE OF	361489	760625
NY	SUFFOLK	BROOKHAVEN, TOWN OF	365334	760611
NY	LEWIS	CASTORLAND, VILLAGE OF	360359	760611
NY	BROOME	DICKINSON, TOWN OF	360044	770415
NY	ERIE	EAST AUKORA, VILLAGE OF	365335	751205
NY	SUFFOLK	EAST HAMPTON, TOWN OF	360794	760930
NY	NASSAU	FREEPORT, VILLAGE OF	360464	760214
NY	CHAUTAUQUA	HANOVER, TOWN OF	365336	751031
NY	ORANGE	HIGHLAND FALLS, VILLAGE OF	361453	760625
NY	NASSAU	ISLAND PARK, VILLAGE OF	360471	760214
NY	SUFFOLK	ISLIP, TOWN OF	365337	760326
NY	ESSEX	LAKE PLACID, VILLAGE OF	361492	760326
NY	NASSAU	LONG BEACH, CITY OF	365338	751031
NY	WAYNE	NEWARK, VILLAGE OF	360894	751031
NY	NASSAU	NORTH HEMPSTEAD, TOWN OF	360482	770415
NY	FULTON	NORTHVILLE, VILLAGE OF	361484	770415
NY	SUFFOLK	OCEAN BEACH, VILLAGE OF	365339	751017
NY	LEWIS	USCEOLA, TOWN OF	360374	751017
NY	BROOME	PORT DICKINSON, VILLAGE OF	360053	770502
NY	ROCKLAND	KAMAPO, TOWN OF	365340	760514
NY	SCUYLER	READING, TOWN OF	361205	760514
NY	SUFFOLK	SALTAIRE, VILLAGE OF	365341	760206
NY	SUFFOLK	SOUTHAMPTON, TOWN OF	365342	760903
NY	SUFFOLK	SOUTHAMPTON, VILLAGE OF	365343	750912
NY	ROCKLAND	SPRING VALLEY, VILLAGE OF	365344	750926
NY	ERIE	WEST SENECA, TOWN OF	360262	770202
NY	SUFFOLK	WESTHAMPTON BEACH, VILLAGE OF	365345	760206
NY	SULLIVAN	WOODRIDGE, VILLAGE OF	361475	760625
NY	BROOME	BINGHAMTON, CITY OF	360038	770601
NY	CAYUGA	CAYUGA, VILLAGE OF	360107	770705
NY	ERIE	COLLINS, TOWN OF	360234	770516
NY	BROOME	CONKLIN, TOWN OF	360042	770516
NY	ERIE	ELMA, TOWN OF	360239	770601
NY	CATTARAUGUS & ERIE	GOWANDA, VILLAGE OF	360075	770601
NY	MONROE	HONEYE FALLS, VILLAGE OF	360421	770930
NY	BROOME	KIRKWOOD, TOWN OF	360048	770601
NY	OSWEGO	OSWEGO, CITY OF	360656	770516
NY	TIOGA	OWEGO, TOWN OF	360839	770615
NY	TIOGA	OWEGO, VILLAGE OF	360840	770516
NY	SUFFOLK	QUOGUE, VILLAGE OF	360806	770516
NY	BROOME	VESTAL, TOWN OF	360057	770705

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
OH	LORAIN	BROWNHELM, TOWNSHIP OF	395371	751114
OH	CUYAHOGA	CLEVELAND HEIGHTS, CITY OF	390105	760625
OH	CUYAHOGA	GARFIELD HEIGHTS, CITY OF	390109	760116
OH	CUYAHOGA	MAYFIELD, VILLAGE OF	390116	761224
OH	HAMILTON	MONTGOMERY, CITY OF	390228	760625
OH	CLERMONT	MOSCOW, VILLAGE OF	390070	770315
OH	LICKING	NEWARK, CITY OF	390335	770415
OH	LAKE	PAINESVILLE, CITY OF	390319	770202
OH	WAYNE & MEDINA	KITTMAN, CITY OF	390578	761231
OH	CUYAHOGA	ROCKY RIVER, CITY OF	395372	751031
OH	MULTIPLE	VENMILION, CITY OF	395374	751003
OH	WAYNE	WOOSTER, CITY OF	390579	770202
OH	GREENE	BELBROOK, CITY OF	390194	770601

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
OK	ROGERS	CLAREMORE, CITY OF	405375	751003
OK	STEPHENS	COMANCHE, CITY OF	405376	750725
OK	CANADIAN	EL RENO, CITY OF	405377	761008
OK	ELLIS	GAGE, TOWN OF	400060	760625
OK	KINGFISHER	KINGFISHER, CITY OF	400082	760625
OK	NOBLE	MORRISON, TOWN OF	400133	760625
OK	MULTIPLE	OKLAHOMA CITY, CITY OF	405378	740701
OK	ROGERS	ROGERS COUNTY #	405379	760910
OK	PAYNE	STILLWATER, CITY OF	405380	760109
OK	MULTIPLE	TULSA, CITY OF	405381	750528
OK	LEFLORE	WISTER, TOWN OF	400095	760414



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LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
OR	MARION	AURORA, CITY OF	410156	760414
OR	JACKSON	BUTTE FALLS, TOWN OF	410091	760414
OR	YAMHILL	CARLTON, CITY OF	410251	760414
OR	MARION	DETROIT, CITY OF	410157	760414
OR	CLACKAMAS	ESTACADA, CITY OF	410016	760414
OR	MARION	GÉRVAIS, CITY OF	410160	760414
OR	CLACKAMAS	GLADSTONE, CITY OF	410017	770315
OR	WASHINGTON	KING CITY, CITY OF	410269	770315
OR	MARION	MOUNT ANGEL, CITY OF	410165	770315
OR	UMATILLA	PENDELTON, CITY OF	410211	760713
OR	COOS	POWEKS, CITY OF	410049	760713
OR	CLACKAMAS	WEST LINN, CITY OF	410024	770315
OR	DOUGLAS	WINSTON, CITY OF	415593	750822
OR	DOUGLAS	ROSEBURG, CITY OF	410067	770601

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
PA	LEBANON	ANNVILLE, TOWNSHIP OF	420570	770415
PA	BRADFORD	ATHENS, BOROUGH OF	420167	770315
PA	NORTHAMPTON	BANGOR, BOROUGH OF	420716	770202
PA	CENTRE	BELLEFONTE, BOROUGH OF	420257	770202
PA	BERKS	BOYERTOWN, BOROUGH OF	420128	760625
PA	DELAWARE	BROOKHAVEN, BOROUGH OF	420403	760214
PA	UNION	BUFFALO, TOWNSHIP OF	421237	770401
PA	CUMBERLAND	CAMP HILL, BOROUGH OF	420357	770315
PA	CUMBERLAND	CARLISLE, BOROUGH OF	425382	751010
PA	CAMBERIA	CARRULLTOWN, BOROUGH OF	422267	751010
PA	CLINTON	CASTANEA, TOWNSHIP OF	420322	770202
PA	BUCKS	CHALFONT, BOROUGH OF	420184	761228
PA	MONTGOMERY	CHELTENHAM, TOWNSHIP OF	420696	761122
PA	LACKAWANNA	CLARKS GREEN, BOROUGH OF	422454	761122
PA	LEBANON	CLEONA, BOROUGH OF	420571	770401
PA	DELAWARE	COLLINGDALE, BOROUGH OF	420408	770202
PA	DELAWARE	COLWYN, BOROUGH OF	420409	770502
PA	LUZERNE	CUNYNGHAM, TOWNSHIP OF	420600	770216
PA	LEHIGH	COPLAY, BOROUGH OF	421807	760625
PA	MONTGOMERY	DANVILLE, BOROUGH OF	420714	770502
PA	DAUPHIN	DAUPHIN, BOROUGH OF	420375	770415
PA	CHESTER	DOWNINGTOWN, BOROUGH OF	420275	770415
PA	LYCOMING	DUBOISTOWN, TOWNSHIP OF	420639	770301
PA	CLINTON	DUNNSTABLE, TOWNSHIP OF	420325	770301
PA	CHESTER	EAST BRADFORD, TOWNSHIP OF	420276	770415
PA	CLARION	EAST BRADY, BOROUGH OF	421501	770415
PA	UNION	EAST BUFFALO, TOWNSHIP OF	421011	770202
PA	MONTGOMERY	EAST GREENVILLE, BOROUGH OF	421901	760625
PA	CUMBERLAND	EAST PENNSBURG, TOWNSHIP OF	420359	770415
PA	NORTHAMPTON	EASTON, CITY OF	425383	760206
PA	CAMBERIA	EBENSBURG, BOROUGH OF	422260	760206
PA	DELAWARE	EDDYSTONE, BOROUGH OF	420413	770202
PA	LUZERNE	EDWARDSVILLE, BOROUGH OF	420604	770415
PA	DAUPHIN	ELIZABETHVILLE, BOROUGH OF	420378	770415
PA	ALLEGHENY	ELIZABETH, TOWNSHIP OF	420033	770315
PA	WARREN	ELK, TOWNSHIP OF	422119	770315
PA	VENANGO	EMLETON, BOROUGH OF	422107	770315
PA	YORK	FAWN GROVE, BOROUGH OF	422570	760625
PA	CENTRE	FERGUSON, TOWNSHIP OF	420260	760625
PA	CLINTON	FLEMINGTON, BOROUGH OF	420326	770202
PA	LUZERNE	FORTY FORT, BOROUGH OF	420607	770401
PA	ALLEGHENY	FOX CHAPEL, BOROUGH OF	420036	770415

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
PA	SCHUYLKILL	GILBERTON, BOROUGH OF	421007	770502
PA	ERIE	GIRARD, BOROUGH OF	422413	770502
PA	ERIE	GIRARD, TOWNSHIP OF	421363	770502
PA	FRANKLIN	GREENCASTLE, BOROUGH OF	420470	770502
PA	MERCER	GREENE, TOWNSHIP OF	422478	770502
PA	LEHIGH	HANOVER, TOWNSHIP OF	422261	760625
PA	DAUPHIN	HARRISBURG, CITY OF	420380	770502
PA	BUTLER	HARRISVILLE, BOROUGH OF	422351	770502
PA	DAUPHIN	HIGHSPIRE, BOROUGH OF	420381	770415
PA	WAYNE	HONESDALE, BOROUGH OF	420864	770301
PA	DAUPHIN	HUMMELSTOWN, BOROUGH OF	420382	770315
PA	CAMBRIA	JACKSON, TOWNSHIP OF	421442	770315
PA	YORK	JACOBUS, BOROUGH OF	420928	770315
PA	WASHINGTON	JEFFERSON, TWP	422557	770315
PA	LYCOMING	JERSEY SHOES, BOROUGH OF	420642	760305
PA	CAMBRIA	JOHNSTOWN, CITY OF	420231	770415
PA	UNION	KELLY, TOWNSHIP OF	422103	770301
PA	CLEARFIELD	KNOX, TOWNSHIP OF	421527	770301
PA	BERKS	KUTZTOWN, BOROUGH OF	420136	770502
PA	MERCER	LACKAWANNOCK, TOWNSHIP OF	422482	770502
PA	MC KEAN	LAFAYETTE, TOWNSHIP OF	421858	770502
PA	ERIE	LAKE CITY, BOROUGH OF	422414	770502
PA	LUZERNE	LARKSVILLE, BOROUGH OF	420614	770401
PA	UNION	LEWISBURG, BOROUGH OF	420831	770202
PA	ADAMS	LITTLESTOWN, BOROUGH OF	421244	760625
PA	CLINTON	LOCK HAVEN, CITY OF	420328	770202
PA	LEHIGH	LOWER MACUNGIE, TOWNSHIP OF	420589	770202
PA	NORTHAMPTON	LOWER MOUNT BETHEL, TOWNSHIP OF	420724	770301
PA	BUCKS	LOWER SOUTHAMPTON, TOWNSHIP OF	420192	770315
PA	DAUPHIN	LOWER SWATARA, TOWNSHIP OF	420385	770415
PA	LUZERNE	LUZERNE, BOROUGH OF	420616	770415
PA	MONTOUR	MAHONING, TOWNSHIP OF	421234	770415
PA	MERCER	MERCER, BOROUGH OF	420676	770315
PA	DAUPHIN	MIDDLETOWN, BOROUGH OF	420388	761228
PA	DAUPHIN	MIFFLIN, TOWNSHIP OF	421596	760625
PA	CENTRE	MILESBURG, BOROUGH OF	420264	770202
PA	CLINTON	MILL HALL, BOROUGH OF	420330	770216
PA	NORTHUMBERLAND	MILTON, BOROUGH OF	425384	751128
PA	SNYDER	MONROE, TOWNSHIP OF	421020	770202
PA	SUSQUEHANNA	MONTROSE, BOROUGH OF	422070	760625
PA	MCKEAN	MOUNT JEWETT, BOROUGH OF	420670	760625
PA	ALLEGHENY	MT. LEBANON, TOWNSHIP OF	421272	760625

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
PA	LYCOMING	MUNCY, BOROUGH OF	420649	770216 PA BERKS ORTELANCE TOWNSHIP OF 42066 77001
PA	LUZERN	NEEDHAM, CITY OF	420617	770415
PA	ALLEGHENY	NEVILLE, TOWNSHIP OF	420385	750905 PA LUZERNE PLAINS, TOWNSHIP OF 420621 770516
PA	CUMBERLAND	NEW CUMBERLAND, BOROUGH OF	420366	770216 PA NORTHUMBERLAND POINT, TOWNSHIP OF 421024 77002
PA	MONTGOMERY	NORTH TOWN, BOROUGH OF	425366	751205 PA BUCKS QUAKER TOWN, BOROUGH OF 420200 770705
PA	YORK	NORTH YORK, BOROUGH OF	420933	770502 PA DELAWARE RADDAK, TOWNSHIP OF 420428 770801
PA	NORTHUMBERLAND	NORTHUMBERLAND, BOROUGH OF	420739	770202 PA YORK SPRING GARDEN, TOWNSHIP OF 420937 770615
PA	LYCOMING	OLD LYCOMING, TOWNSHIP OF	420652	770415
PA	NORTHAMPTON	PALMER, TOWNSHIP OF	420728	761220 PA WESTMORELAND INTERVILLE, BOROUGH OF 420902 770901
PA	WAYNE	PALMYRA, TOWNSHIP OF	420865	770315
PA	WAYNE	PAUPACK, TOWNSHIP OF	421023	770301
PA	NORTHAMPTON	PEN ARCT. BOROUGH OF	421926	760625 PA DELAWARE SWARTHMORE, BOROUGH OF 420435 770516
PA	CHESTER	PENNSBURG, TOWNSHIP OF	420285	770301 PA LUZERNE SHOYERSVILLE, BOROUGH OF 420627 770615
PA	BUCKS	PERKASIE, BOROUGH OF	420198	770502 PA DELAWARE UPPER CHESTER, TOWNSHIP OF 420439 77001
PA	CLINTON	PINE CREEK, TOWNSHIP OF	420332	770401 PA DELAWARE UPPER PROVIDENCE, TOWNSHIP OF 420441 77001
PA	LUZERNE	PITTSBURG, CITY OF	420620	770415 PA CHESTER WEST TOWN, TOWNSHIP OF 420894 77001
PA	LUZERNE	PLYMOUTH, BOROUGH OF	420622	770502 PA CHESTER WEST CHESTER, BOROUGH OF 420292 770705
PA	CHESTER	POCOPSON, TOWNSHIP OF	420290	770415 PA CRAWFORD WEST MEAD, TOWNSHIP OF 420556 770615
PA	LYCOMING	PUNTER, TOWNSHIP OF	420656	770415 PA YORK YORK, CITY OF 420945 770615
PA	LUZERNE	PHINGLE, BOROUGH OF	420624	770202
PA	CLINTON	HENOVO, BOROUGH OF	420334	770415
PA	ALLEGHENY	RESEK, TOWNSHIP OF	420066	770129
PA	SCHUYLKILL	RINDEN, BOROUGH OF	422505	770502
PA	NORTHUMBERLAND	RIVERVIEW, BOROUGH OF	420740	770415
PA	DELAWARE	RUSE VALLEY, BOROUGH OF	420431	770202
PA	DAUPHIN	ROYALTON, BOROUGH OF	420394	770415
PA	NORTHUMBERLAND	RUSH, TOWNSHIP OF	421943	770120
PA	BRAEFORD	SAYRE, BOROUGH OF	420175	770415
PA	BEDFORD	SCHELLBURG, BOROUGH OF	421329	770415
PA	SNYDER	SELINGHOVE, BOROUGH OF	425387	751031
PA	SNYDER	SHAMOKIN DAM, BOROUGH OF	420809	770301
PA	LUZERNE	SHICKSHINNY, BOROUGH OF	420620	761231
PA	HUNTINGDON	SMITHFIELD, TOWNSHIP OF	420494	770315
PA	BUCKS	SOLEHUNT, TOWNSHIP OF	420202	770415
PA	SOMERSET	SOMERSET, BOROUGH OF	420803	761129
PA	DAUPHIN	SOUTH HANOVER, TOWNSHIP OF	420395	770502
PA	CLINTON	SOUTH HENOVO, BOROUGH OF	420335	770202
PA	LYCOMING	SOUTH WILLIAMSPORT, BOROUGH OF	420658	770415
PA	WESTMORELAND	SOUTHWEST GREENSBURG, BOROUGH OF	420901	770415

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
PA	MONTGOMERY	SPRINGFIELD, TOWNSHIP OF	425388	760102 PA LUZERNE MAHONER, TOWNSHIP OF 420605 770516
PA	CENTRE	SPRING, TOWNSHIP OF	420269	770415
PA	CENTRE	STATE COLLEGE, BOROUGH OF	420270	770415 PA NORTHAMPTON MAHONER, TOWNSHIP OF 420722 77001
PA	DAUPHIN	STEELTON, BOROUGH OF	420396	770415
PA	MONROE	STHUBBSBURG, BOROUGH OF	420694	761231 PA MONTGOMERY HATBORO, BOROUGH OF 420677 77015
PA	MONROE	STROUD, TOWNSHIP OF	420693	770415
PA	SCHUYLKILL	ST. CLAIR, BOROUGH OF	420786	770315 PA DELAWARE MAURFORD, TOWNSHIP OF 420417 77005
PA	LUZERNE	SUGAR NOTCH, BOROUGH OF	421820	770315 PA LUZERNE SEAKINS, TOWNSHIP OF 420611 770516
PA	DAUPHIN	SUSQUEHANNA, TOWNSHIP OF	420397	770415 PA LUZERNE KINGSTON, BOROUGH OF 420602 77001
PA	ALLEGHENY	SWISSVALE, BOROUGH OF	420075	770415 PA SCHUYLKILL LANDBULVILLE, BOROUGH OF 420714 77015
PA	SCHUYLKILL	TAMAGUA, BOROUGH OF	425389	751031
PA	SUSQUEHANNA	THOMPSON, BOROUGH OF	422582	751031 PA BERKS LEESPORT, BOROUGH OF 420158 77016
PA	CHESTER	THORNHURST, TOWNSHIP OF	420290	770301
PA	DELAWARE	THORNHURST, TOWNSHIP OF	425390	751017
PA	WASHINGTON	UNION, TOWNSHIP OF	420860	770202
PA	DELAWARE	UPLAND, BOROUGH OF	420438	761200
PA	NORTHUMBERLAND	UPPER AUGUSTA, TOWNSHIP OF	420745	770502 PA BERKS LOWER AUSTICE, TOWNSHIP OF 420140 770705
PA	LUZERNE	WARHORN RUN, BOROUGH OF	422270	760625 PA LYCOMING LOYALSOCK, TOWNSHIP OF 421040 770516
PA	WASHINGTON	WEST BRUNSVILLE, BOROUGH OF	425391	750822 PA HUNTINGDON MAPLETON, BOROUGH OF 420887 77005
PA	NORTHUMBERLAND	WEST CHILLISQUAQUE, TOWNSHIP OF	421033	770415 PA PERRY MARYSVILLE, BOROUGH OF 420751 770516
PA	CUMBERLAND	WEST FAIRVIEW, BOROUGH OF	420373	770216 PA ALLEGHENY McKEES ROCKS, BOROUGH OF 420052 770516
PA	LEBANON	WEST LEBANON, TOWNSHIP OF	421166	770415
PA	LUZERNE	WEST PITTSBURG, BOROUGH OF	420628	770415 PA CRAWFORD MEADVILLE, CITY OF 420551 77001
PA	BERKS	WEST HEADING, BOROUGH OF	420156	760310
PA	ALLEGHENY	WEST VIEW, BOROUGH OF	420086	760310 PA LYCOMING MOUNTAINSVILLE, BOROUGH OF 420648 77015
PA	CHESTER	WEST WHITELAND, TOWNSHIP OF	420295	770502
PA	LUZERNE	WEST WYOMING, BOROUGH OF	420629	770415
PA	CUMBERLAND	WHIMPLESBURG, BOROUGH OF	420374	770212 PA WESTMORELAND MOUNT PLEASANT, TOWNSHIP OF 420832 77018
PA	SCHUYLKILL	WYTHE, TOWNSHIP OF	420667	770615
PA	DELAWARE	CLIFTON HEIGHTS, BOROUGH OF	420407	770516
PA	BERKS	EARL, TOWNSHIP OF	420132	770718
PA	CARBON	EAST PENN, TOWNSHIP OF	421013	770615
PA	LUZERNE	ETETER, BOROUGH OF	420605	770516
PA	DELAWARE	FOLCROFT, BOROUGH OF	420415	770801
PA	CAMERON	GRACE, TOWNSHIP OF	421128	770718

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
RI	BRISTOL	BARRINGTON, TOWN OF	445392	751017
RI	BRISTOL	BRISTOL, TOWN OF	445393	751017
RI	PROVIDENCE	CENTRAL FALLS, CITY OF	445394	750822
RI	WASHINGTON	CHARLESTOWN, TOWN OF	445395	760820
RI	PROVIDENCE	CRANSTON, CITY OF	445396	760521
RI	KENT	EAST GREENWICH, TOWN OF	445397	760618
RI	PROVIDENCE	EAST PROVIDENCE, CITY OF	445398	751114
RI	NEWPORT	JAMESTOWN, TOWN OF	445399	760227
RI	PROVIDENCE	LINCOLN, TOWN OF	445400	751010
RI	NEWPORT	MIDDLETOWN, TOWN OF	445401	760116
RI	WASHINGTON	NAHRAGANSETT, TOWN OF	445402	761203
RI	NEWPORT	NEWPORT, CITY OF	445403	751121
RI	WASHINGTON	NORTH KINGSTOWN, TOWN OF	445404	760109
RI	PROVIDENCE	PAWTUCKET, CITY OF	440022	760611
RI	NEWPORT	PORTSMOUTH, TOWN OF	445405	760910
RI	PROVIDENCE	PROVIDENCE, CITY OF	445406	760723
RI	PROVIDENCE	SMITHFIELD, TOWN OF	440025	770301
RI	WASHINGTON	SOUTH KINGSTOWN, TOWN OF	445407	770204
RI	NEWPORT	TIVERTON, TOWN OF	440012	770502
RI	BRISTOL	WARREN, TOWN OF	445408	751031
RI	KENT	WARWICK, CITY OF	445409	760618
RI	WASHINGTON	WESTERLY, TOWN OF	445410	751226
RI	PROVIDENCE	WOONSOCKET, CITY OF	445411	760116

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LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
SC	GEORGETOWN	ANDREWS, TOWN OF	450086	760116
SC	BEAUFORT	BEAUFORT, CITY OF	450026	770502
SC	CHARLESTON	CHARLESTON COUNTY #	455413	761112
SC	CHARLESTON	CHARLESTON, CITY OF	455412	760903
SC	BAMBERG	DENMARK, TOWN OF	450021	760625
SC	CHARLESTON	EDISTO BEACH, TOWN OF	455414	760820
SC	CHARLESTON	FOLLY BEACH, TOWNSHIP OF	455415	751003
SC	CHESTER	GREAT FALLS, TOWN OF	450049	760625
SC	WILLIAMSBURG	GREELEYVILLE, TOWN OF	450188	760625
SC	CHARLESTON	ISLE OF PALMS, CITY OF	455416	751003
SC	FLORENCE	JOHNSONVILLE, CITY OF	450208	760625
SC	KERSHAW	KERSHAW, TOWN OF	450119	760625
SC	PICKENS	LIBERTY, TOWN OF	450168	760625
SC	MCCORMICK	MCCORMICK, TOWN OF	450152	760625
SC	CHARLESTON	MOUNT PLEASANT, TOWN OF	455417	760903
SC	AIKEN	NEW ELLENTON, CITY OF	450006	760903
SC	PICKENS	PICKENS, TOWN OF	450169	760625
SC	BEAUFORT	PORT ROYAL, TOWN OF	450028	770415
SC	CHARLESTON	SULLIVAN'S ISLAND, TOWNSHIP OF	455418	751031
SC	HURRY	SURFSIDE BEACH, TOWN OF	450111	761217
SC	HORRY	MYRTLE BEACH, CITY OF	450109	770705
SC	CHARLESTON	NORTH CHARLESTON, CITY OF	450042	761008

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## LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
SD	STANLEY	FORT PIERRE, CITY OF	465419	760123
SD	FALL RIVER	HOT SPRINGS, CITY OF	460027	760123
SD	DAVISON	MOUNT VERNON, CITY OF	460022	760123
SD	PENNINGTON	RAPID CITY, CITY OF	465420	740701
SD	BUTTE	BELLE FOURCHE, CITY OF	460012	770601
SD	MEADE	STURGIS, CITY OF	460055	770601

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## LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
TN	BLOUNT	ALCOA, CITY OF	475421	770415
TN	HAMILTON	COLLEGEDALE, CITY OF	475422	760827
TN	MAURY	COLUMBIA, CITY OF	475423	760430
TN	GIHSON	DYER, TOWN OF	470058	760430
TN	HAMILTON	EAST RIDGE, CITY OF	475424	770301
TN	CARTER	ELIZABETHTON, CITY OF	475425	740701
TN	SEVIER	GATLINBURG, CITY OF	475426	770218
TN	ROANE	HARRIMAN, CITY OF	475427	760903
TN	CAMPBELL	JACKSBORO, TOWN OF	475428	760528
TN	MARION	JASPER, TOWN OF	475429	770107
TN	JEFFERSON	JEFFERSON CITY, TOWN OF	475430	740701
TN	CAMPBELL	JELICO, CITY OF	475431	751003
TN	WASHINGTON	JOHNSON CITY, CITY OF	475432	740701
TN	KNOX	KNOX COUNTY *	475433	770318
TN	KNOX	KNOXVILLE, CITY OF	475434	770211
TN	CAMPBELL	LAFOLLETTE, CITY OF	475435	761022
TN	ANDERSON	LAKE CITY, TOWN OF	475436	761126
TN	LAWRENCE	LAWRENCEBURG, CITY OF	475437	760305
TN	LOUDON	LENOIR CITY, CITY OF	475438	760611
TN	BLOUNT	MARYVILLE, CITY OF	475439	760806
TN	COCKE	NEWPORT, TOWN OF	475440	760723
TN	ANDERSON	NORRIS, CITY OF	470003	760625
TN	MULTIPLE	OAK RIDGE, CITY OF	475441	760723
TN	ROANE	ROCKWOOD, CITY OF	475443	770114
TN	SEVIER	SEVIERVILLE, TOWN OF	475444	760827
TN	HAMILTON	SODDY-DAISY, CITY OF	475445	770211
TN	ORION	SOUTH FULTON, CITY OF	475446	751219
TN	MARION	SOUTH PITTSBURG, CITY OF	475447	770218
TN	RHEA	SPRING CITY, TOWN OF	475448	761112
TN	CLAIBORNE	TAZEWELL, CITY OF	475449	760723
TN	SEVIER	PIGEON, CITY OF	475442	761001

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LATEST FIRM MAP

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STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
TX	MULTIPLE	ABILENE, CITY OF	485450	740701
TX	NUECES	AGUA DULCE, CITY OF	480504	751212
TX	BRAZOKIA	ALVIN, CITY OF	485451	760611
TX	ARANSAS	ARANSAS COUNTY #	485452	750926
TX	MULTIPLE	ARANSAS PASS, CITY OF	485453	751107
TX	TARRANT	ARLINGTON, CITY OF	485454	760305
TX	MATAGORDA	BAY CITY, CITY OF	485455	760305
TX	JEFFERSON	BEAUMONT, CITY OF	485457	751114
TX	BRAZOKIA	BRAZOKIA COUNTY #	485458	710507
TX	MULTIPLE	BURLESON, CITY OF	485459	760416
	TARRANT &			
TX	CALHOUN	CALHOUN COUNTY #	480097	740701
TX	GALVESTON	CLEAR LAKE SHORES, CITY OF	485461	750418
TX	JOHNSON	CLERBURNE, CITY OF	485462	750912
TX	BRAZOKIA	CLUTE, CITY OF	480068	761207
TX	COMAL	COMAL COUNTY #	485463	760514
TX	NUECES	COMPUS CHRISTI, CITY OF	485464	751031
TX	GALVESTON	CRYSTAL BEACH, TOWN OF	480243	760930
TX	MEDINA	DEVINE, CITY OF	480690	770415
TX	HIDALGO	EDINBURG, CITY OF	480338	770502
TX	JACKSON	EDNA, CITY OF	485465	750418
TX	HARRIS	EL LAGO, CITY OF	485466	750711
TX	ANDERSON	ELKHART, CITY OF	480002	760625
TX	BRAZOKIA	FREEMONT, CITY OF	485467	751013
TX	GALVESTON	FRIENDSWOOD, CITY OF	485468	751219
TX	GALVESTON	GALVESTON COUNTY #	485470	740701
TX	GALVESTON	GALVESTON, CITY OF	485469	751003
TX	DALLAS	GARLAND, CITY OF	485471	751003
TX	MULTIPLE	GRAND PRAIRIE, CITY OF	485472	760910
TX	HUNT	GREENVILLE, CITY OF	485473	750411
TX	JEFFERSON	GRIFFING PARK, TOWN OF	485474	760514
TX	JEFFERSON	GROVES, CITY OF	485475	760514
TX	LAVACA	HALLETTSVILLE, CITY OF	485476	751205
TX	CAMERON	HARLINGEN, CITY OF	485477	751017
TX	HARRIS	HARRIS COUNTY #	480287	760730
TX	BRAZOKIA	HILLCREST VLLLAGE, CITY OF	485478	750411
TX	GALVESTON	HITCHCOCK, CITY OF	485479	751031
TX	SAN PATRICIO	INGLESIDE, CITY OF	485480	750502
TX	GALVESTON	KEMAH, CITY OF	485481	750822
TX	KARNES	KENEDY, CITY OF	485482	750912
TX	KLEBERG	KINGSVILLE, CITY OF	480424	761208
TX	KLEBERG	KLEBERG COUNTY #	480423	760618
TX	DAWSON	LA MESA, CITY OF	480191	760430
TX	HARRIS	LA PORTE, CITY OF	485487	750822
TX	HARRIS	BAYTOWN, CITY OF	485456	751114
TX	TARRANT	BEDFORD, CITY OF	480585	770718
TX	MONTGOMERY	CONROE, CITY OF	480484	770516
TX	BEXAR	LEON VALLEY, CITY OF	480042	770601
TX	BEXAR	LIVE OAK, CITY OF	480043	770516
TX	TOM GREENE	SAN ANGELO, CITY OF	480623	770516
TX	ERATH	STEPHENVILLE, CITY OF	480220	770705
TX	BRAZOKIA	SURFSIDE BEACH, VILLAGE OF	481266	770601
TX	BEXAR	UNIVERSAL CITY, CITY OF	480049	770516

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
TX	CAMERON	LAGUNA VISTA, VILLAGE OF	485483	760611
TX	BRAZORIA	LAKE JACKSON	485484	750725
TX	JEFFERSON	LAKEVIEW, TOWN OF	485485	760514
TX	GALVESTON	LAMARQUE, CITY OF	485486	751017
TX	GALVESTON	LEAGUE CITY, CITY OF	485488	750912
TX	MULTIPLE	LYTLE, CITY OF	480692	770202
TX	MATAGORDA	MATAGORDA COUNTY #	485489	760305
TX	DALLAS	MESQUITE, CITY OF	485490	750926
TX	HARRIS	NASSAU BAY, CITY OF	485491	760723
TX	JEFFERSON	NEDERLAND, CITY OF	485492	760514
TX	CUMAL	NEW BRAUNFELS, CITY OF	485493	760507
TX	NUECES	NUECES COUNTY #	485494	760903
TX	BRAZORIA	OYSTER CREEK, VILLAGE OF	481255	761119
TX	MATAGORDA	PALACIOS, CITY OF	485495	750711
TX	HARRIS	PASADENA, CITY OF	480307	760423
TX	JEFFERSON	PEAR RIDGE, CITY OF	485497	760514
TX	NUECES	PORT ANANSAS, CITY OF	485498	770108
TX	JEFFERSON	PORT ARTHUR, CITY OF	485499	761008
TX	CAMERON	PORT ISABEL, CITY OF	480109	761006
TX	CALHOUN	PORT LAVACA, CITY OF	480099	750905
TX	JEFFERSON	PORT NECHES, CITY OF	485500	761112
TX	REFUGIO	REFUGIO COUNTY #	485501	740701
TX	REFUGIO	REFUGIO, CITY OF	480540	761006
TX	TARRANT	RICHLAND HILLS, CITY OF	480608	770216
TX	BRAZORIA	RICHWOOD, CITY OF	485502	760116
TX	NUECES	ROBSTOWN, CITY OF	485503	750418
TX	ARKANSAS	ROCKPORT, CITY OF	485504	751107
TX	HARDIN	ROSE HILL ACRES, CITY OF	480846	770419
TX	HAYS	SAN MARCOS, CITY OF	485505	761105
TX	SAN PATRICIO	SAN PATRICIO COUNTY #	485506	760903
TX	HARRIS	SEABROOK, CITY OF	485507	750822
TX	CALHOUN	SEADRIFT, CITY OF	480100	750502
TX	GUADALUPE	SEGUIN, CITY OF	485508	760625
TX	GRAYSON	SHERMAN, CITY OF	485509	751205
TX	HARRIS	SHOREACHES, CITY OF	485510	750912
TX	SAN PATRICIO	SINTON, CITY OF	485511	760709
TX	HARRIS	SOUTHSIDE PLACE, CITY OF	480312	760709
TX	BRAZORIA	SWEENEY, CITY OF	485512	750822
TX	HARRIS	TAYLOR LAKE, VILLAGE OF	485513	750905
TX	GALVESTON	TEXAS CITY, CITY OF	485514	761105
TX	LIVE OAK	THREE RIVERS, CITY OF	485515	750926
TX	THROCKMORTON	THROCKMORTON, CITY OF	480693	770415
TX	VICTORIA	VICTORIA, CITY OF	480638	750822
TX	HARRIS	WEBSTER, CITY OF	485516	740701

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
UT	UTAH	ALPINE, CITY OF	490228	740701



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LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
VA	INDEPENDENT CITY	ALEXANDRIA, CITY OF	515519	761022
VA	WISE	BIG STONE GAP, TOWN OF	515521	740701
VA	INDEPENDENT CITY	CHESAPEAKE, CITY OF	510034	770202
VA	RUSSELL	CLEVELAND, TOWN OF	515522	760514
VA	FAIRFAX	CLIFTON, TOWN OF	510186	770502
VA	FAIRFAX	FAIRFAX COUNTY *	515525	760514
VA	INDEPENDENT CITY	FAIRFAX, CITY OF	515524	751031
VA	ROCKBRIDGE	GLASGOW, TOWN OF	515526	751212
VA	INDEPENDENT CITY	HAMPTON, CITY OF	515527	760611
VA	INDEPENDENT CITY	NEWPORT NEWS, CITY OF	510103	770502
VA	NORTHAMPTON	NORTHAMPTON COUNTY *	510105	760811
VA	INDEPENDENT CITY	NORTON, CITY OF	510108	770216
VA	APPOMATTOX	PAMPLIN, TOWN OF	510228	770216
VA	INDEPENDENT CITY	PORTSMOUTH, CITY OF	515529	751121
VA	WISE	ST. PAUL, TOWN OF	515530	760723
VA	INDEPENDENT CITY	VIRGINIA BEACH, CITY OF	515531	761008
VA	INDEPENDENT CITY	WAYNESBORO, CITY OF	515532	751205
VA	ARLINGTON	_____	515520	761231
VA	ACCOMACK	CHINCOTEGNE, TOWN OF	510002	770301
VA	INDEPENDENT CITY	POQUOSON, CITY OF	510183	770516

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LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
VT	ORANGE	CORINTH, TOWN OF	500071	751205
VT	WASHINGTON	MONTPELIER, CITY OF	505518	740701

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
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WA	GRAYS HARBOR	MONTESANO, CITY OF	530063	770510
WA	PEND OREILLE	NEWPORT, CITY OF	530137	770510
WA	FRANKLIN	PASCO, CITY OF	530046	770510
WA	OKANOGAN	PATEROS, TOWN OF	530258	770510
WA	BENTON	PROSSER, CITY OF	530012	770510
WA	GRANT	QUINCY, CITY OF	530054	770510
WA	BENTON	HIGHLAND, CITY OF	535533	751114
WA	CLALLAM	SEQUIM, CITY OF	530301	751114
WA	YAKIMA	ZILLAH, CITY OF	530232	751114

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LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
WI	BUFFALO	ALMA, CITY OF	555540	760312
WI	LANGLADE	ANTIGO, CITY OF	555541	751031
WI	MULTIPLE	APPLETON, CITY OF	555542	751226
WI	PIERCE	BAY CITY, VILLAGE OF	555543	751017
WI	ROCK	BELOIT, CITY OF	555544	760423
WI	WOOD	BIRON, VILLAGE OF	555545	740701
WI	BUFFALO	BUFFALO COUNTY #	555547	760309
WI	BUFFALO	BUFFALO, CITY OF	555546	751017
WI	GRANT	CASSVILLE, VILLAGE OF	555548	751128
WI	CHIPPEWA	CHIPPEWA COUNTY #	555549	760903
WI	BUFFALO	COCHRANE, VILLAGE OF	555550	750523
WI	CRAWFORD	CRAWFORD COUNTY #	555551	760123
WI	EAU CLAIRE	EAU CLAIRE COUNTY #	555552	760514
WI	CRAWFORD	FERRYVILLE, VILLAGE OF	555553	751031
WI	JEFFERSON	FORT ATKINSON, CITY OF	555554	760312
WI	BUFFALO	FOUNTAIN, CITY OF	555555	750829
WI	VERNON	GENOA, VILLAGE OF	555556	751010
WI	GRANT	GRANT COUNTY #	555557	760820
WI	ST. CHOIX	HUDSON, CITY OF	555558	751003
WI	IRON	HURLEY, CITY OF	555559	751114
WI	ROCK	JANESVILLE, CITY OF	555560	751219
WI	JEFFERSON	JEFFERSON, CITY OF	555561	750905
WI	LA CROSSE	LA CROSSE, CITY OF	555562	760514
WI	CRAWFORD	LYNXVILLE, VILLAGE OF	555563	751128
WI	MANITOWOC	MANITOWOC, CITY OF	550240	770415
WI	OZAUKEE	MEQUON, CITY OF	555564	760326
WI	LINCOLN	MERRILL, CITY OF	555565	751128
WI	MANITOWOC	MISHICUT, VILLAGE OF	555566	751017
WI	MARATHON	MOSINEE, CITY OF	555567	751114
WI	FOND DU LAC	MT. CALVARY, VILLAGE OF	550137	751114
WI	MULTIPLE	NEW LONDON, CITY OF	550308	770315
WI	ST. CHOIX	NORTH HUDSON, VILLAGE OF	555568	750822
WI	PEPIN	PEPIN COUNTY #	555570	760102
WI	PEPIN	PEPIN, VILLAGE OF	555569	750502
WI	PIERCE	PIERCE COUNTY #	555571	760109
WI	WOOD	PORT EDWARDS, VILLAGE OF	555572	770225
WI	CRAWFORD	PRAIRIE DU CHIEN, CITY OF	555573	751128
WI	PIERCE	PRESCOTT, CITY OF	555574	760227
WI	RACINE	RACINE, CITY OF	555575	760102
WI	RICHLAND	RICHLAND CENTER, CITY OF	555576	760227
WI	MARATHON	ROTHSCHILD, VILLAGE OF	555577	770121
WI	MARATHON	SCHOFIELD, CITY OF	555579	760312
WI	SHEBOYGAN	SHEBOYGAN, CITY OF	550430	770315
WI	CRAWFORD	STEBEN, VILLAGE OF	555580	760305
WI	PEPIN	STOCKHOLM, VILLAGE OF	555581	750328
WI	VERNON	STODDARD, VILLAGE OF	555582	760123

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
WI	TREMPEALEAU	STRUM, VILLAGE OF	555583	750829
WI	ST. CROIX	ST. CROIX COUNTY #	555578	760326
WI	TREMPEALEAU	TREMPEALEAU COUNTY #	555585	760326
WI	TREMPEALEAU	TREMPEALEAU, VILLAGE OF	555584	751107
WI	CRAWFORD	WAUZEKA, VILLAGE OF	555586	760305
WI	WOOD	WISCONSIN RAPIDS, CITY OF	555587	740701
WI	MILWAUKEE & OZAUKEE	BAYSIDE, VILLAGE OF	550270	770615
WI	PEPIN	DURAND, CITY OF	550320	770601
WI	EAU CLAIRE & CHIPPEWA	EAU CLAIRE, CITY OF	550128	770601
WI	MILWAUKEE	FOX POINT, VILLAGE OF	550274	770516
WI	WAUPACA	FREMONT, VILLAGE OF	550496	770615
WI	WINNEBAGO	OSHKOSH, CITY OF	550511	770516
WI	OZAUKEE		550310	770516

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## LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
WV	LOGAN	CHAPMANVILLE, TOWN OF	540092	760820
WV	MINGU	DELBARTON, TOWN OF	540134	770315
WV	MINGU	GILBERT, TOWN OF	540135	770502
WV	LOGAN	LOGAN COUNTY #	545536	760206
WV	LOGAN	LOGAN, CITY OF	545535	751219
WV	LOGAN	MAN, TOWN OF	545537	751226
WV	MINGU	MATEWAN, TOWN OF	545538	751216
WV	LOGAN	MITCHELL HEIGHTS, TOWN OF	540095	760827
WV	LOGAN	WEST LOGAN, TOWN OF	545539	751128

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

Issued: June 3, 1977.

RICHARD W. KRIMM,  
Acting Federal Insurance Administrator.

[FR Doc. 77-18101 Filed 6-28-77; 8:45 am]

**WEDNESDAY, JUNE 29, 1977**

**PART VII**



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**COMMUNITY  
SERVICES  
ADMINISTRATION**

■

**SPECIAL CRISIS  
INTERVENTION  
PROGRAM**

**General Information, Application  
Procedures and Post Grant Requirements**

**COMMUNITY SERVICES  
ADMINISTRATION  
SPECIAL CRISIS INTERVENTION  
PROGRAM**

**Information, Application Procedures, and  
Post Grant Requirements for the Special  
Crisis Intervention Program**

Notice is hereby given that the Governor of each State, Puerto Rico, and the Virgin Islands, and the Mayor of the District of Columbia were notified by a letter and a memorandum from Graciela (Grace) Olivarez, Director, Community Services Administration that the funds for the Special Crisis Intervention Program are now available. The correspondence also provides details of the Program, procedures required for funding, and allocation for each State and other eligible jurisdictions. The texts of the letter and memorandum are printed below.

Interested persons should note that the memorandum contains a notice of procedural variation from normal A-95 procedures accorded by the Office of Management and Budget. This variation was granted due to the fact that the Special Crisis Intervention Program funded under section 222(a)(12) of the Economic Opportunity Act of 1964, as amended, has a short life-span necessitated by the need to improve the financial condition of the poor and the near-poor before the return of cold weather and, therefore, the Program must become operational on the earliest possible date. Therefore, the Office of Management and Budget has approved a procedural variation of OMB Circular A-95, Part I: Project Notification and Review System, which limits the entire review process by State and areawide clearing-houses of applications for funds under this Program to seven (7) days.

GRACIELA (GRACE) OLIVAREZ,  
Director.

DEAR GOVERNOR: On May 5, 1977, the President signed the Fiscal Year 1977 Supplemental Appropriation Bill containing a \$200 million appropriation to the Community Services Administration for a Special Crisis Intervention Program to be carried out through the States.

The purpose of this appropriation is to relieve part of the burden that high energy costs and last winter's unusual weather has placed on the poor and the near-poor, and to improve their financial condition before the return of cold weather. The program will run through August 31, 1977, after which any unexpended funds may be reprogrammed to support weatherization activities in your State.

Allocations among the States were made using a formula provided by the Congress. The formula included population-weighted heating degree days, number of elderly persons with incomes below 125% of the poverty guideline, number of poor and near-poor households and the relative costs of fuel. The allocation for \_\_\_\_\_ is \$\_\_\_\_\_.

Attached is a memorandum describing the program in detail and explaining the steps you should take to request the funds. Also attached is a copy of the Special Conditions which will be part of the grant. Please note that the carrying out of this program will involve specific commitments by the State

and that as part of the funding process you will be asked to certify personally to your State's agreement to undertake these commitments. Important among them is the provision of administrative support by the State to local administering agencies, which has been mandated by the Congress.

We are all very conscious of the difficulties involved in successfully disbursing such a large amount of money in such a short time-frame. CSA appreciates the help it has received from State Offices through the National Governors' Conference in planning and reviewing the details of the operation. A Briefing Session has been scheduled in Washington, D.C. next week for representatives of all of the States and the CSA Regional Offices, at which time we will try to answer all questions and deal with any that are foreseen by the States.

I do not underestimate the job you have ahead of you. You may be sure that we will help in every way we can.

Sincerely,

GRACIELA (GRACE) OLIVAREZ,  
Director.

Enclosures.

MEMORANDUM

MAY 25, 1977.

To: All Governors.

From: Graciela (Grace) Olivarez, Director.

Special Crisis Intervention Program funds amounting to \$200 million are now available for relieving part of the energy cost burden which has fallen most heavily on the poor and near-poor as a result of the recent severe weather and escalating energy prices. The President signed the Fiscal Year 1977 Supplemental Appropriations bill containing the funds on Wednesday, May 4, 1977.

These funds have been appropriated to the Community Services Administration under provisions of Section 222(a)(12) of the Economic Opportunity Act of 1964, as amended, and will be administered under the Crisis Intervention activity of the Emergency Energy Conservation Program authorized by that Act.

Allocations among the States were made using a formula provided by the Congress. The formula included population-weighted heating degree days, number of elderly persons with incomes no higher than 125% of the poverty guideline (see Attachment 1), number of poor and near-poor households, and the cost of fuel. The allocation for your State is shown on Attachment 2.

Since all the outstanding energy/fuel bills of the poor and near-poor cannot be paid with these funds, priority shall be given to eligible elderly persons (age 65 and over).

Because this is an emergency program of very short lifespan, the Community Services Administration will make one grant in each State, preferably to an existing grantee such as the State Economic Opportunity Office, so as to avoid time-consuming procedures required before new grantees can be funded.

As the Senate report which accompanied the Supplemental bill states,

Governors shall administer this program by utilizing Community Action Agencies and other appropriate State and local public or private agencies. These agencies shall, in allocating emergency assistance funds, give particular consideration to those cases in which emergency assistance can be coordinated with weatherization assistance. Whenever possible, the emergency assistance funds should be allocated so as to contribute to the agency's long-term goal of promoting energy conservation in the homes of low-income and near-poor families and individuals.

Consequently, it is desirable to give priority consideration in your designation of Local Administering Agencies to Community Action Agencies which have effectively ad-

ministered CSA Emergency Energy Conservation programs.

The Senate report also calls on Governors to "assure that the greatest household needs are met first." For this reason, where Community Action Agencies are not selected, particular care should be taken to select agencies which will be able to provide effective services to the elderly, to persons not on welfare, and in remote rural areas. Households receiving assistance must have incomes no higher than 125% of the 1977 CSA poverty guideline.

As described by Congress, the Special Crisis Intervention Program funds may be used only for: 1) payments directly to eligible households and/or 2) payments to utility companies and fuel dealers on behalf of eligible households for energy/fuel supplies. In this connection the Senate report states:

Governors shall make available to local administering agencies such non-Federal support as the local agencies deem necessary, not to exceed an amount up to ten percent of the Federal funds, to provide for proper certification of the eligibility and need of recipients.

In rare instances where administrative costs may exceed 10%, the State may require the Local Administering Agency to absorb the extra costs. We do not believe it is the intent of Congress to limit the nature of the administrative assistance supplied to the Local Administering Agencies by Governors for determination of income and program eligibility to resources not funded by the Federal government; rather that the term "non-Federal support" is intended merely to isolate and safeguard the \$200 million in Special Crisis Intervention Program funds from being spent for administrative costs.

The expiration date for this program is August 31, 1977. Funds granted to your State but which cannot be effectively obligated for crisis intervention by the expiration date will be reprogrammed after August 31, 1977, for support of weatherization activities in your State. Reprogrammed funds should be spent in a manner consistent with an approved State Emergency Energy Conservation Funding Plan for carrying out the CSA-funded Weatherization Program under Section 222(a)(12) of the Economic Opportunity Act of 1964, as amended. Any funds reprogrammed for weatherization would be subject to existing CSA non-Federal share requirements.

**PROGRAM DESIGN**

Two categories of eligible households may be served by the Special Crisis Intervention Program:

(1) Those who, because of large unpaid energy/fuel bills, have had their utilities shutoff, are threatened with shutoff or are threatened with inability to obtain delivery of heating fuel. For this category, a one-time payment of up to \$250,000 may be made on behalf of the household. Payments must be made directly to utility companies and fuel suppliers.

(2) Those who can prove dire financial need at time of application as a result of having paid large energy/fuel bills in whole or in part:

A one-time payment of up to \$50.00 may be made directly to eligible households in this category. In addition, a one-time payment, not to exceed the balance of the allowable \$250.00, may be made on behalf of the household as a credit toward future deliveries; these payments must be made directly to utility companies and fuel dealers.

**LIMITATION ON PAYMENTS**

The sum of all payments made to and/or on behalf of any eligible household described in (1) or (2) above may not exceed the total

of the actual household energy/fuel bills incurred after October 1, 1976 and before the date of application for assistance, or \$250.00, whichever is less.

No payment made under this program shall be considered income for the purpose of determining eligibility or benefits under any income transfer program including, but not limited to, public assistance, veterans' benefits, food stamps, or Supplemental Security Income.

#### MAINTENANCE OF EFFORT

In addition, please note carefully the following Special Condition:

*Maintenance of Effort.* Grantee gives assurance that services under this program will be in addition to, not in substitution for, services previously provided without Economic Opportunity Act assistance.

#### HOW TO APPLY FOR FUNDS

If you decide to apply for Special Crisis Intervention Program funds for your State, you may request a sum up to the allocated amount indicated on the attachment. To make your request, it is necessary only to submit a REQUEST FOR FUNDS following the format attached (Attachment 3) and submit it to the CSA Regional Office serving your State (see Attachment 4). This will begin the formal grant process.

In submitting the REQUEST FOR FUNDS, you will be agreeing to:

1. Provide administrative support in amounts up to ten per cent of the amount of the grant as deemed necessary by the local administering agencies;

2. Waive the thirty (30) day review and disapproval period which you have under Section 242 of the Economic Opportunity Act of 1964, as amended, and

3. Carry out the provisions of the program, including an audit of the program by November 30, 1977. This requirement contained in CSA Instruction 6800-12, Grant Closeout Procedures (Uniform Federal Standards), is the CSA requirement that implements Attachment K of OMB Circular A-110 and Attachment L of FMC 74-7.

Independent audits for Local Administering Agencies may be required and accepted for the purpose of meeting this requirement, provided costs of such audit are not borne by the Local Administering Agencies. Audits by State Auditors will also be accepted, and we encourage the State Auditors to rely on audits performed by county auditors to the extent consistent with professional auditing standards and the judgment of the state auditors.

Upon receiving your Request for Funds, CSA will process and send to your State's grantee the Statement of CSA Grant (CSA Form 314). CSA intends that the process outlined above take no more than 10 working days.

Upon receiving the CSA Form 314, the grantee must sign it and return it to the CSA Regional Office. Simultaneously your State Funding Plan for the Special Crisis Intervention Program should be in preparation. One copy of this Plan must be submitted to CSA Headquarters and one copy to the CSA Regional Office. No funds can actually be released to you until this Plan is received and approved by the CSA Regional Office.

#### A-95 CLEARINGHOUSE REVIEW

CSA has requested and received from OMB a procedural variation for State and areawide clearinghouses which will limit their review period to seven (7) days. Before submission of your State Funding Plan to CSA you must submit the Plan to State and areawide clearinghouses which will have seven days for review and comment, start-

ing with the time they receive copies of the Plan. Clearinghouse comments will be sent to the Governor. Only after the expiration of the seven days may the Plan be submitted to CSA.

To expedite completion of this grant and funding process, CSA is prepared to move documents between its Washington, D.C. Headquarters and the Regional Offices by courier. Similar handling is encouraged on the part of States.

#### THE STATE FUNDING PLAN

CSA intends that this be a brief document which must include but is not limited to the following elements:

1. *Allocation of funds by sub-state area.* This is accomplished by following the attached format (Attachment 5). Please do not include administrative costs; enter only Federal grant dollars.

2. *Disbursement mechanism and safeguards.* The Plan must include a description of the mechanism by which you propose to disburse the funds to ensure that:

A. No coin or currency will be exchanged;

B. No eligible household will receive assistance in excess of \$250;

C. Certification for payment will be made to utilities and fuel dealers only after verification of amounts owed or paid;

D. Certification for payment by the local administering agency will be final and will constitute obligation of funds unless duplication or fraud is evidenced;

E. Local administering agencies do not certify assistance in excess of the total sum which you authorize them to obligate;

F. No payments are made under this program to households having access to direct assistance through other supportive service networks, such as welfare, except in cases when such other networks cannot respond in an effective and timely manner;

G. All Local Administering Agencies will notify, inform, contact and, where appropriate, certify eligible households with persons unable to leave their residences due to handicap, infirmity;

H. Households in remote rural areas will receive timely notification of the program and will be provided ample opportunity for full participation.

3. *Assistance to American Indians, Alaska Natives and Migrant Farmworkers.* A. American Indians and Alaska Natives. Allocations of funds within the State shall make provision for assistance to eligible households in identifiable Indian reservations, pueblos, rancherias, communities, Alaska Native villages, Indian trust lands, other Indian lands and Indian Country on the basis of their number and distribution and in accordance with the eligibility criteria and priorities established for the Special Crisis Intervention Program as a whole. If it is not possible to serve such eligible households within this population due to operation of State Law or other legal barrier(s), the Governor must, in the State Funding Plan, identify from the funds allocated to the State a proportionate share of those funds to assist these eligible households and must request the CSA Regional Office to grant that proportionate share of the funds directly to a grantee(s) which can and will serve such households within the State.

B. Migrant Farmworkers. The Plan must include a mechanism for providing assistance to eligible migrant farmworker households. It is suggested that Farmworker organizations be consulted in developing this part of the plan.

4. *Monitoring.* A description of the State's methods which you will require for monitoring of the program at the local level, for initial and immediate investigation of charges involving poor administration of the program, faulty or inadequate certification,

failure of energy suppliers to provide relief, and duplication and/or fraud. Specify which agency (agencies) will have this responsibility. Provide the mailing address and telephone number of the contact person in the responsible agency or agencies. Please include a procedure for notifying the appropriate CSA Regional Office of the initiation of an investigation and of the outcome of all such investigations.

5. *Certification of agreements reached.* Completion of a Certification, following the enclosed format (Attachment 6), that agreements have been reached with participating utility companies and fuel suppliers to ensure that in each case where payment is certified:

(1) The outstanding bill is reduced by the full amount of the Special Crisis Intervention Program payment;

(2) For any remaining balance, the customer is offered a deferred payment arrangement;

(3) A reconnection charge, to be paid by the customer, is made only where such a charge was company practice prior to May 5, 1977;

(4) No security deposit is required to be paid except where such a deposit was required by State Law or explicit State Regulation prior to May 5, 1977, and where required by State Law or explicit State Regulation, the deposit is included in a deferred payment arrangement; and finally,

(5) Reconnection of service is made upon certification for payment and satisfaction of the above requirements.

6. *Information as to Need.* State and local governments, as well as Federal agencies were handicapped in their efforts to assist the poor and the elderly last winter by a severe lack of information as to the extent of the rapidly developing crisis. Accurate data about just what is happening to low and fixed income energy consumers, the size of their energy bills, their ability to pay them, the number that fall seriously behind in payments and by how much, and the number whose utilities are disconnected, was and still are very hard to come by. Knowing that energy prices are going to continue to rise and that the poor, the near-poor and the elderly are going to be faced with ever greater difficulty in paying these energy bills, we are most concerned that continuing current information be available to State governments and at the Federal level so that planning for the needs to the poor can go forward.

The Senate Committee Report states: Wherever possible the emergency assistance funds should be allocated so as to contribute to the agency's long-term goal of promoting energy conservation in the homes of low-income and near-poor families and individuals.

A more thorough knowledge of the size of the problems facing the low-income and the near-poor in meeting their energy bills will enable the States and local communities to define better the energy conservation programs which will meet their needs.

Consequently, please complete an Agreement following the enclosed format (Attachment 7) to provide the information below to CSA Headquarters on a monthly basis regarding each utility company participating in the Special Crisis Intervention Program for the months of July 1977 through June 1978. Each report is due not later than the end of the month following the month reported on, e.g., the data for July 1977 is due by August 31, 1977. It is our understanding that in almost every case this information is already required to be filed with State regulatory commissions. To the degree it is filed with a State agency, or can be readily obtained, the following information is requested for each month reported on:

(1) The total number of service disconnections for nonpayment;

(2) The total dollar amount of delinquent bills represented by these disconnections for non-payment;

(3) The total number of reconnections;

(4) The total number of final disconnect notices issued due to non-payment;

(5) The total dollar amount of the bills represented by these final disconnect notices;

(6) The total number of customers in arrears more than sixty (60) days;

(7) The total dollar amount of such arrearages owed by these customers;

(8) The total number of Security Deposits received during the month;

(9) The average Security Deposit received during the month in dollars;

(10) In the first report, and thereafter only if there is significant change, the total

number of residential customers served by each participating utility company.

To the degree that similar information can be obtained about the non-regulated fuel supply network through trade associations, its submission would be of great value.

CSA is negotiating an agreement with the leading energy and fuel trade associations whereby they will collect selected data from utilities and dealers relating specifically to areas of heavy concentration of low-income customers. We believe the aggregate monthly information which you have been requested to provide, along with this more specific sample data will help States, the Federal Government and the energy/fuel suppliers respond more quickly in the months ahead to the energy related problems of the poor.

#### REVIEW AND APPROVAL OF STATE FUNDING PLANS BY CSA

Review and Approval of State Plans by CSA will be limited to making sure that

Plans include all required elements, and that they are in accord with applicable law and regulations. You may be sure CSA will do everything possible to expedite the release of funds.

#### REPORTING

Please note carefully the Special Condition number 12, Reporting Requirement. It is important that plans be made to collect this information in a manner which will permit efficient compilation of these State reports and for later use in the program evaluation.

#### PROGRAM EVALUATION

CSA will be evaluating this program. Your cooperation and that of the participating utility companies, fuel dealers, and Local Administering Agencies will be essential. We will, of course, share with you both the results of the evaluation and summary data from the monthly reports.



ALLOCATION OF SPECIAL ENERGY FUNDS BY STATES

CSA POVERTY GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII - 100%

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1.	\$2,970	\$3,713	\$2,550	\$3,188
2.	3,930	4,913	3,360	4,200
3.	4,890	6,113	4,170	5,213
4.	5,850	7,313	4,980	6,225
5.	6,810	8,513	5,790	7,238
6.	7,770	9,713	6,600	8,250

For family units with more than 6 members, add \$960 for each additional member in a non-farm family and \$810 for each additional member in a farm family.

CSA POVERTY GUIDELINES FOR ALASKA

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1.	\$3,720	\$4,650	\$3,200	\$4,000
2.	4,920	6,150	4,210	5,263
3.	6,120	7,650	5,220	6,525
4.	7,320	9,150	6,230	7,788
5.	8,520	10,650	7,240	9,050
6.	9,720	12,150	8,250	10,313

For family units with more than 6 members, add \$1,200 for each additional member in a non-farm family and \$1,010 for each additional member in a farm family.

CSA GUIDELINES FOR HAWAII

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1.	\$3,430	\$4,288	\$2,940	\$3,675
2.	4,530	5,653	3,870	4,838
3.	5,630	7,038	4,800	6,000
4.	6,730	8,413	5,730	7,163
5.	7,830	9,788	6,660	8,325
6.	8,930	11,163	7,590	9,488

Attachment #1

STATE	200 M. (000)
ALABAMA	2,330
ALASKA	1,200
ARIZONA	560
ARKANSAS	1,980
CALIFORNIA	1,350
COLORADO	1,650
CONNECTICUT	1,070
DELAWARE	840
DIST. OF COLUMBIA	580
FLORIDA	1,530
GEORGIA	1,840
HAWAII	500
IDAHO	1,360
ILLINOIS	13,640
INDIANA	5,740
IOWA	4,300
KANSAS	2,120
KENTUCKY	4,600
LOUISIANA	1,420
MAINE	5,140
MARYLAND	2,540
MASSACHUSETTS	5,170
MICHIGAN	13,260
MINNESOTA	8,500
MISSISSIPPI	1,820
MISSOURI	5,800
MONTANA	1,480
NEBRASKA	1,300
NEVADA	520
NEW HAMPSHIRE	1,860

FOOTNOTES:

OID FORM 6-73 (REV. JAN 74)

ATTACHMENT #2

REQUEST FOR FUNDS  
Special Crisis Intervention Program

I, \_\_\_\_\_ Governor of the State of \_\_\_\_\_ hereby apply for funds in the amount of \_\_\_\_\_ to conduct crisis intervention activities for the purpose of relieving part of the increased energy/fuel cost burden falling on the poor and near-poor as a result of the recent severe weather.

I agree and am prepared to provide administrative support costs for this effort as deemed necessary by The Local Administering Agencies designated by me, up to ten per cent (10%) of the amount allocated to each Agency.

I hereby waive the thirty day review and disapproval period set out in Section 242 of The Economic Opportunity Act of 1964 as amended.

I agree that the State will complete an audit of the program by no later than November 30, 1977. This audit is required by CSA Instruction 6800-12, The Grant Close-out Procedures (Uniform Federal Standards). Completion of this requirement will implement Attachment X of GMS Circular A-110 and Attachment I of FMC 14-7.

I understand that independent audits for Local Administering Agencies may be performed in order to meet the audit requirements of CSA Instruction 6800-12, so long as the costs of such audits are not borne by The Local Administering Agencies. Audits performed by State and County Auditors will also be accepted, to the extent that they remain consistent with professional auditing standards.

\_\_\_\_\_  
(Signature of Governor)

\_\_\_\_\_  
(Date)

Attachment #3

Boston Regional Office - I  
John F. K. Federal Building - Rm. 400  
Boston, Mass. 02203 -- (617)-225-4019

STATES SERVED: Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island

New York Regional Office - II  
26 Federal Plaza, 32nd Fl. Rm. 3127  
New York, N.Y. 10007 -- (212)-264-3960

STATES SERVED: New York, New Jersey, Puerto Rico, and the Virgin Islands

Philadelphia Regional Office - III  
3535 Market Street - Rm. 2400  
Phila. Pa. 19104 -- (215)-596-6022

STATES SERVED: Pennsylvania, Maryland, Delaware, Virginia, West Virginia and the District of Columbia

Atlanta Regional Office -IV  
750 Peachtree Street, N.E.  
Atlanta, Ga. 30308

STATES SERVED: Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi and Florida

Chicago Regional Office - V  
300 S. Wacker Drive, 24th Floor  
Chicago, Ill. 60606 --(312)-353-5988

STATES SERVED: Illinois, Wisconsin, Minnesota, Michigan, Indiana and Ohio

Dallas Regional Office - VI  
1200 Main Tower Building  
Dallas, Texas 75202 --(214)-749-1381

STATES SERVED: Texas, Oklahoma, Louisiana, Arkansas and New Mexico

Kansas City Regional Office - VII  
911 Walnut Street  
Kansas City, Mo. 64106--(816)-374-3561

STATES SERVED: Missouri, Kansas, Iowa and Nebraska

Denver Regional Office - VIII  
1961 Stout Street  
Federal Bldg. - 12th Floor  
Denver, Col. 80202 --(303)-837-4923

STATES SERVED: Colorado, Utah, Wyoming, Montana, North Dakota and South Dakota

San Francisco Regional Office - IX  
450 Golden Gate Avenue  
Federal Building  
San Francisco, Cal. 94102

STATES SERVED: California, Nevada, Arizona, Hawaii

Seattle Regional Office - X  
Arcade Plaza Building  
1321 Second Avenue  
Seattle, Washington 98101  
(206)-442-0183

Attachment #4



CERTIFICATE OF AGREEMENT TO  
PROVIDE INFORMATION

I, \_\_\_\_\_, Governor of the State of \_\_\_\_\_, agree to provide monthly information regarding utility companies participating in The Special Crisis Intervention Program, as outlined below. I realize that effective assistance for the poor and elderly is difficult to formulate without basic information pertaining to actual need in the area of energy. Accordingly, to the degree that it is filled with State agency, or is readily obtainable, I agree to provide a monthly report containing the following information:

- 1) The total number of service disconnections for non-payment;
- 2) The total dollar amount of delinquent bills represented by the disconnections for non-payment;
- 3) The total number of reconnections;
- 4) The total number of final disconnect notices issued due to non-payment;
- 5) The total dollar amount of the bills represented by these final disconnect notices;
- 6) The total number of customers in arrears more than sixty (60) days;
- 7) The total dollar amount of such arrearages owed by these customers;
- 8) The total number of Security Deposits received during the month;
- 9) The average Security Deposit received during the month in dollars;
- 10) In the first report, and thereafter only if there is significant change; the total number of residential customers served by each participating utility company.

The preceding information regarding the participation of each utility company in The Special Crisis Intervention Program will be provided monthly for the months of July 1977 through June 1978.

Attachment #7, page 1

I agree to provide this information on a delayed monthly basis, so that by the close of one month, the preceding month's report will be filed. To the degree that similar information can be obtained about the non-regulated fuel supply network through trade associations, I also agree to provide that information.

\_\_\_\_\_  
(Signature of Governor)

\_\_\_\_\_  
(Date)

Attachment #7, page 2

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
 SPECIAL CONDITION  
 1. NAME OF GRANTEE  
 2. GRANT NO. PROGRAM YR. ACTION NO.

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
 SPECIAL CONDITION  
 1. NAME OF GRANTEE  
 2. GRANT NO. PROGRAM YR. ACTION NO.

3. SPECIAL CONDITION APPLIES TO:  
 a.  ALL PROGRAM ACCOUNTS IN GRANT ACTION b.  ONLY PROGRAM ACCOUNT NUMBERS:

3. SPECIAL CONDITION APPLIES TO:  
 a.  ALL PROGRAM ACCOUNTS IN GRANT ACTION b.  ONLY PROGRAM ACCOUNT NUMBERS:

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

1. ELIGIBLE ACTIVITIES

Funds made available through this grant shall be used to:

- A. Provide emergency financial assistance to eligible households which, because of large unpaid energy/fuel bills have had their utilities shut-off, and/or are threatened with inability to obtain delivery of heating fuel; and
- B. Provide emergency financial assistance to eligible households which can prove dire financial need at the time of application as a result of having paid large energy/fuel bills in whole or in part.

2. ELIGIBLE HOUSEHOLDS

All households assisted by this program must meet both income eligibility and program eligibility requirements.

- A. **Income Eligibility** - Only households with income no higher than 125% of the Community Services Administration (CSA) Poverty Guidelines listed below may be assisted by this program. In instances where a Governor imposes any reduction in income eligibility ceilings because of limitations on available funds, grantees shall apply such reductions uniformly to all households statewide.

B. **Determination of Income Eligibility Required of Grantee**

Proof of income eligibility is required. When unavailable, applicant must sign a declaration of income eligibility. In such cases, Local Administering Agencies must make a reasonable number of spot checks to verify income eligibility.

CSA POVERTY GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII-100%

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1	\$2,970	\$3,713*	\$2,550	\$3,188
2	3,930	4,913	3,360	4,200
3	4,890	6,113	4,170	5,213
4	5,850	7,313	4,980	6,225

CAP FORM 29 (REV. AUG 66) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29D, DATED MAR 65 AND CAP FORM 29A, DATED AUG 67, WHICH ARE OBSOLETE. SSA DC 88-12719

5	6,810	8,513	5,790	7,238
6	7,770	9,713	6,600	8,250

For family units with more than 6 members, add \$980 for each additional member in a non-farm family and \$810 for each additional member in a farm family.

CSA GUIDELINES FOR ALASKA

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1	\$3,720	\$4,650	\$3,200	\$4,000
2	4,920	6,150	4,210	5,263
3	6,120	7,650	5,220	6,525
4	7,320	9,150	6,230	7,788
5	8,520	10,650	7,240	9,050
6	9,720	12,150	8,250	10,313

For family units with more than 6 members, add \$1,200 for each additional member in a non-farm family and \$1,010 for each additional member in a farm family.

CSA GUIDELINES FOR HAWAII

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1	\$3,430	\$4,288	\$2,940	\$3,675
2	4,530	5,663	3,870	4,800
3	5,630	7,038	4,800	6,000
4	6,730	8,413	5,730	7,163

CAP FORM 29 (REV. AUG 66) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29D, DATED MAR 65 AND CAP FORM 29A, DATED AUG 67, WHICH ARE OBSOLETE. SSA DC 88-12383

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
**SPECIAL CONDITION**  
 1. NAME OF GRANTEE  
 2. GRANT NO. PROGRAM YR. ACTION NO.  
 3. SPECIAL CONDITION APPLIES TO:  
 4.  ALL PROGRAM ACCOUNTS IN GRANT ACTION 5.  ONLY PROGRAM ACCOUNT NUMBERS  
 This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

only to payment of the bills of certified households and to assure recovery of funds not so used by April 1, 1978. Any reserve funds from unused vouchers or any funds recovered from utility/fuel dealers shall be returned to CSA by July 1, 1978 by check payable to the Community Services Administration. Whichever method of payment is elected, the grantee shall provide a mechanism for transfer of the unused balance of the voucher or payment to a new utility/fuel supplier in the event that the certified household moves before incurring bills equal to that balance.

D. Determination of Program Eligibility Required by Grantee  
 Proof of need is required.  
 (1) Households in category 2.C. (1), above, must present unpaid energy/fuel bills and/or notice of shut-off and any additional documents which may be required by the Governor and are set forth in directions provided to Local Administering Agencies. Unpaid energy/fuel bills and notices of shut-off shall be verified with the utility companies and fuel dealers prior to certification for payment.

(2) Households in category 2.C. (2), above, must present paid bills, cancelled checks, or receipts and any additional documents which may be required by the Governor and which are set forth in directions provided to Local Administering Agencies. In addition, such households must show proof of having made payments for energy/fuel at great personal sacrifice leading to dire financial need; elements of such proof shall be determined by the Governor and set forth in directions provided to Local Administering Agencies. When such proof is not available, the applicant must sign a declaration to that effect; in such cases, Local Administering Agencies must make a reasonable number of spot checks to verify program eligibility. The fact that energy/fuel bills have been paid, in whole or in part, shall be verified with the utility companies and fuel dealers prior to certification for payment.  
 E. Priority - Priority shall be given to elderly persons (age 65 and over) who meet all eligibility requirements.

3. PAYMENT COMPUTATION  
 Payment shall be made consistent with priorities and payment schedules established by the Governor and in accordance with the requirements set forth in these Special Conditions.

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
**SPECIAL CONDITION**  
 1. NAME OF GRANTEE  
 2. GRANT NO. PROGRAM YR. ACTION NO.  
 3. SPECIAL CONDITION APPLIES TO:  
 4.  ALL PROGRAM ACCOUNTS IN GRANT ACTION 5.  ONLY PROGRAM ACCOUNT NUMBERS  
 This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

5	7,830	8,788	6,660	8,325
6	8,930	11,163	7,590	9,488

For family units with more than 6 members, add \$1,100 for each additional member in a non-farm family and \$930 for each additional member in a farm family.

C. Program Eligibility - Two categories of income eligible households may be assisted by this program:  
 (1) Those households which, because of large unpaid energy/fuel bills have had their utilities shut-off, are threatened with shut-off, or are threatened with inability to obtain delivery of heating fuel. For this category, a one-time payment of up to the allowable maximum (see special condition #4) may be made on behalf of the household. Payments in this category shall be made directly to utility companies and to fuel dealers on behalf of the household.

(2) Those households which can provide proof of dire financial need at the time of application as a result of having paid large energy/fuel bills in whole or in part. A one-time payment of up to \$50.00 may be made directly to eligible households in this category. In addition, a one-time payment not to exceed the balance of the allowable maximum (see special condition #4) may be made as a credit toward future utility service/fuel deliveries; such a payment shall be made to utility companies and fuel dealers on behalf of the household. In the alternative, such payments may be made by vouchers. In that event, funds to the exact amount of each voucher shall be reserved to cover these vouchers; these funds shall be exempted from the provision of special condition #14 requiring payout of all obligated funds before October 1, 1977. Vouchers may be redeemed in successive fractional amounts; they shall state on their face that they are void if funds obligated by them are not claimed by submission of proper utility or fuel bill by a date to be set by the grantee which shall not be later than April 1, 1978.

In the event that grantees do not elect the voucher system, they shall have the responsibility to devise a mechanism to ensure that funds paid to utility/fuel dealers are applied

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
SPECIAL CONDITION

1. NAME OF GRANTEE

2. GRANT NO. \_\_\_\_\_ PROGRAM YR. \_\_\_\_\_ ACTION NO. \_\_\_\_\_

Page 5 of 14

3. SPECIAL CONDITION APPLIES TO:

4.  ALL PROGRAM ACCOUNTS IN GRANT ACTION 5.  ONLY PROGRAM ACCOUNT NUMBER \_\_\_\_\_

This grant is subject to the Special Conditions below, in addition to the applicable General Conditions governing grants under Title II of the Economic Opportunity Act of 1964 as amended.

#### 4. LIMITATION OF PAYMENTS

The sum of all one-time payments made to and/or on behalf of any income- and program-eligible household described in 2., above, may not exceed the total of the actual household energy/fuel costs incurred after October 1, 1976, and before the date of application for assistance, or \$250, whichever is less.

#### 5. USE OF FEDERAL FUNDS

The entire amount of Federal funds made available through this grant action shall be used exclusively to provide payment to and/or on behalf of eligible households for the purposes set forth herein.

#### 6. ADMINISTRATIVE COSTS

No delegate agency or sub-contractor of the grantee will be required to absorb any part of the administrative costs incurred under the grant action unless such costs exceed ten per cent of the amount of the grant. In no case shall costs of any independent audit of this program conducted for Local Administering Agencies be borne by the Local Administering Agency.

#### 7. MAINTENANCE OF EFFORT

Grantee gives assurance that the program account services will be in addition to, not in substitution for, services previously provided without Economic Opportunity Act assistance.

#### 8. EXPIRATION OF PROGRAM

No funds under this grant may be obligated for Special Crisis Intervention after August 31, 1977. For the purpose of this grant, "obligation" shall mean certification for payment by a Local Administering Agency of a specific eligible household. Funds under this grant which are not obligated for Special Crisis Intervention by August 31, 1977, will be reprogrammed after that date for support of weatherization in a manner consistent with an approved State Emergency Energy Conservation Funding Plan for carrying out the CSA-funded Weatherization Program under Section 222(a)(12) of the Economic Opportunity Act of 1964, as amended. Any funds reprogrammed for weatherization will be subject to existing CSA non-federal share requirements.

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
SPECIAL CONDITION

1. NAME OF GRANTEE

2. GRANT NO. \_\_\_\_\_ PROGRAM YR. \_\_\_\_\_ ACTION NO. \_\_\_\_\_

Page 6 of 14

3. SPECIAL CONDITION APPLIES TO:

4.  ALL PROGRAM ACCOUNTS IN GRANT ACTION 5.  ONLY PROGRAM ACCOUNT NUMBER \_\_\_\_\_

This grant is subject to the Special Conditions below, in addition to the applicable General Conditions governing grants under Title II of the Economic Opportunity Act of 1964 as amended.

#### 9. RELEASE OF FUNDS

No funds shall be released to the grantee until CSA has approved a STATE FUNDING PLAN which includes the following elements:

- A. Allocation of funds by sub-state area;
- B. Description of a mechanism to implement Special Condition #11;
- C. Description of a mechanism to provide assistance to eligible migrant farmworker households;
- D. Description of a mechanism to disburse funds with safeguards which insure that:
  - (1) No coin or currency will be exchanged;
  - (2) No eligible household will receive assistance in excess of \$250;
  - (3) Certification for payment will be made only after verification with the utility companies and fuel dealers of amounts owed and/or paid by the eligible household;
  - (4) Certification for payment by the Local Administering Agency will be final and will constitute obligation of funds unless duplication or fraud is evidenced;
  - (5) Local Administering Agencies do not certify assistance in excess of the total sum which they are authorized by the grantee to obligate;
  - (6) No payments are made under this program to households having access to direct assistance through other supportive service networks, such as welfare, except in cases when such other networks cannot respond in an effective and timely manner;
  - (7) All Local Administering Agencies will notify, inform, contact, and where appropriate certify eligible households with persons unable to leave their residences due to handicap, or fear of assault or victimization;
  - (8) Households in remote rural areas will receive timely notification of the program and will be provided ample opportunity for full participation.

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
**SPECIAL CONDITION**

1. NAME OF GRANTEE

2. GRANT NO. PROGRAM YR. ACTION NO. **DESS 8 of 14**

## 3. SPECIAL CONDITION APPLIES TO:

- a.  ALL PROGRAM ACCOUNTS IN GRANT ACTION b.  ONLY PROGRAM ACCOUNT NUMBERS

This grant is subject to the Special Condition below, in addition to the applicable Federal Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

(2) The total dollar amount of delinquent bills represented by these disconnections for non-payment:

(3) The total number of reconnections:

(4) The total number of final disconnect notices issued due to non-payment:

(5) The total dollar amount of the bills represented by these final disconnect notices:

(6) The total number of customers in arrears more than sixty (60) days:

(7) The total dollar amount of such arrearages owed by these customers:

(8) The total number of Security Deposits received during the month:

(9) The average Security Deposit received during the month in dollars:

(10) In the first report, and thereafter only if there is significant change, the total number of residential customers served by each participating utility company.

To the degree that similar information can be obtained about the fuel supplier network through trade associations or other means, its submission is encouraged.

Review and approval of State Plans by CSA will be limited to making sure that plans include all required elements, and that they are in accord with applicable law and regulations.

10. DISBURSEMENT AND CONTROL

Funds awarded under this grant action shall be disbursed in accordance with approved STATE FUNDING PLAN.

FUNDS:

A. Shall be disbursed so that:

- (1) No coin or currently will be exchanged;  
 (2) No eligible household will receive assistance in excess of \$250.

CAP FORM 25 REV. AUG 66 REPLACES CAP FORMS 25, 26, 27A, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
**SPECIAL CONDITION**

1. NAME OF GRANTEE

2. GRANT NO. PROGRAM YR. ACTION NO. **DESS 7 of 14**

## 3. SPECIAL CONDITION APPLIES TO:

- a.  ALL PROGRAM ACCOUNTS IN GRANT ACTION b.  ONLY PROGRAM ACCOUNT NUMBERS

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

E. Description of mechanism to implement Special Condition 2. C. (2).

F. Description of monitoring and investigating methods that will provide effective and prudent management of the funds and initial and immediate investigation of charges involving poor administration of the program, faulty or inadequate certification, failure of energy/fuel suppliers to provide reliable, duplicate and/or fraud, and procedures for notifying the appropriate CSA Regional Office of the initiation of an investigation and the outcome of all such investigations.

G. Certification of agreements reached with participating utility companies and fuel dealers to ensure in each case where payment is certified, that:

- (1) The outstanding bill is reduced by the full amount of the Special Crisis Intervention Program payment;  
 (2) For any remaining balance, the customer is offered a deferred payment arrangement;  
 (3) A reconnection charge, to be paid by the customer, is made only where such a charge was company practice prior to May 5, 1977;  
 (4) No security deposit is required to be paid except where such a deposit was required by State Law or explicit State Regulation prior to May 5, 1977; in such cases the deposit is included in a deferred payment arrangement;  
 (5) Reconnection of service is made upon certification for payment and satisfaction of the above requirements.

H. Agreement that the State will provide CSA Headquarters, to the degree it is filed with a State Agency or can be readily obtained, data regarding each utility company participating in the Special Crisis Intervention Program for the months of July, 1977, through June, 1978. Such reports shall be on a monthly basis and are due not later than the end of the month following the month reported on, e.g. the data for July, 1977, is due by August 31, 1977. Subject to availability as noted above, monthly reports shall include the following data:

- (1) The total number of service disconnections for non-payment:

CAP FORM 25 REV. AUG 66 REPLACES CAP FORMS 25, 26, 27A, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100



OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
 SPECIAL CONDITION  
 PAGE 10 of 14  
 1. NAME OF GRANTEE  
 2. GRANT NO. PROGRAM YR. ACTION NO.

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
 SPECIAL CONDITION  
 PAGE 10 of 14  
 1. NAME OF GRANTEE  
 2. GRANT NO. PROGRAM YR. ACTION NO.

3. SPECIAL CONDITION APPLIES TO:  
 4.  ALL PROGRAM ACCOUNTS IN GRANT ACTION 1.  ONLY PROGRAM ACCOUNT NUMBER(S)  
 This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

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 4.  ALL PROGRAM ACCOUNTS IN GRANT ACTION 1.  ONLY PROGRAM ACCOUNT NUMBER(S)  
 This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

(5) Reconnection of service is made upon certification for payment and satisfaction of the above requirements.  
 C. Shall be subjected to monitoring and investigation as required by the Governor to provide effective and prudent management of the funds and initial and immediate investigation of charges involving poor administration of the program, faulty or inadequate certification, failure of energy/fuel suppliers to provide relief, and duplication and/or fraud. CSA Regional Offices shall be apprised of agency (agencies) which will have responsibility for such monitoring and investigation. CSA Regional Offices shall be notified of the initiation of an investigation and the outcome of all such investigations.

(3) Certification for payment will be made only after verification with the utility companies and fuel dealers of amounts owed and/or paid by the eligible household;  
 (4) Certification for payment by the Local Administering Agency will be final and will constitute obligation of funds unless duplication or fraud is evidenced;  
 (5) Local Administering Agencies do not certify assistance in excess of the total sum which they are authorized by the grantee to obligate;

11. ASSISTANCE TO AMERICAN INDIANS AND ALASKA NATIVES  
 American Indians and Alaska Natives - Allocations of funds within the State shall make provision for assistance to eligible households in identifiable Indian reservations, pueblos, rancherias, communities, Alaska Native villages, Indian trust lands, other Indian lands and Indian Country on the basis of their number and distribution and in accordance with the eligibility criteria and priorities established for the Special Crisis Intervention Program as a whole.  
 If it is not possible to serve such eligible households within this population due to operation of State Law or other legal barrier(s), the Governor must, in the STATE FUNDING PLAN, identify from the funds allocated to the State a proportionate share of those funds to assist these eligible households and must request the CSA Regional Office to grant that proportionate share of the funds directly to a grantee(s) which can and will serve such households within the State.

(6) No payments are made under this program to households having access to direct assistance through other supportive service networks, such as welfare, except in cases when such other networks cannot respond in an effective and timely manner;  
 (7) All Local Administering Agencies will notify, inform, contact and where appropriate certify eligible households with persons unable to leave their residences due to handicap, or fear of assault or victimization;  
 (8) Households in remote rural areas will receive timely notification of the program and will be provided ample opportunity for full participation.  
 B. Small not be paid to a utility company or fuel dealer unless:  
 (1) The outstanding bill is reduced by the full amount of the Special Crisis Intervention Program payment;  
 (2) For the remaining balance, the customer is offered a deferred payment arrangement;

12. REPORTING  
 A. Financial Reporting - Consistent with CSA Instruction 8800-8, Financial Reporting Requirement (Uniform Federal Standards), the grantees must submit an SF 269 Financial Status Report no later than November 30, 1977.  
 B. Program Progress - Consistent with OEO Instruction 7031-1, Grantee Program Progress Review, the grantee must complete and submit to the appropriate CSA Regional Office a Form 440 not later than November 30, 1977. Either on the Form 440 itself, or as an attachment to the Form 440, the grantee shall cover the following items both (a) by Local Administering Agency and (b) aggregated for the entire State:

(3) A reconnection charge, to be paid by the customer, is made only where such a charge was company practice prior to May 5, 1977;  
 (4) No security deposit is required to be paid except where such a deposit was required by State Law or explicit State Regulation prior to May 5, 1977; in such cases the deposit is included in a deferred payment arrangement.  
 C. CAP FORM 26 (REV. 6-68) REPLACES CAP FORMS 26, 26A, 26B, 26C, DATED MAY 16 1962  
 CAP FORM 26 (REV. 6-68) REPLACES CAP FORMS 26, 26A, 26B, 26C, DATED MAY 16 1962

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
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1. NAME OF GRANTEE

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3. SPECIAL CONDITION APPLIES TO

4.  ALL PROGRAM ACCOUNTS IN GRANT ACTION 5.  ONLY PROGRAM ACCOUNT NUMBERS

This grant is subject to the Special Conditions below, in addition to the applicable General Conditions governing grants under Title II of the Economic Opportunity Act of 1964 as amended.

PAYMENT INFORMATION

- (1) Total number of requests actually certified for payment;
- (2) Total dollar amount of payments certified;
- (3) Total number of assisted households whose outstanding energy bills:
  - (a) were greater than \$250; and of these, the number that;
  - (b) were greater than \$500;
- (4) Total number of requests for assistance (regardless whether the household was assisted or not).

PROGRAM INFORMATION

(The following items refer only to households actually certified for payment)

- (1) Age of those certified for payment (head of household):
  - (a) number under 65 years of age;
  - (b) number 65 years of age and over;
- (2) Number of those certified for payment (head of household):
  - (a) Black (not Hispanic);
  - (b) White (not Hispanic);
  - (c) Asian or Pacific Islander;
  - (d) American Indian or Alaska Native;
  - (e) Hispanic;

- (3) Numerical breakdown of income source of those certified for payment (all sources):
  - (a) Employment;
  - (b) Unemployment Compensation;

CAP FORM 29 REV. AUG 66 REPLACES CAP FORMS 29, 29A, 29B, 29C, 29D, DATED MAY 16, 64 AND

CIA, DC 84-10293

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM  
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- (c) Social Security;
- (d) Supplemental Security Income (SSI);
- (e) Retirement;
- (f) AFDC;
- (g) General Local Relief;
- (h) Other;
- (i) Of those reported in (a) as employed, how many were migrant farmworkers.

13. PROGRAM EVALUATION

Grantee shall participate in any evaluation of this program. Grantee shall provide any information that may be requested during the course of the evaluation.

14. LIMITATION ON PROGRAM EXPENDITURES

Program expenditures may be made only during the grant period as set forth on the Statement of CSA Grant. Expenditures made before or after these dates will be disallowed. Funds obligated but not disbursed at the end of the grant period shall be liquidated (paid out) within 90 days after August 31, 1977.

Funds remaining unobligated after August 31, 1977, cannot be transferred by the grantee to another grant. The amount of the free or unobligated cash balance remaining with the grantee and its delegate agencies at the close of the grant period shall be accounted for in the required financial report (see special condition 12.A.). If savings occur in the liquidation of obligations outstanding at the end of the grant period, these become part of the unobligated balance.

If the grantee incurs expenditures in excess of the total amount of the approved grant, the amount of the over-expenditure must be absorbed by the grantee.

CAP FORM 29 REV. AUG 66 REPLACES CAP FORMS 29, 29A, 29B, 29C, 29D, DATED MAY 16, 64 AND

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SPECIAL CONDITION

1. NAME OF GRANTEE  
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This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

15. ASSURANCE OF CIVIL RIGHTS COMPLIANCE

The applicant AGREES that it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and the Regulations of the Community Services Administration issued pursuant to that Title (45, C.F.R. Part 1010), to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant received Federal financial assistance either directly or indirectly from the Community Services Administration: and HEREBY GIVES ASSURANCE THAT it will immediately, in all phases and level of program and activities, install an affirmative action program to achieve equal opportunities for participation, with provisions for effective periodic self-evaluation.

In the case where the Federal financial assistance is to provide or improve or is in the form of personal property, or real property, or interest therein or structures thereon, this assurance shall obligate the Applicant, or, in the case of a subsequent transfer, the transferee, for the period during which the property is under for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar service and benefits, or for as long as the Applicant retains ownership or possession of the property, whichever is longer. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it.

THIS ASSURANCE is given in consideration of and for the purpose obtaining either directly or indirectly any and all Federal Grants, loans, contracts, property, or discounts, the referral or assignment of VISTA volunteers, or other Federal financial assistance extended after the date hereof to the Applicant by the Community Services Administration including installment payment after such date on account of applications for Federal financial assistance which were approved before such date.

The applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on CSA Form 314 are authorized to provide assurance on behalf of the Applicant. Applicant also agrees that if any part or all of a project is delegated that the delegate agency(s) will be required to complete OFO Form 11, Assurance of Compliance with Civil Rights Act.

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29D, DATED MAY 68 AND CAP FORM 29B, DATED AUG 67, WHICH ARE OBSOLETE. SSA DC 49-11214

[FR Doc. 77-18443 Filed 6-28-77; 8:45 am]

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16. AUDIT REQUIREMENT

Grantee must complete and submit an audit of Special Crisis Intervention Program by December 31, 1977. Within 15 days of acceptance of the grant, the grantee must have entered into an engagement contract with a Certified Public Accountant, a licensed public accountant or made an arrangement with the State Auditor for a final audit of this grant. Separate accountability for program costs under this grant must be established and grantee is advised that this may require revision of accounting systems. Regular auditing guidelines, CSA Manual 2401-1, Accounting Systems Survey and Audit Guide for CSA Grants, will be followed.

If project activities have been delegated, the grantee will impose the same audit requirements on its delegate agencies. However, the grantee is reminded that it remains responsible to CSA for the proper expenditure of and accounting for all grant funds whether or not delegated to other agencies.

Five copies of the audit will be submitted by the auditor to the appropriate CSA Regional Auditor concurrent with his/her submission to the grantee.

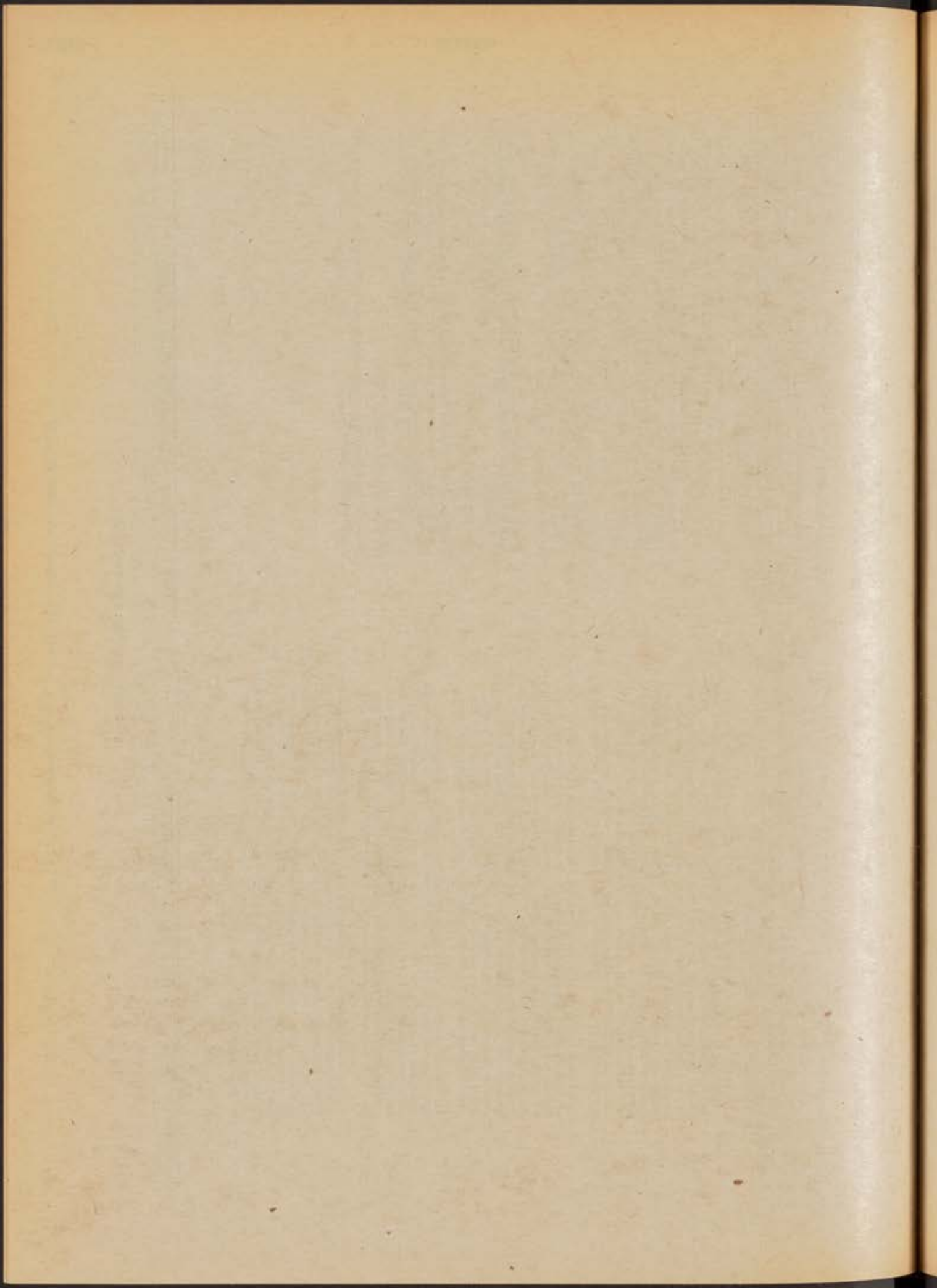
17. INCOME DISREGARD

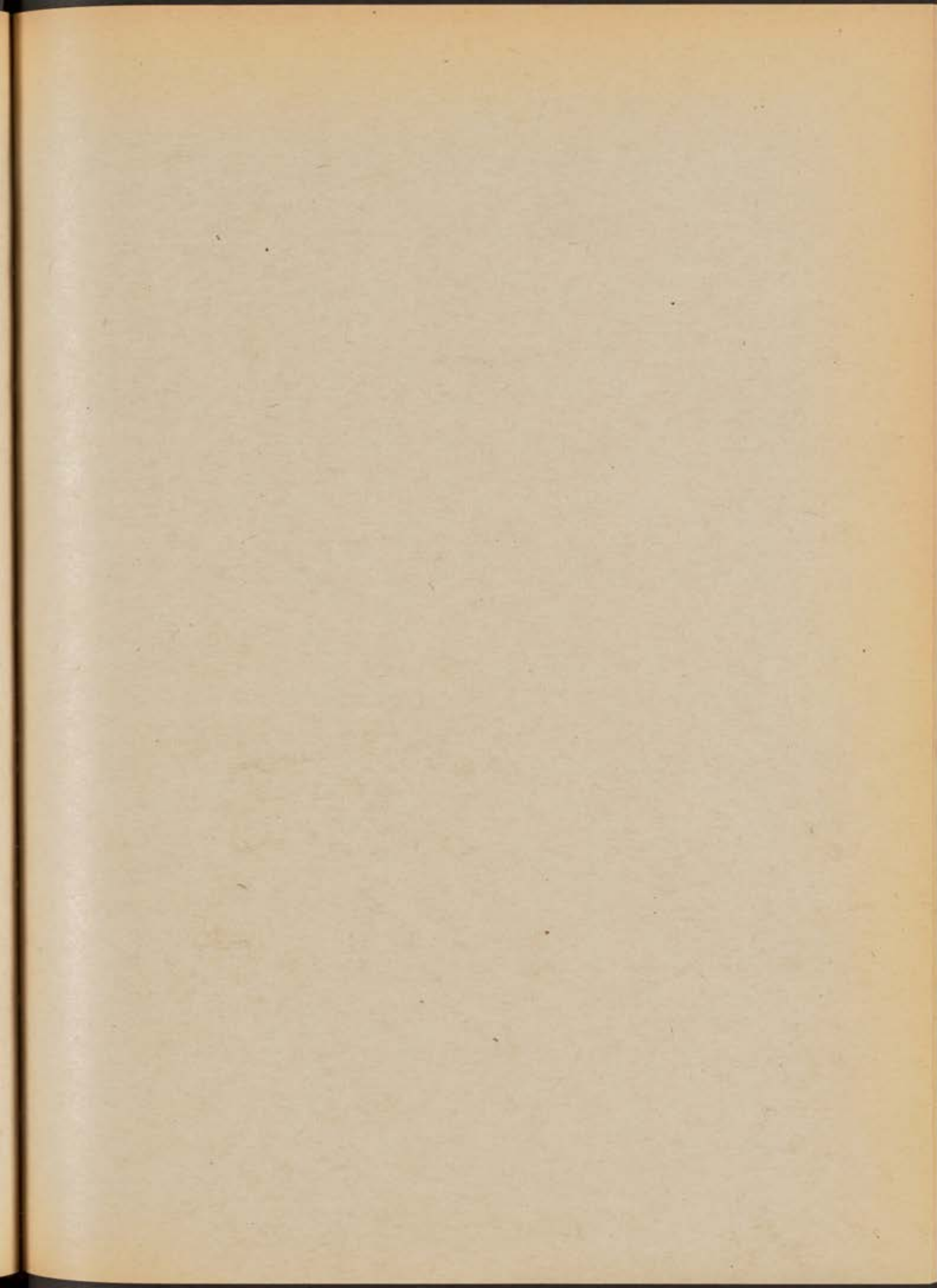
No payment made under this program shall be considered income for the purpose of determining eligibility or benefits under any income transfer program including, but not limited to, public assistance, veterans benefits, food stamps, or Supplemental Security Income.

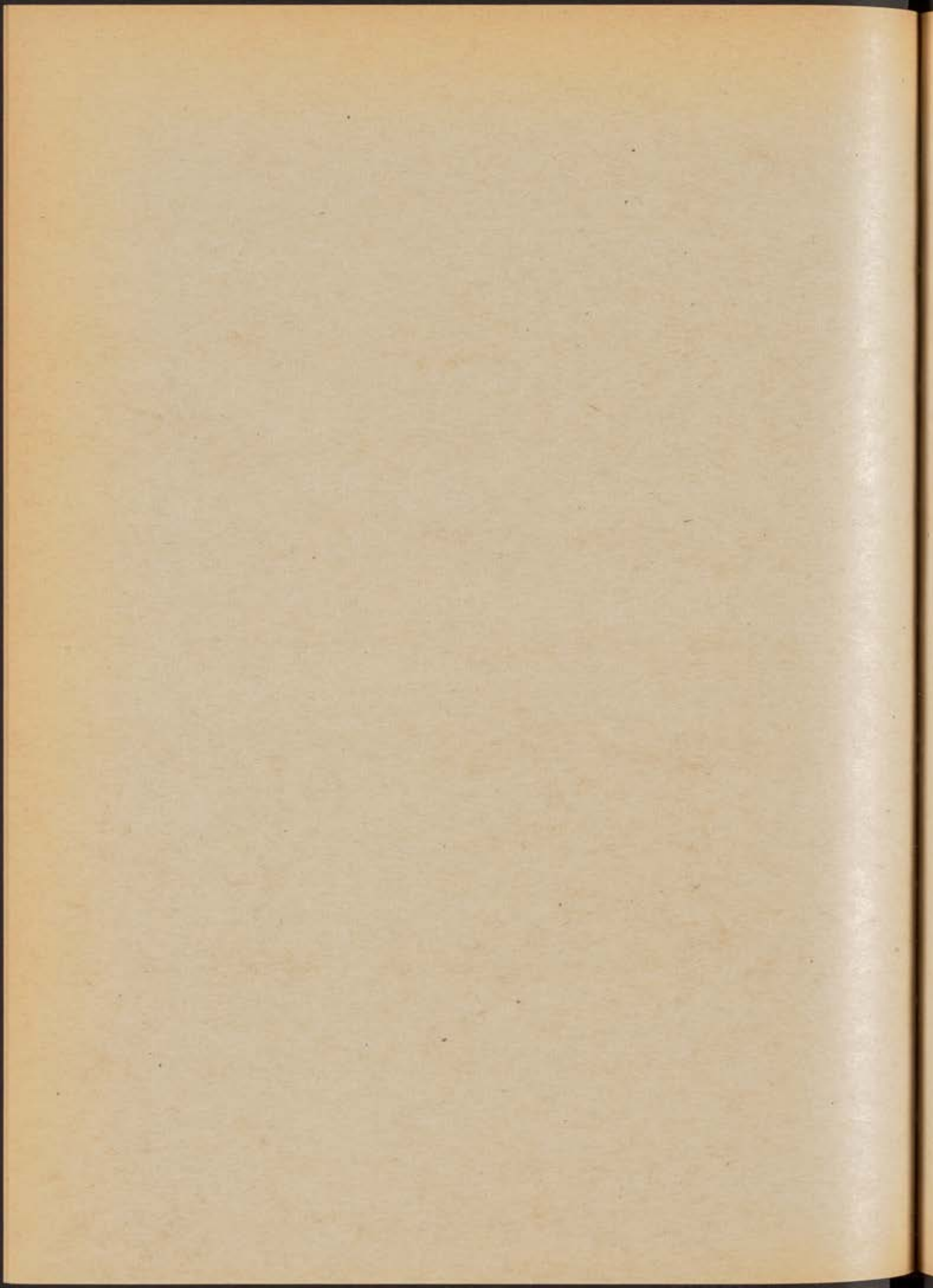
18. DISTRIBUTION OF CONDITIONS

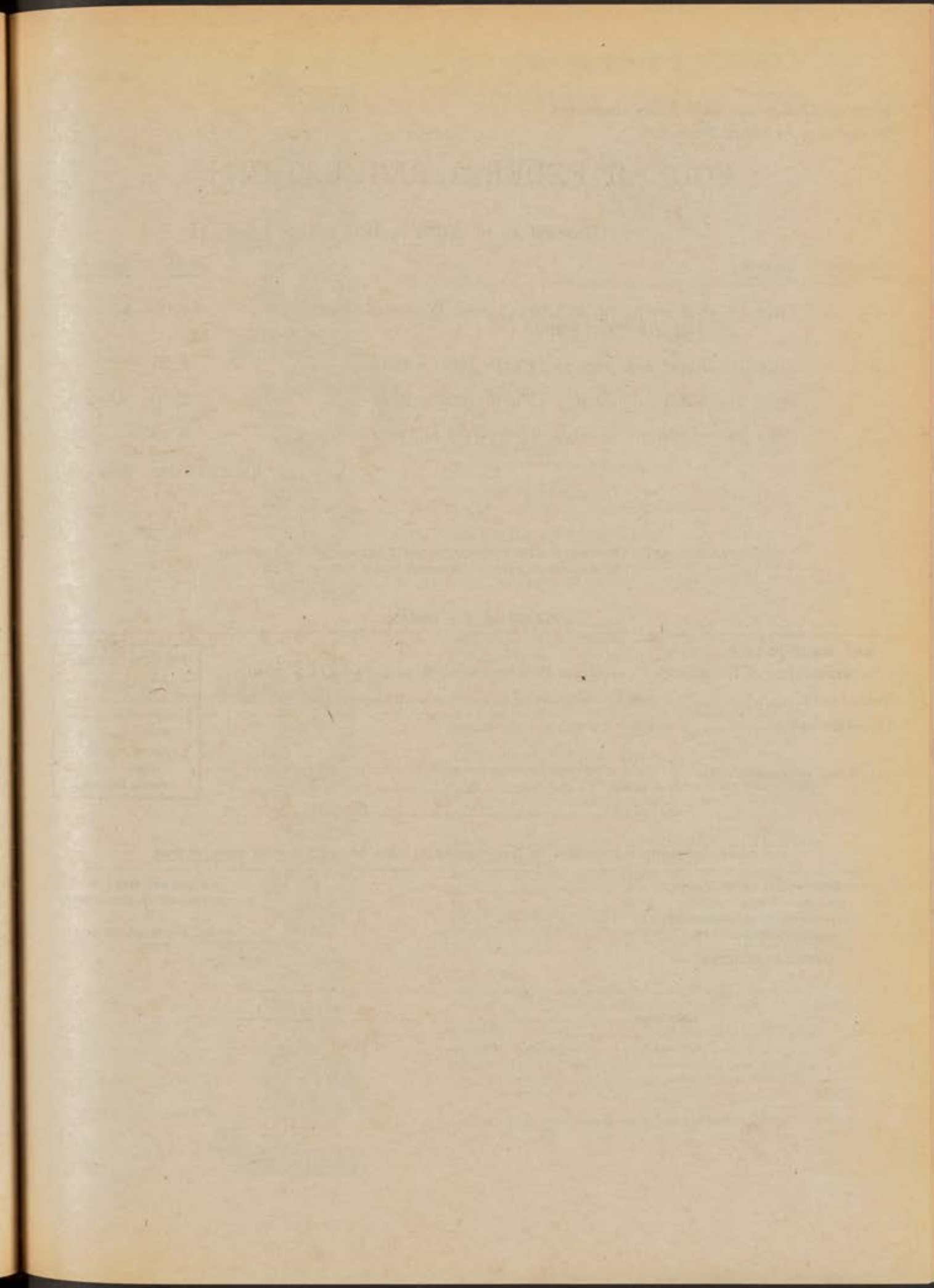
Grantee shall provide a copy of these Special Conditions to each Local Administering Agency.

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29D, DATED MAY 68 AND CAP FORM 29B, DATED AUG 67, WHICH ARE OBSOLETE. SSA DC 49-11214









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# CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1977)

<u>Quantity</u>	<u>Volume</u>	<u>Price</u>	<u>Amount</u>
_____	Title 18—Conservation of Power and Water Resources (Part 150 to end)	\$4.00	\$ _____
_____	Title 21—Food and Drugs (Parts 100 to 199)	4.75	_____
_____	Title 21—Food and Drugs (Parts 200 to 299)	2.10	_____
_____	Title 26—Internal Revenue (Part 600—end)	2.40	_____
		Total Order	\$ _____

A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 11

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