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federal register

MONDAY, SEPTEMBER 12, 1977

highlights

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Beginning October 1, 1977, Federal agencies must reimburse the Government Printing Office (GPO) for the cost of printing documents in the *Federal Register* and *Code of Federal Regulations*. 45698

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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
	HEW/NIH			HEW/NIH
	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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(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.)

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FWS—Endangered species list; addition of certain plants and animals on San Clemente Island, Calif........ 40682; 8-11-77

FCC—Palm Springs, Calif.; FM broadcast table of assignments........ 39982; 8-8-77

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NRC—Conflict of interest; outside employment and other activity by NRC employees........ 38893; 8-1-77

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rules and regulations

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

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

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

Contract Coverage, Modified Contract Coverage, Basic Requirements and Cost Accounting Standards

AGENCY: Cost Accounting Standards Board.

ACTION: Final rule.

SUMMARY: The new and amended regulations will exempt small business concerns and will reduce the requirements that certain other companies must meet. The amendment will also extend the applicability of the standard covering allocation of home office expenses to segments to some additional companies. The action is in response to requests that the Board review and revise the applicability of its standards, rules, and regulations.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Noah Minkin, Associate General Counsel, Cost Accounting Standards Board, 441 G Street NW., Washington, D.C. 20548 (202-275-5508).

SUPPLEMENTARY INFORMATION: A detailed discussion of public comments received in response to the initial proposal of these regulations and of principal issues considered in preparing the final promulgation precedes the regulations.

CONTRACT COVERAGE, MODIFIED CONTRACT COVERAGE, BASIC REQUIREMENTS AND COST ACCOUNTING STANDARDS

This publication adds a new Part 332 and amends Parts 331, 351 and 403 of the Cost Accounting Standards Board's rules, regulations and Standards. The proposal to add Part 332 and to amend Parts 331 and 351 were published for comment in the February 16, 1977 FEDERAL REGISTER (42 FR 9389). The proposal to amend Part 403 was published for comment in the November 30, 1976 FEDERAL REGISTER (41 FR 52473). Appropriate periods for comment on the proposals were provided. Numerous and extensive comments were received concerning both proposals. The Board appreciates the interest expressed by the commentators and thanks them for their participation.

COMMENTS OF PARTS 332, 331 AND 351

GENERAL

Many commentators expressed general approval of the proposal to exempt certain businesses and provide modified coverage for others. Information available to the Board does not demonstrate that the benefits to be derived from applying all requirements to all contracts clearly outweigh the cost of requiring such application. Moreover the Board does not believe that many small companies with less sophisticated accounting systems and small accounting staffs can comply with the Board's requirements without experiencing inordinate difficulty and some cost. Under these circumstances, the Board has concluded that it is appropriate to remove completely the obligation of small businesses to comply with Standards, rules, and regulations of the Board. In reaching this conclusion the Board has also given some weight to the belief expressed by a few commentators that the prospect of having to comply with Board requirements has caused some companies to avoid Government contracts.

As noted by some commentators who opposed the Board's proposal, the granting of exemptions tends to reduce rather than increase uniformity of cost accounting practices because of the exemptions. In that sense the action may be viewed as not being in furtherance of that statutory goal which is set forth in Pub. L. 91-379. It has long been recognized that uniformity is an extremely important objective of the Board's actions. It is not, however, the only consideration. If there were any doubt on this point, the fact that the Law authorizes the Board to prescribe rules and regulations exempting contractors from its requirements should dispel that doubt. The Board believes that the action being taken is consistent with its statutory duties viewed as a whole even though uniformity among some business units will be reduced.

THRESHOLD DETERMINATIONS

Several commentators noted that the $10 million threshold provided in Part 332 would be based on all contracts subject to Cost Accounting Standards rather than being limited to national defense contracts and subcontracts. They noted that Pub. L. 91-379 does not apply to nondefense contracts and that such contracts are subject to Board Standards rules and regulations only to the extent that the Administrator of General Services has extended coverage to it. Because of this they urged that the calculation be made only on the basis of national defense contracts and subcontracts. This recommendation has been adopted by the Board.

The proposal to exempt all contracts under $500,000 was viewed as generally desirable by many commentators. Some recommended that $1 million or more be established as the minimum coverage level. However, some commentators opposed exempting small contracts of a contractor required to follow Standards on large contracts. They contended that once the contractor has to establish practices in compliance with Standards, there is no additional burden involved in applying those practices to its small contracts. In any case it is unlikely that application of those practices could result in burdens that would be equal to those that would result from applying one set of cost accounting practices to large contracts and another set to small contracts. For this reason the Board has not adopted the proposal to exempt all contracts under $500,000. Instead the existing provisions providing for coverage of smaller contracts awarded to a business unit which has received an award of $500,000 or more are being retained.

One commentator noted that some contractors receive contract awards of $10 million or more every other year and few, if any, covered awards in the intervening years. The large contracts would not be subject to disclosure requirements or Standards under the February 16 proposal. The Board has remedied this problem by providing that any single contract award of $10 million or more is subject to all Standards and must be covered by a Disclosure Statement.

SMALL BUSINESS

Several commentators urged that all businesses which qualify as small business concerns under the rules and regulations of the Small Business Administration be exempted. The February 16, 1977 proposal would have provided such an exemption only for a small business which received less than $10 million in awards during its preceding fiscal year. Modified coverage would have been provided for other small businesses. Research indicates that there are very few companies which would fall into the category of small businesses receiving awards of $10 million or more. In the interest of using a single test, i.e., whether the contractor qualifies as a small business concern, rather than a dual test which would result only in a few small businesses being subject to modified coverage, the Board has adopted the recommendation to exempt all small business concerns. Research indicates that if this action had been applied to Federal Fiscal Year 1976 it would have resulted in exemption of 196 small business concerns which were doing business with the Department of Defense and which had $460 million of contracts of the type subject to Cost Accounting Standards. Consequently, on average, each small business concern would have a relatively small amount of covered contracts.

OTHER CATEGORIES

Various commentators renewed previous recommendations that the Board exempt other categories of contracts and contractors. The categories included colleges, universities, nonprofit organizations, hospitals, and government-owned-contractor-operated facilities. The Board has considered these recommendations and concluded that none of these categories should be exempted.

PART 332 ELIGIBILITY

The February 16 publication would require that a contractor have less than $10 million in covered contracts and that the covered contracts be less than 10% of total sales to be eligible for Part 332. In discussing this provision some commentators proposed a wide variety of tests in lieu of the tests proposed in that publication. Some suggested using only a dollar test or only a percentage test rather than both. The amounts recommended ranged up to $100 million and 50 percent of total sales. Some suggested using sliding scales to determine eligibility. None of the suggested tests appear more likely to achieve the purposes of the Board than the test originally proposed. The Board has therefore retained its initial proposal.

SCOPE OF PART 332

A number of commentators recommended that eligibility for Part 332 should result in complete exemption. Others recommended that requirement for compliance with Parts 401 and 402 be the only requirement and that the disclosure obligation be eliminated. The Board believes that substantial benefits may be derived by continuing to require compliance with Parts 401 and 402. There is nothing which suggests that compliance with the two Standards entails any significant cost. Consequently this requirement is being retained. According to information reported to the Board, adoption of Part 332 will relieve 264 segments of 131 contractors of the requirements to comply with all Standards but will remove only $405 million of contracts from full coverage.

DISCLOSURE STATEMENT REQUIREMENTS

Many commentators suggested that preparation of a Disclosure Statement was burdensome. They also contended that in the situation where a large commercial contractor receives only a few small contracts containing a Cost Accounting Standards clause the need for a Disclosure Statement appears to be minimal. Some asserted that adoption of the proposal to require a Disclosure Statement for all covered contracts would reduce the number of companies that would accept contracts subject to the Board's Standards, rules and regulations. The Board is persuaded that for the time being Disclosure Statements should not be required for all covered contracts. Accordingly it is not adopting the February 16 proposal. The Board is retaining the existing Disclosure Statement requirement provided in Part 351 except that a business unit will be required to submit a Disclosure Statement if it is a company or a segment of a company which received awards of national defense contracts subject to Cost Accounting Standards in excess of $10 million during its preceding cost accounting period rather than the preceding Federal fiscal year.

REVISIONS TO PART 351

Part 332 and the amendments to Part 331 generally will result in annual determinations being made of a contractor's obligation to follow Standards and to submit Disclosure Statements. The determination will be made on the basis of sales and awards data from the immediately preceding cost accounting period. The requirement to continue to submit a Disclosure Statement so long as the contractor has a contract subject to Cost Accounting Standards will no longer apply. Disclosure Statements must be maintained for and applied to only those contracts which were awarded during a cost accounting period in which the contractor met the filing requirements of § 351.40. Sections 351.40 and 351.50 have been revised to reflect this change.

SEGMENTS OF LARGE COMPANIES

A number of commentators sought to have small segments of large companies treated in the same way that small businesses are treated. In their view, small segments are competing in the same environment as small business and are operating with essentially similar capacity and resources. Therefore, such segments, they concluded, should be subject to the same rules as small business. The Board does not accept this line of reasoning. Even in those cases where a segment may appear to operate as a small business its status as a segment precludes it from being regarded in the same way. It has available to its capacities and resources of the company of which it is a part. Also the policy considerations of the Small Business Act have no applicability to segments of a larger company. Further, as a practical matter, the rules already exist in the Small Business Administration for identifying small business concerns. There are no comparable rules for identifying small segments.

As indicated by the February 16 proposal the Board nonetheless recognizes that segments which are engaged in primarily noncovered work should be eligible for modified coverage. This coverage is provided by Part 332. It will apply to segments which according to information submitted to the Board have average covered sales of approximately $1.4 million per segment. The relatively small amount of covered contract sales by each of these segments, the limited Government interest in the total business activity of the unit and the fact that the implementation and administration involves some cost lead to the conclusion that modified coverage is appropriate and sufficient to protect the interests of the Government.

SUMMARY

The results of the Board's adoption of Part 332 and amendment of Parts 331 and 351 are:

1. None of the Board's requirements apply to a business unit unless it has received an award of at least one covered contract of more than $500,000. Thereafter covered contracts of more than $100,000 are subject to the Board's requirements.

2. A Disclosure Statement must be submitted by any business unit receiving a covered contract if it is either a company which received net awards of negotiated national defense prime contracts and subcontracts subject to Cost Accounting Standards totaling $10 million or more in its preceding cost accounting period or a segment of such a company.

3. Contracts awarded to any business unit which received less than $10 million in awards of covered contracts in its preceding cost accounting period are subject to:

(a) Standards 401 and 402, if the dollar amount of such awards is equal to less than 10 percent of the business unit's total sales during that period; or

(b) All Standards, if the dollar amount of such awards is equal to 10 percent or more of the business unit's total sales during that period.

4. Any single award of a covered contract of $10 million or more is subject to all Standards and requires submission of a Disclosure Statement.

5. Contracts awarded to any business unit which received $10 million or more in awards of covered contracts during the preceding cost accounting period are subject to all Standards.

6. Notwithstanding the foregoing, all businesses which qualify as small business concerns under the rules and regulations of the Small Business Administration are exempt from all Cost Accounting Standards Board requirements.

COMMENTS ON PART 403

With respect to the amendment of Part 403, the November 30, 1976 proposal was to revise that Standard to make it applicable to any contract which was subject to Cost Accounting Standards generally. The amendment being promulgated today retains this concept. However, as recommended by a number of commentators, the Board deferred the promulgation of this amendment pending the amendments to Parts 331 and 351 and the addition of Part 332 discussed above.

The decision to extend the application of Part 403 to additional contractors was made on the basis of extensive research. This research included both those contractors who were already required to use Part 403 and those who were expected to use it as a result of this amendment. With respect to the current users, the Board is satisfied that this Standard has resulted in more equitable allocations, with little administrative effort in most cases. With respect to potential additional users, the research indicated that many of these would have to make

few, if any, changes to comply with Part 403 and that the remainder could comply with little difficulty. The Board notes in addition, an independent study by the Conference Board which found that defense contractors who are using Part 403 for contract costing purposes are using the same allocation procedures for internal reporting purposes. According to the Conference Board, it was typical of these companies to allocate home office expenses on a blanket basis prior to the promulgation of Part 403. (Information Bulletin No. 17, February 1977.)

A number of commentators suggested various limitations for the application of Part 403. Some of these suggestions were expressed in general terms. Some of the commentators recommended, for example, that the requirement to use Part 403 should not be extended to "small contractors." Alternatively or additionally it was recommended that Part 403 should not be required for a large contractor with little work subject to Cost Accounting Standards. More specifically, recommendations were received to exempt those contractors with less than 10 percent of their revenue from Government work. Others recommended that contractors who have less than $10 million in contracts subject to Cost Accounting Standards should be exempt. The Board believes that the recommendations of this nature have been accommodated to the extent desirable and practical by the amendments to Parts 331 and 351 and the addition of Part 332 being promulgated today. Accordingly, any further exemption from Part 403, specifically, is considered to be unnecessary.

In publishing the proposed amendment to Part 403 in the FEDERAL REGISTER of November 30, 1976, the Board stated that there is evidence that almost all contractors who were required to make significant changes in their allocation practices as a result of Part 403 did so without undue trouble or expense. Several commentators questioned the Board's conclusion in this regard. The Board's conclusion was based in part on Staff research involving 147 home offices who now use Part 403 to allocate home office expenses. This research sought to determine, among other things, the administrative problems and expense involved in making allocations pursuant to Part 403. Government auditors reported that of the 147 home offices, only 4 had problems in developing the necessary data and that there was evidence of significant administrative costs at one of these four offices. In addition, evidence of significant administrative costs in making the allocations was found by the Government auditors at four other of the 147 home offices.

Some of the respondents who questioned the Board's conclusions regarding administrative problems and expense referred to an industry report on the economic impact of Cost Accounting Standards as support for this position. These respondents variously referred the Board to those sections of the report which summarized (i) contractor's appraisal of benefits from Part 403; (ii) the number of contractors who were required to make changes as a result of Part 403; (iii) the number of noncompliance notices issued in connection with Part 403; and (iv) the increase and decrease in costs allocated to Government work as a result of CAS 403. Nothing in these sections, however, specifically addresses the question of administrative problems or expense involved in complying with Part 403.

Two associations reported that, contrary to the Board's findings, their member companies had experienced trouble and expense in complying with Part 403. These associations declined to identify the companies involved, the nature of the problems, or the amount of the expenses. Under these circumstances, there is no basis to alter the conclusion that contractors have been able to make changes required as a result of Part 403 without undue trouble or expense.

One commentator stated that it would not be desirable to make more contractors subject to Part 403 because he believes it to be defective, particularly with respect to its application to the allocation of state and local taxes. With respect to the application of the Standard to the allocation of state and local taxes specifically, the Board notes that it reached its conclusion on the basis of considerable research and extensive deliberation. Moreover, it has reexamined its conclusions, even after the promulgation of Part 403. Notwithstanding the views of the commentator, the Board continues of the view that the provision in question is proper. Accordingly, the Board does not agree that this Standard should not be extended to additional contractors because of the tax allocation provision.

EFFECTIVE DATE

The effective date of the regulations being published today is March 10, 1978. Pub. L. 91-379 provides that regulations shall take effect not earlier than the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a copy of the regulations is transmitted to the Congress. The calendars of the Congress indicate that the required sixty days will not pass until some time in February 1978. Accordingly, March 10, 1978, has been selected to assure sufficient time for the regulation to lie before the Congress.

PART 331—CONTRACT COVERAGE

Add the following provisions to § 331.20.

§ 331.20 Definitions.

*　*　*　*　*

(h) [Reserved]

(i) [Reserved]

(j) [Reserved]

(k) A "small business concern" is any concern, firm, person, corporation, partnership, cooperative or other business enterprise which pursuant to 15 U.S.C. 637(b)(6) and the rules and regulations of the Small Business Administration set forth in Part 121 of Title 13 of the Code of Federal Regulations, is determined to be a small business concern for the purpose of Government procurement.

Delete § 331.30(b) (1), (2) and (3) and insert the following in lieu thereof.

§ 331.30 Applicability, exemption, and waiver.

*　*　*　*　*

(b)(1) Any contract or subcontract awarded to a small business concern.

(2) Any contract or subcontract awarded to a contractor for performance in a business unit which is eligible to use the provisions of Part 332 of the Board's regulations and which elects to use that part.

(3) [Reserved]

*　*　*　*　*

Delete the first paragraph of § 331.50 and insert the following in lieu thereof:

§ 331.50 Contract clause.

Except as provided in either § 331.30 or Part 332 of this chapter, the following clause shall be inserted in all negotiated national defense prime contracts and subcontracts in excess of $100,000.

*　*　*　*　*

Insert the following after § 331.70:

§ 331.71 [Reserved]

§ 331.72 Relationship to Part 332.

Contracts subject to this part may be performed during a cost accounting period in which a previously awarded contract subject to Part 332 of this part is also being performed. Compliance with the requirements established by this part may compel the use of cost accounting practices for contracts covered by this part that are not required under Part 332. Under these circumstances, the cost accounting practices applicable to contracts subject to Part 332 of this part need not be changed. Any resulting differences in practices between the contracts subject to this part and those subject to Part 332 of this part shall not constitute violations of Standards 401 or 402.

PART 332—MODIFIED CONTRACT COVERAGE

Add a new Part 332 as follows:

Sec.
332.10 Purpose.
332.20 Definition.
332.30 Applicability.
332.40 Solicitation.
332.50 Contract clause.
332.60 Post-award disclosure.
332.70 Interpretation.
332.80 Effective date.

AUTHORITY: Sec. 103, 84 Stat. 796; 50 U.S.C. App. 2168.

§ 332.10 Purpose.

The regulations contained in this part are promulgated to provide modified contract coverage for certain classes of business units.

§ 332.20 Definition.

The definitions set forth in § 331.20 of this chapter and the following definitions shall apply to this part.

(a) A "covered contract" is any negotiated national defense prime contract or subcontract which exceeds $100,000 and pursuant to requirements of the Cost Accounting Standards Board is required to include a Cost Accounting Standards clause (see 4 CFR Part 331 and this chapter).

(b) A "business unit" is any segment of an organization, or an entire business organization which is not divided into segments.

(c) A "segment" is one of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

§ 332.30 Applicability.

(a) Except for the award of a single covered contract of $10 million or more the provisions of this part may be applied in lieu of Part 331 of this chapter to any covered contract received by a business unit which in its immediately preceding cost accounting period received less than $10 million in awards of covered contracts: *Providing*, That the sum of such awards equals less than 10 percent of the business unit's total sales during that period.

(b) If in any cost accounting period the provisions of this part are applied to any one award to a business unit, they must be applied to all covered contracts awarded to that unit during that period, except under the following conditions. If the business unit receives a single contract award of $10 million or more, that contract must contain the clause set forth in § 331.50 of this chapter. Thereafter any covered contract awarded in the same cost accounting period must also contain that clause.

(c) Any covered contract awarded subject to this part shall remain subject thereto even if a portion of the contract is performed in a subsequent cost accounting period in which the business unit is exempt from the requirements of the Cost Accounting Standards Board or ineligible to use this part.

§ 332.40 Solicitation.

Any covered contract awarded subject to this part shall have been made in conformity with the requirements of § 331.40, Solicitation Notice, of the Board's regulations.

§ 332.50 Contract clause.

Upon appropriate certification by the offeror that he is eligible and elects to use this part, the following clause shall be inserted in any resulting contract in lieu of the clause prescribed in § 331.50 of this chapter.

DISCLOSURE AND CONSISTENCY OF COST ACCOUNTING PRACTICES

(a) The contractor, in connection with this contract shall: (1) Comply with the requirements of 4 CFR Parts 401, Consistency in Estimating, Accumulating and Reporting Costs, and 402, Consistency in Allocating Costs Incurred for the Same Purpose, in effect on the date of award of this contract.

(2) If it is a business unit of a company required to submit a Disclosure Statement, disclose in writing its cost accounting practices as required by regulations of the Cost Accounting Standards Board. The required disclosures must be made prior to contract award unless the Contracting Officer provides a written notice to the contractor authorizing post-award submission in accordance with regulations of the Cost Accounting Standards Board. If the contractor has notified the Contracting Officer that the Disclosure Statement contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement will be protected and will not be released outside of the Government.

NOTE.—See, however, the note set out following paragraph (d) of the Cost Accounting Standards contract clause in § 331.50 of the Board's regulations.

(3) Follow consistently the cost accounting practices disclosed pursuant to (2) above and the established cost accounting practices of the business unit. A change to such practices may be proposed, however, by either the Government or the contractor, and the contractor agrees to negotiate with the Contracting Officer the terms and conditions under which a change may be made. After the terms and conditions under which the change is to be made have been agreed to, the change must be applied prospectively to this contract, and the Disclosure Statement if affected must be amended accordingly. No agreement may be made under this provision that will increase costs paid by the United States.

(4) Agree to an adjustment of the contract price or cost allowance, as appropriate, if he or a subcontractor fails to comply with the applicable Cost Accounting Standards or to follow any practice disclosed or established pursuant to subparagraph (a)(2) or (a)(3) above and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92-41, 85 Stat. 97, or 7 percent per annum, whichever is less, from the time the payment by the United States was made to the time the adjustment is effected.

(b) If the parties fail to agree, whether the contractor has complied with an applicable Cost Accounting Standard, rule or regulation of the Cost Accounting Standards Board and as to any cost adjustment demanded by the United States, such failure to agree shall be a dispute concerning a question of fact within the meaning of the disputes clause of this contract.

(c) The contractor shall permit any authorized representatives of the head of the agency, of the Cost Accounting Standards Board, or of the Comptroller General of the United States to examine and make copies of any documents, papers, or records relating to compliance with the requirements of this clause.

(d) The contractor shall include in all negotiated subcontracts which he enters into the substance of this clause except paragraph (b) of this section, and shall require such inclusion in all other subcontracts of any tier, except that:

(1) If the subcontract is awarded to a business unit which pursuant to Part 331 is required to follow all Cost Accounting Standards, the clause entitled "Cost Accounting Standards" set forth in § 331.50 of the Board's regulations shall be inserted in lieu of this clause, or

(2) This requirement shall not apply to negotiated subcontracts where the price negotiated is based on:

(i) Established catalog or market prices of commercial items sold in substantial quantities to the general public or

(ii) Prices set by law or regulation, or

(3) The requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to accept a Cost Accounting Standards clause by reason of § 331.30(b) of the Board's regulation.

(e) Notwithstanding (d) above, if this is a contract with an agency which permits subcontractors to appeal final decisions of the Contracting Officer directly to the head of the agency or his duly authorized representative, then the contractor shall include the substance of paragraph (b) as well.

§ 332.60 Post-award disclosure.

Any business unit entering into a prime contract or subcontract containing the clause set forth in § 332.50 if required to submit a Disclosure Statement must do so prior to award unless post-award submission is authorized pursuant to § 331.-60(b).

§ 332.70 Interpretation.

(a) For the purpose of determining under § 332.30(a) whether the sum of covered contract awards equals less than 10 percent of the business unit's total sales, an order received by the one segment from another segment shall be treated in the same way that a subcontract award to the receiving segment would be treated. In measuring sales for a year, a transfer by one segment to another shall be deemed to be a sale by the transferor.

(b) Contracts subject to this Part 332 may be performed during a cost accounting period in which a subsequently awarded contract subject to Part 331 is also being performed. Compliance with the requirements established by Part 331 may compel the use of cost accounting practices for the subsequently awarded contract that are not required under this Part 332. Under these circumstances, the cost accounting practices applicable to contracts subject to this Part 332 need not be changed. Any resulting differences in practices between the contracts subject to this Part and those subject to Part 331 of this chapter shall not constitute violations of Standards 401 or 402.

(c) In applying § 332.30(a), business units using Federal Management Circular 73-8 (Cost Principles for Educational Institutions) shall use the amount of current funds expeditures in lieu of total sales.

(d) The interpretations set forth in § 331.70 shall also apply to this part.

§ 332.80 Effective date.

The effective date of this part is March 10, 1978.

PART 351—BASIC REQUIREMENTS

§ 351.40 [Amended]

Delete § 351.40(e) and insert the following paragraph in lieu thereof.

* * * * *

(e) Any company that receives a negotiated national defense contract award which is subject to Cost Accounting Standards and is for $10 million or more must submit a completed Disclosure Statement.

* * * * *

Amend § 351.40(f) to read as follows:

* * * * *

(f) Any company which, together with its subsidiaries, received net awards of negotiated national defense prime contracts and subcontracts subject to Cost Accounting Standards totaling more than $10 million in its most recent cost accounting period, must submit a completed Disclosure Statement within ninety (90) days after the end of that period.

§ 351.50 [Amended]

Delete § 351.50 (c) and (d).

PART 403—ALLOCATION OF HOME OFFICE EXPENSES TO SEGMENTS

Amend § 403.70(a) by adding the following:

§ 403.70 Exemptions.

(a) * * * This exemption expires on March 10, 1978. Any contractor, unless otherwise exempt, who receives a negotiated national defense contract after March 10, 1978, shall be required to comply at the start of his first cost accounting period following receipt of that award.

* * * * *

2. Amend § 403.80 Effective date to redesignate § 403.80 to be § 403.80(a) and to add a paragraph (b) as follows:

§ 403.80 Effective date.

(a) * * *

(b) The effective date of § 403.70(a) as amended is March 10, 1978.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.77-26503 Filed 9-9-77;8:45 am]

Title 7—Agriculture

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

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of $1,000 and a rate of assessment of $0.00728 per cwt. of peaches for the functioning of the Administrative Committee for the 1976–77 fiscal period. This committee locally administers a Federal marketing order regulating the handling of peaches grown in Mesa County, Colo. The regulation would enable the committee to collect assessments from handlers on all assessable peaches handled and use the resulting funds for its expenses.

DATES: Effective for the period December 1, 1976, through November 30, 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: On August 17, 1977, notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 41431) regarding proposed expenses and rate of assessment, under the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919) regulating the handling of peaches grown in Mesa County, Colo. This notice allowed interested persons 14 days during which they could submit written comments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including proposals in the notice submitted by the Administrative Committee, it is found and determined that:

§ 919.216 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee during the fiscal period December 1, 1976, through November 30, 1977, will amount to $1,000.

(b) *Rate of assessment.* The rate of assessment for the fiscal period, payable by each handler in accordance with § 919.41, is fixed at $0.00728 per cwt. of peaches.

It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 553) in that (1) shipments of peaches are underway; (2) this marketing agreement and order requires that the rate of assessment apply to all assessable peaches handled during a fiscal period; and (3) the fiscal period began December 1, 1976, and the rate of assessment will automatically apply to all peaches handled during this period.

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

Dated: September 7, 1977.

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

[FR Doc.77-26419 Filed 9-9-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77–NW–20–AD; Amend. 39-3034]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 77–10–08 which requires inspections of the horizontal stabilizer center section front spar junction fitting on Boeing Model 727 series airplanes. Due to adverse service experience, a new AD is necessary to require that the fitting be eddy current or dye penetrant inspected sooner than required by AD 77–10–08 and to require repetitive inspections.

DATES: Effective date September 12, 1977. Initial compliance: As prescribed in the body of the AD.

ADDRESSES: Boeing service bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108. Telephone 206–767–2516.

SUPPLEMENTARY INFORMATION: Amendment 39–2901 (42 FR 24723), AD 77–10–08 was issued on May 12, 1977, for inspections of the horizontal stabilizer center section front spar junction fitting on Boeing Model 727 series airplanes. Cracks had been detected in the jackscrew support lugs of one fitting. Specifically, the AD requires a one-time visual inspection within 750 flight hours (or by August 15, 1977) and a one-time eddy current or dye penetrant inspection within 3,000 flight hours (or by August 15, 1978). Since issuing Amendment 39–2901, cracks in the lugs of additional horizontal stabilizer center section front spar junction fittings have been reported. Most of the fittings were cracked to the extent that replacement was required. Several fittings had more than one cracked lug. The cracked fittings were detected by either eddy current or dye penetrant methods with the jackscrew support arms removed so as to expose the inner face of lugs. Cracking is attributed to stress corrosion of the 7079–T6 aluminum alloy material. Due to the number of crack findings and since the cracks have only been detected with the jackscrew support arms removed, the FAA now believes that 3,000 flight hours compliance time for the inspection with the

jackscrew support arms removed is excessive. Also, the service experience now indicates the need for repetitive inspections.

A low frequency eddy current procedure with removal of the bolts and bushings but without removal of the support arms has been developed and is considered acceptable for compliance with this new AD. Additionally, a provision is made for increasing the repetitive inspection intervals if the lugs of the fitting are reworked.

Accordingly, AD 77-10-08 is being superseded by a new AD requiring an eddy current or dye penetrant inspection with the jackscrew support arms removed or low frequency eddy current inspection with the jackscrew support arms not removed within 750 flight hours and thereafter at intervals of 1,500 flight hours.

A meeting was held in Seattle, Wash., on August 9, 1977, to discuss this rule with interested persons.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by superseding AD 77-10-08 and adding the following new Airworthiness Directive:

BOEING. Applies to Boeing Model 727 series airplanes with horizontal stabilizer center section front spar junction fittings, P/Ns 65-17448-1 or 65-31273-1, certificated in all categories. Compliance required as indicated.

To detect cracks in the horizontal stabilizer center section front spar fitting, accomplish the following:

A. Within the next 750 flight hours time-in-service from the effective date of this AD or prior to January 1, 1978, whichever occurs first, unless accomplished per paragraph B of AD 77-10-08 or since April 20, 1977, inspect the horizontal stabilizer center section front spar junction fittings for cracks in the forward lugs in accordance with one of the inspections of paragraph B of this AD or dye penetrant procedures with the jackscrew support arms removed. Following the inspection, apply LPS 3, BMS 3-23 or equivalent corrosion inhibitor to the lugs. Reinspect per paragraph C of this AD.

B. Inspect the eight (8) lugs of the horizontal stabilizer center section front spar junction fitting which attach the jackscrew support arms to the fitting in accordance with one of the following:

1. Eddy current inspection with the jackscrew support arms removed as specified in Boeing Alert Service Bulletin No. 727-55-A69, or later FAA approved revisions, or equivalent.

2. Low frequency eddy current inspection with the jackscrew support arms installed as specified in Boeing Alert Service Bulletin No. 727-55-A69, Revision 1, or later FAA approved revisions.

3. A procedure approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

Following each inspection, apply LPS 3, BMS 3-23 or equivalent corrosion inhibitor to the lugs.

C. Repeat the inspections per paragraph B of this AD at intervals of either 1 or 2 below:

1. 1,500 flight hours time-in-service or nine (9) months from the last inspection, whichever occurs first, or

2. 3,000 flight hours time-in-service or eighteen (18) months from the last inspection, whichever occurs first, if the fittings are reworked in accordance with Boeing Alert Service Bulletin No. 727-55-A69, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

D. Cracked fittings are to be replaced or repaired prior to further flight in accordance with Boeing Alert Service Bulletin No. 727-55-A69, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Report findings of cracks directly to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, within 64 hours after detection. Include in the report, description of the crack(s), method used to detect the crack(s), and airplane total time in fight hours. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

E. Terminating action of this AD consists of replacement of the horizontal stabilizer center section front spar junction fitting with a 7075-T73 aluminum alloy material fitting, Boeing P/N65-31273-4, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

F. Airplanes may be ferried to a maintenance base for repairs or replacement in accordance with FAR 21.197, subject to prior approval by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

G. Requests for adjustments of the inspection threshold and intervals in this AD should by made directly to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Such requests should contain substantiating data to justify the increase.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

Airworthiness Directive 77-10-08, Amendment 39-2901, is hereby superseded.

This amendment becomes effective September 12, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash. on September 1, 1977.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77-26406 Filed 9-9-77;8:45 am]

[Docket No. 77-NW-23-AD; Amdt. 39-3032]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737-100 and -200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive to provide relief in circumstances where an operator elects to limit use to only some of the hydraulic fluids that meet Boeing Specification BMS 3-11. The need for this type relief was generated by a request from United Airlines for relief on 737 aircraft they sell or lease.

DATE: Effective date, September 12, 1977.

FOR FURTHER INFORMATION, CONTACT:

W. B. Slifer, Systems and Equipment Section, ANW-213, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone 206-767-2500.

SUPPLEMENTARY INFORMATION: Airworthiness Directive 75-24-09, Amendment 39-2436, (FR 75-31332) prohibited the use of Stauffer Aero Safe ER Type IV hyrdaulic fluid in Boeing 737 airplanes unless the ground spoilers were modified in accordance with Boeing Service Bulletin 737-27-1080 dated November 21, 1975.

A recent request for authorization to use a placard listing one of the hydraulic fluids approved for use in the Boeing 737 airplane as the only hydraulic fluid to be used has been received. This has the same effect as prohibiting the use of Stauffer Aero Safe ER Type IV. Since the existing AD did not provide for an approval of this type by the Chief, Engineering and Manufacturing Branch, Northwest Region, the AD is being amended to include this provision.

Since this AD imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are W. B. Slifer, Engineering and Manufacturing Branch, Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation

Regulations (14 CFR 39.13) is amended, by amending AD 75-24-09, Amendment 39-2436 (FR 75-31332) as follows:

Change the first sentence of paragraph A to read in part as follows: "* * * or later revisions, or any other equivalent placard, approved by the Chief, Engineering and Manufacturing Branch, Northwest Region * * *"

This amendment becomes effective September 12, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Washington on August 31, 1977.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77-26200 Filed 9-9-77;8:45 am]

[Docket No. 77-WE-10-AD; Amdt. 39-3035]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This new airworthiness directive (AD) supersedes existing airworthiness directives (ADs) AD 77-10-04 and AD 77-14-06 on Lockheed-California Company Model L-1011-385 Series Airplanes and requires a visual pre-takeoff check of the elevator/stabilizer surface position, one time inspection of the elevator drive system quadrant assemblies' upper and lower bearings, and modification of the elevator drive system. Additionally, the flight crews must be informed of the recommended Pitch Axis Control Assist Procedures. This new AD incorporates procedures and modifications based on additional information received since the issuance of the superseded ADs and is needed to preclude further occurrences of elevator drive system jams which may result in degradation of airplane controllability.

DATE: Effective, September 15, 1977.

Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, Calif. 91520. Attention: Commercial Support Contracts, Department 63-11, U33, B-1.

Also, a copy of these service bulletins may be reviewed at, or a copy obtained from:

Rules Docket, in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket, in Room 6W14, FAA Western Region, 15000 Aviation Blvd., Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Wallace M. Frei, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: As a result of first occurrence of jamming of one of the two elevator drive systems on the horizontal stabilizer of the primary pitch control system which resulted in degradation of the airplane controllability, FAA issued Airworthiness Directive Amendment 39-2898 (42 FR 24721), AD 77-10-04, on April 15, 1977. The AD required inspection of the functional integrity of the upper bearing, verification of the minimum operational clearance between the quadrant hub base and the elevator actuation pushrod, replacement of components as necessary, and conduct of repetitive inspections.

A second occurrence of jamming was experienced on an aircraft which was reported to have been inspected in accordance with the above requirements of AD 77-10-04. FAA concluded that an additional mandatory safety interim action was necessary. FAA issued Airworthiness Directive Amendment 39-2956 (42 FR 34865), AD 77-14-06, on June 11, 1977, which required an exterior visual check of the elevator/stabilizer surface positions after full aft controls check and with the control column full forward to assure there was no obvious discrepancy between the elevator surface positions. This visual check was considered to provide the additional necessary interim safety action.

On June 17, 1977, FAA approved revision to the Lockheed L-1011 FAA approved Airplane Flight Manual (AFM), LR 25925, which includes information to flight crews containing the Pitch Axis Control Assist Procedures published in Lockheed L-1011 Operating Information Letter (OIL), Number 98, of May 6, 1977, as revised on May 12, 1977.

In numerous discussions and meetings with representatives of the airlines, the Air Transport Association, and the Lockheed-California Company, significant additional data has been presented, and this data has been reviewed by the FAA. The FAA has approved two new service bulletins which contain the procedures and modifications set forth in this new AD. The FAA presented specific proposals for this AD action to the above parties. The public docket in AD Rules Docket 77-WE-10-AD contains a record of the foregoing actions.

The FAA, after reviewing all the information and service experience presently available, has reached these conclusions:

(1) The inspection results obtained from compliance with the AD 77-10-04 indicate that the inspection techniques then used in determining the functional integrity of the upper and lower bearings are not sufficiently accurate and reliable to assure the minimum necessary level of integrity of the elevator drive system.

(2) The revised inspection techniques contained in the FAA approved Lockheed Alert Service Bulletin 093-27-A158 are considered to provide for inspection results of greater accuracy and reliability than those obtained from (1) above.

(3) Analytical, flight and simulator studies have determined that an elevator surface jam results in degradation of the airplane controllability and consequently the occurrence of these jams must be prevented. The two elevator surface jam incidents occurred as a result of routine controls check prior to take-off and resulted in degradation of the airplane controllability.

(4) The exterior visual check of the elevator/stabilizer surface positions required by the AD 77-14-06 in combination with a one time fleet inspection in accordance with inspection of (2), above, provides the maximum available assurance of unjammed elevator drive systems at take-off, pending modification of the elevator drive systems.

(5) The modification performed on the elevator drive systems in accordance with Lockheed Alert Service Bulletin 093-27-A158 is considered to provide the necessary functional integrity, subject to 2000 hours time in service repetitive replacement cycles.

(6) The modification performed on the elevator drive system in accordance with Service Bulletin 093-27-158 is also considered to provide the necessary functional integrity. The installation of this modification is on a one-time basis without a need for periodic replacements.

(7) The Pitch Axis Contrpl Assist Procedures contained in the Airplane Flight Manual (AFM) provide valuable flight crew information for any pitch axis control deficiency and consequently the flight crews should be apprised of these procedures.

In consideration of the above conclusions, the FAA is adopting this new airworthiness directive to supersede (ADs) AD 77-10-04 and AD 77-14-06. This new AD requires a visual pre-takeoff check of the elevator/stabilizer surface position, one time inspection of the elevator drive system quadrant assemblies' upper and lower bearings, and modification of the elevator drive system. Additionally, the flight crews must be informed of the recommended Pitch Axis Control Assist Procedures

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are George E. Vasley, Aircraft En-

gineering Division, and Richard G. Wittry, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), is amended by adding the following new airworthiness directive:

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L-1011-385 Series airplanes certificated in all categories.

Compliance required as indicated.

To prevent take-off with a possible jammed elevator drive system on the horizontal stabilizer of the primary pitch control system which can result in degradation of the airplane controllability, accomplish the following:

(a) Initiate the following check program prior to next flight after the effective date of this amendment, until the repetitive or the one-time modification requirements of the paragraph (d) have been accomplished on all aircraft of each operator's fleet:

(1) Prior to each take-off conduct an exterior visual check of the elevator/stabilizer surface positions after the full aft controls check and with the control column full forward to assure there is no obvious discrepancy between elevator positions. The pilot in command shall be informed of the results of this check.

(2) If obvious discrepancy noted, correct prior to further flight.

(3) No further full aft control column movement may be performed prior to takeoff.

NOTES.—(1) This check can be accomplished with any one single hydraulic system pressurized by any main hydraulic system pump.

(2) FAA approved Lockheed-California Company Alert Service Bulletin 093-27-A158, Revision 1 dated August 17, 1977, Paragraph 2.A, covers the same subject.

(b) Within the next thirty days after the effective date of this amendment, unless already accomplished, revise the FAA Approved Lockheed L-1011 Airplane Flight Manual (AFM), LR 25925, to incorporate the Pitch Axis Control Assist Procedures contained in the AFM revision dated June 17, 1977. Flight crews should be informed of these procedures as soon as practicable.

(c) Within the next 150 hours time in service after the effective date of this amendment, unless already accomplished, inspect the elevator quadrant bearings in accordance with the applicable instructions of the FAA approved Lockheed-California Company Alert Service Bulletin 093-27-A158, Revision 1, dated August 17, 1977 or later FAA approved revisions.

(1) The upper and lower bearings which do not meet the specified acceptable inspection standards must be replaced prior to next flight.

(2) Those inspections accomplished prior to August 17, 1977 will be considered acceptable provided the inspection standards used are equivalent to those specified in the above service bulletin.

NOTE.—The inspections accomplished in accordance with the requirements of AD 77-10-04 are not considered to be equivalent to the inspections required by the paragraph (c), above.

(d) Within the next 1500 hours time in service after the effective date of this amendment, or on or before March 1, 1978, whichever occurs first, unless already accomplished, accomplish either (1) or (2), below.

(1) Modify the elevator drive systems in accordance with the instructions of Paragraph 2.E of FAA approved Lockheed-California Company Alert Service Bulletin 093-27-A158, Revision 1 dated August 17, 1977, or later FAA approved revisions, except as provided in paragraph (e), below. Accomplish this modification at intervals not to exceed 2000 hours time in service; or

(2) Modify the elevator drive systems in accordance with the instructions of the FAA approved Lockheed-California Company Service Bulletin 093-27-158, dated August 10, 1977 or later FAA approved revisions.

(e) The initial modification performed in accordance with the requirements of paragraph (d)(1) need not include the installation of the thrust washer, P/N 1616733-103. However, at the next subsequent modification required by paragraph (d)(1) the installation of the thrust washer, P/N 1616733-103, is required.

(f) Equivalent checks, inspections and modifications may be used when approved by Chief, Aircraft Engineering Division, FAA Western Region.

This supersedes Amendment 39-2898 (42 FR 24721), AD 77-10-04, and Amendment 39-2956 (42 FR 34865), AD 77-14-06.

This amendment becomes effective September 15, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on September 1, 1977.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.77-26407 Filed 9-9-77;8:45 am]

[Airspace Docket No. 77-RM-2]

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

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Durango, Colo., 700 foot transition area, because the present 700 foot transition area was found to be inadequate to accommodate the VOR Runway 2 approach to La Plata County Airport, Durango, Colo.

EFFECTIVE DATE: 0901 GMT November 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Taber, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010; telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On July 7, 1977, the FAA published for comment a proposal to alter the transition area at Durango, Colo. (42 FR 34891). The only comment received expressed no objection.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) redefines the 700 foot transition area at Durango, Colo.

The present 700 foot transition area was found to be inadequate to accommodate the VOR Runway 2 approach to La Plata County Airport, Durango, Colo.

DRAFTING INFORMATION

The principal authors of this document are Joseph T. Taber, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 GMT November 24, 1977, as follows:

By amending Subpart G, § 71.181 so as to alter the following transition area to read:

DURANGO, COLO.

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the La Plata County Airport (latitude 37°09'12'' N., longitude 107°45'04'' W.) and within 5 miles each side of the Durango VOR 224° T. radial extending from the 7 mile radius area to 17.5 miles southwest of the VOR * * *

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colo., on August 30, 1977.

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

[FR Doc.77-26278 Filed 9-9-77;8:45 am]

[Airspace Docket No. 77-RM-7]

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

Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Helena, Mont., Control Zone. The alteration is necessary to encompass the new LOC/DME-BC instrument approach at Helena, Mont.

EFFECTIVE DATE: 0901 GMT November 24, 1977.

FOR FURTHER INFORMATION CONTACT:

David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010; telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On July 11, 1977, the FAA published, for comment, a proposal to alter the Helena, Mont., Control Zone (42 FR 35657). The only comment received expressed no objection.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) redefines the Control Zone at Helena, Mont.

The present Control Zone was inadequate to accommodate the new LOC/DME-BC instrument approach at Helena, Mont.

DRAFTING INFORMATION

The principal authors of this document are David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulation (14 CFR Part 71) is amended effective November 24, 1977, as follows:

By amending Subpart F, § 71.171 so as to alter the following Control Zone to read:

HELENA, MONT.

Within a 5 mile radius of the Helena County-City Airport (latitude 46°36'27" N., longitude 111°58'45" W.), within 2½ miles each side of the Helena VORTAC 102° radial extending from the 5 mile radius zone to 4½ miles east of the VORTAC, and within 1 mile each side of the 282° bearing from the airport reference point, from the 5 mile radius zone 8 miles west of the VORTAC.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colo., on August 30, 1977.

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

[FR Doc.77-26279 Filed 9-9-77;8:45 am]

[Airspace Docket No. 77-SO-28]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments realign an overlying segment of V-56/J-4/J-20 to extend from Meridian, Miss., direct to Montgomery, Ala., rather than via an intersection or the Cahaba, Ala., VORTAC. These actions eliminate the circuitous route thereby reducing the route distance between Meridian and Montgomery.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On August 1, 1977, the FAA published for comment a proposal to realign V-56 airway and Jet Routes J-4/J-20 which overlie each other between Meridian and Montgomery (42 FR 38917). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. The only comment received expressed no objection.

THE RULE

These amendments to Parts 71 and 75 of the Federal Aviation Regulations realign:

1. A segment of V-56 to go from Meridian via Kewanee, Miss., direct to Montgomery, Ala. This airway is presently designated via the Cahaba, Ala., VORTAC which is being decommissioned by the Department of Air Force.

2. J-4 and J-20 to go direct from Meridian to Montgomery. These routes presently overlie V-56 by using radials that intersect at the Cahaba VORTAC.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished and amended (42 FR 307, 707, and 55863), are further amended, effective 0901 GMT, December 1, 1977, as follows.

In § 71.123 (42 FR 307) V-56 "Cahaba, Ala.;" is deleted.

In § 75.100 (42 FR 707, 55863) Jet Route No. 4 "INT of the Meridian 091° and the Montgomery, Ala., 282° radials; Montgomery;" is deleted and "Montgomery, Ala.;" is substituted therefor.

In § 75.100 (42 FR 707) Jet Route No. 20 "INT of the Meridian 091° and the Montgomery, Ala., 282° radials; Montgomery;" is deleted and "Montgomery, Ala.;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on September 2, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-26405 Filed 9-9-77;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 17174; Amdt. No. 1089]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For examination.—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For purchase.—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By subscription.—Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150; add $30 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Avation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 9) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *effective November 3, 1977.*

Durango, CO—Durango LaPlata County, VOR Rwy 2, Amdt. 3, cancelled
Durango, CO—Durango LaPlata County, VOR-A, Amdt. 3
Durango, CO—Durango LaPlata County, VOR/DME Rwy 2, Original

* * * *effective October 20, 1977.*

San Luis Obispo, CA—San Luis Obispo County, VOR-A, Amdt. 2
Benton Harbor, MI—Ross Field, VOR Rwy 9, Amdt. 3
Benton Harbor, MI—Ross Field, VOR Rwy 27, Amdt. 12
Niles, MI—Jerry Tyler Memorial, VOR, Rwy 3, Amdt. 3
Tecumseh, MI—Al Meyers, VOR-A, Amdt. 3
Grand Rapids, MN—Grand Rapids Itasca County, VOR Rwy 34, Amdt. 6
Ardmore, OK—Downtown Ardmore, VOR-A, Amdt. 7
Laredo, TX—Laredo Airport, VOR Rwy 33, Amdt. 12, cancelled
Laredo, TX—Laredo Airport, VOR/DME Rwy 15, Amdt. 10, cancelled
West Bend, WI—West Bend Municipal, VOR Rwy 13, Amdt. 2
West Bend, WI—West Bend Municipal, VOR Rwy 24, Amdt. 2
West Bend, WI—West Bend Municipal, VOR Rwy 31, Amdt. 5
Santa Fe, NM—Santa Fe County, VOR Rwy 33, Amdt. 5

* * * *effective October 6, 1977.*

Tanana, AK—Ralph M. Calhoun Memorial, VOR-A, Amdt. 5
Kingman, AZ—Mohave County, VOR Rwy 21, Amdt. 3
Lake Havasu City, AZ—Lake Havasu City, VOR/DME-A, Amdt. 3
Needles, CA—Needles Airport, VOR-A, Amdt. 1
Lansing, MI—Capital City, VOR Rwy 6, Amdt. 15
Lansing, MI—Capital City, VOR Rwy 24, Amdt. 1

NOTE.—The FAA published an amendment in Docket No. 17143, Amdt. No. 1087 to Part 97 of the Federal Aviation Regulations (42 FR 42848; August 25, 1977) under section 97.23, effective October 6, 1977, which is hereby amended as follows: Valdosta, GA—Valdosta Muni., vor Rwy 35, Amdt. 24 is rescinded.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *effective October 20, 1977.*

Benton Harbor, MI—Ross Field, LOC BC Rwy 9, Amdt. 2

* * * *effective October 6, 1977.*

Lansing, MI—Capital City, LOC(BC) Rwy 9, Amdt. 13, cancelled

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *effective October 20, 1977.*

Ponape Island, Caroline Islands, Ponape Int'l, NDB-B, Amdt. 1
Ponape Island, Caroline Islands, Ponape Int'l, NDB-C, Amdt. 1
Bloomfield, IA—Bloomfield Municipal, NDB Rwy 36, Original
Benton Harbor, MI—Ross Field, NDB Rwy 27, Amdt. 4
Grand Rapids, MN—Grand Rapids Itasca County, NDB Rwy 34, Amdt. 2
Breckenridge, TX—Stephens County, NDB Rwy 17, Amdt. 1, cancelled
Breckenridge, TX—Stephens County Airport, NDB-A, Orig.
Marble Falls, TX—Horseshoe Bay, NDB Rwy 17, Amdt. 1
Johnson City, TX—Johnson City, NDB-A, Amdt. 11
Oconto, WI—Oconto Municipal, NDB Rwy 11, Amdt. 1
West Bend, WI—West Bend Municipal, NDB Rwy 31, Amdt. 6

* * * *effective October 6, 1977*

Tanana, AK—Ralph M. Calhoun Memorial, NDB-B, Amdt. 2
Chicago, IL—Chicago O'Hare International, NDB Rwy 32L, Amdt. 15
Chicago, IL—Chicago O'Hare International, NDB Rwy 32R, Amdt. 15
Fremont, NE—Fremont Muni., NDB Rwy 13, Amdt. 2

* * * *effective August 29, 1977.*

Atlanta, GA—The William B. Hartsfield Atlanta Int'l, NDB Rwy 8, Amdt. 41
Atlanta, GA—The William B. Hartsfield Atlanta Int'l, NDB Rwy 9L, Amdt. 4
Atlanta, GA—The William B. Hartsfield Atlanta Int'l, NDB Rwy 9R, Amdt. 5

NOTE.—The FAA published an amendment in Docket No. 17143, Amdt. No. 1087 to Part 97 of the Federal Aviation Regulations (42 FR 42848; August 25, 1977) under section 97-27, effective October 6, 1977, which is hereby amended as follows: Manteo, NC—Manteo, NDB Rwy 4, Amdt. 1 is rescinded.

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *effective October 20, 1977.*

Merced, CA—Merced Municipal, ILS Rwy 30, Amdt. 3
Benton Harbor, MI—Ross Field, ILS Rwy 27, Amdt. 1
Grand Rapids, MN—Grand Rapids, Itasca County, MLS Rwy 34 (Interim), Amdt. 2

* * * *effective October 6, 1977.*

Chicago, IL—Chicago O'Hare International, ILS Rwy 32L, Amdt. 17

Chicago, IL—Chicago O'Hare International, ILS Rwy 32R, Amdt. 15
Lansing, MI—Capital City, ILS Rwy 9, Original
Minneapolis, MN—Minneapolis-St. Paul Int'l (Wold-Chamberlain), ILS BC, Rwy 11R, Amdt. 5
Minneapolis, MN—Minneapolis-St. Paul Int'l (Wold-Chamberlain), ILS BC, Rwy 22, Amdt. 5

NOTE.—The FAA published an amendment in Docket No. 17143, Amdt. No. 1087 to Part 97 of the Federal Aviation Regulations (42 FR 42848; August 25, 1977) under section 97.29, effective October 6, 1977, which is hereby amended as follows: Valdosta, GA—Valdosta Muni., ILS Rwy 35, Amdt. 2 is rescinded.

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *effective October 6, 1977.*

Minneapolis, MN—Minneapolis-St. Paul Int'l (Wold-Chamberlain) RADAR-1, Amdt. 26

* * * *effective August 29, 1977.*

Atlanta, GA—The William B. Hartsfield Atlanta Int'l, RADAR-1, Amdt. 28

6. By amending § 97-33 RNAV SIAPs identified as follows:

* * * *effective October 20, 1977.*

Hayward, CA—Hayward Air Terminal, RNAV-C, Original, cancelled
Ukiah, CA—Ukiah Municipal, RNAV-B, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354 (a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Orders FS P 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on September 2, 1977.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.77-26199 Filed 9-9-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 3330]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With Minimal Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In these areas, there is no reason not to make full limits of coverage available. The available limits of coverage for flood insurance in these communities is increased to $70,000 for 1-4 family residential structures, $200,000 for other residential and commercial structures, $20,000 for contents of residential structures, and $200,000 for contents of commercial structures. Flood insurance is available at Zone C rates throughout the entire community.

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

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

The entry reads as follows:

§ 1915.7 List of Communities with Minimal Hazard Areas.

State	County	Community name
Alabama	Escambia	City of Atmore.
Do	Mobile	City of Citronelle.
Do	Crenshaw	City of Luverne.
Arkansas	Lafayette	City of Bradley.
Do	Saline	City of Bryant.
California	San Diego	City of Carlsbad.
Kentucky	Logan	City of Lewisburg.
Louisiana	Tangipahoa Parish.	Village of Tickfaw.
Do	Tensas Parish	Town of Waterproof.
Maryland	Washington	Town of Williamsport.
Oklahoma	Hughes	Town of Dustin.
Pennsylvania	Perry	Borough Blain.
Do	Cumberland	Borough of Newburg.
South Carolina	Lexington	Town of Batesburg.
Do	do	Town of Swansea.
Texas	Bowie	City of Nash.

(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: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-26324 Filed 9-9-77;8:45 am]

[Docket No. 3331]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With Minimal Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In these areas, there is no reason not to make full limits of coverage available. The available limits of coverage for flood insurance in these communities is increased to $70,000 for 1-4 family residential structures, $200,000 for other residential and commercial structures, $20,000 for contents of residential structures, and $200,000 for contents of commercial structures. Flood insurance is available at Zone C rates throughout the entire community.

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

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

The entry reads as follows:

§ 1915.7 List of Communities with Minimal Hazard Areas.

State	County	Community name
California	Solano	City of Benicia.
New Hampshire.	Carroll	Town of Brookfield.
Do	Hillsboro	Town of Francestown.
Do	Merrimack	Town of Sutton.
New Jersey	Camden	Borough of Berlin.
Do	do	Borough of Laurel Springs.
Do	Mercer	Borough of Princeton.
North Carolina	Gates	Town of Gatesville.
Pennsylvania	Armstrong	Borough of Leechburg.
Do	Bedford	Borough of Rainsburg.
South Carolina	Spartanburg	Town of Duncan.
Do	do	Town of Lyman.
Washington	Grays Harbor	City of Montesano.
Do	Franklin	City of Pasco.

(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: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-26325 Filed 9-9-77;8:45 am]

[Docket No. FI-2872]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Alpharetta, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Alpharetta, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Alpharetta are available for review at City Hall, 12 South Main Street, Alpharetta, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-551 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

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

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Creek	Haynes Bridge Rd	970
	Kimball Bridge Rd	977
	State Bridge Rd	984
	Webb Bridge Rd	988
	Shirley Bridge Rd	994
Foe Killer Creek	Rocky Mill Way Rd	967
	Rucker Rd	1,032
	Mid Broadwell Rd	1,055
	Mayfield Rd	1,070
Camp Creek	Union Hill Rd	993
Caney Creek	Shirley Bridge (extension).	1,007
Tributary 2	Rock Mill Rd	988
	State Route 400 (Turner McDonald Parkway).	990
	Michael Dr. (extension).	1,024
Tributary 3	Rock Mill Rd	990
Tributary 5	State Bridge Rd	995
	State Route 400 (Turner McDonald Parkway).	1,005
	Webb Bridge Rd	1,010
	Union Hill Rd	1,052
Tributary 6	Webb Bridge Rd	1,019

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25544 Filed 9-9-77;8:45 am]

[Docket No. FI-2870]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Lafayette, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Lafayette, Ga.

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

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Creek	Warthen St	789
	Villanow St	780
Chattooga Creek tributary.	Broomton Rd.[1]	790
	Central of Georgia RR.[2]	773
	Barwick-Lafayette Airport.[1]	769
Spring Creek	Probasco St.[2]	846
	do.[1]	841
	Villanow St.[2]	788
	do.[1]	787
	McLemore St.[2]	778
	do.[1]	775
Spring Creek tributary No. 1.	West Main St	825
	Magnolia St.[2]	793
	do.[1]	790
	Central of Georgia RR.[2]	778
	do.[1]	776
Spring Creek tributary No. 2.	2d St	798
	1st St[2]	792
Town Creek tributary No. 1.	Foster Mill Rd	813
Town Creek tributary No. 2.	Rhyne Rd.[2]	818
	do.[1]	815
	Broken Earth Dam	795
	Wasthen St	790

[1] Downstream side.
[2] Upstream side.

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25545 Filed 9-9-77;8:45 am]

[Docket No. FI-2871]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Acworth, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Acworth, Ga.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Acworth are available for review at City Hall, 4375 Senator Russell Square, Acworth, Ga.

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tanyard Creek	Acworth Dr	863
	Cherokee St	869
	Cowan Rd	889
Butler Creek	Nance Rd	861
Proctor Creek	Highway 293	861

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25546 Filed 9-9-77;8:45 am]

[Docket No. FI-2869]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Stephenson County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Stephenson County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Stephenson County are available for review at County Courthouse, 15 North Galena Avenue, Freeport, Ill.

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pecatonica River	Farwell Bridge	748
	Chicago and North Western R.R.	756
	Chicago, Milwaukee, St. Paul & Pacific R.R.	762
	Illinois Central Gulf R.R.	767
	North Damascus Rd	772
	West McConnell Rd	779
	West Winslow Rd	785

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

Issued: August 11, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25547 Filed 9-9-77;8:45 am]

[Docket No. FI-2868]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Newburyport, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Newburyport, Mass.

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

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River	Route 95	11
	Route 1	10

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

Issued: August 11, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25548 Filed 9-9-77;8:45 am]

[Docket No. FI-2866]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of Grand Beach, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Village of Grand Beach, Mich.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Grand Beach are available for review at Village Hall, Village of Grand Beach, New Buffalo, Mich.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Grand Beach.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Taylor Creek	Crescent Rd	595
	Station Rd	607

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25549 Filed 9-9-77;8:45 am]

[Docket No. FI-3072]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Township of Spring Lake, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Spring Lake, Mich.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Spring Lake are available for review at Township Hall, 106 South Buchanan Street, Spring Lake, Mich.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Township of Spring Lake.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grand River	Confluence with Lloyd Bayou.	585
	Confluence with Pottawattomie Bayou.	588

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

Issued: August 11, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25550 Filed 9-9-77;8:45 am]

[Docket No. FI-3017]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Tawas, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Tawas, Mich.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Tawas are available for review at City Hall, 508 Lake Street West, Tawas, Mich.

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tawas River	U.S. 23	584
	Mathews St.	585
	Whittmore St.	586
	1st St.	588
	M 55	588

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25551 Filed 9-9-77;8:45 am]

[Docket No. FI-2862]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Township of Downe, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Downe, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Downe are available for review at 33 Union Street, Dividing Creek, N.J.

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware Bay	Bayview Rd.[1]	9
	Money Island Rd.[1]	9
	Newport Neck Rd.[1]	9
	Gandy Rd.[1]	9

[1] Entire length.

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25552 Filed 9-9-77;8:45 am]

[Docket No. FI-2861]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Borough of Lodi, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Lodi, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Lodi are available for review at Borough Hall Annex, 59 Main Street, Lodi, N.J.

FOR FURTHER INFORMATION CONTACT:

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

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

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

to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saddle River	Terrace Ave	23.0
	Route 46	32.0
	Interstate 80	30.8

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25553 Filed 9-9-77;8:45 am]

[Docket No. FI-2985]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Myrtle Creek, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Myrtle Creek, Oreg.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Myrtle Creek.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Umpqua River.	Highway 99 [1]	606
	Southern Pacific R.R.[1]	613
Myrtle Creek	Highway 99 (Main Ave.)[1]	608
North Myrtle Creek.	Johnson St.[1]	610
	Northeast division [2]	615

[1] Upstream side.
[2] Downstream side.

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25554 Filed 9-9-77;8:45 am]

[Docket No. FI-2906]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Ashland County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Ashland County, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Ashland County are available for review at Ashland County Courthouse, Ashland, Wis.

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White River	STH 112	680
	STH 13	636
Bad River-Mellen	STH 169	1222
Bad River-Morse	T43N R2W	1498
Marengo River	T45N R4W	806
	CTH "C"	792
	T46N R4W	779
	T46N R4W	768
	T46N R4W	765
	STH 13	757
Marengo tributary No. 1.	STH 112	809
	T46N R4W	794
	T46N R4W	781
Marengo tributary No. 2.	CTH "E"	792
	T46N R4W	786
	T46N R4W	786
East Fork Chippewa River.	T42N R2W	1519
	Soo Line RR	1518
	CTH "N"	1517
	STH 13	1516
	T42N R2W	1516
	T42N R2W	1515
Butternut Creek	CTH F	1507
	CT'I F	1506
	CTH "B"	1496

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

Issued: August 11, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25555 Filed 9-9-77;8:45 am]

[Docket No. FI-2873]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Marietta, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Marietta, Ga.

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

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Marietta, Ga.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Marietta are available for review at City Hall, 36 Atlanta Street, Marietta, Ga.

FOR FURTHER INFORMATION CONTACT:

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

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

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

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

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Slope branch	Apachee St	1,065
	Fairground St	1,039
	Driveway Bridge	1,022
Elizabeth branch	Interstate 75 [1]	1,055
	do.[2]	1,050
	Overbrook Circle	1,032
	Allgood Rd	1,015
Slope Creek	U.S. Highway 41	1,019
	Interstate 75	1,012
	Barnes Mill Rd	987
	Roswell Rd	973
Hope Creek	Loop 120	975
	Interstate 75	963
Rottenwood Creek	Barclay Circle	1,007
	U.S. Highway 41	955
	Franklin Rd	944
	Delk Rd	929
Olley Creek	Bellemeade Rd	987
	Cunningham Rd	977
West Side branch	Polk St	1,053
	Whitlock Ave	1,073
Ward Creek	Maxwell Ave	1,041
	Kilpatrick Ave	1,009
Noes Creek	Kennesaw Ave	1,079
	Burnt Hickory Rd	1,007

[1] Upstream side.
[2] Downstream side.

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

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25556 Filed 9-9-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 779-5]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

PART 600—FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy and Emission Testing and Other Procedures for 1978 and Later Model Year Automobiles

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: This action promulgates a regulation originally published as a combined Notice of Proposed Rulemaking (NPRM) and Interim-Final Rulemaking (IFRM) on September 10, 1976. The IFRM dealt with the regulations for the testing and calculation procedures concerning an automobile manufacturer's passenger automobile average fuel economy. The regulations were published as final rules for the 1978 model year and as proposed for 1979 and later model years. The NPRM proposed some test procedure changes to the exhaust emission test procedure used to determine compliance with section 206 of the Clean Air Act and to develop the fuel economy value for fuel economy labeling and compliance purposes. This action promulgates those test procedure changes and the fuel economy calculation procedures as final rules. Comments were received during the public comment period on many aspects of this action, and several changes have been made to the original proposal in response to the comments. In addition, two of the proposed test procedure changes, the revised inertia weight classes and the new definition for option, model, and optional equipment usage are being postponed until the 1980 model year to allow the manufacturers additional time to purchase equipment and to facilitate an orderly changeover to the revised procedure.

EFFECTIVE DATE: For sections applicable to the 1978 model year: September 12, 1977. For sections applicable to later model years: October 12, 1977.

DATE FOR COMMENTS (For interim regulations discussed in the preamble under "Other Minor Changes"): December 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Gary Timm; Office of Mobile Source, Air Pollution Control (AW-455), U.S. Environmental Protection Agency, Washington, D.C. 20460 (202-755-0596).

SUPPLEMENTARY INFORMATION:

STATUTORY BACKGROUND

On December 22, 1975, the President signed the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871. Title III of this Act amended the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1901 et seq. (hereinafter referred to as "the Act") for the purpose of regulating the fuel economy of automobiles. This notice relates primarily to Section 501 of the Act relating to definitions and Section 503 which requires the Administrator of EPA to promulgate rules prescribing testing and calculation procedures which will be used for the computation of automobile manufacturers' passenger automobile average fuel economy values. These manufacturers' average fuel economy values will be used by the Secretary of Transportation (hereinafter referred to as "the Secretary") to determine compliance with the minimum fuel economy standards in Section 502 of the Act.

SUMMARY OF THE REGULATIONS

These regulations specify testing and calculation procedures for labeling of automobiles and for passenger automobile fuel economy compliance. Since these rules were published previously on September 10, 1976 (41 FR 38673) as interim-final for the 1978 model year and were described in great detail at that time, all of the provisions of the regulations will not be discussed again here. Rather, only those significant portions of the regulations for which comments were received will be discussed in this preamble. How-

ever, the 1978 and later model year testing and compliance procedures are published here in total.

Discussion of Major Issues

Revised Inertia Weight Increments

Under the compliance procedures adopted effective beginning with the 1978 model year, a manufacturer's product line is divided into base levels. A base level is defined as a unique combination of inertia weight class, basic engine and transmission class. A manufacturer must test at least one vehicle per base level. Base levels are further subdivided into vehicle configurations. A vehicle configuration is defined as a unique combination of inertia weight class, basic engine and transmission class (all of which determine a base level) plus engine code, transmission configuration and axle ratio. Vehicle configurations are used to determine the number and types of vehicles that a manufacturer is required to test within a base level.

The NPRM proposed to reduce dynamometer inertia weight intervals in order to reduce weight-related test errors and provide greater incentive for manufacturers to pursue vehicle weight reduction programs which would result in real fuel economy benefits. Currently, dynamometer inertia weight intervals are 250 pounds for inertia weight settings up through 3000 pounds and 500 pounds for settings from 3000 to 5500 pounds. The proposal reduced these intervals to 125 pounds for inertia weight settings up through 4000 pounds and to 250 pounds for settings from 4000 to 5500 pounds.

Based on analysis of the comments on the Notice of Proposed Rulemaking and other available data, EPA has concluded that the potential benefits of the proposal exceed the costs (Technical Support Report for Regulatory Action, "The Effects of Dynamometer Inertia Weight Simulation on Fuel Economy Measurements," U.S. Environmental Protection Agency, February, 1976). Therefore, this test procedure change is being promulgated as proposed except that it will be effective beginning with the 1980 model year. Furthermore, for the purpose of incorporating this test procedure change within the fuel economy program, regulatory provisions have been added as explained below so that this test procedure change will only affect how vehicles are selected and tested within a vehicle configuration and not the number of vehicles specified for required testing.

All manufacturers who commented on the proposed change in inertia weight increments opposed the proposal, at least for 1979. Although not all manufacturers opposed the proposal for the same reasons, the general areas of opposition were:

1. Increased test load.
2. Reduction in measured average corporate fuel economy.
3. Insufficient lead time and high cost for facilities modification.
4. Reduced incentive for vehicle weight reduction.

(1) Increased test load: The preamble to the NPRM suggested that if the smaller dynamometer inertia weight increments were incorporated directly into the current fuel economy program—for example, in the base level or vehicle configuration definition—an approximate doubling of required tests could result since at least one vehicle is required per inertia weight class. EPA stated in the preamble that such a large increase in required testing was not contemplated and therefore requested alternate proposals for incorporating the smaller inertia weight increments which would not result in a significant increase in the number of required tests. Commenting manufacturers largely supported EPA's contention that direct incorporation of the smaller inertia weight increments would approximately double the required number of tests but offered no alternate means for incorporating the smaller inertia weight increments.

So as not to significantly increase the required number of fuel economy tests, EPA is making a distinction between the weights at which vehicles are tested, which have approximately doubled in number, and the weight classes which are used to determine which vehicles are selected for testing. EPA is defining the term "inertia weight class" to replace the term "inertia weight" as previously used in the emission certification program, meaning the class into which a vehicle is grouped based on its loaded vehicle weight, and the term "test weight," meaning the weight, within an inertia weight class, at which a vehicle is tested based on its loaded vehicle weight. Similarly, the definitions of base level and vehicle configuration will now use the term "inertia weight class" in place of the previously used term "inertia weight." In order to accurately represent the weight distribution of vehicles offered for sale within a vehicle configuration and the effect on fuel economy of this weight distribution, the EPA will consider the relative projected sales volume of the various test weights within a vehicle configuration in selecting the test vehicle and establishing its test weight.

Although the inertia weight classes have not been changed in breadth (i.e., the classes below 3000 pounds continue to have a 250 pound range; those above 3000 pounds, a 500 pound range; and the 3000 pound class, a 375 pound range), it was necessary to change slightly the boundary points of the inertia weight classes to make them coincide with the cutpoints for the new test weights.

It may be helpful to explain the need for this change in inertia weight class boundary points. When 125 pound test weight increments are substituted for 250 pound test weight increments (or 250 pound test weight increments are substituted for 500 pound increments) the new test weights fall on the current inertia weight class boundaries. Since standard rules of numerical rounding are used to establish a vehicle's test weight from its loaded vehicle weight, the cutpoints between test weights must be half of the width of the test weight increment, i.e., ±62.5 pounds of the test weight for test weights that are 125 pounds apart (±125 pounds of the test weight for test weights that are 250 pounds apart). Since vehicles which are tested at the same weight must be included in the same inertia weight class, it was necessary to slightly shift the inertia weight boundary points to correspond with the new test weight cutpoints. This results in a shift of 63 pounds in the boundaries for inertia weight classes containing test weights at 125 pound increments, and a shift of 125 pounds for inertia weight classes containing test weights at 250 pound increments.

The choice of whether the boundaries are shifted up or down could be made arbitrarily, except for one factor: the present car population is not randomly distributed within inertia weight classes but tends to be concentrated at the high end of each inertia weight class. It is therefore desirable to shift the boundaries of the inertia weight classes upward, to avoid grouping similar vehicles into separate inertia weight classes which, if done, would tend to increase the requirement for fuel economy data vehicle testing.

An example may be helpful. The current 4500 pound class includes vehicles with loaded vehicle weight of 4251 through 4750 pounds and has a test weight of 4500 pounds. Beginning in 1980, 4500 pounds and each of the two boundary weights of 4250 and 4750 pounds will be test weights. To maintain the range of the 4500 pound inertia weight class at 500 pounds, the 4500 pound inertia weight class must contain two test weights at increments of 250 pounds. The 4500 pound test weight will, of course, be included, but the question is whether the other test weight in the class should be 4250 pounds or 4750 pounds. EPA has decided to include the 4750 test weight to be in the 4500 pound inertia weight class because, at present, more than half of the vehicles in the current 4500 pound inertia weight class fall between 4500 and 4750 pounds. The new 4500 pound inertia weight class will thus include the 4500 and 4750 pound test weights and will have boundaries of 4376 (4500 minus 124) and 4875 (4750 plus 125).

(2) Reduction in measured average corporate fuel economy: All major U.S. manufacturers commented that the change in inertia weight intervals would reduce their measured corporate average fuel economy. Several manufacturers stated that since the fuel economy change would be systematic, a modification of the fuel economy standards would be required.

The Energy Policy and Conservation Act, states that procedures used in testing and calculating fuel economy for use in determining corporate average fuel economy "* * * shall be the procedures utilized by the EPA Administrator for model year 1975 * * * or procedures which yield comparable results" (15 U.S.C. 2003(d)(1)). It is the Agency's opinion that, under this provision of the Act, EPA may modify the 1975 test pro-

cedures to make them more accurate, valid, or easy to administer, so long as the modification does not substantially alter the measured average fuel economy of an ordinary fleet of vehicles subject to the statutory standards. If a vehicle manufacturer has altered the design or composition of its fleet to take advantage of some inaccuracy in EPA's test procedure, elimination of that inaccuracy may substantially alter the measured average fuel economy of an ordinary fleet—one that is not biased to take advantage of the test inaccuracy—then the change would be permissible. By eliminating inaccurately high measured average fuel economy for biased fleets of certain manufacturers, such improvements in EPA test procedures would protect both consumers and competing manufacturers against misleading fuel economy estimates and claims.

Analysis of comments received in response to the Notice and review of data from certification records for the 1975 and 1977 model years indicates reducing the size of the inertia weight increments would not substantially alter the measured average fuel economy of an ordinary fleet of vehicles. The smaller inertia weight test increments are intended to improve the accuracy of test simulation of actual loaded vehicle weights. Adoption of this test procedure change could only decrease a manufacturer's measured average fuel economy if the manufacturer has chosen to bias the weights of the vehicles offered for sale so that, on the average, the weights tend to exceed the current test weight within each inertia weight class, thereby taking advantage of an inaccuracy in the 1975 test procedures. Although eliminating this inaccuracy may substantially alter measured average fuel economy of such a biased fleet, it should not substantially alter the measured average fuel economy of an ordinary fleet without such bias. Therefore, no industry-wide adjustment in either the fuel economy standards or the individual test results is required.

However, under the provisions of NHTSA's final rulemaking on "Reduction Of Passenger Automobile Average Fuel Economy Standards" soon to be published, manufacturers may individually request from NHTSA a reduction in fuel economy standards based on changes in the stringency of nonfuel economy standards or changes in test procedures which affect the stringency of nonfuel economy standards. EPCA provides for such reductions for only the 1978 through 1980 model years due to the lead time constraints placed upon manufacturers for modifying their product plans to meet both fuel economy and non-fuel economy standards (15 U.S.C. 2002(d)). Since this test procedure change is also being promulgated for the emissions certification program, individual manufacturers may request from NHTSA that their individual fuel economy standard be reduced.

(3) Insufficient lead time and high cost for facilities modification: Several manufacturers commented that there was insufficient lead time for the dynamometer modifications prior to the 1979 model year. Although some of the modified dynamometer packages have already been manufactured and delivered, it will take approximately one year to equip one-half of the dynamometers currently in the field. Equitable distribution of the dynamometer modifications might also be a problem. If the available modifications are not uniformly distributed, it may be very difficult for some manufacturers to obtain the new inertia weight systems with sufficient lead time for 1979 model year testing. Therefore, the proposal has been changed to be effective beginning with the 1980 model year. Such a change will provide sufficient lead time for dynamometer facility modifications.

In regard to the cost of the modification, estimates by EPA and manufacturers indicate an expense of up to $20,000 per test cell, which includes $6,000 for automatic road load selection. This modification gives a dynamometer the ability to test vehicles at all the new inertia weight settings. Less costly modifications (about $3,000) are also available; however, these would limit a dynamometer's capability to test vehicles in either the high or low inertia weight ranges, but not in both. Such lower cost modifications may be very practical for manufacturers whose product line does not cover the full range of inertia weights, and for manufacturers who can earmark dynamometers for either low or high inertia weight vehicles. For the full modification at a cost of $20,000 per dynamometer, the total cost to the industry for facility modifications is estimated at $6 million. Amortized over 5 years, this total industry cost equates to approximately $0.14 per vehicle sold. The Agency does not believe that this represents a significant cost burden to the industry.

(4) Reduced incentive for vehicle weight reduction: Some manufacturers commented that the proposed change would reduce, or at least not increase, incentive for large vehicle weight reductions They argue that under the current inertia weight increments, a significant vehicle weight reduction (for example, 500 pounds) may be required in order to move a vehicle into the next lower inertia weight class, but they receive a corresponding fuel economy test benefit. EPA continues, however, to support the increased incentive for weight reduction due to smaller inertia weight test increments. With the adoption of the smaller increments, a larger percentage of manufacturer's product line will be close to the next lower test weight. Therefore, more vehicles will be likely to receive a fuel economy test credit for a relatively small decrease in vehicle weight. The larger credit available by way of a major redesign which significantly reduces vehicle weight can still be realized by a manufacturer. However, as stated by one manufacturer, this change in test weight increments is expected to make vehicle weight reduction efforts more cost effective than under the current system.

REVISED ROAD LOAD DETERMINATION

When EPA exhaust emission or fuel economy tests are performed on a chassis dynamometer, the dynamometer is adjusted to simulate the road experience of the test vehicle. The total vehicle road load is the sum of the aerodynamic drag and the rolling resistance. The rolling resistance is primarly from the energy dissipation of the tires. On a dynamometer with small, twin rolls, such as that currently used by EPA and the industry, the two tires rotate on the rolls and dissipate approximately the same amount of power as four tires would on a flat road surface. Therefore, the tire rolling resistance of the vehicle is primarly simulated by the power dissipation of the two driving tires during the dynamometer test. The dynamometer power absorption is adjusted for each test and each vehicle, and is intended to predominantly represent the aerodynamic drag of the vehicle.

The current regulations specify that the dynamometer power absorption be determined from the vehicle weight. This assumes that the aerodynamic drag is indirectly predicted by the vehicle weight. This assumption is reasonable for vehicles of conventional shape and proportion because vehicle size, aerodynamic drag, and weight tend to increase simultaneously. However, within a particular weight range, vehicle shape, and thus aerodynamic drag, may vary considerably. The proposed regulations attempted to improve the accuracy of the prediction system by proposing a system based directly on parameters related to the vehicle aerodynamic drag. The proposed system uses vehicle reference frontal area in conjunction with vehicle shape and protuberance information to estimate the aerodynamic drag coefficient of the vehicle.

The comments on this proposal by the manufacturers were negative. The general areas of objection were:

1. The equation predicts higher road load values than those in the current regulations or those derived from road data.

2. The equation is too complex. The necessary parameters are difficult to ascertain. It is confusing.

3. The equation establishes a design standard and may result in vehicle designs which are not aerodynamically optimum.

4. The equation does not consider some important areas of vehicle design which affect the vehicle aerodynamic drag.

In response to these objections, the road load prediction equation has been modified. The discrepancies between the road load values predicted by the equation and the road load data supplied by the manufacturers resulted primarily from discrepancies in the measurements of the vehicle reference frontal areas. The source of these discrepancies has been identified. The use of vehicle reference frontal areas supplied by the manufacturers has eliminated the net overall tendency for the equation to predict road load values higher than those in the current table in the regulations.

The equation has been substantially simplified. The revised equation considers vehicle shape only to determine if the vehicle should be classed as a fastback or

non-fastback model. The separation of vehicles into classes based on aerodynamic drag characteristics is a similar approach to that used in the light-duty truck regulations (41 FR 56316) in which distinctions were made between open and closed bed trucks. Further simplification occurs in the protuberance term of the revised equation since only a single protuberance term is used which corresponds to the increase in frontal area (and hence aerodynamic drag) caused by the various protuberances. Each protuberance was treated individually in the original proposal.

The simplification of the equation should eliminate the objection that it establishes design standards since the revised equation only differentiates between fastback and non-fastback models, and only considers the additional frontal area due to protuberances. In any event, the establishment of testing procedures that take account of the actual effects of a design does not establish a design standard.

The objection that the equation does not consider some important areas of vehicle design which affect the vehicle aerodynamic drag is still valid. However, the simplified equation is substantially more representative than the equation in the current regulations, and it answers the criticisms of the proposed version of excessive complexity and imposition of a design standard.

No manufacturer indicated that the use of an equation for road load prediction, versus the current table, would require significant lead time for equipment modifications. Consequently, effective beginning with the 1979 model year, the method of determining the nominal dynamometer road load setting will be based primarily upon vehicle reference frontal area rather than vehicle inertia weight. Alternative procedures for determining vehicle road load will continue to be allowed.

OPTION, MODEL AND OPTIONAL EQUIPMENT USAGE

The NPRM proposed, for the first time, specific definitions for the terms "option" and "model" as they apply to the emission regulations. Also proposed was a revised method for assigning the weight of optional equipment for calculating vehicle curb weight. The latter proposal stated that an option must now be expected to be sold on over 33 percent of a carline, rather than an engine family, for its weight to be included.

The manufacturers who responded had mixed reactions. All agreed that the proposal was much more realistic than the current regulations, but some objected on the grounds that some vehicles would be shifted to a higher inertia weight class or test weight, the result of which would be a decrease in measured fuel economy. Objections to the model definition were based upon the same reasoning—a change in inertia weight class or test weight.

EPA agrees that individual vehicles may shift from one inertia weight class or test weight to another solely because of these revised definitions just as movement of vehicles between test weights might be expected due to the adoption of smaller inertia weight increments. However, no substantial change in measured average fuel economy of an ordinary fleet of vehicles should result from adoption of this change in definitions of option and model or the revised optional equipment usage procedure. Therefore, for the same reasons as more fully explained in the discussion concerning the revised inertia weight increments, no industry-wide adjustment in the fuel economy standard or individual test results is required. EPA is promulgating the option and model and optional equipment usage changes for the 1980 model year instead of the 1979 model year as proposed in order to coincide with the implementation of the new test weight intervals. This will minimize the disruption of the manufacturers product line while still implementing these amendments. As in the case of the change in dynamometer inertia weight increments, individual manufacturers may request from NHTSA a reduction in their fuel economy standards for the 1980 model year since this test procedure change is also being promulgated for the emissions certification program.

OTHER TEST PROCEDURE CHANGES

The Notice included a number of test procedure changes most of which were promulgated as interim-final for the 1978 model year plus some gasoline test fuel specification changes proposed for 1979. Comments were received on all of these items, with several of the comments being adverse.

Four manufacturers chose to comment on the change to require the measurement of the actual driven distance during the test. The Agency proposed this change in order to be able to measure the distance actually driven by each vehicle on each test, as opposed to simply assuming a nominal driven distance as in the current practice. Although all commentors agreed that the change is a reasonable amendment, one manufacturer argued that the change had a definite directional effect on measured fuel economy and emissions and that a correction factor should be developed. However, tests at the EPA facility have not indicated any necessarily directional effect on measured fuel economy for the industry. For this reason, the actual driven distance measurement will remain in the regulations, effective beginning with the 1978 model year, without any adjustment to the fuel economy standard. However, as in the case of the change in dynamometer inertia weight increments, individual manufacturers may request from NHTSA a reduction in their fuel economy standards for the 1978 through 1980 model years since this test procedure change is also being promulgated for the emissions certification program.

Another manufacturer suggested that other means of measuring actual driven distance are feasible in addition to the technique described in the regulations. The Agency has accepted this suggestion and the accompanying suggestion that the regulations be revised to allow other measurement techniques if approved in advance by the Administrator.

The change in the gasoline test fuel specifications included changes in maximum allowable Research octane numbers and the addition of minimum fuel sensitivity values. There were no adverse comments concerning the reduced Research octane numbers; however, most commentors objected to the magnitude of the sensitivity values for leaded fuel. EPA has re-examined the data available and agrees with the comments that the proposed sensitivity specification for leaded fuel was in error. The regulations are amended to change the leaded test fuel sensitivity specification from 9.0 to 7.5.

For mileage accumulation fuel, the proposed regulations required that the fuel be within 1.0 Research octane number (RON) of the fuel recommended to the consumer and that the fuel sensitivity be a minimum of 8.0. Two manufacturers objected to the RON specification proposed. The comment was essentially that the limit on the RON should reflect the range of commercially available fuel. However, the Agency believes that the vehicles tested for emissions should demonstrate the ability to operate successfully on fuel representative of the fuel which will be recommended to the ultimate purchaser.

Further, an objection to the sensitivity specification was also expressed. As in the case of the test fuel, a reexamination of the data has caused EPA to change its position and amend the sensitivity specification in the final rulemaking from 8.0 to 7.5.

One commentor objected to the increase in the number of calibrating gases for HC and NO_x analyzers. However, more recent data developed by EPA since the publication of the IFRM have further demonstrated the inadequacy of the old procedures and strengthened the need for the new procedure when measuring HC and NO_x on non-linear analyzer ranges. Therefore, the regulations will be adopted as proposed. No adverse comments were received on any other test procedure (Part 86) proposals.

DATA ACCEPTANCE AND DATA HANDLING

One manufacturer pointed out an error in the proposed regulations which is being corrected in the final regulations. The proposal stated that all engine, emission control system, and drivetrain items on a fuel economy data vehicle must be the same as when the mileage was accumulated. This is inconsistent with the EPA policy of allowing some engine components, transmissions, and axles to be changed on fuel economy data vehicles. The final regulations have been changed to correct this error.

Two comments were received regarding the lack of specificity in the regulations regarding the procedures used to evaluate whether test data are acceptable. The current procedure of having only general guidelines in the regu-

lations and re-evaluating the specific data screening criteria annually provides the flexibility necessary to react to changing vehicle designs and circumstances. Therefore, the Agency will not be changing this policy.

The section of the regulations pertaining to the review and acceptance of data caused one manufacturer to express concern that previously accepted data and previously calculated labels might be suspended due to a correlation problem. The Agency realizes the jeopardy which a manufacturer could face if a longstanding correlation problem is suddenly identified. EPA will continually monitor the correlation between the manufacturers' and EPA's laboratories, and will attempt to minimize jeopardy while maintaining the integrity of the program at the highest possible level.

DATA REPORTING

The expanded detail now required in the quarterly production reports drew mixed comments. One manufacturer stated that they did not object to the new requirements; another stated that they could meet the requirements but that the submission of the early 1978 model year quarterly reports might be delayed until new tracking systems are fully implemented. A third manufacturer stated that the new requirements would cause them to need 30 additional days to submit reports.

Because of the widely varying comments, the Agency must assume that the impact of a timing constraint for submission of data differs considerably between manufacturers and that a single timing requirement for all manufacturers may be inappropriate. For this reason, the regulations have been changed from the proposal to allow the Administrator to grant an extension of time to manufacturers for submitting the quarterly production reports.

One manufacturer indicated that it might have a parallel problem in responding to the requirement to calculate and to submit a preliminary average fuel economy value within 10 days. Here also, the regulations are being changed to allow the Administrator to grant a waiver.

The suggestion was received from one source that the Agency accept and use data from uncertified vehicles in the preliminary calculation. However, the preliminary average and subsequent determination of exemption from further running change testing are based on projected sales of certified vehicle configurations rather than actual sales. The major reason the Agency must reject this idea is that a substantial number of certification test vehicles are never certified or, if they are certified, they are not offered for sale. Allowing the use of data from uncertified vehicle configurations would exacerbate the problems associated with determining testing exemptions. If new base levels or vehicle configurations are added to the product line after the preliminary calculation, they are tested (in most cases) and the data included in a recalculation of the preliminary average. By accepting data from uncertified vehicles, the Agency runs the untenable risk of granting an exemption based upon data from a car which may never be certified and sold.

The regulations currently require that any manufacturer who desires to receive a credit for application against another model year's average must conduct running change testing. One respondent commented that it is unfair to require a manufacturer whose average is considerably above the standard to conduct running change testing, when it is clear with or without the running change testing that he deserves a credit. EPA agrees, and the regulations have been amended to modify the restriction on credits. It is expected that separate running change exemption criteria might be applied to manufacturers who desire both a credit and a running change exemption.

GM commented that running changes should be tested only if they affect significant model types, with a significant model type being defined as a model type that constitutes at least one percent of the product line. The Agency has examined this proposal and has found good cause to reject it. An examination of 1977 model year data showed that less than ten percent of GM's model types would be considered to be significant model types. This fact, coupled with another facet of GM's proposal which suggested that only running changes which caused a fuel economy change of ±1 mpg (which is very uncommon) be accounted for in production, would effectively negate the value of testing running changes. Furthermore, the proposal ignores the fact that a series of running changes could cause more than one mpg change in model fuel economy.

The notice requested comments on the expected testing impact upon the regulated industry due to the requirement to evaluate the fuel economy effect of running changes. Two manufacturers responded and neither felt that the proposed sampling scheme was unduly burdensome. One manufacturer expressed concern that although the total number of test vehicles per manufacturer is expected to be minimal, all of these vehicles arriving at the EPA laboratory for testing at the same time could overload the EPA test facility in Ann Arbor. The Agency does not believe that this will be a problem.

BASIC SAMPLING SCHEME

In addition to the comments discussed previously, the Agency received comments on the basic sampling scheme. Two manufacturers supported the scheme as reasonable and sufficient.

The Agency specifically solicited the assistance of the American Society for Testing and Materials (ASTM) in evaluating the sampling scheme. Although time did not permit any official ASTM response, several members of the ASTM statistical committee commented at length on the issue and offered several suggestions.

The committee members strongly opposed the proposed "representativeness" sampling scheme for the purpose of determining a manufacturer's average fuel economy. They suggested that the sampling scheme should be based upon a statistical sampling plan, with both the number of vehicles and the identification of test vehicles determined by statistical methods. Their criticism of the proposal centered upon the facts that the proposal was completely non-statistical in nature and that many statistically insignificant vehicles would be tested.

The Agency is in agreement with the ASTM committee members' comments. As the preamble to the IFRM pointed out, the Agency made a serious and protracted effort to devise a statistically-based sampling scheme for fuel economy compliance. However, the reasons for dropping the original statistical proposals also apply to the ASTM commentors' suggestions, at least for the near term. The requirements of the Act, as well as economic considerations, dictate that the fuel economy testing program and the emission certification program share the same data base to the maximum extent possible. Since leadtime did not permit the redesign and amendment of the regulations for the certification program vehicle selection procedure, EPA had to use data from the certification test vehicles (approximately 600) as the basis of the fuel economy data base and supplement these data with data from additional vehicles as necessary.

A second constraint not mentioned by the commentors from ASTM is that fuel economy data are generated not only for the calculation of a manufacturer's average but also for use in the fuel economy labeling program. The labeling program requires that data generated from only a few test vehicles be representative of the fuel economy of an entire model type. One of the ASTM commentors stated that when sample sizes less than 10 are necessary, purposive sampling rather than random sampling may yield better results. The requirements of the labeling program dictate that some degree of purposive sampling is appropriate unless a considerably larger test fleet with much higher testing costs is to be required. In EPA's judgment, requiring a significantly larger test fleet is not cost effective.

For the longer term, adoption of some of the ASTM committee members' suggestions may be feasible. EPA will give further consideration to the ASTM committee members' proposals and attempt to improve current vehicle selection procedures.

INDEPENDENT AUDIT

One manufacturer commented that it is not possible to provide a meaningful audit of production data, and other commentors challenged EPA's authority to require an independent audit. The Agency believes that an independent audit may be a somewhat burdensome method to verify the accuracy of the final production data that will be used to calculate a manufacturer's final fuel economy average and is therefore substituting the requirement that the chief executive officer of the corporation attest to the accuracy of the production data in lieu

of the independent audit requirement that was contained in the proposal. This approach properly places the responsibility for accurate production data solely on the manufacturer, but it does not specify how the verification of the data should be made.

OTHER MINOR CHANGES

A number of minor changes are being made to the regulations based on EPA's experience with the mandatory fuel economy labeling program in the 1977 model year and on the pilot fuel economy calculation program. These changes are more significant than technical amendments but do not impose any significant burden on the regulated industry. These changes, listed below are therefore being promulgated as interim regulations, applicable as published to the 1978 model year and proposed for later model years.

The Agency finds that notice and public participation is contrary to the public interest in order to make these rules effective for the beginning of the 1978 model year. Comment is invited on the application of these provisions to later model years.

1. In the certification vehicle definition, the section reference was changed to reflect applicability to light-duty vehicles and light-duty trucks only. (§ 600.002)

2. The requirement was added that all vehicles used to generate fuel economy data must be certified before the data is used in any calculations. (§ 600.007)

3. The round off procedures for calculating fuel economy values for a vehicle configuration and for a model type are clarified. (§ 600.206 and § 600.207).

4. The requirements concerning a manufacturer's request for a general label have been clarified. (§ 600.313-78)

5. The requirements concerning submittal of the manufacturer's average fuel economy value are clarified. The term "public introduction date" has been changed to "date of the preliminary calculation submission." The data to be included in the preliminary calculations are clarified. The precision of the sales fraction to be used in the calculation has been defined. (§ 600.506)

6. The fuel economy data from vehicles tested for determining Part 86 compliance of running changes are included in the determination of average fuel economy. The word "annual" is used in place of "model year" for passenger automobile production data. The conversion factor for converting gallons of diesel fuel to equivalent gallons of gasoline is revised to 1.0 from 0.96. The precision in the manufacturer's average calculation has been clarified and revised. (§ 600.510)

TECHNICAL AMENDMENTS

As discussed in the IFRM, the Agency must promulgate fuel economy testing and calculation procedures applicable to a model year not less than 12 months before the model year. However, the Act does allow that amendments of a technical or clerical nature may by made subsequent to this time (15 U.S.C. 2003 (d)(3)). The preamble of the IFRM noted that we would evaluate the comments received and make any appropriate technical or clerical amendments, and that these amendments would be effective for the 1978 model year. Accordingly, several amendments have been made to the regulations, most of which are discussed earlier in this preamble, and are outlined below:

1. Measurement of actual driven distance—alternate procedures now allowed if approved in advance by the Administrator.

2. Vehicle acceptability—correct the regulations to reflect current practice.

3. Quarterly production reports—allow the Administrator to waive the timing constraint upon petition of the manufacturer.

4. Preliminary average—allow the Administrator to waive the timing constraint upon petition of the manufacturer.

5. Credits—remove the requirement that a manufacturer must conduct running change testing in order to receive a credit.

In addition, it was determined that the procedures, as described in the IFRM, for the calculation of manufacturers' average fuel economy (§ 600.510) were in need of clarification. In response to this need and in view of the non-passenger fuel economy regulations which will soon be promulgated as amendments to these regulations, it was decided to revise and reorganize the section pertaining to the determination of average fuel economy. The calculation procedures will remain in section 600.510 but the model year report requirements have been placed in a new section 600.512. (The old section 600.512, Independent audit of production data, has been deleted.) The reformulation of the calculation procedures does not represent a substantive change.

EFFECTIVE DATE

The Agency finds that notice and public procedure before promulgating these interim regulations would be contrary to the public interest, because it is in the public interest to make these changes effective at the beginning of the 1978 model year, and notice and public procedure would prevent that. Comment is invited on the application of these provisions to later model years.

ECONOMIC IMPACT

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

AVAILABILITY OF DOCUMENTS

Copies of EPA's summary and analysis of comments to the NPRM and supporting documentation are available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

Date: August 31, 1977.

DOUGLAS M. COSTLE,
Administrator.

Part 86 of Chapter I, Title 40 of the Code of Federal Regulations is hereby amended in Subparts A and B as follows:

1. § 86.078-37 is amended by revising paragraph (b)(1) to read as follows:

§ 86.078-37 Production vehicles and engines.

* * * * *

(b)(1) Any manufacturer of light-duty vehicles or light-duty trucks, obtaining certification under this part shall notify the Administrator, on a quarterly basis, of the number of vehicles domestically produced for sale in the United States and the number of vehicles produced and imported for sale in the United States during the preceding quarter. A manufacturer may elect to provide this information every 60 days instead of quarterly, to combine it with the notification required under § 86.078-36. The notification must be submitted 30 days after the close of the reporting period unless, upon petition by the manufacturer, the Administrator finds good cause to waive this requirement and set an alternative reporting date for this report. The vehicle production information required shall be submitted as follows:

(i) Total production volume expressed in terms of units produced.

(ii) Model type production volume, expressed for each model type in terms of units produced and as a percentage of total production.

(iii) Base level production volume, expressed for each base level in terms of units produced and as a percentage of (A) the total production of its respective model type(s) and, (B) total production.

(iv) Vehicle configuration production volume, expressed for each vehicle configuration in terms of units produced, and as a percentage of the total production of its respective base level. In addition, each vehicle configuration shall be identified by its appropriate engine-system combination.

2. A new § 86.080-2 is added as follows:

§ 86.080-2 Definitions.

The following definitions apply beginning with the 1980 model years. Section 86.079-2 remains in effect, except for the definition of vehicle configuration which is hereby superseded.

"Body style" means a level of commonality in vehicle configuration as defined by number of doors and roof treatment (e.g., Sedan, Convertible, Fastback, Hatchback).

"Drivetrain configuration" means a unique combination of engine code, transmission configuration and axle ratio.

"Inertia weight class" means the class, which is a group of test weights, into which a vehicle is grouped based on its loaded vehicle weight in accordance with the provisions of Part 86.

"Model" means a specific combination of carline, body style, and drivetrain configuration.

"Option" means any available equipment or feature not standard equipment on a model.

"Standard equipment" means those features or equipment which are marketed on a vehicle over which the purchaser can exercise no choice.

"Test weight" means the weight, within an inertia weight class, which is used in the dynamometer testing of a vehicle, and which is based on its loaded vehicle weight in accordance with the provisions of Part 86.

"Vehicle configuration" means a unique combination of basic engine, engine code, inertia weight class, transmission configuration and axle ratio.

3. A new § 86.080-24 is added as follows:

§ 86.080-24 Test vehicles and engines.

(a) (1) The vehicles or engines covered by an application for certification will be divided into groupings of engines which are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air cooled or water cooled; L-6, 90° V-8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ⅛-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics; gasoline-fueled vehicles and engines only.

(ix) Thermal reactor characteristics; gasoline-fueled vehicles and engines only.

(3) Engines identical in all the respects listed in paragraph (a) (2) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The bore and stroke.

(ii) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition or injection timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraphs (a) (2) and (3) of this section, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(5) The gasoline-fueled vehicles covered by an application for certification will be divided into groupings which are expected to have similar evaporative emission characteristics throughout their useful life. Each group of vehicles with similar evaporative emission characteristics shall be defined as a separate evaporative emission family.

(6) To be classed in the same evaporative emission family, vehicles must be similar with respect to:

(i) Type of vapor storage device (e.g., canister, air cleaner, crankcase).

(ii) Canister design characteristics.

(iii) Fuel system characteristics.

(7) Where vehicles are of a type which cannot be divided into evaporative emission families based on the criteria listed above, the Administrator will establish families for those vehicles based upon the features most related to their evaporative emission characteristics.

(b) Emission data. (1) *Emission-data vehicles.* Paragraph (b) (1) of this section applies to light-duty vehicle and light-duty truck emission-data vehicles.

(i) Vehicles will be chosen to be operated and tested for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Vehicles within an engine family will be divided into engine displacement-exhaust emission control system combinations as applicable. A projected sales volume will be established for each combination for the model year for which certification is sought. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination may be selected. The vehicle selected for each combination will be specified by the Administrator as to such features as engine code, transmission type, fuel system, inertia weight class, and test weight.

(iii) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, test weight, transmission options, and axle ratio.

(iv) If the vehicles selected in accordance with paragraphs (b) (1) (ii) and (iii) of this section do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with the control system combination in the engine family and will be designated by the Administrator as to such features as engine code, transmission type, fuel system, intertia weight class, and test weight.

(v) The Administrator will also select one vehicle for each engine-system combination within an engine family for which vehicles are to be sold to ultimate purchasers at high altitude.

(vi) The Administrator may combine testing requirements for any vehicle selected under paragraph (b) (1) (v) or (b) (1) (vii) (D) of this section with the testing requirements for any similar vehicle in the same engine-system combination selected under paragraph (b) (1) (ii), (iii), or (iv) of this section or any similar vehicle in the same engine-system, evaporative emission family evaporative emission control system combination selected under paragraph (b) (1) (vii) (A) or (B) of this section. The testing requirements may be combined by the Administrator by requiring a vehicle selected for testing under paragraphs (b) (1) (ii), (iii), (iv), (vii) (A), or (vii) (B) of this section to be modified (if necessary) after mileage accumulation and emission testing for the purpose of demonstrating compliance with § 86.078-23(c) (1) (ii).

(vii) (A) Vehicles of each evaporative emission family will be divided into evaporative emission control systems. One vehicle of each evaporative emission control system within the evaporative emission family will be selected.

(B) The Administrator may select a maximum of four additional vehicles within each evaporative emission family based upon features indicating that they may have the highest evaporative emission levels of vehicles in that family.

(C) The Administrator may determine that the vehicles selected under paragraphs (b) (1) (ii) through (iv) of this section may be used to satisfy the requirements of paragraphs (b) (1) (vii) (A) and (B) of this section.

(D) The Administrator will also select one vehicle for each evaporative emission control system within each evaporative family for which vehicles are to be sold at high altitude.

(E) Vehicles selected under (b) (1) (v) may be used to satisfy the requirements of (b) (1) (vii) (D).

(2) *Gasoline-fueled heavy-duty emission-data engines.* Paragraph (b) (2) of this section applies to gasoline-fueled heavy-duty engines.

(i) Engines will be chosen to be run for emission data based upon engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into engine displacement-exhaust emission control system combinations. A projected sales volume will be

established for each combination for the applicable model year. One engine of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of engines of that family is represented, or until a maximum of four engines is selected. The engines selected for each combination will be specified by the Administrator as to fuel system.

(iii) The Administrator may select a maximum of two additional engines within each engine family based upon features indicating that they may have the highest emission levels of the engines in that engine family. In selecting these engines, the Administrator will consider such features as the exhaust emission control system, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, and compression ratio.

(iv) If the engines selected in accordance with paragraphs (b)(2) (ii) and (iii) of this section do not represent each engine displacement-exhaust emission control system combination, then one engine of each engine displacement-exhaust emission control system combination not represented shall be selected by the Administrator.

(3) *Diesel heavy-duty emission-data engines.* Paragraph (b)(3) of this section applies to Diesel heavy-duty emission-data engines.

(i) Engines will be chosen to be run for emission data based upon engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into groups based upon exhaust emission control system. One engine of each engine-system combination shall be run for smoke emission data and gaseous emission data as prescribed in § 86.078-26(c)(3). Either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine that features the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed, will usually be selected. If there are military engines with higher fuel rates than other engines in the same engine-system combinatoion, then one military engine shall also be selected. The engine with the highest fuel feed per stroke will usually be selected.

(iii) The Administrator may select a maximum of one additional engine within one engine-system combination based upon features indicating that it may have the highest emission levels of the engines of that combination. In selecting this engine, the Administrator will consider such features as the injection system, fuel system, compression ratio, rated speed, rated horsepower, peak torque speed, and peak torque.

(c) Durability data. (1) *Durability-data vehicles.* Paragraph (c)(1) of this section applies to light-duty vehicle and light-duty truck durability-data vehicles.

(i) A durability-data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control-system combination in that engine family and will be designated by the Administrator as to transmission type, fuel system, inertia weight class, and test weight.

(ii) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system, inertia weight class, and test weight as the vehicle selected for that engine-system combination in accordance with the provisions of paragraph (c)(1)(i) of this section. Notice of an intent to operate and test additional vehicles shall be given to the Administrator no later than 30 days following notification of the test fleet selection.

(2) *Gasoline-fueled heavy-duty durability-data qngines.* Paragraph (c)(2) of this section applies to gasoline-fueled heavy-duty durability-data engines.

(i) A durability-data engine will be selected by the Administrator to represent each engine-system combination. The engine selected shall be of the displacement with the largest projected sales volume of engines with that exhaust emission control system in that engine family and will be designated by the Administrator as to fuel system.

(ii) [Reserved]

(iii) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same engine displacement and fuel system as the engine selected for that combination in accordance with the provisions of paragraph (c)(2)(i) of this section. Notice of an intent to run additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection. Deterioration factors calculated for each engine-system combination shall be applied separately to military and nonmilitary engines within the same engine-system combination.

(3) *Diesel heavy-duty durability-data engines.* Paragraph (c)(3) of this section applies to Diesel heavy-duty durability-data engines.

(i) One engine from each engine-system combination shall be tested as prescribed in § 86.078-26(c)(3)(ii). At each test point, either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine which features the highest fuel feed per stroke, primarily at rated speed and secondarily at the speed of maximum rated torque, will usually be selected for durability testing. In the case where more than one engine in an engine-system combination has the highest fuel feed per stroke, the engine with the highest maximum rated horsepower will usually be selected for durability testing. If an engine-system combination includes both military and nonmilitary engines, then the nonmilitary engine with the highest maximum rated horsepower will usually be selected for durability testing.

(ii) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same model and fuel system as the engine selected in accordance with the provisions of paragraph (c)(3)(i) of this section. Notice of an intent to test additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection. Deterioration factors calculated for each engine-system combination shall be applied separately to military and nonmilitary engines within the same engine-system combination.

(d) For purposes of testing under § 86.078-26 (a)(9), (b)(9) or (c)(11), the Administrator may require additional emission-data vehicles (or emission-data engines) and durability-data vehicles (or durability-data engines) identical in all material respects to vehicles (or engines) selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of vehicles selected shall not increase the size of either the emission-data fleet or the durability-data fleet by more than 20 percent or one vehicle, whichever is greater.

(e) Any manufacturer whose projected sales for the model year in which certification is sought is less than

(1) 2000 gasoline-fueled light-duty vehicles, or

(2) 2000 Diesel light-duty vehicles, or

(3) 2000 gasoline-fueled light-duty trucks, or

(4) 2000 Diesel light-duty trucks, or

(5) 700 gasoline-fueled heavy-duty engines, or

(6) 200 Diesel heavy-duty engines, may request a reduction in the number of test vehicles (or engines) determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(f) In lieu of testing an emission-data or durability-data vehicle (or engine) selected under paragraph (b) or (c) of this section, and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data and/or fuel evaporative emission data, as applicable on a similar vehicle (or engine) for which certification has previously been obtained or for which all applicable data required under § 86.078-23 has previously been submitted.

(g) (1) This paragraph applies to light duty vehicles and light duty trucks.

(2) Where it is expected that more than 33 percent of a car line, within an engine-system combination, may be equipped with an item (whether that item is standard equipment or an option), the full estimated weight of that item shall be included in the curb weight computation of each vehicle available with that item in that carline, within that engine-system combination. Where it is expected that 33 percent or less of

the carline, within an engine-system combination, will be equipped with an item (whether that item is standard equipment or an option) no weight for that item will be added in computing the curb weight for any vehicle in that carline, within that engine-system combination, unless that item is standard equipment on the vehicle. In the case of mutually exclusive options, only the weight of the heavier option will be added in computing the curb weight. Optional items weighing less than three pounds per item need not be considered.

(3) Where it is expected that more than 33 percent of a car line, within an engine-system combination, will be equipped with an item (whether that item is standard equipment or an option) that can reasonably be expected to influence emissions, then such items shall actually be installed, unless specifically excluded by the Administrator, on all emission data and durability data vehicles of that car line, within that engine-system combination, on which the items are intended to be offered in production. Items that can reasonably be expected to influence emissions are: air conditioning, power steering, power brakes, and other items determined by the Administrator.

(4) Where it is expected that 33 percent or less of a car line within an engine-system combination, will be equipped with an item (whether that item is standard equipment or an option) that can reasonably be expected to influence emissions, that item shall not be installed on any emission data vehicle or durability data vehicle of that car line, within that engine-system combination, unless that item is standard equipment on that vehicle or specifically required by the Administrator.

4. A new § 86.080-26 is added as follows:

§ 86.080-26 Mileage and service accumulation; emission measurements.

(a) (1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(2) The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 86.129, the manufacturer may elect to conduct the respective emission tests at the test weight corresponding to the higher loaded vehicle weight.

(3) *Emission-data vehicles.* Unless as otherwise provided for in § 86.078-23(a), emission-data vehicles shall be operated and tested as follows:

(i) *Gasoline-fueled.* (A) Each gasoline-fueled emission-data vehicle shall be driven 4000 miles with all emission control systems installed and operating. Complete exhaust emission tests shall be conducted at zero and 4000 miles on those vehicles selected under § 86.078-24 (b)(1)(ii) through (b)(1)(v). Complete exhaust and evaporative emission tests shall be conducted at zero miles and 4000 miles on those vehicles selected under § 86.078-24(b)(1)(vii). The manufacturer may at his option test the vehicles selected under § 86.078-24(b)(1)(vii) up to three times at the 4000-mile test point as long as the ±250-mile test tolerance is adhered to. The Administrator may determine under § 86.078-24(f) that no testing is required.

(B) The emission-data vehicle(s) selected for testing under § 86.078-24 (b)(1)(v) or (b)(1)(vii)(D) shall be driven 6436 kilometers (4000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6436 kilometers (4000 miles) under high-altitude conditions.

(C) The emission-data vehicle(s) selected for testing under § 86.078-24 (b)(1)(v) or (b)(1)(vii)(D) and permitted to be tested for purposes of § 86.078-23 (c)(1)(ii) under the provisions of § 86.078-24(b)(1)(vi) shall be driven 6,436 kilometers (4,000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6,436 kilometers (4,000 miles) under both low- and high-altitude conditions. For the purposes of this subparagraph, "low altitude" means any elevation less than 549 meters (1,800 feet).

(ii) *Diesel.* (A) Each Diesel emission-data vehicle shall be driven 6,436 kilometers (4,000 miles) with all emission control systems installed and operating. Emission tests shall be conducted at zero kilometers (zero miles) and 6,436 kilometers (4,000 miles).

(B) The emission-data vehicle(s) selected for testing under § 86.078-24(b)(1)(v) shall be driven 6,436 kilometers (4,000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6,436 kilometers (4,000) miles under high-altitude conditions.

(C) The emission-data vehicle(s) selected for testing under § 86.078-24(b)(1)(v) and permitted to be tested for purposes of § 86.078-23(c)(1)(ii) under the provisions of § 86.078-24(b)(1)(vi) shall be driven 6,436 kilometers (4,000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6,436 kilometers (4,000 miles) under both low- and high-altitude conditions. For the purpose of this subparagraph "low altitude" means any elevation less than 549 meters (1,800 feet).

(4) *Durability-data vehicles.* Unless as otherwise provided for in § 86.078-23(a), durability-data vehicles shall be operated and tested as follows:

(i) *Gasoline-fueled.* Each gasoline-fueled durability-data vehicle selected by the Administrator or elected by the manufacturer under § 86.078-24(c)(1) shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objective of this procedure. Complete exhaust emission tests shall be made on all durability-data vehicles selected by the Administrator or elected by the manufacturer under § 86.078-24(c) at the following mileage points: 0; 5,000; 10,000; 15,000; 20,000; 25,000; 30,000; 35,000; 40,000; 45,000; 50,000. The Administrator may determine under § 86.-078-24(f) that no testing is required.

(ii) *Diesel.* Each Diesel durability-data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of the procedure. Complete emission tests (see §§ 86.106 through 86.145) shall be made at the following mileage points: 0; 5,000; 10,000; 15,000; 20,000; 25,000; 30,000; 35,000; 40,000; 45,000; 50,000.

(5) All tests required by this subpart to be conducted after every 5,000 miles of driving for durability-data vehicles and 4,000 miles for emission-data vehicles must be conducted at any accumulated mileage within 250 miles of each of those test points.

(6) (i) The results of each emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within 3 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.078-23. Where the Administrator conducts a test on a durability-data vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be rounded, using the "Rounding Off Method" specified in ASTM E29-67, to the number of places to the right of the decimal point indicated by expressing the applicable emission standards of this subpart to three significant figures.

(7) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero-mile test data to the Administrator (except for those vehicles for which the zero-mile test requirement has been waived under § 86.078-23(a)(2)) and make the vehicle available for such testing under § 86.078-29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(8) Once a manufacturer begins to operate an emission-data or durability-data vehicle, as indicated by compliance

with paragraph (a)(7) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculations under § 86.078-28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(9) (i) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(ii) The test procedures in §§ 86.106 through 86.145 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification vehicle other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

(11) This section does not apply to testing conducted to meet the requirements of § 86.078-23(b)(2).

(b) (1) Paragraph (b) of this section applies to gasoline-fueled heavy-duty engines.

(2) The engine dynamometer service accumulation schedule will consist of several operating conditions which give the same percentage of time at various manifold vacuums and modes as specified in the emission test cycle. The average speed shall be between 1,650 and 1,700 r.p.m. Subject to the requirements as to average speed, there must be operation at speeds in excess of 3,200 r.p.m. (but not in excess of governed speed for governed engines or rated speed for nongoverned engines) for a cumulative maximum of 0.5 percent of the actual cycle time, excluding time in transient conditions. Maximum cycle time shall be 15 minutes. A cycle approved in advance by the Administrator shall be used.

(3) *Emission-data engines.* Unless as otherwise provided for in § 86.078-23(a), emission-data engines shall be operated and tested as follows: Each emission-data engine shall be operated for 125 hours with all emission control systems installed and operating. Emission tests shall be conducted at zero and 125 hours. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(4) *Durability-data engines.* Unless as otherwise provided for in § 86.078-23(a), durability-data engines shall be operated and tested as follows: Each durability-data engine shall be operated with all emission control systems installed and operating, for 1,500 hours. Emission tests shall be conducted at zero hours and at each 125-hour interval. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(5) All tests required by this subpart to be conducted after 125 hours of operation or at any multiple of 125 hours may be conducted at any accumulated number of hours within 8 hours of 125 hours or the appropriate multiple of 125 hours, respectively.

(6) (i) The results of each emission test shall be supplied to the Administrator within 72 hours (or delivered within 5 working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within 5 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.078-23. Where the Administrator conducts a test on a durability-data engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E29-67.

(7) Whenever the manufacturer proposes to operate and test an engine which may be used for emission or durability data, he shall provide the zero-hour test data to the Administrator (except for those engines for which the zero-hour test requirement has been waived under § 86.078-23(a)(2)) and make the engine available for such testing under § 86.078-29 as the Administrator may require, before beginning to accumulate hours on the engine. Failure to comply with this requirement will invalidate all test data later submitted for this engine.

(8) Once a manufacturer begins to operate an emission-data or durability-data engine, as indicated by compliance with paragraph (b)(7) of this section, he shall continue to run the engine to 125 hours or 1,500 hours, respectively, and the data from the engine will be used in the calculations under § 86.078-28. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(9) (i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (§§ 86.777-5 through 86.777-15) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification engine other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

(c) (1) Paragraph (c) of this section applies to Diesel heavy-duty engines.

(2) The procedures set forth in this section describe the service accumulation that shall be accomplished on each test engine and when tests are to be conducted.

(3) (i) *Emission-data engines.* Unless as otherwise provided for in § 86.078-23(a), emission-data engines shall be operated and tested as follows: Each emission-data engine shall be operated for 125 hours with all emission control systems installed and operating. Emission tests shall be conducted at zero and 125 hours.

(ii) *Durability-data engines.* Unless as otherwise provided for in § 86.078-23(a), durability-data engines shall be operated and tested as follows: Each durability-data engine shall be operated, with all emission control systems installed and operating, for 1,000 hours. Emission tests shall be conducted at zero hours and at each 125-hour interval.

(4) A break-in procedure, not to exceed 20 hours, may be run if approved in writing in advance by the Administrator. This procedure would be run after the zero-hour test, and the hours accumulated would not be counted as part of the service accumulation.

(5) Before service accumulation can begin, the following criteria must be met. Failure to comply with these requirements shall invalidate all test data submitted for an engine.

(i) Each engine shall produce at least 95 percent of the maximum horsepower, corrected to rating conditions, at 95 to 100 percent of the rated speed.

(ii) The fuel rate at maximum horsepower shall be within manufacturer's specifications.

(iii) The zero-hour test data shall be provided to the Administrator (except for those engines for which the zero-hour test requirement has been waived under § 86.078–23(a)(2)) and the engine shall be made available for such testing under § 86.078–29 as the Administrator may require.

(6) During service accumulation, hours can be credited toward the required service accumulation hours when the following criteria are met. If these criteria cannot be met, engine operation shall be discontinued and the Administrator shall be notified immediately. (Adjustments to the fuel rate can be approved under the provisions of § 86.078–25.)

(i) Each engine shall produce at least 95 percent of the maximum horsepower, at 95 to 100 percent of the rated speed, observed during zero-hour testing. Horsepower values shall be corrected to the rating conditions.

(ii) The engine shall be operated at 75 percent of the inlet and exhaust restrictions specified in § 86.877–8 except that the tolerance will be ±3 inches of water and ±0.5 inches of Hg, respectively.

(7) During each emission test the inlet and exhaust restrictions shall be as specified in § 86.877–8.

(8) Tests, other than zero-hour tests, may be conducted within 8 hours of the nominal test point.

(9)(i) The results of each emission test shall be air posted to the Administrator within 72 hours of test completion (or delivered within 5 working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided tests. If a manufacturer conducts multiple tests (not to exceed three valid tests) at any test point, the number of tests must be the same at each point. The data obtained from all valid tests shall be used in the calculation of the deterioration factor. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours or delivered within 5 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.078–23. Where the Administrator conducts a test on a durability-data engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E29–67.

(10) Once a manufacturer begins to operate an emission-data or durability-data engine, as indicated by compliance with paragraph (c) of this section, he hours or 1,000 hours respectively, and shall continue to run the engine to 125 the data from the engine shall be used in the calculations under § 86.078–28. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(11) (i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases, the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (§§ 86.877–5 through 86.877–14 and §§ 86.977–5 through 86.977–15) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(12) Emission testing of any type with respect to any certification engine other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

5. § 86.108–78 is amended to read as follows:

§ 86.108–78 Dynamometer.

(a) The dynamometer shall have a power absorption unit for simulation of road load power and fly wheels or other means of simulating the inertia weight as specified in § 86.129.

(b) (1) The dynamometer shall have a roll or shaft revolution counter for determination of distance driven.

(2) In lieu of the requirement in (b)(1) of this paragraph the manufacturer shall provide some means, approved in advance by the Administrator, for the determination of distance driven.

6. A new § 86.108–79 is added and reads as follows:

§ 86.108–79 Dynamometer.

(a) The dynamometer shall have a power absorption unit for simulation of road load power and flywheels or other means of simulating the inertia weight as specified in § 86.129.

(b) (1) The dynamometer shall have a roll or shaft revolution counter for determination of distance driven.

(2) In lieu of the requirement in (b)(1) of this paragraph the manufacturer shall provide some means, approved in advance by the Administrator, for the determination of distance driven.

(c) Small twin-roll dynamometers shall have a nominal roll diameter of 8.65 inches and a nominal roll spacing of 17 inches. Large single-roll dynamometers shall have a nominal roll diameter of 48 inches. Dynamometers with other roll specifications may be used if the total simulated road load power can be shown to be equivalent, and if approved in advance by the Administrator.

7. § 86.113–78 is amended by revising the last sentence of the text and the table in paragraph (b)(2), and revising the last sentence of the text and the table in paragraph (b)(3) to read as follows:

§ 86.113–78 Fuel specifications.

* * * * *

(b) * * *

(2) * * * "Type 2D" grade diesel fuel shall be used.

Item	ASTM test method No.	Type 2-D
Cetane	D613	42–50
Distillation range	D86	
IBP, °F		340–400
10 pct point, °F		400–460
50 pct point, °F		470–540
90 pct point, °F		550–610
EP, °F		580–660
Gravity, °API	D287	33–37
Total sulfur, percent	D129 or D2622	0.2–0.5
Hydrocarbon composition	D1319	
Aromatics, percent (minimum)		27
Paraffins, naphthenes, olefins		Remainder
Flashpoint °F (minimum)	D93	130
Viscosity, centistokes	D445	2.0–3.2

(3) * * * "Type 2-D" grade diesel fuel shall be used.

Item	ASTM test method No.	Type 2-D
Cetane (minimum)	D613	38–58
Distillation range: 90 pct point, °F	D86	430–630
Gravity °API	D287	30–42
Total sulfur, percent (minimum)	D129 or D2622	0.2
Flashpoint, °F (minimum)	D93	130
Viscosity, centistokes	D455	1.5–4.5

* * * * *

8. A new § 86.113–79 is added, identical to § 86.113–78, except for paragraph (a) which reads as follows:

§ 86.113–79 Fuel specifications.

(a) *Gasoline.* (1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing, except that the lead and octane specifications do not apply.

Item	ASTM	Leaded	Unleaded
Octane, research, minimum.	D2699	98	93
Sensitivity, minimum		7.5	7.5
Lead (organic), grams/U.S. gallon.		[1] 1.4	0.00-0.05
Distillation range:			
IBP,[2] °F	D86	75-95	75-95
10 pct point, °F	D86	120-135	120-135
50 pct point, °F	D86	200-230	200-230
90 pct point, °F	D86	300-325	300-325
EP,°F (maximum)	D86	415	415
Sulphur, weight percent, maximum.	D1266	0.10	0.10
Phosphorus, grams/U.S. gallon, maximum.		0.01	0.005
RVP[3 4] pounds per square inch.	D323	8.7-9.2	8.7-9.2
Hydrocarbon composition:			
Olefins, percent, maximum.	D1319	10	10
Aeromatics, percent, maximum.	D1319	35	35
Saturates	D1319	(5)	(5)

[1] Minimum.

[2] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 75-105.

[3] For testing which is unrelated to evaporative emission control, the specified range is 8.0-9.2.

[4] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 7.9-9.2.

[5] Remainder.

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation. For leaded gasoline the minimum lead content shall be 1.4 grams per U.S. gallon, except that where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use a gasoline with a different lead content. The octane rating of the gasoline used shall be no higher than 1.0 research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number. The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a) (2) of this section shall be reported in accordance with § 86.077-21(b) (3).

* * * * *

9. § 86.114-78 is amended by adding paragraph (a) (7) to read as follows:

§ 86.114-78 Analytical gases.

(a) * * *

(7) The use of proportioning and precision blending devices to obtain the required analyzer gas concentrations is allowable provided their use has been approved in advance by the Administrator.

* * * * *

10. § 86.121-78 is amended by revising paragraph (b) (3) to read as follows:

§ 86.121-78 Hydrocarbon analyzer calibration.

* * * * *

(b) * * *

(3) Calibrate on each normally used operating range with propane in air calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

11. § 86.123-78 is amended by revising paragraph (b) (3) to read as follows:

§ 86.123-78 Oxides of nitrogen analyzer calibration.

* * * * *

(b) * * *

(3) Calibrate on each normally used operating range with NO in N2 calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

12. § 86.129-79 is amended by revising the table in paragraph (a) and by revising paragraphs (b) and (c) to read as follows:

§ 86.129-79 Road load power and inertia weight determination.

(a) * * *

Loaded vehicle weight (pounds)	Equivalent inertia weight (pounds)	Road load power at 50 mi/h (horsepower)—light duty trucks [1 2 3]
Up to 1,125	1,000	
1,126 to 1,375	1,250	
1,376 to 1,625	1,500	
1,626 to 1,875	1,750	
1,876 to 2,125	2,000	
2,126 to 2,375	2,250	
2,376 to 2,625	2,500	
2,626 to 2,875	2,750	
2,876 to 3,250	3,000	
3,251 to 3,750	3,500	
3,751 to 4,250	4,000	
4,251 to 4,750	4,500	
4,751 to 5,250	5,000	
5,251 to 5,750	5,500	
5,751 to 6,250	[4] 6,000	
6,251 to 6,750	6,500	
6,751 to 7,250	7,000	
7,251 to 7,750	7,500	
7,751 to 8,250	8,000	
8,251 to 8,750	8,500	
8,751 to 9,250	9,000	
9,251 to 9,750	9,500	
9,751 to 10,000	10,000	

[1] For all light duty trucks except vans, and for heavy duty vehicles optionally certified as light duty trucks, the road load power (horsepower) at 50 mi/h shall be be 0.58 times B (defined below) rounded to the nearest ½ hp.

[2] For vans, the road load power at 50 mi/h (horsepower) shall be 0.50 times B (defined below) rounded to the nearest ½ hp.

[3] "B" is the basic vehicle frontal area (square foot) plus the additional frontal area (square foot) of mirrors and optional equipment exceeding 0.1 ft^2 which are anticipated to be sold on more than 33 pct of the car line. Frontal area measurements shall be computed to the nearest 10th of a square foot using a method approved in advance by the administrator.

[4] Light duty vehicles over 5,750 lb loaded vehicle weight shall be tested with a 5,500 lb equivalent inertia.

(b) *Power absorption unit adjustment—light duty trucks.* (1) The power absorption unit shall be adjusted to re-

produce road load power at 50 mph true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in § 86.118 or other suitable means.

(2) The road load power listed in the table above shall be used or the vehicle manufacturer may determine the road load power by an alternate procedure requested by the manufacturer and approved in advance by the Administrator.

(3) Where it is expected that more than 33 percent of an engine family will be equipped with air conditioning per § 86.078-24(g)(2), the road load power listed above or as determined in paragraph (b)(2) of this section shall be increased by 10 percent, up to a maximum increase of 1.4 horsepower, for testing all test vehicles representing that car line within that engine-system combination if those vehicles are intended to be offered with air conditioning in production. The above increase for air conditioning shall be added prior to rounding off as instructed by notes 2 and 3 of the table.

(c) *Power absorption unit adjustment—light-duty vehicles.* (1) The power absorption unit shall be adjusted to reproduce road load power at 50 mph true speed. The dynamometer power absorption shall take into account the dynamometer friction, as discussed in § 86.118.

(2) The dynamometer road load setting is determined from the equivalent inertia weight, the reference frontal area, the body shape, the vehicle protuberances and the tire type by the following equations.

(i) For light-duty vehicles to be tested on a twin-roll dynamometer.

$$Hp = aA + P + tW$$

Where:

Hp = the dynamometer power absorber setting at 50 mph (horsepower).

A = the vehicle reference frontal area (ft²). The vehicle reference frontal area is defined as the area of the orthogonal projection of the vehicle, including tires and suspension components, but excluding vehicle protuberances, onto a plane perpendicular to both the longitudinal plane of the vehicle and the surface upon which the vehicle is positioned. Measurements of this area shall be computed to the nearest tenth of a square foot using a method approved in advance by the Administrator.

P = the protuberance power correction factor from table 1 of this paragraph (horsepower).

W = vehicle equivalent inertia weight (lbs) from the table in paragraph (a).

a = 0.43 for fastback shaped vehicles = 0.50 for all other light-duty vehicles.

t = 0.0 for vehicles equipped with radial ply tires = 3×10^{-4} for all other vehicles.

A vehicle is considered to have a fastback shape if the rearward projection of that portion of the rear surface (A_b) which slopes at an angle of less than 20 degrees from the horizontal is at least 25 percent as large as the vehicle reference frontal area. In addition, this surface must be smooth, continuous and free from any local transitions greater than four degrees. An example of a fastback shape is presented in Figure 1.

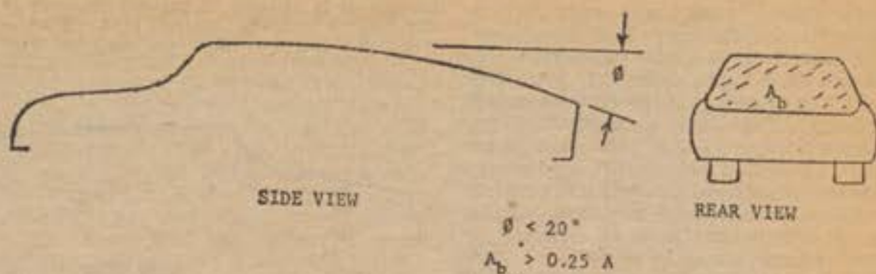

Figure 1

TABLE I.—*Protuberance power, P versus total protuberance frontal area, A_p*

A_p (square foot):	P (*horsepower*)
$A_p < 0.30$	0.0
$0.30 \leq A_p < 0.60$	.40
$0.60 \leq A_p < 0.90$	.70
$0.90 \leq A_p < 1.20$	1.00
$1.20 \leq A_p < 1.50$	1.30
$1.50 \leq A_p < 1.80$	1.60
$1.80 \leq A_p < 2.10$	1.90
$2.10 \leq A_p < 2.40$	2.20
$2.40 \leq A_p < 2.70$	2.50
$2.70 \leq A_p < 3.00$	2.80
$3.00 \leq A_p$	3.10

The protuberance frontal area A_p, is defined in a manner analogous to the definition of the vehicle reference frontal area, i.e., the total area of the orthogonal projections of the vehicle mirrors, hood ornaments, roof rack, and other protuberance onto a plane(s) perpendicular to both the longitudinal plane of the vehicle and the surface upon which the vehicle is positioned. A protuberance is defined as any fixture attached to the vehicle protruding more than 1 inch from the vehicle surface and having a projected area greater than 0.01 ft² with the area calculated by a method approved in advance by the Administrator. Included in the total protuberance frontal area shall be all fixtures which occur as standard equipment. The area of any optional equipment shall also be included if it is expected that more than 33 percent of the car line sold will be equipped with this option.

(ii) The dynamometer power absorber setting for light-duty vehicles shall be rounded to the nearest 0.1 horsepower.

(iii) For light-duty vehicles to be tested on a single, large roll dynamometer.

$$HP = aA + P + (5.0 \times 10^{-4} + 0.33t)W$$

All symbols in the above equation are defined in paragraph (c)(2)(i) of this section. The rounding criteria of paragraph (c)(2)(ii) also apply to this paragraph.

(3) The road load power calculated above shall be used or the vehicle manufacturer may determine the road load power by an alternate procedure requested by the manufacturer and approved in advance by the Administrator.

(4) Where it is expected that more than 33 percent of an engine family will be equipped with air conditioning, per § 86.078-24(g)(2), the road load power as determined in paragraph (c)(2) or (3) of this section shall be increased by 10 percent, up to a maximum increment of 1.4 horsepower, for testing all test vehicles of that engine family if those vehicles are intended to be offered with air conditioning in production. This power increment shall be added to the indicated dynamometer power absorption setting prior to rounding off of this value.

13. A new § 86.129-80 is added to read as follows:

§ 86.129-80 Road load power test weight and inertia weight class determination.

(a) Flywheels, electrical or other means of simulating test weight as shown in the following table shall be used. If the equivalent test weight specified is not available on the dynamometer being used, the next higher equivalent test weight (not to exceed 250 pounds) available shall be used.

Road load power at 50 mi/h—light duty trucks[1,2]	Loaded vehicle weight (pounds)	Equivalent test weight (pounds)	Inertia weight class (pounds)
	Up to 1,062	1,000	1,000
	1,063 to 1,187	1,125	1,000
	1,188 to 1,312	1,250	1,250
	1,313 to 1,437	1,375	1,250
	1,438 to 1,562	1,500	1,500
	1,563 to 1,687	1,625	1,500
	1,688 to 1,812	1,750	1,750
	1,813 to 1,937	1,875	1,750
	1,938 to 2,062	2,000	2,000
	2,063 to 2,187	2,125	2,000
	2,188 to 2,312	2,250	2,250
	2,313 to 2,437	2,375	2,250
	2,438 to 2,562	2,500	2,500
	2,563 to 2,687	2,625	2,500
	2,688 to 2,812	2,750	2,750
	2,813 to 2,937	2,875	2,750
	2,938 to 3,062	3,000	3,000
	3,063 to 3,187	3,125	3,000
	3,188 to 3,312	3,250	3,000
	3,313 to 3,437	3,375	3,500
	3,438 to 3,562	3,500	3,500
	3,563 to 3,687	3,625	3,500
	3,688 to 3,812	3,750	3,500
	3,813 to 3,937	3,875	4,000
	3,938 to 4,125	4,000	4,000
	4,126 to 4,375	4,250	4,000
	4,376 to 4,625	4,500	4,500
	4,626 to 4,875	4,750	4,500
	4,876 to 5,125	5,000	5,000
	5,126 to 5,375	5,250	5,000
	5,376 to 5,750	5,500	5,500
	5,751 to 6,250	[4] 6,000	6,000
	6,251 to 6,750	6,500	6,500
	6,751 to 7,250	7,000	7,000
	7,251 to 7,750	7,500	7,500
	7,751 to 8,250	8,000	8,000
	8,251 to 8,750	8,500	8,500
	8,751 to 9,250	9,000	9,000
	9,251 to 9,750	9,500	9,500
	9,751 to 10,000	10,000	10,000

[1] For all light duty trucks except vans, and for heavy duty vehicles optionally certified as light duty trucks, the road load power (horsepower) at 50 mi/h shall be 0.58 times B (defined below) rounded to the nearest ½ hp.

[2] For vans, the road load power at 50 mi/h (horsepower) shall be 0.50 times B (defined below) rounded to the nearest ½ hp.

[3] B is the basic vehicle frontal area (square foot) plus the additional frontal area (square foot) of mirrors and optional equipment exceeding 0.1 ft² which are anticipated to be sold on more than 33 pct of the car line. Frontal area measurements shall be computed to the nearest 10th of a square foot using a method approved in advance by the administrator.

[4] Light duty vehicles over 5,750 lb loaded vehicle weight shall be tested at a 5,500 lb equivalent test weight.

(b) *Power absorption unit adjustment—light-duty trucks.* (1) The power absorption unit shall be adjusted to reproduce road load power at 50 mph true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in § 86.118 or other suitable means.

(2) The road load power listed in the table above shall be used or the vehicle manufacturer may determine the road load power by an alternate procedure requested by the manufacturer and approved in advance by the Administrator.

(3) Where it is expected that more than 33 percent of a car line within an engine-system combination will be equipped with air conditioning per § 86.-078-24(g) (2), the road load power listed above or as determined in paragraph (b) (2) of this section shall be increased by 10 percent, up to a maximum increase of 1.4 horsepower, for testing all test vehicles representing that car line within that engine-system combination if those vehicles are intended to be offered with air conditioning in production. The above increase for air conditioning shall be added prior to rounding off as instructed by notes 2 and 3 of the table.

(c) *Power absorption unit adjustment—light-duty vehicles.* (1) The power absorption unit shall be adjusted to reproduce road load power at 50 mph true speed. The dynamometer power absorption shall take into account the dynamometer friction, as discussed in § 86.118.

(2) The dynamometer road load setting is determined from the equivalent test weight, the reference frontal area, the body shape, the vehicle protuberances, and the tire type by the following equations.

(i) For light-duty vehicles to be tested on a twin roll dynamometer.

$$Hp = aA + P + tW$$

Where:

Hp = the dynamometer power absorber setting at 50 mph (horsepower).

A = the vehicle reference frontal area (ft^2). The vehicle reference frontal area is defined as the area of the orthogonal projection of the vehicle; including tires and suspension components, but excluding vehicle protuberances, onto a plane perpendicular to both the longitudinal plane of the vehicle and the surface upon which the vehicle is positioned. Measurements of this area shall be computed to the nearest tenth of a square foot using a method approved in advance by the Administrator.

P = the protuberance power correction factor from table 1 of this paragraph (horsepower).

W = vehicle equivalent test weight (lbs) from the table in paragraph (a).

a = 0.43 for fastback-shaped vehicles; = 0.50 for all other light duty vehicles.

t = 0.0 for vehicles equipped with radial ply tires; $= 3 \times 10^{-4}$ for all other vehicles.

A vehicle is considered to have a fastback shape if the rearward projection of that portion of the rear surface (A_b) which slopes at an angle of less than 20 degrees from the horizontal is at least 25 percent as large as the vehicle reference frontal area. In addition, this surface must be smooth, continuous, and free from any local transitions greater than four degrees. An example of a fastback shape is presented in Figure 1.

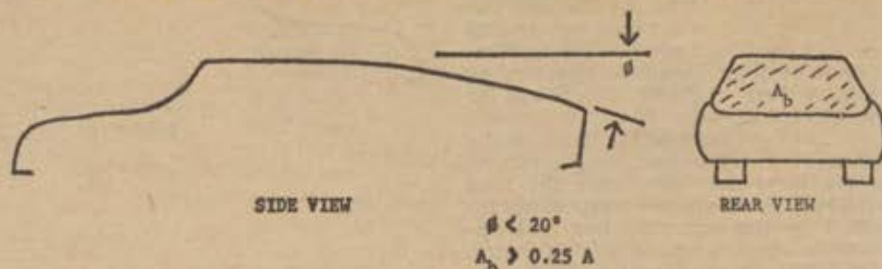

Figure 1

TABLE I.—*Protuberance power, P. versus total protuberance frontal area, A_p*

A_p (square foot):	P (horsepower)
$A_p<0.30$	0.0
$0.30 \le A_p<0.60$	.40
$0.60 \le A_p<0.90$	.70
$0.90 \le A_p<1.20$	1.00
$1.20 \le A_p<1.50$	1.30
$1.50 \le A_p<1.80$	1.60
$1.80 \le A_p<2.10$	1.90
$2.10 \le A_p<2.40$	2.20
$2.40 \le A_p<2.70$	2.50
$2.70 \le A_p<3.00$	2.80
$3.00 \le A_p$	3.10

The protuberance frontal area, A_p, is defined in a manner analogous to the definition of the vehicle reference frontal area, i.e., the total area of the orthogonal projections of the vehicle mirrors, hood ornaments, roof racks, and other protuberance onto a plane(s) perpendicular to both the longitudinal plane of the vehicle and the surface upon which the vehicle is positioned. A protuberance is defined as any fixture attached to the vehicle protruding more than 1 inch from the vehicle surface and having a projected area greater than 0.01 ft^2 with the area calculated by a method approved in advance by the Administrator. Included in the total protuberance frontal area shall be all fixtures which occur as standard equipment. The area of any optional equipment shall also be included if it is expected that more than 33 percent of the car line sold will be equipped with this option.

(ii) The dynamometer power absorber setting for light-duty vehicles shall be rounded to the nearest 0.1 horsepower.

(iii) For light-duty vehicles to be tested on a single, large roll dynamometer.

$$Hp = aA + P + (5.0 \times 10^{-4} + 0.33t)W$$

All symbols in the above equation are defined in paragraph (c) (2) (i) of this section. The rounding criteria of paragraph (c) (2) (ii) also apply to this paragraph.

(3) The road load power calculated above shall be used or the vehicle manufacturer may determine the road load power by an alternate procedure requested by the manufacturer and approved in advance by the Administrator.

(4) Where it is expected that more than 33 percent of a car line within an engine-system combination will be equipped with air conditioning, per § 86.-078-24(g) (2), the road load power as determined in paragraph (c) (2) or (3) of this section shall be increased by 10 percent, up to a maximum increment of 1.4 horsepower, for testing all test vehicles of that car line within that engine-system combination if those vehicles are intended to be offered with air conditioning in production. This power increment shall be added to the indicated dynamometer power absorption setting prior to rounding off this value.

14. § 86.135-78 is amended by adding paragraph (h) to read as follows:

§ 86.135-78 Dynamometer procedure.

* * * * *

(h) The driving distance as measured by counting the number of dynamometer roll or shaft revolutions, shall be determined for the transient cold start, stabilized cold start, and transient hot start phases of the test. The revolutions shall be measured on the same roll or shaft used for measuring the vehicle's speed.

15. § 86.136-78 is amended by revising paragraph (c) to read as follows:

§ 86.136-78 Engine starting and restarting.

* * * * *

(c) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start shall be determined. The gas flow measuring device (or revolution counter) on the constant volume sampler (and the hydrocarbon integrator when testing diesel vehicles, see § 85.135 Dynamometer Test Runs) shall be turned off and the sample selector valves placed in the "standby" position during this diagnostic period. In addition, either the CVS should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start.

(1) If a failure to start occurs during the cold portion of the test and is caused by a vehicle malfunction corrective action of less than 30 minutes duration may be taken (according to § 86.077-25), and the test continued. The sampling system shall be reactivated at the same time cranking begins. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, and corrective action may

be taken according to § 86.077-25. The reasons for the malfunction (if determined) and the corrective action taken shall be reported.

(2) If a failure to start occurs during the hot start portion of the test and is caused by vehicle malfunction, the vehicle must be started within one minute of key on. The sampling system shall be reactivated at the same time cranking begins. When the engine starts, the driving schedule timing sequence shall begin. If the vehicle cannot be started within one minute of key on, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, (according to § 86.077-25), and the vehicle rescheduled for testing. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

* * * * *

16. § 86.137-78 is amended by adding a second sentence to paragraph (b)(1), revising paragraph (b)(7), inserting a sentence after the first sentence of paragraph (b)(11), inserting a sentence after the first sentence of paragraph (b)(13), revising the second sentence of paragraph (b)(16), and adding a sentence at the end of paragraph (b)(17) to read as follows:

§ 86.137-78 Dynamometer test runs.

* * * * *

(b) * * *

(1) * * * Reset and enable the roll revolution counter.

* * * * *

(7) Start the gas flow measuring device, position the sample selector valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag (turn on the diesel hydrocarbon analyzer system integrator and mark the recorder chart, if applicable), turn the key on, and start cranking the engine.

* * * * *

(11) * * * Before the acceleration which is scheduled to occur at 510 seconds, record the measured roll or shaft revolutions and reset the counter or switch to a second counter. * * *

* * * * *

(13) * * * Record the measured roll or shaft revolutions and reset the counter. * * *

* * * * *

(16) * * * The key-on operation step described in paragraph (b)(7) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(17) * * * Record the measured roll or shaft revolutions.

* * * * *

17. § 86.142-78 is amended by revising paragraph (f) and adding paragraph (p) to read as follows:

§ 86.142-78 Records required.

* * * * *

(f) Vehicle: ID number, Manufacturer, Model year, Standards, Engine family, Evaporative emissions family, Basic engine description (including displacement, number of cylinders, and catalysts usage), Fuel system (including number of carburetors, number of carburetor barrels, fuel injection type, and fuel tank(s) capacity and location), Engine code, Inertia weight class, Actual curb weight at zero miles, Actual road load at 50 mph, Transmission configuration, Axle ratio, Car line, Odometer reading, Idle rpm and Drive wheel tire pressure, as applicable.

* * * * *

(p) The driving distance for each of the three phases of the test, calculated from the measured role of shaft revolutions.

18. A new § 86.142-80 is added to read as follows:

§ 86.142-80 Records required.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Driver or operator.

(f) Vehicle: ID number, Manufacturer, Model year, Standards, Engine family, Evaporative emissions family, Basic engine description (including displacement, number of cylinders, and catalyst usage), Fuel system (including number of carburetors, number of carburetor barrels, fuel injection type, and fuel tank(s) capacity and location), Engine code, Gross vehicle weight rating, Inertia weight class, Test weight, Actual curb weight at zero miles, Actual road load at 50 mph, Transmission configuration, Axle ratio, Car line, Odometer reading, Idle rpm, and Drive wheel tire pressure as applicable.

(g) Indicated road load power absorption at 50 mph (80 km/h) and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Adminstrator, provided the test cell records show the pertinent information.

(h) All pertinent instrument information such as tuning—gain—serial number—detector number—range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cells calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometric pressure, ambient temperature and humidity.

NOTE.—A central laboratory barometer may be used: *Provided*, That individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(k) Fuel temperatures, as prescribed.

(l) Pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

(m) The number of revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic feet metered by a critical flow venturi during each test phase would be the equivalent record for a CFV-CVS.

(n) The humidity of the dilution air.

NOTE.—If conditioning columns are not used (see § 86.122 and § 86.144) this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(o) Temperature set point of the heated sample line and heated hydrocarbon detector temperature control system (for Diesel vehicles only).

(p) The driving distance for each of the three phases of the test, calculated from the measured roll of shaft revolutions.

19. Section 86.144-78 is amended by revising paragraph (a); adding two terms to the end of the text portion of paragraph (d)(1), revising the equation for H and adding two equations to the end of paragraph (d)(1); adding two equations to the end of paragraph (d)(2); adding two equations to the end of paragraph (d)(3); and revising paragraph (d)(4). § 86.144-78 is amended to read as follows:

§ 86.144-78 Calculations; exhaust emissions.

The final reported test results shall be computed by use of the following formula:

(a) For light duty vehicles and light duty trucks:

$$Y_{wm} = 0.43\ ((Y_{ct} + Y_s)/(D_{ct} + D_s)) + 0.57\ ((Y_{ht} + Y_s)/(D_{ht} + D_s))$$

Where:

Y_{wm} = Weighted mass emissions of each pollutant, i.e.: HC, CO, NO_x or CO_2, in grams per vehicle mile.

Y_{ct} = Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.

Y_{ht} = Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.

Y_s = Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

D_{ct} = The measured driving distance from the "transient" phase of the cold start test, in miles.

D_{ht} = The measured distance from the "transient" phase of the hot start test, in miles.

D_s = The measured driving distance from the "stabilized" phase of the cold start test, in miles.

* * * * *

(d) * * *

(1) * * * CO_{2d} = 0.032%; D_{ct} = 3.598 miles.

* * *

$H = (43.478)\ (48.2)\ (22.225)/[762 - (22.225 \times 48.2/100)] = 62$ grains of water per pound of dry air.

* * *

$CO_{2conc} = 1.43 - .032\ (1 - 1/9.116) = 1.402\%$

$CO_{2mass} = (2596.0)\ (51.85)\ (1.402/100) = 1886$ grams per test phase.

(2) * * *

$CO_{2\,mass}$ = 2346 grams per test phase.
D_s = 3.902 miles.

(3) * * *

$CO_{2\,mass}$ = 1758 grams per test phase.
D_{ht} = 3.598 miles.

(4) Weighted mass emission results:

HC_{wm} = 0.43 [(4.027+0.62)/(3.598+3.902)]+0.57 [(0.51+0.62)/(3.598+3.902)] = 0.352 grams per vehicle mile.
$NO_{x\,wm}$ = 0.43 [(1.389+1.27)/(3.598+3.902)]+0.57 [(1.38+1.27)/(3.598+3.902)] = .354 grams per vehicle mile.
CO_{wm} = 0.43 [(23.96+5.98)/(3.598+3.902)]+0.57 [(5.01+5.98)/(3.598+3.902)] = 2.55 grams per vehicle mile.
$CO_{2\,wm}$ = 0.43 [(1886+2346)/(3.598+3.902)]+0.57 [(1758+2346)/(3.598+3.902)] = 555 grams per vehicle mile.

[Sec. 202, 206, 207, 208 and 301(a) of the Clean Air Act; as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6, 1857g(a)).]

Part 600 of Title 40 of the Code of Federal Regulations is amended as follows:

20. By revising paragraph (a)(15) of § 600.002-77 to read as follows:

§ 600.002-77 Definitions.

(a) * * *

(15) "Certification Vehicle" means a vehicle which is selected under § 86.077-24(b)(1) and used to determine compliance under § 86.077-30 for issuance of an original certificate of conformity.

* * * * *

21. By adding a new § 600.002-80 reading as follows:

§ 600.002-80 Definitions.

(a) As used in this subpart all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part I of Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(3) "Secretary" means the Secretary of Transportation or his authorized representative.

(4) "Automobile" means any 4-wheeled vehicle propelled by fuel which is manufactured primarily for use on public streets, roads, or highways (except any vehicle operated on a rail or rails) and which is rated at 6,000 lbs gross vehicle weight or less or is a type of vehicle which the Secretary determines is substantially used for the same purposes.

(5) "Passenger Automobile" means any automobile which the Secretary determines is manufactured primarily for use in the transportation of no more than 10 individuals.

(6) "Model Year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year. If a manufacturer has no annual production period, the term "model year" means the calendar year.

(7) "Federal Emission Test Procedure" refers to the dynamometer driving schedule, dynamometer procedure, and sampling and analytical procedures described in Part 86 for the respective model year, which are used to derive city fuel economy data.

(8) "Federal Highway Fuel Economy Test Procedure" refers to the dynamometer driving schedule, dynamometer procedure, and sampling and analytical procedures described in Subpart B of this part and which are used to derive highway fuel economy data.

(9) "Fuel" means gasoline and diesel fuel.

(10) "Fuel Economy" means the average number of miles traveled by an automobile or group of automobiles per gallon of gasoline or diesel fuel consumed as computed in § 600.113 or § 600.207.

(11) "City Fuel Economy" means the fuel economy determined by operating a vehicle (or vehicles) over the driving schedule in the Federal Emission Test Procedure.

(12) "Highway Fuel Economy" means the fuel economy determined by operating a vehicle (or vehicles) over the driving schedule in the Federal Highway Fuel Economy Test Procedure.

(13) "Combined Fuel Economy" means the fuel economy value determined for a vehicle (or vehicles) by harmonically averaging the city and highway fuel economy values, weighted 0.55 and 0.45 respectively.

(14) "Average Fuel Economy" means the production-weighted combined fuel economy value of all passenger automobiles produced by a manufacturer in a single model year as computed in § 600.510.

(15) "Certification Vehicle" means a vehicle which is selected under § 86.077-24(b)(1) and used to determine compliance under § 86.007-30 for issuance of an original certificate of conformity.

(16) "Fuel Economy Data Vehicle" means a vehicle used for the purpose of determining fuel economy which is not a certification vehicle.

(17) "Label" means a sticker that contains fuel economy information and is affixed to new automobiles in accordance with Subpart D of this part.

(18) "Dealer" means a person who resides or is located in the United States, any territory of the United States or the District of Columbia and who is engaged in the sale or distribution of new automobiles to the utimate purchaser.

(19) "Model Type" means a unique combination of car line, basic engine, and transmission class.

(20) "Car Line" means a name denoting a group of vehicles within a make or car division which has a degree of commonality in construction (e.g., body, chassis). Car line does not consider any level of decor or opulence and is not generally distinguished by characteristics as roof line, number of doors, seats or windows except for station wagons or light-duty trucks. Station wagons and light-duty trucks are considered to be different car lines than passengers cars.

(21) "Basic Engine" means a unique combination of manufacturer, engine displacement, number of cylinders, fuel system (as distinguished by number of carburetor barrels or use of fuel injection), catalyst usage, and other engine and emission control system characteristics specified by the Administrator.

(22) "Transmission Class" means the basic type of transmission, e.g., manual, automatic or semi-automatic.

(23) "Base Level" means a unique combination of basic engine, inertia weight, and transmission class.

(24) "Vehicle Configuration" means a unique combination of basic engine, engine code, inertia weight, transmission configuration, and axle ratio within a base level.

(25) "Engine Code" means a unique combination, within an engine-system combination (as defined in Part 86), of displacement, carburetor (or fuel injection) calibration, distributor calibration, choke calibration, auxiliary emission control devices and other engine and emission control system components specified by the Administrator.

(26) "Inertia Weight Class" means the class, which is a group of test weights, into which a vehicle is grouped based on its loaded vehicle weight in accordance with the provisions of Part 86.

(27) "Transmission Configuration" means a unique combination, within a transmission class, of the number of forward gears, and, if applicable, overdrive. The Administrator may further subdivide a transmission configuration (based on such criteria as gear ratios, torque converter multiplication ratio, stall speed, shift calibration, etc.) if he determines that significant fuel economy differences exist within that transmission configuration.

(28) "Axle Ratio" means the number of times the input shaft to the differential (or equivalent) turns for each turn of the drive wheels.

(29) "Auxiliary Emission Control Devices (AECD)" means an element of design as defined in Part 86.

(30) "Rounded" means a number shortened to the specific number of decimal places in accordance with the "Round Off Method" specified in ASTM E 29-67.

(31) "Calibration" means the set of specifications, including tolerances, unique to a particular design, version or application of a component or component assembly capable of functionally describing its operation over its working range.

(32) "Production Volume" means, for a domestic manufacturer, the number of vehicle units domestically produced in a particular model year but not exported, and for a foreign manufacturer, means the number of vehicle units of a particular model imported into the United States.

(33) "Body Style" means a level of commonality in vehicle configurations as defined by number of doors and roof treatment (e.g., sedan, convertible, fastback, hatchback) and number of seats (i.e. front seat, second, or third seat) requiring seat belts pursuant to National Highway Traffic Safety Administration

safety regulations. Station wagons and light trucks are identified as car lines.

(34) "Hatchback" means a passenger automobile where the conventional luggage compartment, i.e., trunk, is replaced by a cargo area which is open to the passenger compartment and accessed vertically by a rear door which encompasses the rear window.

(35) "Pickup Truck" means a nonpassenger automobile which has a passenger compartment and an open cargo bed.

(36) "Station Wagon" means a passenger automobile with an extended roof line to increase cargo or passenger capacity, cargo compartment open to the passenger compartment, a tailgate and one or more rear seats readily removed or folded to facilitate cargo carrying.

(37) "Gross Vehicle Weight Rating" means the manufacturer's gross weight rating for the individual vehicle.

(38) "Ultimate Consumer" means the first person who purchases an automobile for purposes other than resale, or leases an automobile.

(39) through (42) [Reserved]

(43) "Test Weight" means the weight, within an inertia weight class, which is used in the dynamometer testing of a vehicle, and which is based on its loaded vehicle weight in accordance with the provisions of Part 86.

22. By revising paragraphs (b) (1) and (f) of § 600.007-77 to read as follows:

§ 600.007-77 **Vehicle acceptability.**

* * * * *

(b) * * *

(1) A fuel economy data vehicle may have accumulated not more than 10,000 miles. A vehicle will be considered to have met this requirement if the engine and drivetrain have accumulated 10,000 or fewer miles. The components installed for a fuel economy test are not required to be the ones with which the mileage was accumulated, e.g., axles, transmission types, and tire sizes may be changed. Engine components may be changed only with the advance approval of the Administrator.

* * * * *

(f) All vehicles used to generate fuel economy data must be covered by a certificate of conformity under Part 86 before:

(1) The data may be used in the calculation of any approved general or specific label value, or

(2) The data will be used in any calculations under Subpart F.

23. By adding a new § 600.007-80 to read as follows:

§ 600.007-80 **Vehicle acceptability.**

(a) All certification vehicles and other vehicles tested to meet the requirements of Part 86 (other than those chosen per § 86.077-24(c)) are considered to have met the requirements of this section.

(b) Any vehicle not meeting the provisions of paragraph (a) must be judged acceptable by the Administrator under this section in order for the test results to be reviewed for use in Subpart C or F of this part. The Administrator will judge the acceptability of a fuel economy data vehicle on the basis of the information supplied by the manufacturer under § 600.006(b). The criteria to be met are:

(1) A fuel economy data vehicle may have accumulated not more than 10,000 miles. A vehicle will be considered to have met this requirement if the engine and drivetrain have accumulated 10,000 or fewer miles. The components installed for a fuel economy test are not required to be the ones with which the mileage was accumulated, e.g., axles, transmission types, and tire sizes may be changed. Engine components may be changed only with the advance approval of the Administrator.

(2) A vehicle may be tested in different vehicle configurations by change of vehicle components, as specified in paragraph (b) (1), or by testing in different inertia weight classes. Also, a single vehicle may be tested under different test conditions, i.e., test weight and/or road load horsepower, to generate fuel economy data representing various situations within a vehicle configuration. For purposes of this part, data generated by a single vehicle tested in various configurations and under various test conditions will be treated as if the data were generated by the testing of multiple vehicles.

(3) The mileage on a fuel economy data vehicle must be, to the extent possible, accumulated according to § 86.077-26(a) (2).

(4) Each fuel economy data vehicle must meet the same exhaust emission standards as certification vehicles of the respective engine-system combination during the test in which the city fuel economy test results are generated. The deterioration factors established for the respective engine-system combination per § 86.077-28 will be used.

(5) The calibration information submitted under § 600.006(b) must be representative of the vehicle configuration for which the fuel economy data were submitted.

(c) If, based on review of the information submitted under § 600.006(b), the Administrator determines that a fuel economy data vehicle meets the requirements of this section, the fuel economy data vehicle will be judged to be acceptable and fuel economy data from that fuel economy data vehicle will be reviewed pursuant to § 600.008.

(d) If, based on the review of the information submitted under § 600.006(b), the Administrator determines that a fuel economy data vehicle does not meet the requirements of this section, the Administrator will reject that fuel economy data vehicle and inform the manufacturer of the rejection in writing.

(e) If, based on a review of the emission data for a fuel economy data vehicle, submitted under § 600.006(b), or emission data generated by a vehicle tested under § 600.008(e), the Administrator finds an indication of non-compliance with Section 202 of the Clean Air Act, 42 U.S.C. Section 1857 et seq. of the regulation thereunder, he may take such investigative actions as are appropriate to determine to what extent emission non-compliance actually exists.

(1) The Administrator may, under the provisions of § 86.077-37(a) request the manufacturer to submit production vehicles of the configuration(s) specified by the Administrator for testing to determine to what extent emission non-compliance of a production vehicle configuration or of a group of production vehicle configurations may actually exist.

(2) If the Administrator determines, as a result of his investigation, that substantial emission non-compliance is exhibited by a production vehicle configuration or group of production vehicle configurations, he may proceed with respect to the vehicle configuration(s) as provided under section 206(b) (2) or section 207(c) (1), as applicable of the Clean Air Act, 42 U.S.C. section 1857 et seq.

(f) All vehicles used to generate fuel economy data must be covered by a certificate of conformity under Part 86 before:

(1) The data may be used in the calculation of any approved general or specific label value, or

(2) The data will be used in any calculations under Subpart F.

24. By adding a new Subpart B reading as follows:

Subpart B—Fuel Economy Regulations for 1978 and Later Model Year Automobiles—Test Procedures

§ 600.101-78 **General applicability.**

The provisions of this subpart are applicable to 1978 and later model year automobiles.

§ 600.102-78 **Definitions.**

The definitions in § 600.002 apply to this subpart.

§ 600.103-78 **Abbreviations.**

The abbreviations in § 600.003 apply to this subpart.

§ 600.104-78 **Section numbering, construction.**

The section numbering system set forth in § 600.004 applies to this subpart.

§ 600.105-78 **Record keeping.**

The record keeping requirements set forth in § 600.005 apply to this subpart.

§ 600.106-78 **Equipment requirements.**

The requirements for test equipment to be used for all fuel economy testing are given in §§ 86.106, 86.107, 86.108, 86.109, and 86.111 of this chapter, as applicable.

§ 600.107-78 **Fuel specifications.**

(a) The test fuel specifications for gasoline-fueled automobiles are given in paragraph (a) (1) of § 86.113 of this chapter.

(b) The test fuel specifications for diesel automobiles are given in para-

graphs (b) (1) and (2) of § 86.113 of this chapter.

§ 600.108–78 Analytical gases.

The analytical gases for all fuel economy testing must meet the criteria given in § 86.114 of this chapter.

§ 600.109–78 EPA driving cycles.

(a) The driving cycle to be utilized for generation of the city fuel economy data is prescribed in § 86.115 of this chapter.

(b) The driving cycle to be utilized for generation of the highway fuel economy data is specified in this paragraph.

(1) The Highway Fuel Economy Driving Schedule is set forth in Appendix I to this Part. The driving schedule is defined by a smooth trace drawn through the specified speed versus time relationships.

(2) The speed tolerance at any given time on the dynamometer driving schedule specified in Appendix I, or as printed on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of paragraph (b) of § 600.111 is defined by upper and lower limits. The upper limit is 2 mph higher than the highest point on trace within 1 second of the given time. The lower limit is 2 mph lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as may occur during gear changes) are acceptable provided they occur for less than 2 seconds on any occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at a maximum available power during such occurrences.

(3) A graphic representation of the range of acceptable speed tolerances is found in paragraph (c) of § 86.115 of this chapter.

§ 600.110–78 Equipment calibration.

The equipment used for fuel economy testing must be calibrated according to the provisions of § 86.116 of this chapter.

§ 600.111–78 Test procedures.

(a) The test procedures to be followed for generation of the city fuel economy data are those prescribed in §§ 86.127 through 86.138 of this chapter, as applicable. (The evaporative loss portion of the test procedure may be omitted unless specifically required by the Administrator.)

(b) The test procedures to be followed for generation of the highway fuel economy data are those specified in § 600.-111–78 (b) through (h) inclusive.

(1) The Highway Fuel Economy Dynamometer Procedure consists of a preconditioning highway driving sequence and a measured highway driving sequence.

(2) The highway fuel economy test is designated to simulate non-metropolitan driving with an average speed of 48.6 mph and a maximum speed of 60 mph. The cycle is 10.2 miles long with 0.2 stops per mile and consists of warmed-up vehicle operation on a chassis dynamometer through a specified driving cycle. A proportional part of the diluted exhaust emissions is collected continuously for subsequent analysis using a constant volume (variable dilution) sampler. Diesel dilute exhaust is continuously analyzed for hydrocarbons using a heated sample line and analyzer.

(3) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle must be functioning during all procedures in this subpart. The Administrator may authorize maintenance to correct component malfunction or failure.

(c) Transmissions—The provisions of § 86.128 of this chapter apply for vehicle transmission operation during highway fuel economy testing under this subpart.

(d) Road load power and inertia weight determination—§ 86.129 of this chapter applies for determination of road load power and inertia weight for Highway Fuel Economy Dynamometer

(e) Vehicle preconditioning—The Highway Fuel Economy Dynamometer Procedure is designed to be performed immediately following the Federal Emission Test Procedure, §§ 86.127 through 86.138 of this chapter. When conditions allow, the tests should be scheduled in this sequence. In the event the tests cannot be scheduled within three hours of the Federal Emission Test Procedure (including one hour hot soak evaporation loss test, if applicable) the vehicle should be preconditioned as in paragraph (e) (1) or (2) of this section, as applicable.

(1) If the vehicle has experienced more than three hours of soak (68° F–86° F) since the completion of the Federal Emission Test Procedure, or has experienced periods of storage outdoors, or in environments where soak temperature is not controlled to 68° F.–86° F the vehicle must be preconditioned by operation on a dynamometer through one cycle of the EPA Urban Dynamometer Driving Schedule, § 86.115 of this chapter.

(2) In unusual circumstances where additional preconditioning is desired by the manufacturer, the provisions of paragraph (a)(3) of § 86.132 of this chapter apply.

(f) Highway Fuel Economy Dynamometer Procedure—

(1) The dynamometer procedure consists of two cycles of the Highway Fuel Economy Driving Schedule (§ 600.109 (b)) separated by 15 seconds of idle. The first cycle of the Highway Fuel Economy Driving Schedule is driven to precondition the test vehicle and the second is driven for the fuel economy measurement.

(2) The provisions of paragraphs (b), (c), (e), (f), (g), and (h) of § 86.135 *Dynamometer procedure* of this chapter, apply for highway fuel economy testing.

(3) Only one exhaust sample and one background sample are collected and analyzed for hydrocarbons (except diesel hydrocarbons which are analyzed continuously), carbon monoxide, and carbon dioxide.

(4) The fuel economy measurement cycle of the test includes two seconds of idle indexed at the beginning of the second cycle and two seconds of idle indexed at the end of the second cycle.

(g) Engine starting and restarting—

(1) If the engine is not running at the initiation of the highway fuel economy test (preconditioning cycle), the start-up procedure must be according to the manufacturer's recommended procedures.

(2) False starts and stalls during the preconditioning cycle must be treated as in paragraphs (d) and (e) of § 86.136 of this chapter. If the vehicle stalls during the measurement cycle of the highway fuel economy test, the test is voided, corrective action may be taken according to § 86.077–25 of this chapter, and the vehicle may be rescheduled for test. The person taking the corrective action shall report the action so that the test records for the vehicle contain a record of the action.

(h) Dynamometer Test Run—The following steps must be taken for each test:

(1) Place the drive wheels of the vehicle on the dynamometer. The vehicle may be driven onto the dynamometer.

(2) Open the vehicle engine compartment cover and position the cooling fan(s) required. Manufacturers may request the use of additional cooling fans for additional engine compartment or under-vehicle cooling and for controlling high tire or brake temperatures during dynamometer operation.

(3) Preparation of the CVS must be performed before the measurement highway driving cycle.

(4) Equipment preparation—The provisions of paragraphs (b) (3) through (5) inclusive of § 86.137 of this chapter apply for highway fuel economy test except that only one exhaust sample collection bag and one dilution air sample collection bag need be connected to the sample collection systems.

(5) Operate the vehicle over one Highway Fuel Economy Driving Schedule cycle according to the dynamometer driving schedule specified in paragraph (b) of § 600.109.

(6) When the vehicle reaches zero speed at the end of the preconditioning cycle, the driver has 13 seconds to prepare for the emission measurement cycle of the test. Reset and enable the roll revolution counter.

(7) Operate the vehicle over one Highway Fuel Economy Driving Schedule cycle according to the dynamometer driving schedule specified in paragraph (b) of § 600.109 while sampling the exhaust gas.

(8) Sampling must begin two seconds before beginning the first acceleration of the fuel economy measurement cycle and must end two seconds after the end of the deceleration to zero. At the end of the deceleration to zero speed, the roll or shaft revolutions must be recorded.

§ 600.111–80 Test procedures.

(a) The test procedures to be followed for generation of the city fuel economy data are those prescribed in §§ 86.127

through 86.138 of this chapter, as applicable. (The evaporative loss portion of the test procedure may be omitted unless specifically required by the Administrator.)

(b) The test procedures to be followed for generation of the highway fuel economy data, are those specified in § 600.-111-78 (b) through (h) inclusive.

(1) The Highway Fuel Economy Dynamometer Procedure consists of a preconditioning highway driving sequence and a measured highway driving sequence.

(2) The highway fuel economy test is designated to simulate non-metropolitan driving with an average speed of 48.6 mph and a maximum speed of 60 mph. The cycle is 10.2 miles long with 0.2 stops per mile and consists of warmed-up vehicle operation on a chassis dynamometer through a specified driving cycle. A proportional part of the diluted exhaust emissions is collected continuously for subsequent analysis using a constant volume (variable dilution) sampler. Diesel dilute exhaust is continuously analyzed for hydrocarbons using a heated sample line and analyzer.

(3) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle must be functioning during all procedures in this subpart. The Administrator may authorize maintenance to correct component malfunction or failure.

(c) Transmission—The provisions of § 86.128 of this chapter apply for vehicle transmission operation during highway fuel economy testing under this subpart.

(d) Road load power and test weight determination—§ 86.129 of this chapter applies for determination of road load power and test weight for highway fuel economy testing. The test weight for the testing of a certification vehicle will be that test weight specified by the Administrator under the provisions of Part 86. The test weight for a fuel economy data vehicle will be that test weight specified by the Administrator from the test weights covered by that vehicle configuration. The Administrator will base his selection of a test weight on the relative projected sales volumes of the various test weights within the vehicle configuration.

(e) Vehicle preconditioning—The Highway Fuel Economy Dynamometer Procedure is designed to be performed immediately following the Federal Emission Test Procedure, §§ 86.127 through 86.138 of this chapter. When conditions allow, the tests should be scheduled in this sequence. In the event the tests cannot be scheduled within three hours of the Federal Emission Test Procedure (including one hour hot soak evaporation loss test, if applicable) the vehicle should be preconditioned as in paragraph (e) (1) or (2) of this section, as applicable.

(1) If the vehicle has experienced more than three hours of soak (68°F–86° F) since the completion of the Federal Emission Test Procedure, or has experienced periods of storage outdoors, or in environments where soak temperature is not controlled to 68° F–86° F, the vehicle must be preconditioned by operation on a dynamometer through one cycle of the EPA Urban Dynamometer Driving Schedule, § 86.115 of this chapter.

(2) In unusual circumstances where additional preconditioning is desired by the manufacturer, the provisions of paragraph (a)(3) of § 86.132 of this chapter apply.

(f) Highway Fuel Economy Dynamometer Procedure—

(1) The dynamometer procedure consists of two cycles of the Highway Fuel Economy Driving Schedule (§ 600.109 (b)) separated by 15 seconds of idle. The first cycle of the Highway Fuel Economy Driving Schedulr is driven to precondition the test vehicle and the second is driven for the fuel economy measurement.

(2) The provisions of paragraphs (b), (c), (e), (f), (g), and (h) of § 86.135 *Dynamometer procedure* of this chapter, apply for highway fuel economy testing.

(3) Only one exhaust sample and one background sample are collected and analyzed for hydrocarbons (except diesel hydrocarbons which are analyzed continuously), carbon monoxide, and carbon dioxide.

(4) The fuel economy measurement cycle of the test includes two seconds of idle indexed at the beginning of the second cycle and two seconds of idle indexed at the end of the second cycle.

(g) Engine starting and restarting—

(1) If the engine is not running at the initiation of the highway fuel economy test (preconditioning cycle), the start-up procedure must be according to the manufacturer's recommended procedures.

(2) False starts and stalls during the preconditioning cycle must be treated as in paragraphs (d) and (e) of § 86.136 of this chapter. If the vehicle stalls during the measurement cycle of the highway fuel economy test, the test is voided, corrective action may be taken according to § 86.077–25 of this chapter, and the vehicle may be rescheduled for test. The person taking the corrective action shall report the action so that the test records for the vehicle contain a record of the action.

(h) Dynamometer Test Run—The following steps must be taken for each test:

(1) Place the drive wheels of the vehicle on the dynamometer. The vehicle may be driven onto the dynamometer.

(2) Open the vehicle engine compartment cover and position the cooling fan(s) required. Manufacturers may request the use of additional cooling fans for additional engine compartment or under-vehicle cooling and for controlling high tire or brake temperatures during dynamometer operation.

(3) Preparation of the CVS must be performed before the measurement highway driving cycle.

(4) Equipment preparation—The provisions of paragraphs (b) (3) through (5) inclusive of § 86.137 of this chapter apply for highway fuel economy test except that only one exhaust sample collection bag and one dilution air sample collection bag need be connected to the sample collection systems.

(5) Operate the vehicle over one Highway Fuel Economy Driving Schedule cycle according to the dynamometer driving schedule specified in paragraph (b) of § 600.109.

(6) When the vehicle reaches zero speed at the end of the preconditioning cycle, the driver has 13 seconds to prepare for the emission measurement cycle of the test. Reset and enable the roll revolution counter.

(7) Operate the vehicle over one Highway Fuel Economy Driving Schedule cycle according to the dynamometer driving schedule specified in paragraph (b) of § 600.109 while sampling the exhaust gas.

(8) Sampling must begin two seconds before beginning the first acceleration of the fuel economy measurement cycle and must end two seconds after the end of the deceleration to zero. At the end of the deceleration to zero speed, the roll or shaft revolutions must be recorded.

§ 600.112–78 Exhaust sample analysis.

The exhaust sample analysis must be performed according to § 86.140 of this chapter.

§ 600.113–78 Fuel economy calculations.

The calculations of vehicle fuel economy values require the weighted grams/mile values for HC, CO, and CO_2 for the city fuel economy test and the grams/mile values for HC, CO, and CO_2 for the highway fuel economy test. The city and highway fuel economy values must be calculated by the procedures of this section. A sample calculation appears in Appendix II to this Part.

(a) Calculate the weighted grams/mile values for the city fuel economy test for HC, CO, and CO_2 as specified in § 86.144 of this chapter.

(b)(1) Calculate the mass values for the highway fuel economy test for HC, CO, and CO_2 as specified in paragraph (b) of § 86.144 of this chapter.

(2) Calculate the grams/mile values for the highway test for HC, CO, and CO_2 by dividing the mass values obtained in (b)(1) by the actual distance traveled, measured in miles, as specified in paragraph (h) of § 86.135 of this chapter.

(c) Calculate the city fuel economy and highway fuel economy from grams/mile values for HC, CO, and CO_2. The HC values (obtained per paragraph (a) or (b) as applicable) used in each calculation in this section are rounded to the nearest 0.01 grams/mile. The CO values (obtained per paragraph (a) or (b) as applicable) used in each calculation in this section are rounded to the nearest 0.1 grams/mile. The CO_2 values (obtained per paragraph (a) or (b) of this section as applicable) used in each calculation in this section are rounded to the nearest gram/mile.

(d) For gasoline-fueled automobiles, calculate the fuel economy in miles per gallon of gasoline by dividing 2421 by the sum of three terms:

(1) 0.866 multiplied by HC (in grams/mile as obtained in paragraph (c)),

(2) 0.429 multiplied by CO (in grams/mile as obtained in paragraph (c)), and

(3) 0.273 multiplied by CO_2 (in grams/mile as obtained in paragraph (c)).

Round to quotient to the nearest 0.1 mile per gallon.

(e) For diesel powered automobiles, calculate the fuel economy in miles per gallon of diesel fuel by dividing 2778 by the sum of three terms:

(1) 0.866 multiplied by HC (in grams/mile as obtained in paragraph (c) of this section),

(2) 0.429 multiplied by CO (in grams/mile as obtained in paragraph (c)), and

(3) 0.273 multiplied by CO_2 (in grams/mile as obtained in paragraph (c)).

Round the quotient to the nearest 0.1 mile per gallon.

25. By revising paragraphs (c)(1) (i), (ii), and (iii) of § 600.206–77 to read as follows:

§ 600.206–77 Calculation and use of fuel economy values for a vehicle configuration.

* * * * *

(c) * * *

(1) * * *

(i) The annual fuel cost per gallon (as obtained by the Administrator from the FEA Administrator), expressed in dollars to the nearest 0.05 dollar, by

(ii) Average annual mileage (as obtained by the Administrator from the Secretary), expressed in miles per year to the nearest 1,000 miles per year, by

(iii) The inverse, rounded to the nearest 0.0001 gallons per mile, of the combined fuel economy value for a vehicle configuration (expressed in miles per gallon rounded to the nearest whole mile per gallon).

* * * * *

26. By adding a new § 600.206–79 to read as follows:

§ 600.206–79 Calculation and use of fuel economy values for a vehicle configuration.

(a) Fuel economy values determined for each vehicle and as approved in § 600.008 (b) or (f) are used to determine city, highway, and combined fuel economy values for each vehicle configuration (as determined by the Administrator) for which data are available.

(1) If only one city fuel economy and one highway fuel economy value exist for a vehicle configuration, those values, rounded to the nearest tenth of a mile per gallon, comprise the city fuel economy value and highway fuel economy value for that configuration.

(2) If more than one city and one highway fuel economy value exist for a vehicle configuration:

(i) All data shall be grouped according to the road load horsepower setting at which the data were generated.

(ii) Within each group of data, all values are harmonically averaged and rounded to the nearest 0.0001 of a mile per gallon for the city fuel economy values, and harmonically averaged and rounded to the nearest 0.0001 mile per gallon for the highway values, in order to determine a city and a highway fuel economy value for each road load horsepower setting at which the vehicle configuration was tested.

(iii) All city fuel economy values and all highway fuel economy values calculated in (ii) are (separately for city and highway) harmonically averaged in proportion to the relative sales within the vehicle configuration (as provided to the Administrator by the manufacturer) of vehicles of each tested road load horsepower setting. The resultant values, rounded to the nearest 0.0001 mile per gallon, are the city and highway fuel economy values for the vehicle configuration.

(3) The combined fuel economy value for a vehicle configuration is calculated by harmonically averaging the city and highway fuel economy values, as determined in § 600.206(a) (1) and (2), weighted 0.55 and 0.45, respectively, and rounding to 0.0001 of a mile per gallon. A sample of this calculation appears in Appendix II to this Part.

(b) The city, highway, and combined fuel economy values determined for the vehicle configuration according to paragraph (a) and rounded to the nearest whole mile per gallon comprise the fuel economy values that appear on specific labels as described in § 600.309

(c) The annual fuel cost estimate for operating an automobile included in a vehicle configuration will be computed by the Administrator by using values for the fuel cost per gallon and avarage annual mileage and the combined fuel economy determined in (a)(3).

(1) The annual fuel cost estimate for a vehicle configuration is computed by multiplying

(i) Fuel cost per gallon (as obtained by the Administrator from the FEA Administrator), expressed in dollars to the nearest 0.05 dollar, by

(ii) Average annual mileage (as obtained by the Administrator from the Secretary), expressed in miles per year to the nearest 1,000 miles per year, by

(iii) The inverse, rounded to the nearest 0.0001 gallons per mile, of the combined fuel economy for a vehicle configuration (expressed in miles per gallon rounded to the nearest whole mile per gallon).

(2) The product computed in (c)(1) and rounded to the nearest dollars per year will comprise the annual fuel cost estimate that appears on specific labels for that vehicle configuration.

27. By adding a new § 600.206–80 identical to § 600.206–79 except that paragraph (a)(2) reads as follows:

§ 600.206–80 Calculation and use of fuel economy values for a vehicle configuration.

(a) * * *

(2) If more than one city and one highway fuel economy value exist for a vehicle configuration:

(i) All data shall be grouped according to each unique road load horsepower setting/test weight combination at which the data was generated.

(ii) Within each group of data, all values are harmonically averaged and rounded to the nearest 0.0001 of a mile per gallon for the city fuel economy values, and harmonically averaged and rounded to the nearest 0.0001 mile per gallon for the highway values, in order to determine a city and a highway fuel economy value for each road load horsepower setting/test weight at which the vehicle configuration was tested.

(iii) All city fuel economy values and all highway fuel economy values calculated in (ii) are (separately for city and highway) harmonically averaged in proportion to the relative sales within the vehicle configuration (as provided to the Administrator by the manufacturer) of vehicles of each tested road load horsepower setting/test weight combination. The resultant values, rounded to the nearest 0.0001 mile per gallon, are the city and highway fuel economy values for the vehicle configuration.

* * * * *

28. By revising paragraphs (d)(1) (i), (ii), and (iii) of § 600.207–77 to read as follows:

§ 600.207–77 Calculation and use of fuel economy values for a model type.

* * * * *

(d) * * *

(1) * * *

(i) Fuel cost per gallon expressed in dollars to the nearest 0.05 dollar, by

(ii) Average annual mileage, expressed in miles per year to the nearest 1,000 miles per year, by

(iii) The inverse, rounded to the nearest 0.0001 gallons per mile, of the combined fuel economy value for a model type (expressed in miles per gallon rounded to the nearest whole mile per gallon).

* * * * *

29. By adding a new § 600.207–78 to read as follows:

§ 600.207–78 Calculation and use of fuel economy values for a model type.

(a) Fuel economy values for a base level are calculated from vehicle configuration fuel economy values as determined in § 600.206(a) for low altitude tests.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each base level for vehicles

intended for sale in California and for each base level for vehicles intended for sale in the rest of the states.

(2) The manufacturer shall supply model year sales projections for each vehicle configuration within each car line to the Administrator.

(i) Sales projections must be supplied separately for each vehicle configuration intended for sale in California and each configuration intended for sale in the rest of the states if required by the Administrator under paragraph (a)(1), of this section.

(ii) The sales projections must be updated as of the date a manufacturer requests that fuel economy calculations for a model type be made by the Administrator.

(iii) The requirements of this section may be satisfied by providing an amended application for certification, as described in § 86.007-21 of this chapter.

(3) Vehicle configuration fuel economy values, as determined in § 600.206(a), are grouped according to base level.

(i) If only one vehicle configuration within a base level has been tested, the fuel economy value from that vehicle configuration constitutes the fuel economy for that base level.

(ii) If more than one vehicle configuration within a base level have been tested, the vehicle configuration fuel economy values are harmonically averaged in proportion to the respective projected sales fraction (rounded to the nearest 0.0001) of each vehicle configuration and the resultant fuel economy value rounded to the nearest 0.0001 of a mile per gallon.

(iii) If the Administrator has not accepted fuel economy data derived from the testing of a certification vehicle (or a vehicle tested for running changes approved under § 86.078-23) for at least one vehicle configuration within each base level, the manufacturer shall submit (on or before the date that the manufacturer requests the Administrator to calculate the respective general label values) data as specified in § 600.006. The fuel economy data submitted shall be for the vehicle configuration with the largest projected sales within the respective base level.

(4) The procedure specified in § 600.-207(a) will be repeated for each base level, thus establishing city, highway, and combined fuel economy values for each base level.

(5) For the purposes of calculating a base level fuel economy value, if the only vehicle configuration(s) within the base level are vehicle configuration(s) which are intended for sale at high altitude, the Administrator may use fuel economy data from tests conducted on these vehicle configuration(s) at high altitude to calculate the fuel economy for the base level.

(b) For each model type, as determined by the Administrator, a city, highway, and combined fuel economy value will be calculated by using the projected sales and fuel economy values for each base level within the model type.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each model type separately for vehicles intended for sale in California and for those intended for sale in the rest of the states.

(2) The sales fraction for each base level is calculated by dividing the projected sales of the base level within the model type by the projected sales of the model type and rounding the quotient to the nearest 0.0001.

(3) The city fuel economy values of the model type (calculated to the nearest 0.0001 mpg) are determined by dividing one by a sum of terms, each of which corresponds to a base level and which is a fraction determined by dividing

(i) The sales fraction of the base level, by

(ii) The city fuel economy value for the respective base level.

(4) The procedure specified in paragraph (b)(3) of this section is repeated in an analogous manner to determine the highway and combined fuel economy values for the model type.

(c) The city, highway, and combined fuel economy values as calculated in § 600.207(b) and rounded to the nearest whole mile per gallon are the fuel economy values used on general labels for that model type.

(d) The annual fuel cost estimate for operating an automobile included in a model type will be computed by the Administrator by using values for the fuel cost per gallon and average annual mileage, predetermined by the Administrator, and the combined fuel economy determined in (b).

(1) The annual fuel cost estimate for a model type is computed by multiplying

(i) Fuel cost per gallon expressed in dollars to the nearest 0.05 dollar, by

(ii) Average annual mileage, expressed in miles per year to the nearest 1,000 miles per year, by

(iii) The inverse, rounded to the nearest 0.0001 gallons per mile, of the combined fuel economy value for a model type (expressed in miles per gallon rounded to the nearest whole mile per gallon).

(2) The product computed in (d)(1) and rounded to the nearest dollar per year will comprise the annual fuel cost estimate that appears on general labels for that model type.

30. By adding a new § 600.207-79 identical to § 600.207-78 except paragraph (a)(3)(iii) reads as follows:

§ 600.207-79 Calculation and use of fuel economy values for a model type.

(a) * * *

(3) * * *

(iii) If the Administrator has not accepted fuel economy data derived from the testing of a certification vehicle (or a vehicle tested for running changes approved under § 86.078-23) for at least one vehicle configuration within each base level, the manufacturer shall submit (on or before the date that the manufacturer requests the Administrator to calculate the respective general label values) data as specified in § 600.006. The fuel economy data submitted shall be for the vehicle configuration with the largest projected sales within the respective base level. The vehicle tested will be tested at the road load horsepower with the highest projected sales within the vehicle configuration.

* * * * *

31. By adding a new § 600.207-80 identical to § 600.207-78 except paragraph (a)(3)(iii) reads as follows:

§ 600.207-80 Calculation and use of fuel economy values for a model type.

(a) * * *

(3) * * *

(iii) If the Administrator has not accepted fuel economy data derived from the testing of a certification vehicle (or a vehicle tested for running changes approved under § 86.078-23) for at least one vehicle configuration within each base level, the manufacturer shall submit (on or before the date that the manufacturer requests the Administrator to calculate the respective general label values) data as specified in § 600.-006. The fuel economy data submitted shall be for the vehicle configuration with the largest projected sales within the respective base level. The vehicle will be tested at the road load horsepower/test weight combination which has the largest projected sales within the vehicle configuration.

* * * * *

32. By adding a new § 600.309-80 to read as follows:

§ 600.309-80 Specific label contents.

The specific fuel economy label must contain the following:

(a) The information and statements as described in § 600.307(a) through (k);

(b) A statement that the fuel economy estimates are from tests of this specific vehicle configuration and might not be in the booklet described in Subpart E.

(c) A description of the applicable vehicle specifying:

(1) Car line,

(2) Engine displacement,

(3) Number of cylinders,

(4) Transmission class and number of forward speeds,

(5) Fuel metering system, including number of carburetor barrels, if applicable,

(6) Catalyst usage, if so equipped,

(7) Other engine or vehicle parameters, if approved by the Administrator,

(8) Inertia eight class,

(9) Axle ratio, and

(10) California emission control system usage, where applicable, if the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other States.

(d) Specific label fuel economy values and estimated fuel cost for that vehicle as determined according to § 600.206.

(e) The estimated range of fuel economy of comparable automobiles and effective date of the range except as provided in § 600.306(b)(1). This range is determined by the Administrator according to § 600.311 for each class of vehicles as described in § 600.315.

33. By adding a new § 600.313–78 to read as follows:

§ 600.313–78 Timetable for data and information submittal and review.

(a) The Administrator will notify the manufacturer of the classification of each of the manufacturer's car lines after the manufacturer makes a request for such determination.

(b) Each fuel economy label format which the manufacturer intends to use must be approved by the Administrator before the manufacturer requests the Administrator to determine fuel economy values for use on that type of label. For example, a California general label format must be approved by the Administrator before the manufacturer requests California general label fuel economy values.

(c) If a manufacturer requests and submits sufficient information, the Administrator will determine, according to Subpart C, general label or specific label fuel economy values based upon information submitted by the manufacturer.

(1) A manufacturer must submit sufficient information to determine general label fuel economy values within the following time constraints:

(i) For model types initially offered for sale on or before the date of the availability of the initial range of fuel economy values of comparable automobiles, the submission must be made prior to the date established by the Administrator.

(ii) For model types initially offered for sale after the date of the availability of the initial range of fuel economy values of comparable automobiles, the submission must be made no later than thirty calendar days before the date that the model is initially offered for sale.

(2) As of the date of the request, the manufacturer may not submit additional information pertaining to this request except as required by the Administrator.

(3) After receipt of a manufacturer's request for computation of label values, the Administrator will review, according to § 600.008, the fuel economy submission received from the manufacturer and notify the manufacturer of approval or request further data, information, or vehicles in accordance with the approval procedure specified in Subpart A.

(4) After receipt of a manufacturer's data, information, or vehicles in response to paragraph (c)(3), the Administrator will conduct any testing and complete data review required under subparagraph (3), and notify the manufacturer of the results of this testing and review.

(5) After completion of any testing or review of the data which satisfy the requirements of paragraph (c)(3), the Administrator will provide the manufacturer with general label and/or specific label (as requested under this paragraph) fuel economy values, annual fuel cost estimates, and a range of fuel economy of comparable automobiles (when a range is available) as calculated from approved data. After receipt of approved fuel economy label values, the manufacturer may use these data in the labeling of his automobiles.

(6) The manufacturer should submit any request for approval of data under this section at least 25 working days before he desires the Administrator's response. This should allow the Administrator sufficient time to conduct any additional testing required.

34. By adding a new Subpart F reading as follows:

Subpart F—Fuel Economy Regulations for 1978 and Later Model Year Automobiles—Procedures for Determining Manufacturer's Average Fuel Economy

§ 600.501–78 General applicability.

The provisions of this subpart are applicable to 1978 and later model year passenger automobiles.

§ 600.502–78 Definitions.

(a) The definitions in § 600.002 and the following definitions apply to this subpart.

(1) "Declared value" of imported components shall be the value at which components are declared by the importer to the U.S. Customs Service at the date of entry into the customs territory of the United States, or, with respect to imports into Canada, the declared value of such components as if they were declared as imports into the United States at the date of entry into Canada.

(2) "Cost of production" of a car line shall mean the aggregate of the products of:

(i) The average U.S. dealer wholesale price for such car line as computed from each official dealer price list effective during the course of a model year, and

(ii) The number of passenger automobiles within the car line produced during the part of the model year that the price list was in effect.

§ 600.503–78 Abbreviations

The abbreviations in § 600.003 apply to this subpart.

§ 600.504–78 Section numbering, construction.

The section numbering procedure set forth in § 600.004 applies to this subpart.

§ 600.505–78 Record keeping.

The record keeping procedure set forth in § 600.005 applies to this subpart.

§ 600.506–78 Preliminary determination of manufacturer's average.

(a) The manufacturer shall submit, for approval by the Administrator, a determination of his preliminary average fuel economy value.

(1) The average must be submitted within 10 days after the date of the availability of the initial range of fuel economy values of comparable automobiles (ref. § 600.314(d)(1)) or within 30 days after the date the manufacturer's first model type is initially offered for sale, whichever is later.

(2) The deadline for submission of the preliminary average may be waived upon petition by the manufacturer to the Administrator if the Administrator finds good cause. The Administrator will set a new reporting date if a waiver is granted.

(b) The preliminary average fuel economy value will be calculated according to the procedures in § 600.510 except that:

(1) Sales projections will be used for the calculations in place of the production values, and must be updated at the time of the preliminary calculation.

(2) The fuel economy data used in the calculation shall be that approved by the Administrator as of the date of the preliminary average calculation including:

(i) All fuel economy data from original certification vehicles and fuel economy data vehicles as required by § 600.207,

(ii) Fuel economy data from all vehicles tested for running changes approved under § 86.077–23, and

(iii) Fuel economy data required by paragraph (d).

(iv) Other fuel economy data accepted by the Administrator under Subpart A.

(c) Minimum data requirements will be established under paragraph (d) of this section for each base level with a sales fraction of 0.0100 or greater (known as a significant base level).

(1) The sales to be used in this determination are those in paragraph (b)(1) of this section.

(2) For the purposes of this section, the sales fraction for a base level shall be the quotient (rounded to the nearest 0.0001) of projected sales of the base level divided by the manufacturer's total projected sales of passenger automobiles, where total projected sales are calculated according to § 600.511 except that projected sales are used in place of production values.

(d) For each significant base level identified in paragraph (c) of this section the manufacturer shall submit prior to the submission of the preliminary calculation, fuel economy data for those vehicle configurations, taken in order of decreasing sales (according to the projection submitted in paragraph (b)(1) of this section, whose sales total a minimum of 90 percent of the sales of that base level. For all other base levels, the minimum data requirements of § 600.207(a)(3)(iii) must be met.

(e) All fuel economy data submitted under this subpart must:

(1) Be determined by the test procedures specified in Subpart B or an approved analytical method as permitted under § 600.006(e), and

(2) Be accepted by the Administrator under the requirements of Subpart A.

§ 600.507–78 Running change data requirements.

(a) The manufacturer will be required to submit additional running change

fuel economy data for any running change approved under § 86.077-23 which creates a new vehicle configuration in a significant base level originally identified for minimum data under § 600.506 (c), or subsequently identified in § 600.-508(b), unless exempted by the Administrator.

(1) The manufacturer may petition the Administrator for an exemption from the requirement to submit additional running change fuel economy data.

(2) If the exemption is not granted, the Administrator will notify the manufacturer of the denial and the manufacturer shall submit running change fuel economy data as prescribed in this section.

(b) The additional fuel economy data required for a running change in paragraph (a) of this section will be determined based on the sales of the vehicle configurations in the affected base level as updated and submitted to the Administrator at the time of running change approval.

(1) Within each base level identified in paragraph (a) of this section, fuel economy data shall be submitted for the new vehicle configuration, created by the running change, with the greatest projected sales.

(2) Fuel economy data required by this section shall be submitted no later than 30 days after the manufacturer receives approval of the running change for those running changes approved after the calculation of the manufacturer's preliminary average, and no later than 90 days after the calculation of the preliminary average for those running changes approved prior to the calculation of the preliminary average.

(c) Any manufacturer required to submit data under this section as a result of an addition of a base level under § 600.508, must submit data on any running change identified by paragraph (a) of this section.

(1) Data identified by paragraph (a) of this section which were approved prior to the date of approval to add the base level which caused the recalculation of the preliminary average fuel economy value according to § 600.508, must meet the requirements of (b) of this section, except that the data may be submitted at any time before the final calculation of the manufacturer's average fuel economy value in § 600.510.

(2) Any running change identified by paragraph (a) of this section approved on or after that date must be submitted according to paragraph (b)(2) of this section.

§ 600.507-79 Running change data requirements.

(a) The manufacturer will be required to submit additional running change fuel economy data for any running change approved under § 86.077-23 which creates a new vehicle configuration in a significant base level originally identified for minimum data under § 600.506 (c), or subsequently identified in § 600.-508(b), unless exempted by the Administrator.

(1) The manufacturer may petition the Administrator for an exemption from the requirement to submit additional running change fuel economy data.

(2) If the exemption is not granted, the Administrator will notify the manufacturer of the denial and the manufacturer shall submit running change fuel economy data as prescribed in this section.

(b) The additional fuel economy data required for a running change in paragraph (a) of this section will be determined based on the sales of the vehicle configurations in the affected base level as updated and submitted to the Administrator at the time of running change approval.

(1) Within each base level identified in paragraph (a) of this section, fuel economy data shall be submitted for the new vehicle configuration created by the running change, with the greatest projected sales. Unless that configuration was specified and tested under § 86.078-23, the Administrator will specify the road load horsepower for the test vehicle.

(2) Fuel economy data required by this section shall be submitted no later than 30 days after the manufacturer receives approval of the running change for those running changes approved after the calculation of the manufacturer's preliminary average, and no later than 90 days after the calculation of the preliminary average for those running changes approved prior to the calculation of the preliminary average.

(c) Any manufacturer required to submit data under this section as a result of an addition of a base level under § 600.508, must submit data on any running change identified by paragraph (a) of this section.

(1) Data identified by paragraph (a) of this section which were approved prior to the date of approval to add the base level which caused the recalculation of the preliminary average fuel economy value according to § 600.508, must meet the requirements of (b) of this section, except that the data may be submitted at any time before the final calculation of the manufacturer's average fuel economy value in § 600.510.

(2) Any running change identified by paragraph (a) of this section approved on or after that date, must be submitted according to paragraph (b)(2) of this section.

§ 600.507-80 Running change data requirements.

(a) The manufacturer will be required to submit additional running change fuel economy data for any running change approved under § 86.077-23 which creates a new vehicle configuration in a significant base level originally identified for minimum data under § 600.506 (c), or subsequently identified in § 600.-508(b), unless exempted by the Administrator.

(1) The manufacturer may petition the Administrator for an exemption from the requirement to submit additional running change fuel economy data.

(2) If the exemption is not granted, the Administrator will notify the manufacturer of the denial and the manufacturer shall submit running change fuel economy data as prescribed in this section.

(b) The additional fuel economy data required for a running change in paragraph (a) of this section will be determined based on the sales of the vehicle configurations in the affected base level as updated and submitted to the Administrator at the time of running change approval.

(1) Within each base level identified in paragraph (a) of this section, fuel economy data shall be submitted for the new vehicle configuration, created by the running change, with the greatest projected sales. Unless that configuration was specified and tested under § 86.078-23, the Administrator will specify the road load horsepower and test weight for the test vehicle.

(2) Fuel economy data required by this section shall be submitted no later than 30 days after the manufacturer receives approval of the running change for those running changes approved after the calculation of the manufacturer's preliminary average, and no later than 90 days after the calculation of the preliminary average for those running changes approved prior to the calculation of the preliminary average.

(c) Any manufacturer required to submit data under this section as a result of an addition of a base level under § 600.508, must submit data on any running change identified by paragraph (a) of this section.

(1) Data identified by paragraph (a) of this section which were approved prior to the date of approval to add the base level which caused the recalculation of the preliminary average fuel economy value according to § 600.508, must meet the requirements of (b) of this section, except that the data may be submitted at any time before the final calculation of the manufacturer's average fuel economy value in § 600.510.

(2) Any running change identified by paragraph (a) of this section approved on or after that date, must be submitted according to paragraph (b)(2) of this section.

§ 600.508-78 Addition of a base level—data requirements.

(a) Any manufacturer who adds a base level to his product line at any time after the preliminary determination of his average fuel economy value in § 600.506, shall submit in accordance with the requirements of § 600.207, fuel economy and sales projection data for such base level.

(b) If a new base level being added has a sales fraction of 0.0100 or greater (as defined in § 600.506(c)(2) using sales updated as of the date of receipt of approval to add the base level, the manufacturer shall, within 30 days of receipt of the approval:

(1) Submit to the Administrator the minimum data required in accordance with § 600.506(c), and then

(2) Recalculate and submit to the Administrator fuel economy values in accordance with procedures in § 600.506 except that all fuel economy data approved by the Administrator to date shall be used.

(c) If the total projected sales, updated as of the date of approval to add the latest base level, of all base levels added since the latest calculation in § 600.506 is equal to a sales fraction of 0.0300 or greater (as defined in § 600.506 (c)(2)), the manufacturer shall recalculate his average as in paragraph (b)(2).

(d) Any manufacturer required under paragraph (b) or (c) to perform a recalculation may be required by the Administrator to supply any additional data required under § 600.507 regardless of any exemption granted under § 600.-507(a) based upon the results of that recalculation.

§ 600.509-78 Voluntary submission of additional data.

(a) The manufacturer may, at his option, submit data in addition to the data required by the Administrator.

(1) Additional fuel economy data may be submitted by the manufacturer for any vehicle configuration which is to be tested as required in § 600.506 or § 600.507 or for which fuel economy data were previously submitted under paragraph (a) (2) of this section.

(2) Within a base level, additional fuel economy data may be submitted by the manufacturer for any vehicle configuration which is not required to be tested by § 600.506 or § 600.507. Additional data which is submitted within a base level after the calculation of the manufacturer's preliminary average fuel economy must be submitted in rank order such that data is first submitted for all configurations with a higher sales fraction (as defined in § 600.506(c)(2)).

§ 600.510-78 Calculation of average fuel economy.

(a) Average fuel economy will be calculated to the nearest 0.1 mpg for the classes of automobiles identified herein, and the results of such calculations will be reported to the Secretary of Transportation for use in determining compliance with the applicable fuel economy standards.

(1) An average fuel economy calculation will be made for the category of passenger automobiles that are domestically manufactured plus the includable imports as defined in § 600.511(d)(1).

(2) An average fuel economy calculation will be made for the category of passenger automobiles that are not domestically manufactured as defined in § 600.-511(d)(2).

(b) For the purpose of calculating average fuel economy under paragraphs (c) and (e) of this section:

(1) All fuel economy data submitted under § 600.512 must be used.

(2) Fuel economy will be calculated for each model type according to § 600.207 except that:

(i) Separate fuel economy values will be calculated for model types and base levels associated with car lines that are:

(A) Domestically produced and

(B) Non-domestically produced and imported;

(ii) Model year passenger automobile production data, as required by this subpart, will be used instead of sales projections;

(iii) The fuel economy value of diesel-powered model types will be multiplied by the factor 1.0 to convert gallons of diesel fuel to equivalent gallons of gasoline;

(iv) The fuel economy value will be rounded to the nearest 0.1 mpg; and

(v) High altitude test data will be included.

(3) The fuel economy value for each vehicle configuration is the combined fuel economy calculated according to § 600.206 except that:

(i) Separate fuel economy values will be calculated for vehicle configurations associated with car lines that are:

(A) Domestically produced and

(B) Non-domestically produced and imported;

(ii) Model year passenger automobile production data, as required by this subpart, will be used instead of sales projections; and

(iii) The fuel economy value of diesel-powered model types will be multiplied by the factor 1.0 to convert gallons of diesel fuel to equivalent gallons of gasoline.

(c) *For passenger automobiles*, average fuel economy will be calculated as follows:

(1) For the category of passenger automobiles defined in § 600.511(d)(1), divide:

(i) The total domestic production volume plus the includable import volume, as determined in § 600.511, by

(ii) A sum of terms, where

(A) One term is a fraction determined by dividing the includable import volume by the average passenger automobile fuel economy value determined in paragraph (e) of this section, and

(B) Each of the remaining terms corresponds to a domestically produced model type and is a fraction determined by dividing the total production volume of that model type by the fuel economy value for that model type calculated in accordance with paragraph (b)(2).

(2) The average fuel economy for the category of automobiles defined in § 600.-511(d)(2) is the value calculated in accordance with paragraph (e).

(d) [Reserved]

(e) An average fuel economy value will be calculated for those passenger automobiles which are not domestically produced and which are imported by a manufacturer, as specified below.

(1) Divide the total volume of passenger automobiles which are not domestically produced and which are imported by

(2) A sum of terms, each of which corresponds to a model type and is a fraction determined by dividing:

(i) The number of passenger automobiles of that model type imported by the manufacturer in the model year, by

(ii) The fuel economy calculated for that model type in accordance with paragraph (b)(2) of this section.

§ 600.510-80 Calculation of average fuel economy.

(a) Average fuel economy will be calculated to the nearest 0.1 mpg for the classes of automobiles identified herein, and the results of such calculations will be reported to the Secretary of Transportation for use in determining compliance with the applicable fuel economy standards.

(1) An average fuel economy calculation will be made for the category of passenger automobiles defined in § 600.-511(d)(1).

(2) An average fuel economy calculation will be made for the category of passenger automobiles defined in § 600.-511(d)(2).

(b) For the purpose of calculating average fuel economy under paragraphs (c) and (e) of this section:

(1) All fuel economy data submitted under § 600.512 must be used.

(2) Fuel economy will be calculated for each model type according to § 600.-207 except that:

(i) Separate fuel economy values will be calculated for model types and base levels associated with car lines that are:

(A) Domestically produced and

(B) Non-domestically produced and imported;

(ii) Model year passenger automobile production data, as required by this subpart, will be used instead of sales projections;

(iii) The fuel economy value of diesel-powered model types will be multiplied by the factor 1.0 to convert gallons of diesel fuel to equivalent gallons of gasoline;

(iv) The fuel economy value will be rounded to the nearest 0.1 mpg; and

(v) High altitude test data will be included.

(3) The fuel economy value for each vehicle configuration is the combined fuel economy calculated according to § 600.206 except that:

(i) Separate fuel economy values will be calculated for vehicle configurations associated with car lines that are:

(A) Domestically produced and

(B) Non-domestically produced and imported;

(ii) Model year passenger automobile production data, as required by this subpart, will be used instead of sales projections; and

(iii) The fuel economy value of diesel-powered model types will be multiplied by the factor 1.0 to convert gallons of diesel fuel to equivalent gallons of gasoline.

(c) *For passenger automobiles*, average fuel economy will be calculated as follows:

(1) For the category of passenger automobiles defined in § 600.511(d)(1), divide:

(i) The total domestic production volume by

(ii) A sum of terms, where each corresponds to a domestically produced model type and is a fraction determined by dividing the total production volume of that model type by the fuel economy value for that model type calculated in accordance with paragraph (b)(2).

(2) The average fuel economy for the category of automobiles defined in § 600.-

511(d)(2) is the value calculated in accordance with paragraph (e) of this section.

(d) [Reserved]

(e) An average fuel economy value will be calculated for those passenger automobiles which are not domestically produced and which are imported by a manufacturer, as specified below.

(1) Divide the total volume of passenger automobiles which are not domestically produced and which are imported by

(2) A sum of terms, each of which corresponds to a model type and is a fraction determined by dividing:

(i) The number of passenger automobiles of that model type imported by the manufacturer in the model year, by

(ii) The fuel economy calculated for that model type in accordance with paragraph (b)(2) of this section.

§ 600.511-78 Determination of domestic production.

(a) An automobile shall be considered domestically produced in any model year if it is included within a domestically produced car line (car line includes station wagons for purposes of this paragraph), unless the assembly of such automobile is completed in Canada and such automobile is not imported into the United States prior to the expiration of 30 days following the end of the model year. For purposes of this paragraph, a car line will be considered domestically produced if the following ratio is less than 0.25:

(1) The sum of the declared value, as defined in § 600.502, of all of the imported components installed or included on automobiles produced within such a car line within a given model year plus the cost of transportation and insuring such components to the United States or Canadian port of entry but exclusive of any customs duty, divided by

(2) The cost of production, as defined in § 600.502, of automobiles within such car line.

(b) For the purposes of calculations under this subpart with respect to automobiles manufactured during any model year,

(1) An average exchange rate for the country of origin of each imported component shall be used that is calculated by taking the mean of the exchange rates in effect at the end of each quarter set by the Federal Reserve Bank of New York for twelve calendar quarters prior to and including the calendar quarter ending one year prior to the date that the manufacturer submits the calculation of the preliminary average for such model year. Such rate, once calculated, shall be in effect for the duration of the model year. Upon petition of a manufacturer, the Administrator may permit the use of a different exchange rate where appropriate and necessary.

(2) Components shall be considered imported unless they are either:

(i) Wholly the growth, product, or manufacture of the United States and/or Canada, or

(ii) Substantially transformed in the United States or Canada into a new and different article of commerce.

(c) If it is determined by the Administrator at some date later than the date of entry that the declared value of such imported components did not represent fair market value at the date of entry, through U.S. Bureau of Customs appraisals, the Administrator may review the determination made pursuant to paragraph (a) of this section as to whether the pertinent car lines which utilize such components were correctly included within the manufacturer's domestically-produced or foreign-produced fleets. If such a determination was in error due to misrepresentation of the valuation of imported components at the date of entry, the Administrator may recalculate the manufacturer's average for the affected model year, according to § 600.510, to reflect the correct valuation of such imported components in each affected car line.

(d) In calculating average fuel economy under § 600.510(c), the Administrator will separate the total number of passenger automobiles produced by a manufacturer into the following two categories:

(1) Passenger automobiles which are domestically produced by the manufacturer plus passenger automobiles which are within the includable import volume of the manufacturer.

(2) Passenger automobiles which are not domestically produced by the manufacturer, are imported by the manufacturer, and are not within the includable import volume of the manufacturer.

(e) For purposes of this section:

(1) The term "includable import volume," with respect to any manufacturer, is the number of passenger automobiles which is the lesser of

(i) The manufacturer's base import volume or

(ii) The number of passenger automobiles calculated by multiplying

(A) The quotient obtained by dividing the manufacturer's base import volume by the manufacturer's base production volume, times

(B) The total number of passenger automobiles produced by the manufacturer during such model year.

(2) The term "base import volume" means one-half the sum of:

(i) The total number of passenger automobiles which were not domestically produced by the manufacturer during the 1974 model year and which were imported by the manufacturer during the 1974 model year, plus

(ii) 133 percent of the total number of passenger automobiles which were not domestically produced by the manufacturer during the first 9 months of model year 1975 and which were imported by the manufacturer during that 9-month period.

(3) The term "base production volume" means one-half of the sum of

(i) The total number of passenger automobiles produced by the manufacturer during model year 1974 plus

(ii) 133 percent of the total number of passenger automobiles produced by the manufacturer during the first 9 months of model year 1975.

(f) For purposes of paragraph (e) of this section, any passenger automobile

imported during model year 1976, but prior to July 1, 1975, will be deemed to have been produced (and imported) during the first 9 months of model year 1975.

§ 600.511-80 Determination of domestic production.

(a) An automobile shall be considered domestically produced in any model year if it is included within a domestically produced car line (car line includes station wagons for purposes of this paragraph), unless the assembly of such automobile is completed in Canada and such automobile is not imported into the United States prior to the expiration of 30 days following the end of the model year. For purposes of this paragraph, a car line will be considered domestically produced if the following ratio is less than 0.25:

(1) The sum of the declared value, as defined in § 600.502, of all of the imported components installed or included on automobiles produced within such a car line within a given model year plus the cost of transportation and insuring such components to the United States or Canadian port of entry but exclusive of any customs duty, divided by

(2) The cost of production, as defined in § 600.502, of automobiles within such car line.

(b) For the purposes of calculations under this subpart with respect to automobiles manufactured during any model year,

(1) An average exchange rate for the country of origin of each imported component shall be used that is calculated by taking the mean of the exchange rates in effect at the end of each quarter set by the Federal Reserve Bank of New York for twelve calendar quarters prior to and including the calendar quarter ending one year prior to the date that the manufacturer submits the calculation of the preliminary average for such model year. Such rate, once calculated, shall be in effect for the duration of the model year. Upon petition of a manufacturer, the Administrator may permit the use of a different exchange rate where appropriate and necessary.

(2) Components shall be considered imported unless they are either:

(i) Wholly the growth, product, or manufacture of the United States and/or Canada, or

(ii) Substantially transformed in the United States or Canada into a new and different article of commerce.

(c) If it is determined by the Administrator at some date later than the date of entry that the declared value of such imported components did not represent fair market value at the date of entry, through U.S. Bureau of Customs appraisals, the Administrator may review the determination made pursuant to paragraph (a) of this section as to whether the pertinent car lines which utilize such components were correctly included within the manufacturer's domestically-produced or foreign-produced fleets. If such a determination was in error due to misrepresentation of the valuation of imported components at the date of entry, the Administrator may recalculate the manufacturer's average for the affected model year, according to § 600.510, to reflect the correct valuation of such imported components in each affected car line.

(d) In calculating average fuel economy under § 600.510(c), the Administrator will separate the total number of passenger automobiles produced by a manufacturer into the following two categories:

(1) Passenger automobiles which are domestically produced by the manufacturer.

(2) Passenger automobiles which are not domestically produced and which are imported by the manufacturer.

§ 600.512-78 Model year report.

(a) For each model year, the manufacturer shall submit to the Administrator a report, known as the model year report, containing all information necessary for the calculation of the manufacturer's average fuel economy.

(b)(1) The model year report shall be in writing, signed by the authorized representative of the manufacturer and shall be submitted no later than 60 days after the report required in § 86.078-37 for the final production quarter.

(2) The Administrator may waive the requirement that the model year report be submitted within 60 days after the final quarterly production report. Based upon a request by the manufacturer, if the Administrator determines that 60 days is insufficient time for the manufacturer to provide all additional data required as determined in either §§ 600.506, 600.507, or 600.508, the Administrator shall establish a date by which the model year report must be submitted.

(c) The model year report must include the following information:

(1) All fuel economy data used in the preliminary calculation and subsequently required by the Administrator either under §§ 600.506, 600.507, or 600.508.

(2) All fuel economy data for certification vehicles, and for vehicles tested for running changes approved under paragraph 86.078-33.

(3) Any additional fuel economy data submitted by the manufacturer under § 600.509.

(4) A fuel economy value for each model type of the manufacturer's product line calculated according to § 600.510.

(5) The manufacturer's average fuel economy value calculated according to § 600.510.

(6) A listing of both domestically and non-domestically produced car lines as determined in § 600.511 and the cost information upon which the determination was made.

(7) Production data, the authenticity and accuracy of which shall be attested to by the corporation, and shall bear the signature of the Chief Executive Officer.

35. By adding new Appendices I and II to Part 600 reading as follows:

APPENDIX I.—HIGHWAY FUEL ECONOMY DRIVING SCHEDULE

(Applicable to 1978 and later model year automobiles.)

*** SPEED (MPH) VS TIME (SEC) ***

SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH
0	SAMPLE ON	50	38.6	100	48.5	150	44.1	200	43.4	250	48.0	300	33.4	350	59.0
1	0.0	51	39.3	101	48.8	151	44.3	201	43.2	251	48.0	301	35.6	351	58.9
2	0.0	52	40.0	102	49.1	152	44.4	202	43.2	252	48.0	302	37.5	352	58.8
3	2.0	53	40.7	103	49.2	153	44.6	203	43.1	253	48.1	303	39.1	353	58.6
4	4.9	54	41.4	104	49.1	154	44.7	204	43.0	254	48.2	304	40.2	354	58.4
5	8.1	55	42.2	105	49.1	155	44.9	205	43.0	255	48.2	305	41.1	355	58.2
6	11.3	56	42.9	106	49.0	156	45.2	206	43.1	256	48.1	306	41.8	356	58.1
7	14.5	57	43.5	107	49.0	157	45.7	207	43.4	257	48.6	307	42.4	357	58.0
8	17.3	58	44.0	108	49.1	158	45.9	208	43.9	258	48.9	308	42.8	358	57.9
9	19.6	59	44.3	109	49.2	159	46.3	209	44.0	259	49.1	309	43.1	359	57.6
10	21.8	60	44.5	110	49.3	160	46.8	210	43.5	260	49.1	310	43.8	360	57.4
11	24.1	61	44.6	111	49.4	161	46.9	211	42.6	261	49.1	311	44.3	361	57.2
12	25.8	62	44.9	112	49.5	162	47.0	212	41.5	262	49.1	312	44.7	362	57.1
13	27.1	63	45.0	113	49.5	163	47.1	213	40.7	263	49.1	313	45.0	363	57.0
14	28.0	64	45.1	114	49.5	164	47.6	214	40.0	264	49.0	314	45.2	364	57.0
15	29.0	65	45.4	115	49.6	165	47.9	215	40.0	265	48.9	315	45.4	365	56.9
16	30.0	66	45.7	116	49.1	166	48.0	216	40.3	266	48.2	316	45.5	366	56.9
17	30.7	67	46.0	117	48.9	167	48.0	217	41.0	267	47.7	317	45.8	367	56.9
18	31.5	68	46.3	118	48.6	168	47.9	218	42.0	268	47.5	318	46.0	368	57.0
19	32.2	69	46.5	119	48.4	169	47.8	219	42.7	269	47.2	319	46.1	369	57.0
20	32.9	70	46.8	120	48.1	170	47.3	220	43.1	270	46.7	320	46.5	370	57.0
21	33.5	71	46.9	121	47.7	171	46.7	221	43.2	271	46.2	321	46.8	371	57.0
22	34.1	72	47.0	122	47.4	172	46.2	222	43.4	272	46.0	322	47.1	372	57.0
23	34.6	73	47.1	123	47.3	173	45.9	223	43.9	273	45.8	323	47.7	373	57.0
24	34.9	74	47.2	124	47.5	174	45.7	224	44.3	274	45.6	324	48.3	374	57.0
25	35.1	75	47.3	125	47.8	175	45.5	225	44.7	275	45.4	325	49.0	375	57.0
26	35.7	76	47.2	126	47.9	176	45.4	226	45.1	276	45.2	326	49.7	376	57.0
27	35.9	77	47.1	127	48.0	177	45.3	227	45.4	277	45.0	327	50.3	377	56.9
28	35.8	78	47.0	128	47.9	178	45.0	228	45.8	278	44.7	328	51.0	378	56.8
29	35.3	79	46.9	129	47.9	179	44.0	229	46.5	279	44.5	329	51.7	379	56.5
30	34.9	80	46.9	130	47.9	180	43.1	230	46.9	280	44.2	330	52.4	380	56.2
31	34.5	81	46.9	131	48.0	181	42.2	231	47.2	281	43.5	331	53.1	381	55.8
32	34.6	82	47.0	132	48.0	182	41.5	232	47.4	282	42.8	332	53.8	382	56.0
33	34.8	83	47.1	133	48.0	183	41.5	233	47.3	283	42.0	333	54.5	383	56.0
34	35.1	84	47.1	134	47.9	184	42.1	234	47.3	284	40.1	334	55.2	384	56.1
35	35.7	85	47.2	135	47.3	185	42.9	235	47.2	285	38.6	335	55.8	385	56.4
36	36.1	86	47.1	136	46.0	186	43.5	236	47.2	286	37.5	336	56.4	386	56.7
37	36.2	87	47.0	137	43.3	187	43.9	237	47.2	287	35.8	337	56.9	387	56.9
38	36.5	88	46.9	138	41.2	188	43.6	238	47.1	288	34.1	338	57.0	388	57.1
39	36.7	89	46.5	139	39.5	189	43.3	239	47.0	289	34.0	339	57.1	389	57.3
40	36.8	90	46.3	140	39.2	190	43.0	240	47.0	290	33.3	340	57.3	390	57.4
41	37.0	91	46.2	141	39.0	191	43.1	241	46.9	291	32.5	341	57.6	391	57.4
42	37.0	92	46.3	142	39.0	192	43.4	242	46.6	292	31.7	342	57.8	392	57.2
43	37.0	93	46.5	143	39.1	193	43.9	243	46.4	293	30.6	343	58.0	393	57.0
44	37.0	94	46.9	144	39.5	194	44.3	244	47.0	294	29.8	344	58.1	394	56.9
45	37.0	95	47.1	145	40.1	195	44.6	245	47.2	295	28.8	345	58.4	395	56.6
46	37.0	96	47.6	146	41.0	196	44.9	246	47.5	296	28.4	346	58.7	396	56.3
47	37.1	97	47.7	147	42.0	197	44.8	247	47.9	297	28.6	347	58.8	397	56.1
48	37.3	98	48.0	148	43.1	198	44.6	248	48.0	298	29.5	348	58.9	398	56.4
49	37.6	99	48.2	149	43.7	199	43.9	249	48.0	299	31.4	349	59.0	399	56.7

SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH	SEC	MPH
400	57.1	450	58.2	500	54.7	550	55.8	600	48.3	650	50.2	700	54.2	750	26.0
401	57.5	451	58.1	501	54.6	551	55.6	601	48.0	651	50.7	701	54.5	751	24.5
402	57.8	452	58.0	502	54.4	552	55.4	602	47.7	652	51.1	702	54.8	752	21.5
403	58.0	453	58.0	503	54.3	553	55.2	603	47.8	653	51.7	703	55.0	753	19.5
404	58.0	454	58.0	504	54.3	554	55.1	604	47.7	654	52.2	704	55.5	754	17.4
405	58.0	455	58.0	505	54.2	555	55.0	605	47.9	655	52.5	705	55.9	755	15.1
406	58.0	456	58.0	506	54.1	556	54.9	606	48.3	656	52.1	706	56.1	756	12.4
407	58.3	457	58.0	507	54.1	557	54.6	607	49.0	657	51.6	707	56.1	757	9.2
408	58.0	458	57.9	508	54.1	558	54.4	608	49.1	658	51.1	708	56.4	758	7.0
409	57.9	459	57.9	509	54.0	559	54.2	609	49.0	659	51.0	709	56.5	759	3.6
410	57.8	460	58.0	510	54.0	560	54.1	610	49.9	660	51.0	710	56.1	760	3.3
411	57.7	461	58.1	511	54.0	561	53.6	611	48.0	661	51.1	711	56.9	761	2.0
412	57.7	462	58.1	512	54.0	562	53.4	612	47.1	662	51.4	712	57.0	762	0.7
413	57.8	463	58.2	513	54.0	563	53.3	613	46.2	663	51.7	713	57.3	763	0.0
414	57.9	464	58.3	514	54.0	564	53.1	614	46.1	664	52.0	714	57.7	764	0.0
415	58.0	465	58.3	515	54.0	565	52.9	615	46.1	665	52.2	715	58.2	765	SAMPLE OFF
416	58.1	466	58.3	516	54.0	566	52.6	616	46.2	666	52.5	716	58.8		
417	58.4	467	58.2	517	54.1	567	52.4	617	46.9	667	52.6	717	59.1	HCN APR 22/74	
418	58.9	468	58.1	518	54.2	568	52.2	618	47.8	668	52.7	718	59.2		
419	59.1	469	58.0	519	54.5	569	52.1	619	47.8	669	52.6	719	59.1		
420	59.4	470	57.6	520	54.8	570	52.0	620	49.2	670	52.3	720	58.8		
421	59.5	471	57.5	521	54.9	571	52.0	621	50.6	671	52.3	721	58.5		
422	59.9	472	57.1	522	55.0	572	52.0	622	51.5	672	52.6	722	58.1		
423	59.9	473	57.0	523	55.1	573	52.0	623	52.0	673	52.5	723	57.7		
424	59.8	474	56.6	524	55.2	574	52.1	624	52.7	674	52.7	724	57.3		
425	59.6	475	56.1	525	55.2	575	52.0	625	53.0	675	52.7	725	57.1		
426	59.4	476	56.0	526	55.3	576	52.0	626	53.6	676	52.4	726	56.8		
427	59.2	477	55.8	527	55.4	577	51.9	627	54.0	677	52.1	727	56.5		
428	59.1	478	55.5	528	55.5	578	51.6	628	54.1	678	51.7	728	56.2		
429	59.0	479	55.2	529	55.6	579	51.4	629	54.4	679	51.1	729	55.5		
430	58.9	480	55.1	530	55.7	580	51.1	630	54.7	680	50.5	730	54.6		
431	58.7	481	55.0	531	55.8	581	50.7	631	55.1	681	50.1	731	54.3		
432	58.6	482	54.9	532	55.9	582	50.3	632	55.4	682	49.8	732	53.7		
433	58.5	483	54.9	533	56.0	583	49.5	633	55.6	683	49.7	733	53.2		
434	58.4	484	54.9	534	56.0	584	49.3	634	55.8	684	49.6	734	52.9		
435	58.4	485	54.9	535	56.0	585	48.7	635	54.5	685	49.5	735	52.5		
436	58.3	486	54.9	536	56.0	586	48.2	636	51.6	686	49.5	736	52.0		
437	58.2	487	54.9	537	56.0	587	48.1	637	52.5	687	49.7	737	51.3		
438	58.1	488	55.0	538	56.0	588	47.9	638	50.2	688	50.0	738	50.5		
439	58.0	489	55.0	539	56.0	589	48.9	639	48.2	689	50.2	739	49.5		
440	57.9	490	55.0	540	56.0	590	49.1	640	45.5	690	50.6	740	48.5		
441	57.9	491	55.0	541	56.0	591	49.1	641	46.2	691	51.1	741	47.6		
442	57.9	492	55.0	542	56.0	592	48.9	642	46.0	692	51.6	742	46.4		
443	57.9	493	55.0	543	56.0	593	49.0	643	44.0	693	51.9	743	45.6		
444	57.9	494	55.1	544	56.0	594	49.1	644	44.3	694	52.0	744	44.2		
445	58.0	495	55.1	545	56.0	595	49.1	645	44.0	695	52.1	745	42.5		
446	58.1	496	55.0	546	56.0	596	49.0	646	47.5	696	52.4	746	39.2		
447	58.1	497	54.9	547	55.9	597	49.0	647	48.2	697	52.9	747	35.9		
448	58.2	498	54.9	548	55.9	598	48.9	648	48.4	698	53.3	748	32.6		
449	58.2	499	54.8	549	55.7	599	48.6	649	47.5	699	53.7	749	29.3		

APPENDIX II.—SAMPLE TEST VALUE CALCULATIONS

(APPLICABLE TO 1978 AND LATER MODEL YEAR AUTOMOBILES)

(a) Assume that a gasoline-fueled vehicle was tested by the Federal Emission Test Procedure and the following results were calculated:
$HC = 1.03$ grams/mile
$CO = 6.74$ grams/mile
$CO_2 = 785$ grams/mile

According to the procedure in § 600.113, the city fuel economy or MPG_c for the vehicle may be calculated by substituting the HC, CO, and CO_2 gram/mile values into the following equation.

$$MPG_c = \frac{2421}{(0.866 \times HC) + (0.429 \times CO) + (0.273 \times CO_2)}$$

$$= \frac{2421}{(0.866 \times 1.03) + (0.429 \times 6.74) + (0.273 \times 785)}$$

$$= \frac{2421}{218.1}$$

$$= 11.1 \text{ MPG}$$

(b) Assume that the same vehicle was tested by the Federal Highway Fuel Economy Test Procedure and a calculation similar to that shown in (a) resulted in a highway fuel economy or MPG_h of 18.6. According to the procedure in § 600.113, the combined fuel economy (called $MPG_{c/h}$) for the vehicle may be calculated by substituting the city and highway fuel economy values into the following equation:

$$MPG_{c/h} = \frac{1}{\frac{0.55}{MPG_c} + \frac{0.45}{MPG_h}}$$

$$= \frac{1}{\frac{0.55}{11.1} + \frac{0.45}{18.6}}$$

$$= \frac{1}{0.0737}$$

$$MPG_{c/h} = 13.6 \text{ MPG}$$

36. By replacing all blanket citations of statutory authority for Part 600 with the following single citation:

AUTHORITY: Sec. 301, Pub. L. 94-163, 89 Stat. 901 et seq. (15 U.S.C. 2001, 2003, 2005, 2006).

[FR Doc.77-26374 Filed 9-9-77;8:45 am]

[FRL 779-2]

PART 600—FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy Labeling and Other Requirements for 1978 and Later Model Year Automobiles

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: An NPRM published June 6, 1977 (42 FR 28969) proposed several changes to the fuel economy labeling regulations to make the information which appears on fuel economy labels more useful to the consumer. This action adopts several of the proposed changes (essentially as proposed) as follows: division of the "Subcompact" class of passenger automobiles, division of the "Van/Special Purpose Truck" class, use of a normalized width dimension in determining the interior volume index of passenger automobiles, prohibition of the use of specific labels, the requirement that final stage manufacturers affix the fuel economy label, and addition of the number of forward speeds and overdrive to the definition of base level.

EFFECTIVE DATE: September 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Gary E. Timm, Regulatory Management Staff, Office of Mobile Source Air Pollution Control (AW-455), U.S. Environmental Protection Agency, Washington, D.C. 20460 (202-755-0596).

SUPPLEMENTARY INFORMATION: On November 10, 1976, the Environmental Protection Agency promulgated a final rule on fuel economy labeling procedures for 1977 and later model year automobiles (41 FR 49752). At that time EPA recognized the need to consider appropriate improvements to the program and solicited comments from interested parties on several issues regarding vehicle classification and labeling requirements. As a result of these and other comments, several suggested changes to the labeling regulations were proposed by EPA on June 6, 1977 (42 FR 28970).

After receipt of comments from manufacturers, the general public and consumer groups, EPA determined that final action could be taken on a number of proposals, but that others could not be decided on the basis of comments and information received. Thus, resolution of the following issues is deferred and will be the subject of a future rulemaking for 1979 and later model years: Change to the fuel economy estimates used in fuel economy labeling and the "Gas Mileage Guide," changes in the procedures for calculation of cargo volume for station wagons and hatchbacks to determine comparable class for fuel economy labeling, change in the measurement procedure for front seat leg room, and engine code redefinition in relationship to air conditioning usage.

DISCUSSION OF ISSUES RESOLVED BY THIS ACTION

1. *Division of Van/Special Purpose Truck.* EPA proposed for the 1978 model year to separate the Van/Special Purpose Truck Class into two separate classes to distinguish between these vehicles which have demonstrably different uses. Vans were proposed to be defined as any nonpassenger automobile having an integral enclosure fully enclosing the driver compartment and load carrying area and a hood length of less than 30 inches.

All commentors supported the proposal. One manufacturer expressed a reservation concerning the choice of a 30 inch maximum hood length in the definition as being too restrictive to include all future vans. EPA chose this definition to be consistent with the definition used in the emissions program which is based on the characteristics of the present van population. EPA will revise the definition in the future if the van manufacturers show a need that EPA do so.

2. *Division of Subcompact Class.* EPA proposed to divide the current Subcompact class into two smaller classes which the Agency proposed to call "Subcompact and "Small". The purpose of the proposal was to separate the extremely small subcompacts from the subcompacts which approach the compacts in size.

Most commentors agreed with EPA that such a separation was desirable. One manufacturer and the Office of Consumer Affairs (OCA) of the Department of Health, Education, and Welfare disagreed with the proposal stating that little is accomplished by way of reducing the broad fuel economy ranges of the current subcompact class by this proposal and that this proposal would separate into different classes vehicles that consumers viewed as comparable. These comments are correct; no meaningful reduction in the fuel economy range of the subcompact class occurs due to the proposed change but that is not its intended purpose. Its intended purpose is to separate the larger subcompacts from the smallest cars on the market, which it accomplishes. Although the 85 cubic foot volume cutpoint does separate some vehicles which are deemed comparable for marketing and advertizing purposes, this problem is not unique to this class. Any other cutpoint would also cause separation of some vehicles that are comparable in terms of interior size, for there is no gap in the distribution of interior volumes. Noting the lack of such a gap, EPA has decided to divide the present subcompact class with 85 cubic foot volume as the cutpoint, because it divides current subcompacts almost equally and, as such, would most effectively separate vehicles that are not comparable.

Only two suggestions were made regarding the name of the smallest class. It was suggested that the names "minicompact" or "minicar" were more descriptive than "small." EPA has adopted the term minicompact for this class for the 1978 model year.

The analysis of the issue of revising the means of measuring interior volume to be more representative of actual useable space has pointed out again the difficulties associated with the use of fixed cutpoints between classes. EPA will continue to examine other alternatives for cutpoints, and may propose changes for future model years.

3. *Change to the Width Dimension Used in Calculating the Interior Volume Index of the Passenger Compartment.* Due to concern expressed by two manufacturers in comments on the 1977 labeling regulations regarding the proper width dimension to use in calculating the interior volume index of the passenger compartment, EPA proposed two alternatives (numbers used below in parentheses refer to individual dimension measurement procedures in the Society of

Automotive Engineers (SAE) procedure J1100a):

(a) The simple averaging of hip (W5) and shoulder (W3) measurements to determine the width, or

(b) The use of a normalized average of hip (W5) and shoulder (W3), i.e., the sum of hip width plus shoulder and width plus 4 inches divided by two if the difference between shoulder and hip width is greater than 4 inches. Shoulder width only is used if this difference is less than four inches.

The normalized average concept proposed by EPA recognizes that hip room is an important consideration under some circumstances but that the hip room requirement is smaller for virtually all segments of the population than shoulder room. EPA proposed a differential of 4 inches between the two, based on consideration of seating three large (85th percentile) men on a bench seat sitting vertically with elbows to the side.

A more sophisticated analytical methodology used by General Motors has indicated that this differential should be larger (i.e., 6 or 7 inches) to account for elbow relaxation and occupant lean. EPA believes that comfortable accommodation, which is the basis of this change to the regulations, should be determined without including occupant lean.

Most commentors supported the proposal to use a normalized average of hip and shoulder widths (option (b)). Two manufacturers preferred no change; one preferred the simple averaging approach (option (a)).

EPA is therefore adopting the normalized average approach for 1978 and later model years but with a 5 inch differential instead of 4. A 5 inch differential is supported by the methodology used by GM if occupant lean is not included in the analysis. Thus, for either the front or back seat, if the shoulder width exceeds the hip width by more than five inches, the width dimension of the respective seat shall be the sum of hip width plus shoulder width plus 5 divided by 2. If the shoulder width does not exceed the hip room by more than 5 inches, the shoulder room dimension is used in determining the interior volume index.

4. *Specific versus General Labeling.* EPA currently permits the use of two different fuel economy labels: one, termed a "general label," gives the fuel economy of a model type which may be composed of several vehicle configurations; the other, a "specific label," gives the fuel economy of individual vehicle configurations (i.e., cars that differ in axle ratio, inertia weight, and engine code in addition to the characteristics that distinguish model types). EPA has proposed for the 1979 and later model years the elimination of the specific label after the start of production period of each model year. Following the current testing schedule manufacturers have to use specific labels during the start of production period because of the general unavailability of general labels.

One manufacturer and AAA supported the proposal to eliminate specific labeling stating that the specific label is too technical for the average consumer and may tend to misrepresent the fuel economy capability of some cars to the casual eye of the car buyer. Most manufacturers opposed the proposal stating that, if adopted, they would no longer have any mechanism to inform consumers of their highest fuel economy vehicles. In spite of this objection, EPA believes that the potential costs of continuing specific labeling in terms of potential consumer deception and reduced consumer confidence in the fuel economy labeling program outweigh the benefits of more detailed information.

The potential of consumer deception and public dissatisfaction with the EPA labeling program arise out of the fact that some manufacturers tend to design stripped-down, low-powered vehicles of which they plan to build and sell only a few, but for which they can generate very high fuel economy values; manufacturers then emphasize such high fuel economy values in their advertising, tending to implant in the buyers' minds a perception of high fuel economy for the entire car line which is not achievable by the large majority of cars sold under the same vehicle name. By eliminating the specific label option, manufacturers will not be able to claim that their vehicles perform better than the sales-weighted average of the car line. Inasmuch as all fuel economy values published or confirmed by EPA are necessarily estimates, it appears to be more valid to base such published values on the sales-weighted average of the car line than on specially designed vehicles that may not be widely available or sold. In addition, by breaking out vehicles on the basis of overdrive (see below), any legitimate need for retaining the specific label that may have existed in the past is greatly reduced, since vehicles with overdrive—a feature that improves highway fuel economy in comparison to otherwise similar vehicles—will be identified separately from others in the car line.

However, there remains the problem of facilitating production of vehicles prior to the availability of the general label value. To accommodate this in past model years, EPA has permitted manufacturers to utilize specific labels on cars until the general label is available, and then to shift to use of the general label. EPA will at some future point propose an alternative to specific labeling to deal with this problem; however, beginning with the 1979 model year, EPA hereby adopts the proposal to utilize only general labels on all low altitude vehicles built 15 days after the general label for the vehicles has become available.

5. *Transmission Class.* Beginning with the 1979 model year EPA proposed to redefine "transmission class" so that no model type or base level will include vehicles with different numbers of forward speeds. It should be noted that the redefinition will apply in determining a manufacturer's average fuel economy for compliance purposes as well as in fuel economy labeling. The purpose of this proposal is to isolate one of the main factors affecting the ratio of engine speed to vehicle speed (N/V) which in turn is a significant factor in fuel economy.

Although most manufacturers and all consumer groups supported the proposal and its aims, two manufacturers commented that separation by number of forward speeds was not the proper delineation to make since many three speed manual and four speed manual transmission cars have virtually identical fuel economy if equipped with the same axle, whereas not all four speed vehicles, for example, have similar fuel economy if one has a top gear ratio appreciably less than 1:1 and the other is 1:1. These manufacturers suggested an overdrive/non-overdrive breakout either instead of, or in addition to, the proposed approach.

EPA originally intended to propose a redefinition based on the presence or lack of overdrive but could not find a precise definition of overdrive. The commonly accepted definition, a transmission gear that transmits to the drive shaft a greater speed than the engine speed, is not sufficiently exclusive to ensure that vehicles whose final transmission gear ratio is less than 1:1 but whose axle ratio is unusually high so as to cancel the fuel economy benefits are properly excluded. EPA was not successful at including an N/V restriction to narrow the definition.

Public response to the rulemaking on this issue was overwhelmingly favorable. Consumers apparently identify and attach considerable significance to the number of forward speeds when purchasing a manual transmission equipped vehicle. Therefore, even if fuel economy differences don't always exist between transmissions with different numbers of forward speeds, this information is important to the consumer. EPA will therefore adopt the proposal with the addition of a provision for breakout of overdrive at the Administrator's discretion. It is believed that this will go a long way toward making the distinctions that were suggested by manufacturers in their comments, and asked for by public commentors, and will avoid lumping dissimilar transmissions together in the future.

6. *Multi-Stage Vehicle Manufacture.* EPA proposed for the 1978 model year to place the responsibility for labeling a vehicle built by more than one manufacturer on the final stage manufacturer. Almost all comments received favored this proposal. A few commentors misinterpreted the EPA proposal and objected. The proposal merely states that the final stage manufacturer be responsible for affixing the label to the vehicle, not for conducting the testing. EPA believes that there are no objections to the

correctly understood proposal, and is hereby adopting it.

7. *"Base Vehicle" Definition.* A manufacturer pointed out in comments that, though the term "Base Vehicle" is used in the proposed regulations, this term is not defined in § 600.002-79. A definition for "Base Vehicle" is included in these final regulations to correct this oversight. Because this correction does not change the substance of these regulations, EPA finds that notice and public procedure are unnecessary.

8. *Revocation of § 600.406—Distribution of Booklet Information.* The National Highway Traffic Safety Administration, which is charged with enforcement of the provisions of the Motor Vehicle Information and Cost Savings Act and regulations related to display and availability of the "Gas Mileage Guide," requested that EPA clarify the language in § 600.405 to facilitate enforcement of the regulations relative to car dealers' responsibilities. EPA agrees with NHTSA that this section could be read to contradict some of the provisions of § 600.405 relating to dealers' responsibilities. Since § 600.406 was intended to be only explanatory and its deletion does not change the responsibilities of any party, EPA finds good cause to revoke this section without notice or public procedure to avoid any potential conflict in the regulations.

THIRTY-DAY NOTICE REQUIREMENT WAIVER

EPA finds good cause to make this action effective immediately upon publication since it is in the public interest to make the 1978 changes effective at the beginning of the 1978 model year.

ECONOMIC IMPACT

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

AVAILABILITY OF DOCUMENTS

Copies of EPA's summary and analysis of comments to the notice of proposed rulemaking and supporting documentation are available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

Dated: August 31, 1977.

DOUGLAS M. COSTLE,
Administrator.

Part 600 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. By amending § 600.002-78 by adding new paragraphs (a)(39) and (a)(40) reading as follows:

§ 600.002-78 Definitions.

(a) * * *

(39) "Van" means any nonpassenger automobile having an integral enclosure, fully enclosing the driver compartment and load-carrying device, and having no body sections protruding more than 30 inches ahead of the leading edge of the windshield.

(40) "Base vehicle" means the lowest priced version of each body style that makes up a car line.

2. By adding a new § 600.002-79 identical to § 600.002-78 except that definition (22), "Transmission Class", reads as follows:

§ 600.002-79 Definitions.

* * * * *

(22) "Transmission Class" means a group of transmissions having the following common features: Basic transmission type (manual, automatic, or semi-automatic), number of forward speeds (e.g., manual 4-speed, 3-speed automatic, 2-speed semi-automatic), and other characteristics determined to be significant by the Administrator (e.g., "creeper" first gear, over-drive final gear ratio, or overdrive unit) when considering factors such as the manufacturers' recommendation for use and/or the numerical gear ratios.

* * * * *

3. By adding a new § 600.306-79 identical to § 600.306-77 except for paragraph (a) which reads as follows:

§ 600.306-79 Labeling requirements.

(a) Prior to being offered for sale, each manufacturer shall affix or cause to be affixed and each dealer shall maintain or cause to be maintained on each automobile:

(1) A general fuel economy label as described in § 600.308, or

(2) A specific label, as described in § 600.309, for those low altitude automobiles manufactured or imported before the date that occurs 15 days after general labels are approved for the manufacturer.

* * * * *

4. By adding a new § 600.309-79 reading as follows:

§ 600.309-79 Specific label contents.

The specific fuel economy label must contain the following:

(a) The information and statements as described in § 600.307 (a) through (k);

(b) A statement that the fuel economy estimates are from tests of this specific vehicle configuration and might not be in the booklet described in Subpart E.

(c) A description of the applicable vehicle specifying:

(1) Car line,

(2) Engine displacement,

(3) Number of cylinders,

(4) Transmission class and number of forward speeds,

(5) Fuel metering system, including number of carburetor barrels, if applicable,

(6) Catalyst usage, if so equipped,

(7) Other engine or vehicle parameters, if approved by the Administrator,

(8) Test (inertia) weight,

(9) Axle ratio, and

(10) California emission control system usage, where applicable, if the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other States.

(d) Specific label fuel economy values and estimated fuel cost for that vehicle as determined according to § 600.206.

5. By adding a new § 600.312-79 reading as follows:

§ 600.312-79 Approval of labels.

All fuel economy values, fuel cost estimates, label formats, and other information pertaining to the fuel economy label must be approved by the Administrator before a label is affixed to the vehicle.

(a) The manufacturer shall submit for approval by the Administrator each typical label format exemplifying the intended representation of all information required on the fuel economy label as well as the size and color of print and paper, and spacing and location of all printed information. After approval by the Administrator, the manufacturer may not change the label except as required for proper vehicle description, fuel economy values, and estimated annual fuel costs. Where the fuel economy label is incorporated with the Automobile Information Disclosure Act label, the above requirements pertain to that section of the label reserved for fuel economy labeling.

(b) All vehicle descriptions, fuel economy values and annual fuel cost estimates intended for use on general and specific labels must be approved in advance by the Administrator. Fuel economy values are computed according to Subpart C of this part from approved vehicle fuel economy results as determined under § 600.008.

6. By adding a new § 600.315-78 reading as follows:

§ 600.315-78 Classes of comparable automobiles.

(a) (1) The Administrator will classify passenger automobiles by car line into one of the following comparable classes, based on interior volume index or seating capacity:

(i) *Two Seaters.* A car line shall be classed as "Two Seaters" if the majority of the vehicles in that car line have no more than two designated seating positions as such term is defined in the regulations of the National Highway Traffic Safety Administration, Department of Transportation, 49 CFR 571.3.

(ii) *Minicompact cars.* Interior volume index less than 85 cubic feet.

(iii) *Subcompact cars.* Interior volume index greater than or equal to 85 cubic feet but less than 100 cubic feet.

(iv) *Compact cars.* Interior volume index greater than or equal to 100 cubic feet but less than 110 cubic feet.

(v) *Mid-size cars.* Interior volume index greater than or equal to 110 cubic feet but less than 120 cubic feet.

(vi) *Large cars.* Interior volume index greater than or equal to 120 cubic feet.

(vii) *Small station wagons.* Station wagons with interior volume index less than 130 cubic feet.

(viii) *Mid-size station wagons.* Station wagons with interior volume index greater than or equal to 130 cubic feet but less than 160 cubic feet.

(ix) *Large station wagons.* Station wagons with interior volume index greater than or equal to 160 cubic feet.

(2) The Administrator will classify nonpassenger automobiles into the following categories: Small pickup trucks, standard pickup trucks, vans, and special purpose trucks. Pickup trucks will be separated by car line on the basis of gross vehicle weight rating (GVWR). For pickup truck car lines with more than one GVWR, the GVWR of the pickup truck car line is the arithmetic average of all distinct GVWR's less than or equal to 6,000 pounds available for that car line.

(i) *Small pickup trucks.* Pickup trucks with a GVWR less than 4,500 pounds.

(ii) *Standard pickup trucks.* Pickup trucks with a GVWR of 4,500 pounds up to and including 6,000 pounds.

(iii) *Vans.*

(iv) *Special purpose trucks.* All nonpassenger automobiles with GVWR less than or equal to 6,000 pounds which do not meet the requirements of subparagraph (2) (i), (ii), or (iii) of this paragraph.

(3) Once a certain car line is classified by the Administrator, the classification will remain in effect for the model year.

(b) Interior volume index—passenger automobiles.

(1) The interior volume index shall be calculated for each car line, which is not a "Two Seater" car line, in cubic feet rounded to the nearest 0.1 cubic feet. For car lines with more than one body style, the interior volume index for the car line is the arithmetic average of the interior volume indices of each body style in the car line.

(2) For all body styles except station wagons and hatchbacks with more than one seat (e.g., with a second or third seat) equipped with seat belts as required by DOT safety regulations, interior volume index is the sum, rounded to the nearest 0.1 cubic feet, of the front seat volume, the rear seat volume, if applicable, and the luggage capacity.

(3) For all station wagons and hatchbacks with more than one seat (e.g., with a second or third seat) equipped with seat belts as required by DOT safety regulations, interior volume index is the sum, rounded to the nearest 0.1 cubic feet, of the front seat volume, the rear seat volume and the cargo volume index.

(c) All interior and cargo dimensions are measured in inches to the nearest 0.1 inches. All dimensions and volumes shall be determined from the base vehicles of each body style in each carline and do not include optional equipment. The dimensions H61, W3, W5, L34, H63, W4, W6, L51, H201, L205, L210, L211, H198, and volume V1 are to be determined in accordance with the procedures outlined in Motor Vehicle Dimensions SAE J1100a (Report of Human Factors Engineering Committee, Society of Automotive Engineers, approved September 1973 and last revised September 1975) except as noted herein:

(1) SAE J1100a(2.3) Cargo Dimensions—all dimensions measured with the front seat positioned the same as for the interior dimensions and the second seat, for station wagons and hatchbacks, in the upright position. All head restraints shall be in the stowed position and considered part of the seat.

(2) SAE J1100a(8). Luggage Capacity—Total of volumes of individual pieces of standard luggage set plus H-boxes stowed in the luggage compartment in accordance with the procedure described in 8.2. For passenger automobiles with no rear seat or with a rear seat with no rear seat belts, the luggage compartment shall include the area to the rear of the front seat, with the rear seat (if applicable) folded, to the height of a horizontal plane tangent to the top of the front seatback.

(3) SAE J1100a(7). Cargo Dimensions.

(i) *L210—Cargo length at second seatback height—hatchback.* The minimum horizontal dimension from the "X" plane tangent to the rearmost surface of the second seatback to the inside limiting interference of the hatchback door on the zero "Y" plane.

(ii) *L211—Cargo length at floor—second—hatchback.* The minimum horizontal dimensions at floor level from the rear of the second seatback to the normal limiting interference of the hatchback door on the vehicle zero "Y" plane.

(iii) *H198—Second seatback to load floor height.* The dimension measured vertically from the horizontal tangent to the top of the second seatback to the undepressed floor covering.

(d) The front seat volume is calculated in cubic feet by dividing 1728 into the product of three terms listed below and rounding the quotient to the nearest 0.001 cubic feet:

(1) H61—Effective head room—front. (In inches, obtained according to paragraph (c)).

(2) (i) $(W3+W5+5)/2$—Average of shoulder and hip room—front, if hip room is more than 5 inches less than shoulder room. (In inches, W3 and W5 are obtained according to paragraph (c) of this section), or

(ii) W3—Shoulder room—front, if hip room is not more than 5 inches less than shoulder room. (In inches, W3 is obtained according to paragraph (c) of this section), and

(3) L34—Maximum effective leg room—accelerator. (In inches, obtained according to paragraph (c) of this section). Round the quotient to the nearest 0.001 cubic feet.

(e) The rear seat volume is calculated in cubic feet, for vehicles with a rear seat equipped with rear seat belts (as required by DOT) by dividing 1,728 into the product of three terms listed below and rounding the quotient to the nearest 0.001 cubic feet:

(1) H63—Effective head room—second. (Inches obtained according to paragraph (c) of this section).

(2) (i) $(W4+W6+5)/2$=Average of shoulder and hip room—second, if hip room is more than 5 inches less than shoulder room. (In inches, W4 and W6 are obtained according to paragraph (c) of this section), or

(ii) W4—Shoulder room—second, if hip room is not more than 5 inches less than shoulder room. (In inches, W3 is obtained according to paragraph (c) of this section), and

(3) L51—Minimum effective leg room—second. (In inches obtained according to paragraph (c) of this section.)

(f) The luggage capacity is V1, the usable luggage capacity obtained according to paragraph (c) of this section. For passenger automobiles with no rear seat, or with a rear seat but no rear seat belts, the area to the rear of the front seat shall be included in the determination of V1, usable luggage capacity, as outlined in paragraph (c) of this section.

(g) Cargo volume index:

(1) For station wagons the cargo volume index V2 is calculated in cubic feet, by dividing 1,728 into the product of three terms and rounding the quotient to the nearest 0.001 cubic feet:

(i) W4—Shoulder room—second. (In inches obtained according to paragraph (c) of this section.)

(ii) H201—Cargo height. (In inches obtained according to paragraph (c) of this section), and

(iii) L205—Cargo length at belt—second. (In inches obtained according to paragraph (c) of this section.)

(ii) The usable luggage capacity V1, determined in accordance with paragraph (f) of this section.

(3) For station wagons with more than one seat (e.g., with a second or third seat) equipped with seat belts as required by DOT safety regulations:

(i) The dimensions H201 and L205 determined in accordance with paragraph (c) and.

(ii) The cargo volume index V2 determined in accordance with paragraph (g) (1) of this section.

(4) For hatchbacks with more than one seat (e.g., with a second or third seat) equipped with seat belts as required by DOT safety regulations:

(i) The dimensions L210, L211, and H198 determined in accordance with paragraph (c) of this section and,

(ii) The cargo volume index V3 determined in accordance with paragraph (g) (2) of this section.

(5) For Pickup trucks:

(i) All GVWR's of less than or equal to 6,000 pounds available in the car line.

(ii) The arithmetic average GVWR for the car line.

7. By adding a new section, § 600.316–78 to read as follows:

§ 600.316–78 Multistage manufacture.

Where more than one person is the manufacturer of a vehicle, the final stage vehicle manufacturer (as defined in 49 CFR 549.3) is treated as the manufacturer for purposes of compliance with this subpart.

§ 600.406–77 [Reserved]

8. By revoking and reserving § 600.406–77, "Distribution of booklet information."

(Sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2003 and 2006).)

[FR Doc.77-26372 Filed 9-9-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 183]

PART 1-16—PROCUREMENT FORMS

New Editions of Standard and Optional Forms

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the Federal Procurement Regulations prescribes the use of the February 1977 editions of Standard Form 37, Report on Procurement by Civilian Executive Agencies, and Optional Form 61, Subcontracting Program—Quarterly Report of Participating Large Company on Subcontract Commitments to Small Business Concerns and Minority Business Enterprises. The action is taken in order to physically incorporate on the forms the new and revised reported requirements which previously were approved for use in connection with the prior editions. The intended effect of this amendment is to eliminate the requirements to supplement the forms.

EFFECTIVE DATE: This amendment is effective October 1, 1977, but may be observed as soon as copies of the forms prescribed herein are available.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations, 703-557-8947.

SUPPLEMENTARY INFORMATION: It is anticipated that copies of the forms will be available for use by December 1, 1977, and may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

The table of contents for Part 1-16 is amended to revise an entry as follows:

Sec.
1-16.902-OF61 Optional Form 61, Subcontracting Program — Quarterly Report of Participating Large Company on Subcontract Commitments to Small Business Concerns and Minority Business Enterprises.

Subpart 1-16.8—Miscellaneous Forms

1. Section 1-16.804-3 is amended to make appropriate changes in paragraphs (a), (c), (d), and (e) as follows:

§ 1-16.804-3 Standard Form 37, Report on Procurement by Civilian Executive Agencies.

(a) *Form prescribed.* Standard Form 37, Report on Procurement by Civilian Executive Agencies (February 1977 edition), is prescribed for use when reporting procurement in accordance with this section. However, where determined advantageous by the reporting agency, mechanized printout reports containing the same information and in the same format as called for on Standard Form 37 may be submitted in lieu of Standard Form 37.

* * * * *

(c) *Prime procurement to be reported.* The net dollar amount procured shall be reported with subtotals showing the dollar amounts awarded to small business concerns, to other than small business concerns, and to minority business enterprises. The following additional information shall be reported.

* * * * *

(d) * * *

(3) Summary data shall be furnished showing the total dollar amount of construction contracts and the extent to which such contracts are placed with small business concerns (including minority business enterprises) and other than small business concerns.

(4) Summary data shall be furnished showing the dollar amount of contracts with educational institutions and nonprofit organizations.

(5) Summary data shall be furnished showing the dollar amount of subcontract and purchase commitments reported by large company prime contractors under the Minority Business Enterprises Subcontracting Program clause (§ 1-1.1310-2(b)) and the Small Business Subcontracting Program clause (§ 1-1.710-3(b)) and the total number of prime contractors submitting such reports. See § 1-16.804-5 concerning the reporting form to be used by prime contractors. Due to the normal time lag between the time prime contracts are awarded and subcontracts thereunder are placed, information in this regard may appear unbalanced on any individual periodic report.

(e) *Instructions for preparation of Standard Form 37.* Instructions for preparation of Standard Form 37 are provided on the reverse side of the form, which is illustrated in § 1-16.901-37.

* * * * *

2. Section 1-16.804-5 is revised as follows:

§ 1-16.804-5 Reports by contractors under Small Business Subcontracting Program and Minority Business Enterprise Subcontracting Program.

(a) Optional Form 61, February 1977 edition (illustrated in § 1-16.902-OF61), is designed for use when obtaining information from large business concerns (e.g., other than small business concerns) as to the dollar value of their subcontract and purchase commitments under the Small Business and/or Minority Business Enterprises Subcontracting Program. Reports are not required under prime contracts for standard commercial items unless the contracting agency specifically provides for such reports. In the latter case paragraph (a) (8) of the clause prescribed by § 1-1.710-3(b) must be modified. Also, unless otherwise provided by the contracting agency, reports are not required under contracts or subcontracts with small business concerns, minority business enterprises, and educational and nonprofit institutions.

(b) For the purpose of achieving Government-wide uniformity, the essential elements of this optional form are similar to those in the reporting form used by the Department of Defense. Accordingly, Optional Form 61 shall be used by all civilian agencies in the collection of such information from prime contractors unless it is determined by the procuring agency that use of an agency form would be more advantageous. Where such an agency determination is made, the essential elements of information called for on the agency form shall be the same as those called for on Optional Form 61.

Subpart 1-16.9—Illustrations of Forms

Sections 1-16.901-37 and 1-16.902-OF 61 are revised to illustrate the revised editions of Standard Form 37 and Optional Form 61.

§ 1-16.901-37 Standard Form 37, Report on Procurement by Civilian Executive Agencies.

(a) Page 1 of Standard Form 37.

REPORT ON PROCUREMENT BY CIVILIAN EXECUTIVE AGENCIES (See Instructions on reverse)	Interagency Report Control No. 1118-GSA-SA	PERIOD COVERED	FORM APPROVED OMB No. 29-R0018

REPORTING AGENCY (Include bureau, office, etc.)

REFER QUESTIONS TO (Name and title) TELEPHONE NO. (or Code and Extension)

PART I—TOTAL PRIME PROCUREMENT

PROCUREMENTS REPORTED (a)	NET DOLLAR AMOUNT PROCURED (Round to nearest thousand)			
	TOTAL (c+d) (b)	Small Business Concerns (c)	Other Than Small Business (d)	Minority Business Enterprise (e)
1. Total (2+3+4)				
2. Formally advertised				
3. Negotiated				
4. Procurements under other agency contracts (5+6)				
5. Fed. Sup. Sched. & other GSA contracts				
6. Other agency contracts				

PART II—STATISTICS ON SELECTED TYPES OF PROCUREMENT
(Breakouts of procurements reported in Part I)*

PROCUREMENTS REPORTED (a)	NET DOLLAR AMOUNT PROCURED (Round to nearest thousand)		
	TOTAL (c+d) (b)	Small Business Concerns (c)	Other Than Small Business (d)
7. Small business set-asides (8+9)			
8. Other than construction set-asides			
9. Construction set-asides			
10. Procurements in labor surplus areas (11+14)			
11. Under preference procedures (12+13)			
12. With certified-eligible concerns			
13. With other labor surplus area concerns			
14. Under nonpreference procedures			
15. Procurement of construction			
16. Procurement from educational institutions and nonprofit organizations			

SPECIMEN

*Procurement not broken out under the agency's reporting system, due to dollar value floors on reportable transactions, may be omitted from Part II. However, the dollar amounts of such cut offs must be entered under "Remarks."

PART III—SMALL BUSINESS SUBCONTRACTING PROGRAM

17. Dollar amount of subcontract and purchase commitments under the Small Business Subcontracting Program			
18. No. of prime contractors submitting small business subcontracting reports			

PART IV—MINORITY BUSINESS ENTERPRISES SUBCONTRACTING PROGRAM

PROCUREMENTS REPORTED (a)	NET DOLLAR AMOUNT PROCURED (Round to nearest thousand)		
	TOTAL (c+d) (b)	Minority Business Enterprises (c)	Other Than Minority Business Enterprises (d)
19. Dollar amount of subcontract and purchase commitments under the Minority Business Enterprises Subcontracting Program			
20. No. of prime contractors submitting minority business enterprises subcontracting reports			

Remarks

SUBMITTED BY (Signature)	TITLE	DATE

37-105

STANDARD FORM 37 (Rev. 2-77)
Prescribed by GSA, FPR (41 CFR) 1-16.804

(b) Page 2 of Standard Form 37.

I. GENERAL INSTRUCTIONS

A. Submission of Reports. Cumulative reports are to be submitted semi-annually within 45 calendar days after the end of each reporting period. One report for the 6-month period ending March 31, and the other for the 12-month period ending September 30 of each year.

B. Procurements to be Reported. Except as otherwise provided herein, the report shall include the dollar amount of all commitments which obligate the Government to an expenditure of funds for property and services (including maintenance, repair and construction of buildings, roads, etc.; and research and development). The dollar amount for small purchases under $10,000 may be developed by generally accepted statistical sampling methods, and purchases under $100 may be excluded from lines numbered 2 and 3. Also, exclude procurements (1) from Governmental sources of supply, such as D.C. Government, Federal Prisons Industries, Inc., Government Printing Office, and General Services Administration (supply depots, fuel yards, etc.); and (2) for transportation by government bill of lading and transportation of personnel.

C. Definitions.

(1) "Net Dollar Amount Procured" or "Dollar Amount" means the actual or estimated cost to the Government of the property or services procured. In most instances, this is the obligation incurred.

(2) "Small Business Concern" means any firm which meets the criteria established by Title 13, Chapter 1, Part 121 of the Code of Federal Regulations.

(3) "Labor Surplus Area" means any geographical area of substantial unemployment, persistent unemployment, and any section of concentrated unemployment or underemployment, as defined and classified in the Department of Labor publication "Area Trends in Employment and Unemployment." (See FPR 1–16.804–4 regarding principal place of performance.)

(4) "Other Than Small Business" means large business concerns, non-profit organizations, educational institutions, and any others which do not meet the criteria for classification as a small business concern.

(5) "Minority Business Enterprise" is a "business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members." For the purpose of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American-Aleuts.

II. INSTRUCTIONS FOR LINE ENTRIES

(Except self-explanatory lines)

Line 1. Enter the total dollar amount of all reportable procurements for construction, supplies, equipment and services, including set-asides for small business, set-asides under Defense Manpower Policy 4, and minority business enterprise.

Line 2. Enter the dollar amount of reportable procurements awarded by the reporting agency which involve formal advertising (see FPR Part 1–2). NOTE: "Restricted" advertising for small business and balance of payments is reportable in Line 3.

Line 3. Enter the dollar amount of reportable procurements awarded by the reporting agency which involve negotiation (see FPR Part 1–3), including "restricted" advertising for small business, and balance of payments, the set-aside portion for partial set-asides, and minority business enterprise.

Line 4. Enter the dollar amount of reportable procurements, under contracts established by another agency, from non-Federal established sources of supply, including orders placed with commercial suppliers under Federal Supply Schedule contracts, GSA local service contracts, Defense Supply Agency contracts for petroleum, etc.

Line 5. Enter the dollar amount of all procurements (regardless of amount) under Federal Supply Schedule contracts and GSA local service contracts with non-Federal sources of supply.

Line 6. Enter the dollar amount of procurements under contracts entered into by other agencies, except those reported on Line 5.

Line 13. Enter the dollar amount of procurements awarded by the reporting agency in Labor Surplus Areas under preference procedures, including set-asides and tie bids (see FPR 1–1.807).

Line 14. Enter the dollar amount of procurements awarded by the reporting agency in Labor Surplus Areas under non-preference procedures (see FPR 1–1.807).

Line 15. Enter the dollar amount of contracts for construction, alteration, and repair (including painting and decorating) of buildings, bridges, roads or other real property.

Line 17. Enter the dollar amount of subcontract and purchase commitments reported by prime contractors under the Small Business Subcontracting Program (see FPR 1–16.804–5). Due to timing factors, this dollar amount need not be directly related to prime contracts placed during any reporting period.

Line 18. Enter the number of prime contractors that are currently submitting small business subcontracting reports.

Line 19. Enter the dollar amount of subcontract and purchase commitments reported by prime contractors under the Minority Business Enterprises Subcontracting Program (see FPR 1–16.804–5). Due to timing factors, this dollar amount need not be directly related to prime contracts placed during any reporting period.

Line 20. Enter the number of prime contractors that are currently submitting minority business enterprises subcontracting reports.

☆ U.S. GOVERNMENT PRINTING OFFICE : 1977—O-240-450 #61-1

Standard Form 37 Back (Rev. 2–77)

§ 1-16.902-OF61 Optional Form 61, Subcontracting Program - Quarterly Report of Participating Large Company on Subcontract Commitments to Small Business Concerns and Minority Business Enterprises.

(a) Page 1 of Optional Form 61.

SUBCONTRACTING PROGRAM—QUARTERLY REPORT OF PARTICIPATING LARGE COMPANY ON SUBCONTRACT COMMITMENTS TO SMALL BUSINESS CONCERNS AND MINORITY BUSINESS ENTERPRISES		Form Approved OMB No. 29-R0190
1. CONTRACTING AGENCY AND REPRESENTATIVE		2. QUARTERLY PERIOD FROM TO
3a. NAME OF COMPANY, PLANT OR DIVISION COVERED	b. ADDRESS *(Number, Street, City, State and ZIP Code)*	
4a. NAME OF COMPANY IF DIFFERENT FROM ITEM 3a	b. ADDRESS *(Number, Street, City, State and ZIP Code)*	
5a. SUBCONTRACT AND PURCHASE COMMITMENTS TO SMALL BUSINESS CONCERNS *(Net)*	DOLLAR AMOUNT *(To nearest dollar)*	c. TOTAL *(5a+5b)*
b. SUBCONTRACT AND PURCHASE COMMITMENTS TO LARGE BUSINESS CONCERNS *(Net)*	DOLLAR AMOUNT *(To nearest dollar)*	
6a. SUBCONTRACT AND PURCHASE COMMITMENTS TO MINORITY BUSINESS ENTERPRISES *(Net)*	DOLLAR AMOUNT *(To nearest dollar)*	c. TOTAL *(6a+6b)*
b. SUBCONTRACT AND PURCHASE COMMITMENTS TO OTHER THAN MINORITY BUSINESS ENTERPRISES *(Net)*	DOLLAR AMOUNT *(To nearest dollar)*	
7a. TYPED NAME AND TITLE OF COMPANY OR SUBDIVISION LIAISON OFFICER	b. SIGNATURE	8. DATE OF REPORT

SPECIMEN

GENERAL INSTRUCTIONS

1. This report is to be submitted for each calendar quarter by all contractors maintaining **SMALL BUSINESS and/or MINORITY BUSINESS ENTERPRISE SUBCONTRACTING PROGRAMS, and required to report. The original and ______ copies of each report** shall be submitted to:

Reports shall be submitted not more than 25 calendar days after the close of the quarter being reported. Data pertaining to individual companies will be treated as confidential.

2. Each reporting company, division or plant shall report the required information for the reporting unit as a whole on the basis of the total "mix" of contracting agency business (e.g., commitments for subcontracting work shall not be segregated as between subcontracts under prime or under subcontracts).

SPECIFIC INSTRUCTIONS

ITEM 1.—Specify the agency and its representative who established reporting arrangements under the small business and/or minority business enterprise subcontracting program.

ITEM 2.—Enter the day, month and year of the first and last days of the period covered by this report.

ITEM 3.—Enter the name of the reporting company or subdivision thereof (e.g., division or plant) which is covered by the data submitted. A company may elect to report on a corporate, division or plant basis.

ITEM 4.—If the report is for a division, plant or other subdivision of a company, enter the name of the company of which the reporting subdivision is a part.

ITEM 5a.—Enter the net dollar amount of the commitments made by the reporting organization during the quarter to small business concerns for agency (*see Item 1*) subcontracts and purchases. The reporting company may accept the representation of a supplier that it is a small business concern under Definition No. 1.

b. Enter the net dollar amounts of commitments made by the reporting organization during the quarter to large business concerns for agency (*see Item 1*) subcontracts and purchases.

c. Enter the total net dollar amount of commitments made by the reporting organization during the quarter to all business concerns for agency (*see Item 1*) subcontracts and purchases.

(INSTRUCTIONS CONTINUED ON REVERSE)

5061-103

OPTIONAL FORM 61 (Rev. 2-77)
FPR (41 CFR) 1-16.804

(b) Page 2 of Optional Form 61.

ITEM 6a.—Enter the net dollar amount of the commitments made by the reporting organization during the quarter to minority business enterprises for agency (*see Item 1*) subcontracts and purchases. The reporting company may accept the representation of a supplier that it is a minority business enterprise under Definition No. 2.

b.—Enter the net dollar amounts of commitments made by the reporting organization during the quarter to other than minority business enterprises for agency (*see Item 1*) subcontracts and purchases.

c.—Enter the total net dollar amount of commitments made by the reporting organization during the quarter to all business concerns for agency (*see Item 1*) subcontracts and purchases.

ITEM 7.—Self explanatory.

ITEM 8.—Enter the date (day, month, year) this report is submitted.

DEFINITIONS

1. SMALL BUSINESS CONCERN.—A small business concern is a concern that meets the pertinent criteria established by the Small Business Administration and set forth in Title 13, Chapter 1, Part 121 of the Code of Federal Regulatons.

2. MINORITY BUSINESS ENTERPRISE.—A minority business enterprise is a "business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members." For the purpose of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American-Aleuts.

3. SUBCONTRACTS AND PURCHASES.—Subcontracts and purchases as used herein means procurement by a business concern of any article, material or service, including agency (*see Item 1*) portion of stock inventory and, where reasonably determined to be attributable to such agency contracting, purchases of plant maintenance, repair, operation, and capital equipment, entering into the performance of such agency supply, service or facility contract received by that business concern from (*i*) the agency (*see Item 1*), or (*ii*) another business concern. Procurement of Experimental, Development and Research work is to be included.

4. COMMITMENTS.—Commitments as used herein means contracts, purchase orders or other legal obligations executed by the reporting Company for goods and services to be received by the reporting Company. Commitments shall include increases to purchase orders and contracts less downward adjustments to purchase orders and contracts as a result of contract changes, cut-backs, or terminations.

5. SUBCONTRACT AND PURCHASE COMMITMENTS.—Subcontract and purchase commitments will include all commitments (net, after adjustments) to a supplier of subcontracted or purchased articles, materials or services, as defined in 3 above, except purchases from a company, division, or plant which is an affiliate of the reporting company.

SPECIMEN

☆ U.S. GOVERNMENT PRINTING OFFICE : 1977—O-240-459/60-1

OPTIONAL FORM 61 Back (Rev. 2-77)

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

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

Dated: August 29, 1977.

JAY SOLOMON,
Administrator,
General Services Administration.

[FR Doc.77-26316 Filed 9-9-77;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-017]

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

PART 35—OPERATIONS

Air Compressors on Tank Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This document amends the tanker regulations by eliminating the requirement that tank barges locate air compressors outside the cargo deck space and the requirement that air compressors and intakes for air compressors be removed or be made inoperative in foreign flag vessels. These requirements were inadvertently included in an earlier amendment to the tanker regulations. Correcting this oversight does not reduce safety for these vessels since an equivalent level of safety is retained by an operating requirement and by installation requirements.

EFFECTIVE DATE: This amendment is effective on September 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: In the May 19, 1977, issue of the FEDERAL REGISTER (42 FR 25734), the Coast Guard published amendments to 46 CFR Parts 32 and 35. Section 32.35-15, which was added to Part 32, prohibits the installation of air compressors or intakes to air compressors in the cargo areas of certain tank vessels contracted for on or after June 15, 1977. Section 35.35-85, which was added to Part 35, prohibits the use of installed air compressors in certain locations on existing tank vessels. In addition, it requires the owner to remove or make inoperative air compressors or intakes to air compressors in a cargo area.

"Cargo deck space," as defined in § 32.35-15(f), applies to tankships and tank barges and was included to make the wording and application for tankships consistent with the existing associated regulation, § 32.45-1(f)(4-a). The prohibition in § 32.35-15(f) of air compressors in the cargo deck space, such as those used for diesel engine-starting, affects some tank barges. In promulgating the rule, the Coast Guard did not intend this prohibition which is inconsistent with existing regulations for tank barges in Subchapter D, such as § 32.45-1(f)(4), which allows explosion-proof electrical equipment to be installed on or above the weather deck, provided it is not within 10 feet of cargo tank openings. This document corrects the oversight by excepting tank barges from the requirements of § 32.35-15(f). Since the locations in which air compressors could be installed on tank barges would still be limited to spaces not prohibited by § 32.-35-15 (a) through (e), (g), and (h), the Coast Guard has determined that tank barges would be afforded an equivalent level of safety as tankships.

Under 46 CFR 30.01-5(e) (1), each vessel of the foreign nations signatory to the International Convention for the Safety of Life at Sea, 1960 (16 UST 185, TIAS 5780, 536 UNTS 27) that has on board a current valid Safety Equipment Certificate, or each vessel of the foreign nations having inspection laws approximating those of the United States and reciprocal inspection arrangements with the United States that has on board a current valid certificate of inspection issued by its government, is subject only to the requirements under Subchapter D of § 35.01-1, Part 35.30, and Part 35.35. This application to foreign flag vessels was overlooked in the promulgation of the rule. It was the intention of the Coast Guard to prohibit the operation of this equipment by foreign tank vessels when they are in the navigable waters of the United States. It was not the intention of the Coast Guard to require the owner of a foreign flag vessel to remove air compressors or intakes of air compressors from cargo areas or make them permanently inoperative. This document corrects the oversight by excepting foreign flag vessels from the requirements of § 35.35-85(b).

Since the amendments in this document reduce burdens placed on tank barges by 46 CFR 32.35-15(f) and on foreign flag vessels by 46 CFR 35.35-85 (b), notice under 5 U.S.C. 553 is unnecessary, and the amendments may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal persons involved in drafting this document are: Lieutenant Commander Paul K. Anderson, Project Manager, Office of Merchant Marine Safety, and Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

In accordance with the foregoing, Parts 32 and 35 of Title 46, Code of Federal Regulations, are amended as follows:

1. By revising the first sentence of § 32.35-15(f) to read as follows:

§ 32.35-15 Installation of air compressors on tank vessels contracted on or after June 15, 1977—TB/ALL.

* * * * *

(f) Except for tank barges, the cargo deck space. * * *

* * * * *

§ 35.35-85 [Amended]

2. By adding the words ", except a foreign flag vessel," after the word "vessel" and before the word "that" in the first sentence of § 35.35-85(b).

(R.S. 4405, as amended (46 U.S.C. 375); R.S. 4417a, as amended (46 U.S.C. 391a); R.S. 4462, as amended (46 U.S.C. 416); sec. 1, 71 Stat. 475 (46 U.S.C. 481); sec. 6(b) (1), 80 Stat. 937 (49 U.S.C. 1655(b) (1)); 49 CFR 1.46(b), (n) (4).)

Dated: September 2, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.77-26505 Filed 9-9-77;8:45 am]

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 16, Amdt. 20; Docket No. 77-12]

PART 502—RULES OF PRACTICE AND PROCEDURE

Designation of Parties

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Rules of Practice and Procedure are amended to terminate the practice of naming persons protesting individual changes in tariffs "complainants" and to cease making them automatic parties to formal proceedings instituted by the Commission to investigate rate changes in general-revenue cases. The amendment is necessary to eliminate delay and confusion which resulted from the practice. The effect will be to simplify general-revenue proceedings and advise persons who protest rate changes of the appropriate procedural steps to take to protect their interests.

EFFECTIVE DATE: September 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573 (202-523-5725).

SUPPLEMENTARY INFORMATION: This proceeding was instituted by notice of proposed rulemaking published in the FEDERAL REGISTER of May 3, 1977 (42 FR 22383). The purpose of the proceeding was to amend Rule 41 of the Commission's Rules of Practice and Procedure (46 CFR 502.41) so as to discontinue the practice of naming persons who protest proposed rate changes "complainants" and automatically making them parties to proceedings instituted by the Commission to determine the lawfulness of proposed rate changes in so-called "general-revenue" cases. As the Commission explained in the notice cited, this practice frequently causes such proceedings to suffer undue delay because such protesting persons are usually interested in issues pertaining to the reasonableness of an individual rate or rates rather than the central issue whether the gross revenue which the carrier is seeking to derive

from its proposed rate changes is just and reasonable. Consequently protestants usually consume time needlessly during the proceeding while they attempt to present evidence and arguments irrelevant to the basic issue, or they often do not appear or participate in the proceeding at all, although named as parties, requiring them to be served with pleadings and evidentiary documents, often at great expense to the active parties. Because such protestants are often interested in issues extraneous to the basic issue, they unduly broaden the proceeding and might not have even qualified as interveners under the standards prescribed by Rule 72, 46 CFR 502.-72, had they petitioned for leave to intervene under that rule. Nevertheless, under present practice, protestants are, in effect, granted intervention without having to make a showing of substantial interest in the issues in the proceeding or representing that they will not unduly broaden the issues.

Finally, the practice of designating protestants as "complainants" has led to confusion in the minds of such persons who have mistakenly believed that they have qualified as persons filing complaints pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821) with consequent rights and obligations. The Commission therefore proposed to eliminate confusion and unnecessary consumption of time and assist persons in understanding their rights and obligations in general-revenue proceedings simply by discontinuing the practice of naming such persons "complainants" and of making them parties to general-revenue proceedings automatically in orders instituting such proceedings. Should such persons have a substantial interest in the issues in these proceedings and make a proper showing that they will not unduly broaden the issues, they may, of course, be granted leave to intervene pursuant to Rule 72, cited above, and participate as parties to the proceeding.

Comments to the proposed rule were submitted by Matson Navigation Co. (Matson), Sea-Land Service, Inc. (Sea-Land), and the Military Sealift Command (MSC). Matson supports the proposed rule, stating that "it will help eliminate confusion and unnecessary consumption of time and to assist persons in understanding their rights." Sea-Land agrees with the objective of simplifying and streamlining procedures and assisting persons to understand their rights, but does not believe that the proposed rules will achieve these objectives. On the contrary, Sea-Land believes that the rules will add uncertainty and place additional burdens on carriers.

Sea-Land contends that a person protesting a rate change or changes may merely file a protest, cause an investigation and suspension of the proposed rate changes, and have nothing further to do with the proceeding, unless he files a petition for leave to intervene. Sea-Land believes that this situation may be unfair to the person with a legitimate interest in active participation in the proceeding and furthermore unfair to the carrier who is faced with an ongoing proceeding without the presence of the adversary party who caused the proceeding to commence in the first place. Sea-Land suggests that the Commission should continue to name protestants as parties to the proceeding so that the carrier can decide whether to direct its attention to the substance of the protests.

We believe that Sea-Land's comments lack merit. Even Sea-Land admits that "[i]n many, if not most such instances," statements of persons protesting rate changes "do not meet the requirements of the Commission's rules and the senders frequently have no intention of participating in an official investigation proceeding." Sea-Land even agrees that "generally speaking, senders of such statements, if called upon, will add little or nothing to the development of a factual record upon which a proper decision could be made." Furthermore, Sea-Land appears to be under the mistaken impression that protestants must be participants in Commission investigations so that the carrier can protect its interests. Sea-Land also incorrectly believes that failure to name protestants parties at the outset of the proceeding is tantamount to their being "arbitrarily dismissed in advance."

The decision to institute an investigation is made by the Commission on the basis of information submitted by the carriers, protesting persons, and other information available to the Commission, and not because protesting persons may or may not intend to take an active role in the proceeding. If protesting persons decide not to participate actively, as even Sea-Land admits happens frequently, this does not mean that the carrier suffers some kind of prejudice. By law a carrier has the burden of proving the justness and reasonableness of its proposed rate changes. Section 3, Intercoastal Shipping Act, 1933, 46 U.S.C. 845; *Commonwealth of Puerto Rico* v. *Federal Maritime Commission*, 468 F. 2d 872 (D.C. Cir., 1972). The failure to name as a party someone who had filed a protest before the proceeding was instituted does not change the carrier's burden nor should it prejudice the carrier if the protestant has so little interest in the proceeding that he does not even bother to seek to intervene, thereby presenting no evidence or arguments on the record against the carrier's interests. Should the carrier for whatever reason need to examine the position of such an absentee protestant, the carrier is not without means to obtain information from such a person by means of the Commission's deposition and subpena processes. Nor does the protestant suffer from arbitrary dismissal if he is not automatically named a party to the proceeding, because, as mentioned above, if sufficiently interested, such person can seek to become an active party by filing a petition for leave to intervene as provided by Rule 72.

MSC opposes adoption of the proposed rule change. MSC does not believe that protestants are confused by being designated "complainants" in orders instituting proceedings but has no objection to another appellation for such persons. However, MSC does object to the view expressed by the Commission that "general revenue cases are only concerned with carriers' needs for increased revenue and that other mattres raised by protestants are not appropriate for investment." MSC contends that a carrier's revenue needs "cannot be examined in a vaccum" and that changes in the level of particular rates will have an effect on the quantity of cargo that will move depending upon various demand factors, and therefore consideration of particular rate levels must be considered by carriers and the Commission in evaluating the reasonableness of the carrier's requests for increased revenue and the effect on the carrier's ultimate rate of return. Furthermore, MSC contends that a carrier might incorrectly evaluate the effect of increases on particular rates with the result that individual rates or groups of rates might be unjust or unreasonable. These matters should be included in any general-revenue investigation, according to MSC. Additional matters that bear consideration in general-revenue investigations are the questions whether, in the age of containerization and uniform costs, rate levels on commodities should be more uniform and whether tariffs should reduce the number of individual rates published.

Finally, MSC argues that there are two disadvantages which would result if protesting persons were compelled to file formal complaints under section 22 of the Act. First, this would create multiple proceedings with probable consolidation and increased costs of additional pleadings. Second, the burden of proof would shift from the carrier to the complainant, contrary to the Congressional intent expressed in section 3 of the 1933 Act, cited above.

The comments submitted by MSC are not without some merit but do not withstand careful analysis. Contrary to MSC's beliefs, confusion has in fact arisen in the minds of parties named as "complainants" who have confused their status as protestants with actual complainants filing under section 22 of the Act. In *Matson Navigation Company—General Rate Increase in the Hawaiian Trade,* Docket Nos. 73-22, etc. (Initial Decision, February 22, 1977), fourteen protestants were named as "complainants", yet only one such "complainant" fully participated in the proceeding (Docket No. 73-22), Id., pp. 3, 4. Furthermore, in Docket No. 73-22 (Sub. No. 1), a protesting shipper named as "complainant" in the Commission's Order of Investigation, did indeed argue that it had been transformed into a section 22 complainant and was entitled to seek reparation, although it had never filed a formal complaint under that law. Id., pp. 26, 27. The presiding judge called atten-

tion to the confusion arising out of the present practice. Id., pp. 3, 4, footnote 10.[1]

MSC's contention that the proposed rule change would eliminate all consideration of evidence pertaining to individual commodity rates and movements is unfounded. The proposed rule change is designed to facilitate general-revenue investigations by concentrating on the essential issue to be determined, that is, the reasonableness of the carrier's expected gross revenue and to avoid excursions into essentially different issues pertaining to the reasonableness of a particular rate or rates. This is not to say, as MSC seems to fear, that evidence concerning effect on the movement of particular rates has no relevance in determining the general-revenue issue. Of course, in any general-revenue case, the carrier attempts to predict volume of movement and the revenue to be expected following rate changes. Any such prediction or evaluation may obviously be affected by changes in volume of movement of particular commodities and if the commodities are major-moving items which are affected by elastic demand factors, the carrier's predictions may be subject to significant revisions. The proposed rule changes do not preclude consideration of these factors, as MSC seems to fear.[2] However, the question of reasonableness of a particular rate is still an essentially different issue which should be litigated in consideration of transportation factors such as cost of service, value of service, etc., which focus upon the particular commodity in question.[3] All too frequently, however, shippers interested in obtaining a determination that a particular commodity rate or rates are unjust or unreasonable engage in the futile endeavor of contesting evidence pertaining to the carrier's need for increased overall revenue armed with little more than evidence concerning anticipated effects on movements of their particular commodities.

As the Commission remarked in our previous notice, these efforts usually consume time needlessly and are essentially irrelevant in a general-revenue case. The answer to this problem is to avoid the wasteful practice of litigating issues in wrong proceedings. The proposed rule would require protestants to file their own complaints or, under the proper circumstances, petition the Commission to institute investigations concerning a particular rate or rates. In either event, the resulting proceeding would concentrate on the proper issue to be determined and the parties would proceed to develop truly relevant evidence pertaining to revenue, transportation, and ratemaking factors relating to the specific rate in question. Similarly, this would also apply to shippers who wish to litigate issues concerning revision of tariff rate structures or reduction in the number of published rates.

After consideration of all of the comments, the Commission remains convinced that the present practice in question has caused delay and confusion in the conduct of general-revenue proceedings and that the amendments will benefit all parties in obtaining quicker decisions in such proceedings as well as shippers or other protesting persons in more effectively protecting their interests.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 841a), and section 3 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 845), Part 502 of Title 46, Code of Federal Regulations, is amended as set forth below.

1. Section 502.41 is amended by deleting the following words from the second sentence: "and/or § 502.67 (Rule 5(g))".

Effective date. Inasmuch as the expeditious adoption of this rule change is desirable and the change is procedural in nature, it shall be effective September 12, 1977, and shall be applicable to all future proceedings.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-26387 Filed 9-9-77;8:45 am]

[1] Significantly, despite MSC's argument that the term "complainant" is appropriate because section 3 of the Intercoastal Shipping Act, 1933, uses the term "complaint," there is independent evidence that the use of that term in the statute has no special importance. In a recent report issued by the House Committee on Merchant Marine and Fisheries on a bill amending section 3 (H.R. 6503), the Committee draft would replace the term "complaint" with the word "protest" as a routine change. See Report No. 95-474, 95th Congr., 1st Sess., June 30, 1977, pp. 14, 15.

[2] Indeed, the Commission, in several recent orders of investigation, has made clear that although the basic issue in a general-revenue proceeding still concerns the reasonableness of the carrier's gross revenue to be derived from the proposed rate changes, "[e]vidence as to the effect of the proposed changes on movement of any particular commodity or commodities will be considered relevant to this basic issue and may be used to determine what overall revenue, in fact, will be derived." See Docket No. 77-27, *Trailer Marine Transport Corporation—General Increase in Rates*, Order of Investigation and Suspension, June 30, 1977; Docket No. 77-28, *Gulf Caribbean Marine Lines, Inc.—General Increase in Rates*, Order of Investigation and Suspension, June 30, 1977; Docket No. 77-30, *Puerto Rico Maritime Shipping Authority—General Increase in Rates*, Order of Investigation, July 7, 1977.

[3] The Commission, other regulatory agencies, and the courts have recognized that the issues in a general-revenue case are essentially different from those in specific commodity cases. See, *e.g.*, *Alcoa Steamship Co., Inc.—General Increases in Rates in the Atlantic/Gulf Puerto Rico Trade*, 9 F.M.C. 220, 222 (1966); *Matson Navigation Company—Rate Structure*, 3 U.S.M.C. 82, 87-88 (1966); *Wool Rates from Boston to Philadelphia*, 1 U.S.S.B. 20, 21 (1921). In commenting upon a decision of the Interstate Commerce Commission establishing the distinction between the two types of cases, one court stated:

In 1905 (footnote omitted) the Commission pointed out the difference between such a rate (i.e., for carriage of a single commodity) and an entire system of rates. It said the question whether the revenue yielded by all the rates is a fair return has "only a very remote, if any practical, bearing on the reasonableness of a rate on a single article of traffic." On the other hand, it said, the reasonableness of a single rate depends upon "the value, volume and other characteristics affecting the transportation of the particular commodity." That decision of the Commission was affirmed by the Supreme Court (footnote omitted) * * *. So far as we can ascertain, that rule is well established law. *Chicago Board of Trade v. United States*, 223 F. 2d 348, 351 (D.C. Cir. 1955).

For a similar discussion see Locklin, *Economics Transportation* (Irwin, Inc., 7th ed. 1972), Chapter 18, pp. 421-22, citing, among other cases, *Interstate Commerce Commission v. Union Pacific R.R. Co.*, 222 U.S. 541, 549 (1912). See also Docket No. 76-43, *Matson Navigation Company—Proposed Rate Increases in the United States Pacific Coast/Hawaii Domestic Offshore Trade*, Denial of Appeal, May 13, 1977, where we recently confirmed this principle, and the orders of investigation served in Dockets Nos. 77-27, 77-28, and 77-30, cited in the previous footnote.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20727; RM-2557; FCC 77-543]

PART 73—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS IN RIVERSIDE AND SANTA ANA, CALIFORNIA

Changes Made in Table of Assignments

Correction

In FR Doc.77-23456 appearing at page 41125 in the issue for Monday, August 15, 1977, the following correction should be made.

1. On page 41127, first column, in the second line of the table for § 73.606, the Channel No. for Santa Ana, Calif. should be added as follows: "40, * 50-".

This corrects a correction appearing on page 44545 in the issue of Tuesday, September 6, 1977.

[Docket No. 20665, RM-2224]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Hay Springs-Scottsbluff, Nebr.

Changes Made in Table of Assignments

Correction

In FR Doc. 77-23458 appearing at page 41123 in the issue for Monday, August 15, 1977, the following correction should be made.

1. The Docket No. should read as set forth above.

This corrects a correction appearing on page 44545 in the issue of Tuesday, September 6, 1977.

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

Agricultural Marketing Service

[7 CFR Part 987]

[Docket No. AO-269-A6]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Recommended Decision and Opportunity To File Written Exceptions To Proposed Further Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This recommended decision would amend the Federal marketing agreement and order covering domestic dates produced or packed in Riverside County, Calif. It provides interested persons with the opportunity to file written exceptions concerning the recommendations made herein.

The major purpose of the recommended changes in the order is to recognize market changes and changes in handler-producer relationships and thus improve order operations. The principle changes would: (1) Restructure the California Date Administrative Committee; (2) change the term of office of Committee members from one year to two years; (3) change volume regulation to include new major markets; (4) authorize the Committee to utilize the services of a consumer consultant; and (5) make minor changes in assessment and record keeping provisions.

DATES: Written exceptions to this recommended decision must be received on or before October 21, 1977.

ADDRESSES: Written exceptions should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued February 18, 1977; published February 23, 1977 (42 FR 10695).

PRELIMINARY STATEMENT

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement and Order No. 987 (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, Calif., and of the opportunity to file written exceptions thereto. This notice is issued 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).

Material Issues. Material issues of record are as follows: (1) Changing the order by revising the definitions of "crop year"; "handler"; "handle"; "trade demand"; "marketable date"; "free dates"; "substandard dates"; and "cull dates".

(2) Changing the structure of the California Date Administrative Committee; changing the nomination procedures; changing the term of office of members and alternate members; and changing the voting procedures.

(3) Changing the order to provide authority for the Committee to utilize the services of a consumer consultant.

(4) Restructuring marketing policy provisions to reflect market changes and to gain additional handler information.

(5) Changing the order to clarify the applicability of the grade regulation provision in years when no volume regulation is established.

(6) Changing the order designate outlets for marketable dates.

(7) Changing volume control determinations.

(8) Changing certain assessment criteria.

(9) Changing certain recordkeeping requirements.

Findings and conclusions. The following findings and conclusions on these material issues are based on the record of the hearing: (1) The definition of "Crop year" in § 987.6, should be revised by deleting the obsolete phrase "except that the crop year ending September 30, 1971, shall begin on August 1, 1970". This phrase was necessary to define the then current crop year when the term "crop year" was revised in 1971 to begin on October 1.

The term "Handler" in § 987.8 should be revised by substituting "§ 987.21" for "§ 987.22". A recommended change discussed in Material Issue (2) would combine the provisions on establishment and membership of the Committee into § 987.21. Currently, § 987.21 provides for establishment of the Committee and § 987.22 provides for its membership.

Under the term "Handle" in § 987.9, transportation of dates is a handling function. However, the definition exempts from handling the movement of dates by a handler to storage for his own account so long as the movement is within the area of production (i.e., Riverside County), San Bernardino and Imperial Counties, Calif., and such other counties in California (i.e., Orange and San Diego Counties) adjoining the area of production as the Committee may prescribe with the approval of the Secretary. The evidence is that storage facilities in Riverside, San Bernardino, and Imperial Counties have, at times, been inadequate. For example, during harvest available cold storage facilities in these counties may be limited. The evidence also is that adequate storage facilities are available in Yuma County, Ariz., which adjoins Riverside County, and handlers should be able to move dates to storage in that county for their own account without such movement being considered as handling. Moreover, it is unnecessary to require the Committee, with the approval of the Secretary, to specifically designate Orange, San Diego, and Yuma Counties as additional storage areas. Therefore, § 987.9 should be amended by deleting that part of the definition beginning with "* * * the counties of San Bernardino, etc. * * *" and substituting "* * * or counties adjoining the area of production, shall not be considered handling". The evidence indicates that storage of dates in Riverside, San Bernardino, and Imperial Counties has presented no problems with order compliance. However, storage facilities in San Diego and Yuma Counties are of some distance from the production area, and storage of dates in these counties could lead to loss of surveillance and control by the Committee over these dates. Some form of monitoring by the Committee may be necessary to assure compliance with all applicable requirements of the order, and the Committee should be able to establish safeguards to maintain surveillance and control over dates stored in Orange, San Diego, and Yuma Counties. For example, handlers could be required to submit applications to the Committee for approval to store dates in those counties. In order to enable the Committee to establish safeguards, a new sentence should be added to § 987.9 authorizing the Committee, with the approval of the Secretary, to establish procedures for storage of dates in Orange, San Diego, and Yuma Counties.

The term "Trade demand" in § 987.11 now means the aggregate quantity of whole and pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such

other countries as the Committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States. This term is used by the Committee in marketing policy deliberations when considering the demand for marketable dates and, specifically, in establishment of volume regulation for a crop year. It excludes the demand for marketable dates sold in other export or product use, which account for about half of the date shipments. To provide a term of reference more in keeping with current marketing conditions, "trade demand" should include the needs of each market or outlet in which marketable dates are sold. Thus, the term should be revised to mean those quantities of marketable dates which the Committee finds are required to satisfy the need for dates in specific outlets in which marketable dates are handled. This would include whole and pitted dates used in the domestic market (the United States and Canada), and marketable dates used in export and products. The term should also include any other category of importance in which marketable dates are handled in the future. "Trade demand" would continue to be used by the Committee in considering marketing policy, and also the need to continue or change grade and size regulations for dates moving in each outlet.

The term "Marketable dates" is defined in § 987.12 to mean, for any crop year, whole or pitted dates which are certified as equal to or higher than the applicable minimum grade then in effect pursuant to § 987.39, and any additional, applicable requirements, pursuant to § 987.40, which may then be in effect for restricted dates. This definition has created some confusion because it embodies the concept of volume control predicated on quality requirements. The quality requirements for marketable dates have been effective each year, whether or not any volume regulation was in effect for that year. Thus, references to "crop year" and requirements for restricted dates should be deleted from the definition. As revised, "marketable dates" should mean those dates which are certified as equal to or higher than the applicable minimum grade and size requirements in effect pursuant to § 987.39, and any additional applicable requirements in effect pursuant to § 987.40. Moreover, the definition should include the various outlets for marketable dates. These outlets include, but should not be limited to, "DAC dates", "dates for further processing", "export dates", and "product dates".

"DAC dates" should mean marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety for handling in the United States and Canada. This definition corresponds with current industry usage. In the past, the term "DAC dates" has been used synonymously with "free dates". However, "free dates" are currently defined, and will continue to be defined, in terms of dates which are free to be handled pursuant to any free percentage. On the other hand, the term "DAC dates" would be applicable whether or not volume regulation is in effect for a crop year.

"Dates for further processing" should be defined to mean marketable whole dates acquired by one handler from another handler that are certified as meeting the same grade and size requirements for DAC dates, with the exception of moisture requirements, and such identification requirements applicable to dates for further processing that are established by the Committee with the approval of the Secretary for any specific variety. This term and its definition also reflect current industry usage.

"Export dates" should be defined to mean marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety, to be handled in export to any country or group of countries with the exception of Canada. Because different countries may have different requirements or preferences, the Committee should be authorized to establish different requirements for different countries. This definition is consistent with current industry usage.

"Product dates" currently are defined in § 987.55. This definition should be deleted from § 987.55, and the term "product dates" should be defined in § 987.12 to mean marketable dates that are inspected and certified as meeting the applicable grade and size requirements for dates to be handled in such forms as rings, chunks, pieces, butter, macerate, paste, or any other forms which the Committee deems appropriate and which will result in dates moving into consumption in a form other than that of whole or pitted dates.

The term "free dates" in § 987.13 should be revised to mean dates of any variety that are at the time of certification destined for consumption in whole or pitted form in the United States and Canada (and such other countries as the Committee determines are likely to acquire them at prices reasonably comparable with prices received domestically) and which are free to be handled pursuant to any free percentage established by the Secretary in accordance with § 987.44. A portion of this wording is included in the current definition of "trade demand" in § 987.11. The proposed definition more adequately defines "free dates" in terms of whole or pitted dates destined for specific outlets and conforms with the proposed revision of the term "trade demand".

Section 987.15 defines the term "substandard dates" to mean those dates which fail to meet the requirements for marketable dates but are not cull dates. The term is derived from the substandard grade in the U.S. Standards for Grades of Dates. However, the term "utility dates" has been used by the industry for several years in referring to substandard dates. The term "utility dates" is defined in § 987.103 of Subpart—Administrative Rules (7 CFR 987.101–987.168) to be synonymous with the term "substandard dates". The terms "utility dates" and "substandard dates" are interchangeable and have the same meaning under the order. However, the word "substandard" has certain undesirable connotations in terms of quality and implies a quality lower than that covered by the substandard grade. Therefore, the term "utility dates" should be substituted for "substandard dates" whenever that term appears in the order.

The definition of "cull dates" in § 987.16 includes a reference to "section 798 of the Agricultural Code" of California. The heading of the code has been revised and the citation in § 987.16 is obsolete. In lieu of "Section 798 of the Agricultural Code", the new citation "Title 3, Group 4, Article 24, section 1434 of the Food and Agricultural Code" should be inserted.

(2) For the purpose of clarity, the provisions of § 987.21 on establishment of the California Date Administrative Committee, and the provisions of § 987.22 on membership representation on the Committee, should be combined into one section. This section should be designated § 987.21 and entitled "Establishment and membership". Section 987.21 now provides for the Committee to consist of eight members, with authority to increase the membership from eight to nine, or decrease the membership from nine to eight. Section 987.22 allocates the Committee membership among producers and handlers. The producer membership is further allocated among cooperative producers and independent producers. "Cooperative producers" are defined in § 987.22 as prolucers affiliated with cooperative associations of producers. "Independent producers affiliated with cooperative asproducers having no such affiliation. Independent producer representation is further divided between producers and producer-handlers. Producer-handlers are persons who produced during a particular period at least 51 percent of the dates they handled during that period. The order does not limit a person, who may be a producer but is also employed by a handler, from serving on the Committee either as a producer member or a handler member. The Committee currently consists of eight members; four independent producer members, one cooperative producer member, and three handler members.

The evidence is that a nine-member Committee would give adequate representation to the date industry, as currently constituted. However, because of changes within the industry which can be expected to continue, producer membership on the Committee no longer should be allocated between "cooperative producers" and "independent producers." In addition, the current category of

"producer-handler"—i.e., those who produced at least 51 percent of the dates they handled—should be deleted because this precentage or any percentage is not appropriate in determining whether a producer, who also handles dates, should be identified as a producer or a producer-handler. Based on recent data, the production by producer-handlers of the dates each handled ranged from a low of 22 percent to a high of 100 percent. The evidence is that it is difficult to take the position that a person producing 22 percent of the dates he handles is any less a producer-handler than one producing 51 percent of the dates he handles.

In lieu of the current allocation of the Committee membership, § 987.21 should allocate three members of the Committee to producers, or officers or employees of producers. In the Notice of Hearing, it was proposed that the term "producer members" should exclude persons handling dates, employees of handlers, or those serving as officers or on the Board of Directors of any handler organization. However, the nature of the date industry is such that these exclusions could prove too restrictive. Some producers are employed by handlers on a part time basis in capacities which do not involve dictation of policy in the operation and management of the handler organization. Evidence was presented at the hearing that the term "producer members" should exclude salaried handler employees because they would be members of a professional group more likely to represent handlers instead of producers. Included in this group would be directors, officers, and any other employees exercising a supervisory or managerial function in the handler operation. Evidence was also presented that a producer with a proprietary interest in a packing house, however small, should be disqualified from serving as a producer member because their decisions could tend to be influenced by their handler affiliation and therefore less likely to reflect the views of producers. However, a stockholder in a handling operation should not be disqualified from serving as a producer member unless that person would dictate policy in the operation and management of the handling operation. Therefore, § 987.21 should exclude directors, officers, or employees exercising a supervisory or managerial function, of a handler, from the term "producer members." Since there may be other considerations involved in determining questions of eligibility, the Committee should be authorized to prescribe rules and regulations covering matters of eligibility, including, if necessary, specific positions or situations which would qualify or disqualify a person from serving as a producer member.

The remaining six members of the Committee should be allocated to handlers and those referred to as "producer-handlers". While there appears to be no current conflict in views between producers and producer-handlers, changing circumstances could cause the interests of these two groups to differ. Thus, for purposes of representation on the Committee, a distinction should be made between these two groups. A separation of these two groups would give producers better assurance of representation on the Committee. Most of the independent producer members now serving on the Committee are producer-handlers. The evidence is that the interests of producer-handlers are more closely aligned with those of handlers, and thus both should be included in the same group. This would also tend to eliminate confusion which has occurred in the past during nominations because producers, who were also handlers, could nominate and vote for nominees in either category (producer or handler) and eliminate uncertainty whether such nominees would be selected to represent producers or handlers. Persons who are (1) handlers, or directors, officers or employees of handlers, or (2) producers who are also handlers, or directors, officers, or employees exercising a supervisory or managerial function of a handler, should be eligible to serve in the producer-handler group.

It is necessary that there be an alternate member for each member of the Committee. Therefore, § 987.21 should also provide that for each member there shall be an alternate member and the provisions of Part 987 applicable to the number, nomination, qualification and selection of members shall apply in like manner to alternate members.

Changes may occur in the date industry which would have a bearing on the composition and membership of the Committee. For example, acreage may increase with a concomitant increase in the quantity of dates produced by either or both groups, or new groups of producers or handlers may become established with interests materially different from the proposed producer and producer-handler groups. The Committee should be able to restructure its membership to reflect these changes. The Committee, with the approval of the Secretary, should have authority to: (1) Increase or decrease the total number of members of the Committee to reflect the position of each group of the industry; (2) reallocate membership between the various groups on the Committee, and (3) establish new groups in addition to the two groups now proposed.

Any change in the allocation of membership between producer and producer-handler groups should be based on the quantity of field-run dates delivered by each group within a representative period. In the event that the handling of dates changes so that a new handler group emerges with views or interests which differ from the proposed producer-handler group, any allocation of membership between the producer-handler group and the new handler group should be on the basis of marketable dates certified for handling for each group during a representative period. These changes should be accomplished through rulemaking, which could also require modification of the procedures prescribed in § 987.24 pertaining to nomination and selection of Committee members, and § 987.31, pertaining to voting requirements. Any changes in these sections should also be made through rulemaking.

Pursuant to § 987.23, the term of office for committee members and alternate members is one year. Based on past experience, most incumbents serve consecutive terms. The evidence is that there is no need to hold nominations each year, or to stagger terms of office to achieve continuity. Therefore, the term of office for members and their alternate members should be two years beginning August 1. However, § 987.23 should also provide that the term may be shorter if the Committee composition is changed in the interim pursuant to § 987.21. If this occurs, the new members and alternates should serve the remainder of the two-year term for continuity.

Section 987.23 currently contains a proviso which states, in part, that the incumbent members and alternate members serving on the Date Administrative Committee immediately prior to the effective date of this amended subpart (36 FR 15038; August 12, 1971) shall serve as members and alternate members, respectively, of the California Date Administrative Committee until such time as the successor producer members and handler members selected by the Secretary to serve on the California Date Administrative Committee have qualified. This provision was included when the order was amended in 1971 to provide an orderly transition from one committee to another. This provision is obsolete and should be deleted.

Provisions on nomination and selection of Committee members and alternate members are contained in § 987.24. Because of the changes recommended in the composition of the Committee, and in order to simplify and obtain fuller participation in Committee nominations, these provisions should be changed.

Consistent with the recommendation to change the term of Committee members and alternate members from one year to two years, § 987.24 should provide for nomination for members and alternate members of the Committee to be made not later than June 15 of every other year. In anticipation of completion of this amendatory action early during the current calendar year, it was proposed in the Notice of Hearing that, in 1977, the latest date for such nominations shall not be later than a reasonable time after the effective date of this action, and that the nominations be held every odd year thereafter. Testimony at the hearing supported this proposal. However, because of time considerations, it is not practical to delay the nominations in 1977 for the term beginning August 1, 1977. Thus, the proposal to hold the 1977 nominations not later than a reasonable time after the effective date of the amendment is denied. Moreover, if the changes in the amendatory action are made effective, it is likely than any nominations based on those changes

would be held in the 1978 calendar year, and therefore § 987.24 should provide for the nominations to be held "every other year" instead of "every odd year" as proposed.

In view of the changes recommended in the composition of the Committee, it is necessary to revise the provisions on nominations. The provisions on nominations by a cooperative association of producers should be deleted, and the provisions for the nomination of producer member and alternate member nominees and handler members and alternate members, should be revised. The evidence is that absentee owners, investors, and others make up a large segment of the date industry, and these persons may be unable to attend nomination meetings. Section 987.24 should be revised to provide opportunity for producers and handlers to nominate individuals to serve on the Committee by establishing a day for polling, and also for casting absentee ballots.

Persons voting in the nominations should be limited to those who are eligible to serve on the Committee, and should vote only for those who will represent them on the Committee. Therefore, § 987.24 should provide that persons will only be able to vote in nominations for the group in which they will be qualified to serve on the Committee, and shall nominate the applicable number of individuals for the positions prescribed pursuant to § 987.21. Each producer, regardless of the number and locations of his date gardens, voting in the nominations for producer members and producer alternate members, should be entitled to one vote for each member and alternate member position to be filled. The individual receiving the highest number of votes should be the nominee for each position.

At the hearing, testimony was presented that voting for producer members and alternate members should be weighted. That is, it was proposed that each producer be entitled to vote for only one producer member position and alternate member position and the ballot cast by the producer would be weighted by his field-run deliveries of dates to handlers during a specified period. The three persons receiving the highest total of weighted votes would be the nominees.

In 1958, the Department received a proposal for the weighting of producer votes when voting for representation on the Committee. That proposal was denied because it was not the policy under marketing orders to weigh producer votes in nomination meetings. The Department's policy in administering marketing agreements and orders has not changed since then, and the concept of weighted votes in nominating producer representatives on marketing agreement and order committees is not recognized. Thus, the proposal for producer weighted votes is denied.

Section 987.24 should also provide that each person voting in the nominations for producer-handler members and producer-handler alternate members, shall be given the opportunity to vote for one member and one alternate member position. His ballot should be weighted by the pounds of dates he had certified as marketable dates, from the beginning of the then current crop year through April which he produced in his own gardens, or acquired from other producers. The individual receiving the highest vote for a producer handler position should be the nominee.

A number of questions may arise on nomination and voting procedures. The Committee, with the approval of the Secretary, thus should be authorized to issue rules and regulations on the manner in which names of nominees for a position may be obtained, polling, balloting, absentee ballots, and the weighting of votes for producer-handler positions in the event that the Committee is restructured during a term of office.

Although the California date industry is small and fairly concentrated, it has been difficult to get a good turnout of producers at nomination meetings. Even with the recommended changes in the voting procedures, it is possible that an insufficient number of nominees could be elected to fill the positions on the Committee. Under current procedures, it would be necessary to hold another nomination meeting. This is time consuming and costly. Thus, a new paragraph (c) should be included in § 987.24 to give the incumbent Committee authority to recommend nominees to positions not filled through the nomination procedure.

To conform with the changes suggested concerning nomination and selection of Committee members, a new paragraph (d) should be included in § 987.24 replacing current paragraph (e). It should require the Committee to submit reports of nomination meetings to the Secretary, including the eligibility of the nominees, and any other information requested by the Secretary. Paragraph (d) should authorize the Secretary to select members and alternate members on the basis of representation provided in § 987.21 from nominations made pursuant to the order, or from other eligible persons. If nominations are not made within the time and manner prescribed, the Secretary should be authorized, without regard to nominations, to select the members and alternate members on the basis of representation provided pursuant to § 987.21.

Section 987.26 provides for filling vacancies on the Committee, describes how vacancies occur, and describes the manner in which they can be filled. However, the description of vacancies is incomplete in that it does not cover vacated nominations. The evidence is that § 987.-26 should also provide for the Committee to nominate nominees for any vacancies arising before the Secretary selects a nominee to serve on the Committee. Therefore, § 987.26 should provide that in the event of any vacancy occasioned by the failure to qualify, declination to serve, removal, resignation, disqualification, or death of any person nominated to serve on the Committee, or any member or alternate member selected by the Secretary, the Committee shall promptly submit its recommendation to the Secretary of a nominee eligible to serve in accordance with the requirements specified for the group in § 987.21.

Alternate members frequently attend Committee meetings notwithstanding the attendance at the same meeting of the regular member, and alternates are knowledgeable of Committee business. Thus, § 987.26 should provide that if the vacancy is for a member position, the Committee shall recommend if that person is willing to serve in that position.

If the Committee's recommendation is not submitted within 30 calendar days after such vacancy occurs, the evidence is that the Secretary may fill such vacancy without regard to nominations, and the selection shall be made on the basis of representation provided in § 987.21.

In the second sentence in § 987.27, the words "(producers or handlers as the case may be) they represent" should be deleted, and "he represents" substituted. In view of the changes recommended in the groups represented on the Committee, the parenthetical phrase would not be wholly accurate and, in any event is unnecessary.

Voting procedures of the Committee are prescribed in § 987.31. Paragraph (a) of that section currently provides that five members, including alternates acting as members of the Committee, shall constitute a quorum. If the total membership of the Committee is increased to nine, as recommended, five members would constitute a majority. However, if the total membership of the Committee is increased or decreased as a result of industry changes, five may no longer be appropriate. Therefore, § 987.31 should be revised to provide that a majority of the Committee shall constitute a quorum. In addition, the evidence is that matters relating to restructuring of the Committee, or the establishment, modification and application of free and restricted percentages should require more stringent voting requirements. Thus, with a Committee membership of nine, matters involving restructuring of the Committee should require eight concurring votes; matters involving free and restricted percentages should require seven concurring votes, and maters relating to paid advertising or major market promotion should continue to require six concurring votes. With respect to matters relating to paid advertising and major market promotion, the voting requirement currently is specified in the third sentence in § 987.33. Since this voting requirement would be set forth in § 987.31, the third sentence of § 987.33 should be deleted.

In the event that the total membership of the Committee is increased or decreased from nine, the minimum voting requirements under those circumstances should be in the same ratio, as

nearly as practicable, to the recommended requirements are to nine (i.e., 5:9, 6:9, etc.).

Section 987.31 should also require that at all assembled meetings each vote shall be cast in person. This requirement should be included as a new paragraph (d) in § 987.31, and current paragraph (d) should be redesignated as paragraph (e).

(3) Authority should be included as a new paragraph (h) in § 987.30 for the Committee to utilize the services of a consumer consultant, if needed. The Committee should have the opportunity to obtain and consider consumer viewpoints.

However, the date industry is small, and there are serious financial limitations on the ability of the Committee to obtain any large-scale consumer input. Currently, "feed-back" is obtained through commercial sales outlets, particularly from direct sales to consumers. Many producers in the industry deal in direct sales, and thus any input is received firsthand. However, the Committee should have an additional means of obtaining consumer views, should this become necessary to aid in the functioning of the Committee. If the services of a consultant are utilized, such person would serve without a salary, but the Committee should have authority to provide compensation for travel and other necessary expenses in carrying out the instructions of the Committee. Such expenses would include those incurred in attending Committee meetings. Since the views of the consumer consultant should be impartial, the order should provide that the consumer consultant shall have no financial interest in the date industry.

(4) Section 987.34 provides for the development of the Committee's marketing policy for the regulation of dates in a crop year. This section should be amended to reflect changes which have taken place in the marketing of dates since the establishment of the order in 1955. At that time, dates were sold primarily in the United States. Few, if any, were exported. A small percentage of those marketed domestically were diverted into products, but the bulk were marketed as whole and pitted dates. The order was instituted to prohibit the sale of low-quality dates in normal outlets and to provide for the setting aside of excessive supplies of whole dates and their diversion into export or date product outlets. The provisions on volume control were designed to fit these marketing conditions. A minimum quality level was established, which performed a certain volume control action. Control of volume was designed to protect the primary market; i.e., whole and pitted dates sold in the United States and Canada. Through the order, diversion outlets were developed. A market for exports and date products were established.

As stated in the discussion on revision of the definition of "trade demand" in Material Issue (1), the demand for marketable dates sold in export or product use accounts for about one-half of domestic date shipments. Thus, the method originally set up to determine free and restricted percentages no longer applies, and therefore the provisions pertaining to the determination and establishment of the volume regulation of dates should be revised.

Section 987.34 should provide that as early as practicable, but no later than October 31, the Committee shall prepare and submit to the Secretary, a report setting forth its marketing policy, including data on which it is based by variety, for regulation of dates in the crop year. Currently, § 987.34 provides for the marketing policy meeting to be held no later than October 15. Changing this date to October 31 would provide the Committee with extra days to prepare for this meeting, and allow elimination of the September 1 carryover report required to be submitted by handlers pursuant to § 987.61. Evidence indicated that each season's marketing policy information and data should cover grade, size, and free and restricted percentages, for each variety regulated under the order.

In order to enable the Committee to arrive at its recommendations, § 987.34 should provide for the Committee to consider such factors as: (1) The estimated production of dates during the crop year; (2) the estimated production of DAC dates, export dates, and product dates; (3) the handler carryin on October 1 of dates of those qualities; (4) the estimated trade demand in each outlet during the crop year; and (5) the desirable carryout, by outlet. Items (1), (2) and (3) deal with the supply aspect of marketing dates, and Items (4) and (5) deal with the demand aspect. Item (2) would divide the estimated production of marketable dates into various quality levels, i.e., DAC, export, and product dates. Production estimates of dates in these specific quality levels are necessary because changing marketing conditions have created demands for differing quality levels. In previous years volume control was designed to protect the primary market; i.e., sales of whole and pitted dates in the United States and Canada. Therefore, volume control placed special restrictive connotations on the term "trade demand". Currently, "trade demand" applies only to the need for dates as whole and pitted dates sold in the continental United States and Canada, and such other countries as the Committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States. The proposed definition of "trade demand" would include all of the major outlets for marketable dates. Therefore, Item (4) should consider the need for dates in these specific outlets. Also, to help estimate the demand, Item (5) should consider the desirable carryout in each of these outlets.

The current volume control provisions are designed to protect one market. The desire of the industry now is to protect not just the domestic whole and pitted market (DAC market), but the export and products markets as well. Therefore, a mechanism that provides flexibility is needed. Section 987.34 should be revised to require the necessary information should this flexibility be needed; i.e., that free dates can be dates that are not synonymous with DAC dates or those dates handled in DAC outlets. In that situation, the Committee should consider such additional factors as (1) the supply of marketable dates that will be available from the estimated production, and from the October 1 carryin, that could be used as free dates during the current crop year, and the desirable carryout for free dates. This additional language is necessary to provide for the situation when the Committee includes other categories in addition to DAC dates that may be free dates.

Also as part of the Committee's marketing policy report, § 987.34 should provide for the Committee to submit its recommendation as to grade, size, and container regulations and its recommendations whether free and restricted percentages should be established and, if so, the free and restricted percentages and the appropriate withholding factor.

Section 987.50 now provides, in part, for the regulations established for any crop year to continue in effect with respect to all dates for which control obligations have not been previously met, until regulations are established for the new crop year. Thus for a crop year following a crop year in which volume control was established, it is necessary to establish a free percentage of 100 percent and a restricted percentage of 0 percent even though no volume control is needed in order to terminate the previous year's volume control percentages. However, the evidence is that in the year or years succeeding the year in which free and restricted percentages of 100 percent free and 0 percent restricted are established, no rulemaking action should be taken if volume regulations are not recommended by the Committee.

In order to enable the Committee to better estimate the current season's production for marketing policy purposes, a new § 987.38 should be added. This section should provide that each crop year but no later than October 10 for continuing handlers, and prior to handling dates in the case of new handlers, any person desiring to handle dates shall submit a report to the Committee for all dates that the peron expects to handle. This report should include the name and address of each producer, the location of each date garden, and the acreage and estimated current season's production from that garden. Section 987.38 should also require those reports to be filed by October 10 to reflect producers who are signed up with the handlers as of October 1 of the then current crop year. The Committee, with the approval of the Secretary, should be authorized to issue rules and regulations to carry out the provisions of that section.

(5) Section 987.39 provides that the minimum standards for all whole and

pitted dates handled under the order shall meet the requirements of U.S. Grade C, or, if for further processing, U.S. Grade C (Dry), of the effective U.S. Standards for Grades of Dates. That section also authorizes the Secretary, upon recommendation of the Committee, to prescribe other minimum standards of quality for any variety of dates. Section 987.40 authorizes the Committee to recommend grade or size requirements for any variety of dates, in addition to the minimum standard provided pursuant to § 987.39, to govern dates of any such variety to be handled or to be withheld to meet restricted obligation, or both. The current grade and size provisions of the order are structured in terms of regulatory provisions relating to "free" and "restricted" percentages; reflecting a concept that volume regulations would be used each crop year. Thus, the grade and size provisions of the order are not separate from those pertaining to volume regulation. However, no volume regulation has been established for any crop year since the 1971-72 crop year.

The evidence is that minimum grade and size regulations should always be in effect. The term "marketable dates" has been redefined to include specific outlets, in order to clarify the separation of minimum standards and volume control. Moreover, the minimum standards should apply to all marketable dates, including those exported and those used in product dates. Therefore, the first sentence in § 987.39 should be revised by substituting "marketable dates" for "whole and pitted dates".

In addition, the proviso in the first sentence of § 987.39 should authorize the Secretary, upon a recommendation of the Committee, to prescribe other minimum standards of grades and sizes for marketable dates of any variety to be handled in any designated outlet. The minimum standards should include authority for size requirements because small dates are generally poor in quality and have a poor pit to flesh ratio. Small dates are less desirable and therefore should not be included as marketable dates. Currently, size determination is by weight since measurement of size based on length, diameter, or volume is not practical for dates graded by passage over a grading belt.

Since certain sizes and grades could be more acceptable in one outlet than another, or for one variety over another, § 987.39 should allow for regulation of different sizes and grades in different outlets for different varieties. In addition, the minimum standards for grades and sizes of dates should continue in effect irrespective of whether the season average price to producers for dates is above or below parity. Thus, as a conforming change, the term "the minimum standards of quality" in the third sentence of § 987.39 should be changed to "the minimum standards of grades and sizes for marketable dates".

As discussed in Material Issue (6), a new section on outlets and specifications for marketable dates should be included. Such outlets would be defined in the proposed definition of "marketable dates" in § 987.12. Thus, as a conforming change in § 987.40, the words "in any designated outlet" should be inserted in the first sentence between the words "handled" and "or", and in the last sentence between "variety" and "or". Also, as a conforming change in the first sentence, "withholding obligation" should be substituted for "restricted obligation". The term "withholding obligation" is used in other sections of the order and has the same meaning as "restricted obligation".

(6) Consistent with the need to establish provisions on grade, size, container, and identification requirements for dates used in specific outlets apart from the provisions relating to volume regulation, a new § 987.43, entitled "Outlets and specifications for marketable dates" should be included under the general heading of Grade Regulations. That section should provide that marketable dates shall not be handled or otherwise disposed of except as provided in the order. However, § 987.43 should not preclude dates of better grades or sizes being handled or otherwise disposed of in any outlet established for dates of lesser grades or sizes. Section 987.43 should authorize the Committee, with the approval of the Secretary, to modify the designations specified in § 987.12 to reflect new major outlets and regulatory requirements needed because of changes in marketing conditions. Marketable dates should include, but not be limited to DAC dates, dates for further processing, export dates, and product dates. This provision should permit the addition of other outlets to reflect changes in marketing conditions.

(7) Section 987.44 provides for the establishment of volume regulation for a crop year. Currently, the Committee recommends free and restricted percentages to the Secretary whenever it find that the available supply of marketable dates for any crop year exceeds the total trade demand for marketable dates, and that limiting the volume of dates sold domestically in whole or pitted form of any or all varieties through establishing free and restricted percentages applicable to such supply would tend to effectuate the declared policy of the act.

This provision is based on the marketing conditions existing in 1954, i.e., one major market—dates sold in the United States and Canada as whole and pitted dates. Since the demand for dates in other outlets with their varying quality demands, was insignificant or did not exist, the current provisions on volume regulation are designed to protect only the domestic whole and pitted market.

Based on current usage, the meaning of the term "total trade demand" as used in § 987.44(a) is not clear. In years with volume regulation, it meant free dates and was synonymous with "trade demand". In years with no volume regulation, "total trade demand" and hence "free dates," became associated with the total needs in all markets. Currently, "trade demand" refers to the need for whole or pitted dates in specific markets. As discussed in Material Issue (1), this definition was appropriate when there was but one major market, with the expectation that volume regulation would be used every year. However, these conditions no longer exist, and trade demand should be redefined so that it no longer is associated with the term "free dates."

Any volume regulations now issued pursuant to § 987.44(a) are based on the total marketable supply of dates. Again when there was only one market to protect, this was adequate. However, current date marketing conditions require a more complete breakdown of the quantity of dates of various quality levels available for the different outlets of marketable dates. Using the supply of all marketable dates does not serve to measure what can be sold as free dates. Without a measure of the quantity of dates of free date quality, the Committee cannot determine whether free and restricted precentages should be recommended. Rather § 987.44 (a) should authorize the Committee to recommend "free" and "restricted" percentages whenever it finds that the available supply of marketable dates of applicable grade and size (i.e., of free date quality) available to supply the trade demand for free dates of any variety is likely to be excessive.

In past years when volume regulation was established, with certain exceptions, all dates that were shipped were either free or restricted dates. For purposes of volume control, the words "handle," "handled", or "handling" had a special connotation in that only free dates were handled. Restricted dates were not handled—they were disposed of. As new markets were developed, the need for flexibility in determining free and restricted dates led the industry to discontinue usage of the narrow volume control concept of "handle", and is using this term as is broadly defined in § 987.9. Therefore, while dates are handled their handling does not make them free or restricted dates.

Sections 987.45, 987.46, and 987.50 deal with the various aspects of the withholding of restricted dates when volume regulation is established for a crop year. In order to incorporate the changes in the concept of handling as it relates to free and restricted dates, as discussed under the revision of § 987.44, changes are needed in these sections.

In § 987.45(a) that part of the first sentence reading "or for further processing" should be deleted and "as free dates (including those for further processing that are to be handled as free dates)" inserted in lieu thereof. Thus, a handler would be required to withhold dates from handling at the time he has dates certified for handling as free dates. In the last sentence of § 987.45(b), "as free dates (including those for further processing that are handled as free dates)" should be inserted after the word "handled". This change is necessary because the quantity of dates referred to in this last sentence represents the quantity of dates handled as free dates. Under the new concept of handling, dates could be

certified and handled but not be free dates.

Section 987.45(c) deals with the identification and certification of marketable dates when volume regulations are in effect. These requirements are retained here so as to apply to free dates. Section 987.46 deals with the revision of free and restricted percentages. Section 987.50 deals with the application of regulations after the end of a crop year. In the preceding sections, the word "dates" now refers to free dates, and therefore the word "free" should be inserted before the word "dates" in § 987.45(c) where the word appears in the first sentence, the fourth sentence and the fifth sentence; in § 987.46, in the second sentence; and in § 987.50 wherever the word "dates" appears.

In (d) and (f) of § 987.45 the terms "restricted obligation" and "withholding obligation" appear. Both terms are used interchangeably and have the same meaning. To be consistent, the terms "withholding obligation" or "withholding obligations" wherever applicable should be used throughout both paragraphs.

In § 987.46 additional changes are necessary. Whenever volume regulations are established pursuant to these recommendations, trade demands would be estimated for free dates. The recommended definition of "trade demand" includes the need for marketable dates in all markets including the trade demand for free dates. Any increase in the free percentage pursuant to § 987.46 would be based on a revision of the early season trade demand estimate for free dates. Therefore, it is necessary to add the words "for free dates" after the words "trade demand" in the first sentence of this section. When free and restricted percentages are establisehd the supply is in terms of "marketable dates of applicable grade and size." This also applies when the percentages are revised. Therefore, "of marketable dates of applicable grade and size" should be added after the words "available supply" in the first sentence of § 987.46.

Section 987.45(e) allows a handler to temporarily defer meeting any portion of his restricted obligation to withhold restricted dates by setting aside graded dates. In the first sentence, the words "from handling" are superfluous and should be deleted.

Section 987.54 deals with disposition of other than free dates. The evidence is that this section should be deleted because it no longer serves any purpose. Sections 987.55 and 987.56 provide for disposition of dates other than free dates, and it is unnecessary to have a section merely referencing these two sections. Therefore, § 987.54 should be deleted.

Section 987.55 deals with outlets for restricted dates and other marketable dates. Since outlets for marketable dates would be covered in new § 987.43, and defined in § 987.12, § 987.55 should be revised to provide that restricted dates may be disposed of only through exportation to such countries as the Committee may approve of by diversion in product outlets described in § 987.43 which the Committee concludes to be appropriate and which will result in dates moving into consumption in a form other than that of whole or pitted dates. In order to facilitate sales and promote orderly marketing of any variety of restricted dates handled in export, § 987.55 should authorize the Committee to participate in or negotiate for handlers, the sale of such dates to meet all or a substantial part of the needs of the particular county and, in connection with each such sale, the Committee shall extend to all handlers an opportunity to participate therein, and shall distribute the returns therefrom to participating handlers according to their respective contributions of dates. Section 987.55 should also authorize the Committee, with the approval of the Secretary, to prescribe rules and regulations governing the opportunity to participate in such sales. Moreover, the provisions of § 987.55 should not preclude restricted dates being disposed of in outlets for utility and cull dates prescribed in § 987.56.

Section 987.56 specifies outlets for substandard and cull dates and makes reference to outlets that are noncompetitive with the outlets for free and restricted dates. Substandard (utility) dates are currently being used in product outlets. Under normal supply conditions this practice may continue. Therefore, the phrase "with the approval of the Secretary, may specify:" should be inserted in lieu of "concludes are noncompetitive with the outlets for free and restricted dates:".

For purposes of clarity, the title of § 987.57 should be shortened to "approved manufacturers or feeders" and the first sentence revised to provide that diversion of dates pursuant to §§ 987.55 or 987.56 shall be accomplished only by such persons (which may include handlers) as are approved manufacturers or feeders. These changes would not change the meaning of application of this section.

(8) Currently, § 987.72 provides for assessment of marketable dates including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f). Utility dates used in the manufacture of date products should be assessed the same as product dates. Assessing utility dates used in the manufacture of date products will provide a uniform application of assessments since these dates are used in products, and therefore should receive the same treatment as product dates. However, should the Committee authorize an outlet for utility dates that is not included under outlets for marketable dates, then utility dates used in such outlets should not be assessed. Because differing lots contain a wide range of utility dates and conditions may exist wherein the utility portion of those dates is needed to satisfy a certain market outlet, these varying conditions should be enumerated by rulemaking.

(9) Certain changes should be made in the reporting requirements prescribed in §§ 987.61, 987.64, and 987.68, to aid in ease of operations under the order. Section 987.61 should be revised to require the January 1 carryover report only when volume regulations have been established for the crop year. This information is needed by January 31 to aid the Committee in determining whether or not the percentages should be revised pursuant to § 987.46. The notice of hearing left the April 1 and October 1 carryover dates intact. However, the industry believes that since the State of California requires an inventory report on March 1, for tax purposes, it would be a duplication of time and effort to require an April 1 inventory report. Thus, it was recommended in the hearing that the April 1 date be changed to March 1 to coincide with the reporting date of the State of California. An October 1 reporting date should be specified in place of the September 1 and September 30 reports. No useful purpose is served in having reports one month apart if, as has been recommended, sufficient time will be allowed before holding the required marketing policy meeting October 31. In order to allow the Committee to act more quickly in compiling figures from the carryover reports, 10 days should be allowed for submissions of the reports, instead of 15 days.

Section 987.64 should be amended by deleting references to restricted, other marketable, substandard, or cull dates. These words are superfluous and do not aid in clarification in the application of this section. As revised, § 987.64 should provide for each handler disposing of any dates pursuant to §§ 987.55 and 987.56 to promptly thereafter report such disposition to the Committee in such form as the Committee may prescribe.

Section 987.68 should be amended by changing the third sentence to provide that all handlers shall establish and maintain complete records which accurately show the quantity of dates handled, disposed of, and withheld. Currently, handlers are required to maintain complete records without requiring the making of complete records. The purpose of this change is to assist the Committee in determining handler compliance with the requirements of the order.

(10) Some of the amendatory actions included in this recommended decision require conforming changes elsewhere in the order as amended. Such changes have been discussed with the issues to which they are pertinent. All such changes should be incorporated in the recommended amendment of the order.

Rulings on briefs of interested persons. At the end of the hearing, the Administrative Law Judge fixed March 28, 1977, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. No briefs were filed.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations

which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except insofar as such findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulates the handling of dates produced or packed in Riverside County, Calif. in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivision of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of dates in the production area which make necessary different terms and provisions applicable to different parts of such area and;

(6) All handling of dates grown in the production area as defined in the marketing agreement and order, as amended, as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

RECOMMENDED AMENDMENT OF THE MARKETING AGREEMENT AND ORDER.

The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Section 987.6 is amended to read:

§ 987.6 Crop year.

"Crop year" means the 12-month period beginning October 1 of each year and ending September 30 of the following year.

2. Section 987.8 is amended by deleting reference to "§ 987.22" and substitute "§ 987.21".

3. Section 987.9 is amended by deleting that part of the provision starting with "the counties of San Bernardino" through "as handling" and substitute "or counties adjoining the area of production, shall not be considered handling. The Committee, with the approval of the Secretary, may establish monitoring procedures for storage of dates in Orange, San Diego, and Yuma Counties."

4. Section 987.11 is amended to read:

§ 987.11 Trade demand.

"Trade demand" means those quantities of marketable dates which the Committee finds are required to satisfy the need for dates in specific outlets in which marketable dates are handled.

5. Section 987.12 is revised to read:

§ 987.12 Marketable dates.

"Marketable dates" means those dates which are certified as equal to or higher than the applicable minimum grade and size requirements in effect pursuant to § 987.39, and any additional applicable requirements in effect pursuant to § 987.40. Marketable dates shall include but not be limited to the following:

(a) *DAC dates*. DAC dates are marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety for handling in the United States and Canada.

(b) *Dates for further processing*. Dates for further processing (FP) are marketable whole dates acquired by one handler from another handler that are certified as meeting the same grade and size requirements for DAC dates, with the exception of moisture requirements, and such identification requirements applicable to FP dates that are established by the Committee, with the approval of the Secretary, for any specific variety.

(c) *Export dates*. Export dates are marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety, to be handled in export to any country or group of countries with the exception of Canada. The Committee may establish different requirements for different countries.

(d) *Product dates*. Product dates are marketable dates that are inspected and certified as meeting the applicable grade and size requirements for dates to be handled in such forms as rings, chunks, pieces, butter, macerate, paste, or any other forms which the Committee deems appropriate and which will result in dates moving into consumption in a form other than that of whole or pitted dates.

6. Section 987.13 is amended to read:

§ 987.13 Free dates.

"Free dates" means dates of any variety that are at the time of certification destined for consumption in whole or pitted form in the United States and Canada (and such other countries as the Committee determines are likely to acquire them at prices reasonably comparable with prices received domestically) and which are free to be handled pursuant to any free percentage established by the Secretary in accordance with § 987.44.

7. Sections 987.9, 987.15, 987.47, 987.56, 987.57, and 987.64 are amended by substituting "utility dates" in lieu of "substandard dates."

8. Section 987.16 is amended by deleting the words "section 798 of the Agricultural Code" and inserting in lieu thereof "Title 3, Group 4, Article 24, section 1434 of the Food and Agricultural Code."

9. Section 987.21 is revised to read:

§ 987.21 Establishment and membership.

A California Date Administrative Committee consisting of nine members is hereby established to administer the terms and conditions of this part. For each member there shall be an alternate member and the provisions of this part applicable to the number, nomination, qualification and selection of members shall apply in like manner to alternate members. Three of the members, referred to in this part as "producer members", shall be producers or officers or employees of producers, and shall not be handlers, or directors, officers, or employees exercising a supervisory or managerial function of a handler. The six remaining members, referred to in this part as "producer-handlers", shall be selected from (1) handlers, or directors, officers or employees of a handler, or (2) producers who are also handlers or directors, officers, or employees exercising a supervisory or managerial function of a handler. The Committee, with the approval of the Secretary, may issue rules and regulations covering matters of eligibility for producer members, or revising the composition of the Committee prescribed in this section if it no longer is representative following a substantial change in the industry.

10. § 987.22 [Delete]

11. Section 987.23 is revised to read:

§ 987.23 Term of office.

The term of office for members and alternate members shall be two years beginning August 1, except such term may be shorter if the Committee composition is changed in the interim pursuant to § 987.21. Each member and alternate member shall, unless otherwise ordered by the Secretary, continue to serve until his successor has been selected and has qualified.

12. Section 987.24 is revised to read:

§ 987.24 Nomination and selection.

(a) Nomination for members and alternate members of the Committee shall be made not later than June 15 of every other year.

(b) Opportunity shall be provided producers and handlers to nominate individuals to serve on the Committee by establishing a day for polling and also for casting absentee ballots. Persons will only be able to vote in nominations for the group in which they would be qualified to serve on the Committee, and shall nominate the applicable number of individuals for the positions prescribed pursuant to § 987.21. Each producer, regardless of the number and locations of his date gardens, voting in the nominations for producer members and producer alternate members, shall be entitled to one

vote for each member and alternate member position to be filled. The individual receiving the highest number of votes for a position shall be the nominee. Each person voting in the nominations for producer-handler members and producer-handler alternate members, shall be given the opportunity to vote for one member and one alternate member position. His ballot shall be weighted by the pounds of dates he had certified as marketable dates, from the beginning of the then current crop year through April which he produced in his own gardens or acquired from other producers. The individual receiving the highest weighted vote for a producer-handler position shall be the nominee. The Committee, with the approval of the Secretary, may issue rules and regulations on the manner in which nominees for a position may be obtained, polling, balloting, absentee ballots, and the weighting of votes for producer-handler positions when the Committee is restructured during a term of office.

(c) In the event that nominees for all available positions are not provided by the aforesaid procedure, the then current Committee may recommend nominees for the unfilled positions.

(d) Promptly after each election, the Committee shall report to the Secretary the results thereof, including the eligibility of the nominees, and any other information requested by the Secretary. The Secretary shall select members and alternate members on the basis of representation provided in § 987.21 from nominations made pursuant to this subpart, or from other eligible persons. If nominations are not made within the time and manner prescribed herein, the Secretary may, without regard to nominations, select the members and alternate members on the basis of representation provided in § 987.21.

13. Section 987.26 is amended to read:

§ 987.26 Vacancies.

In the event of any vacancy occasioned by the failure to qualify, declination to serve, removal, resignation, disqualification, or death of any person nominated to serve on the Committee, or any member or alternate member selected by the Secretary, the Committee shall promptly submit its recommendation to the Secretary of a nominee eligible to serve in accordance with the requirements specified for the group in § 987.21. If the vacancy is for a member position, the Committee shall recommend appointment of the alternate member if that person is willing to serve in that position. If the Committee's recommendation is not submitted within 30 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, and the selection shall be made on the basis of representation provided in § 987.21.

14. Section 987.27 is amended by deleting from the second sentence the words "(producers or handlers as the case may be) they represent" and substitute instead "he represents".

15. Section 987.30 is amended by adding a new paragraph (h) to read:

* * * * *

§ 987.30 Duties.

(h) To furnish the Committee viewpoints of the consumer, the Committee may utilize a consumer consultant. The consumer consultant shall have no financial interest in the date industry and shall receive no compensation, however, such person shall be reimbursed for necessary expenses attendant to those assignments that the Committee has given prior support and approval.

16. Section 987.31 is amended to read:

§ 987.31 Procedure.

(a) A majority of the Committee shall constitute a quorum.

(b) * * *

(c) For any decision of the Committee to be valid, a concurring vote of at least five members is required, except as follows:

(i) In matters relating to restructuring Committee composition pursuant to § 987.21, concurrence by at least eight members is required;

(ii) In matters relating to establishment, modification and application of free and restricted percentages pursuant to §§ 987.44 and 987.46, concurrence by at least seven members is required; and

(iii) In matters relating to recommendation of any program of paid advertising or major program of market promotion pursuant to § 987.33, concurrence by at least six members is required.

(d) At all assembled meetings each vote shall be cast in person.

(e) The Committee may vote upon any proposition by mail, or telephone when confirmed in writing within two weeks, or telegram, upon due notice and full and identical explanation to all members, including alternates acting as members, but any such action shall not be considered valid unless unanimously approved.

(f) If the total number of members of the Committee is changed pursuant to § 987.21, the minimum voting requirements shall be in the same ratio to the revised total number of members, as nearly as practicable, as the minimum voting requirements prescribed in paragraph (c) of this section are to nine.

17. Section 987.33 is amended by deleting the third sentence.

18. Section 987.34 is revised to read:

§ 987.34 Development.

As early as practicable, but no later than October 31, the Committee shall prepare and submit to the Secretary, a report setting forth its marketing policy, including data on which it is based, by variety, for regulation of dates in the crop year.

(a) The Committee shall consider such factors as: (1) The estimated production of dates during the crop year; (2) the estimated production of DAC dates, export dates, and product dates; (3) the handler carryin on October 1 of dates of those qualities; (4) the estimated trade demand in each outlet during the crop year; and (5) the desirable carryout, by outlet.

(b) If dates to be handled as free dates are not synonymous with those to be handled in DAC outlets, the Committee shall consider such additional factors as: (1) The supply of marketable dates that will be available from the estimated production, and from the October 1 carryin, that could be used as free dates, and (2) the estimated trade demand for free dates during the current crop year, and the desirable carryout for free dates.

(c) The Committee shall submit its recommendation as to grade, size, and container regulations and its recommendation whether free and restricted percentages should be established and if so, the free and restricted percentages and the appropriate withholding factor.

19. A new § 987.38 is added to read as follows:

§ 987.38 Handlers of record.

Each crop year but no later than October 10 for continuing handlers and prior to handling dates in the case of new handlers, any person desiring to handle dates shall submit a report to the Committee on a form prescribed by it containing the following information with respect to all dates which such person expects to handle:

(a) The name and address of each producer;

(b) the location of each date garden; and

(c) the acreage and estimated current season's production thereon.

Those reports required to be filed by October 10 shall reflect producers who are signed up with the handlers as of October 1 of the then current crop year.

The Committee, with the approval of the Secretary, may issue rules and regulations to carry out the provisions of this section.

20. The first and third sentences in § 987.39 are amended to read:

§ 987.39 The establishment of minimum standards.

In order to effectuate the declared policy of the act, all dates handled as marketable dates shall meet the requirements of U.S. Grade C, or if for further processing, U.S. Grade C (Dry) of the effective U.S. Standards for Grades of Dates, 7 CFR § 52.1001: *Provided*, That the Secretary, may upon recommendation of the Committee, prescribe other minimum standards of grades and sizes for marketable dates of any variety to be handled in any designated outlet. * * * The provisions hereof relating to minimum standards of grades and sizes for marketable dates and inspection requirements, within the meaning of section 2(3) of the act, and any other provisions relating to the administration and enforcement thereof shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2(1) of the act. * * *

21. The first and last sentences in § 987.40 are amended to read:

§ 987.40 Additional grade or size regulations.

Whenever the Committee deems it advisable to establish grade or size requirements for any variety of dates, in addition to the minimum standard provided pursuant to § 987.39, to govern dates of such variety to be handled in any designated outlet or to be withheld to meet withholding obligation, or both, it shall recommend to the Secretary requirements as to grade based on the effective United States Standards for Grades of Dates or any modification thereof, and such size requirements as it may deem appropriate. * * * On and after the effective date no handler shall handle dates of such variety in any designated outlet or withhold such dates to meet withholding obligation except in accordance with such regulations.

22. Section 987.43 is added to read:

§ 987.43 Outlets and specifications for marketable dates.

Marketable dates shall not be handled or otherwise disposed of except as provided in this subpart. This shall not preclude dates of better grades or sizes being handled or otherwise disposed of in any outlet established for dates of lesser grades or sizes. The Committee, with the approval of the Secretary, may modify the designations specified in § 987.12 to reflect new major outlets and regulatory requirements needed because of changes in marketing conditions. Marketable dates shall include but not be limited to the following: DAC dates, Dates for further processing, Export dates, and Product dates.

23. Section 987.44 is amended to read:

§ 987.44 Free and restricted percentages.

(a) Whenever the Committee finds that the available supply of marketable dates of applicable and size available to supply the trade demand for free dates of any variety is likely to be excessive, and that limiting the volume of marketable dates to be handled as free dates through establishment of free and restricted percentages applicable to such variety of such dates would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. * * *

24. Section 987.45 is amended as follows:

In paragraph (a) delete the part of the first sentence that reads "or for further processing" and insert in lieu thereof: "as free dates (including those for further processing that are to be handled as free dates)".

In paragraph (b) after the word "handled" in the last sentence, insert "as free dates (including those for further processing that were handled as free dates),".

In paragraph (c) insert the word "free" before the word "dates" where that word appears in the first sentence, the fourth sentence and the fifth sentence.

In paragraphs (d) and (f) wherever "restricted obligation" or "restricted obligations" appear, substitute the words "withholding obligation" or "withholding obligations", as applicable.

In the first sentence of paragraph (e), delete the words "from handling".

25. Section 987.46 is amended as follows:

§ 987.46 [Amended]

In the first sentence after the words "trade demand" and "available supply" insert the words, respectively, "for free dates" and "of marketable dates of applicable grade and size". In the second sentence before the word "dates" insert the word "free".

26. Section 987.50 isamended as follows:

§ 987.50 [Amended]

Insert the word "free" before the word "dates" wherever that word appears in this section.

27. Section 987.54 is deleted.

28. Section 987.55 is revised to read:

§ 987.55 Outlets for restricted dates.

Restricted dates may be disposed of only through exportation to such countries as the Committee may approve or by diversion in product outlets described in § 987.43 which the Committee concludes to be appropriate and which will result in dates moving into consumption in a form other than that of whole or pitted dates. To facilitate sales and promote orderly marketing of any variety of restricted dates handled in export, the Committee may participate in or negotiate for handlers, the sale of such dates to meet all or a substantial part of the needs of the particular country, and, in connection with each such sale, the Committee shall extend to all handlers an opportunity to participate therein and shall distribute the returns therefrom to participating handlers according to their respective contributions of dates. The Committee, with the approval of the Secretary, may prescribe rules and regulations governing the opportunity to participate in such sales. The provisions of this section shall not preclude restricted dates being disposed of in outlets for utility and cull dates prescribed in § 987.56.

29. Section 987.56 is amended by deleting from the first sentence the phrase "concludes are noncompetitive with the outlets for free and restricted dates:", and insert in lieu thereof "with the approval of the Secretary, may specify:".

30. Section 987.57 is amended by revising the title and the first sentence thereof to read:

§ 987.57 Approved manufacturers or feeders.

Diversion of dates pursuant to § 987.55 or § 987.56 shall be accomplished only by such persons (which may include handlers) as are approved manufacturers or feeders. * * *

31. Section 987.61 is revised to read:

§ 987.61 Reports of handler carryover.

Each handler shall file each year with the Committee written reports of his carryover of dates as of March 1, October 1, and at such other times as the Committee may prescribe: *Provided*, That during those seasons when volume regulations are established by the Secretary, the handler shall file an additional report on his January 1 carryover. Such reports shall be filed within 10 days of the date of the carryover. These reporting dates specified may be changed, upon recommendation of the Committee, together with substantiation of the need therefore, with the approval of the Secretary.

32. Section 987.64 is revised to read:

§ 987.64 Reports on disposition of restricted, other marketable, utility, and cull dates.

Each handler disposing of any dates pursuant to §§ 987.55 and 987.56 shall promptly thereafter report such disposition to the Committee in such form as the Committee may prescribe.

33. Section 987.68 is amended by changing the third sentence to read: "All handlers shall establish and maintain complete records which accurately show the quantity of dates handled, disposed of, and withheld".

34. Section 987.72 is amended by changing the first sentence of paragraph (a) to read:

§ 987.72 Assessments.

(a) *Requirement for payment*. Each handler shall pay to the Committee, upon demand, on all dates he has certified as meeting the requirements for marketable dates and utility dates utilized in product outlets including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f), his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the Committee during each crop year. Should the condition arise wherein the utility portion of dates handled in certain other outlets should not be, in the opinion of the Committee, subject to the payment of assessments on that portion, the Committee may recommend and the Secretary approve by rulemaking, such exclusion. * * *

Signed at Washington, D.C., on September 6, 1977.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.77-26479 Filed 9-9-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 40]

LICENSING OF SOURCE MATERIAL

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

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Correction to proposed rule.

SUMMARY: This notice corrects a typographical error concerning the comment period expiration date in the original notice of proposed rulemaking published in the FEDERAL REGISTER on September 1, 1977 (42 FR 43983) to consider a rule change requested by the U.S. Air Force Radioisotope Committee. The expiration date, incorrectly given as October 31, 1977, is being corrected to October 3, 1977.

DATES: Comment period expires October 3, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

For the Nuclear Regulatory Commission.

CHASE R. STEPHENS,
Chief, Docketing and Service Branch, Office of the Secretary of the Commission.

[FR Doc.77-26527 Filed 9-9-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-WE-12-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) superseding Amendment 39-2802 (42 FR 2053) AD 77-01-04 that would require modification of the air conditioning compartment access door handle in addition to the presently required one-time inspection and rigging procedure. This proposed AD is considered necessary since additional service experience and laboratory tests reveal that the present AD does not, by itself, prevent in-flight separation of an air conditioning compartment access door.

DATES: Comments must be received on or before October 15, 1977.

ADDRESSES: Send comments on the proposal in duplicate to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. Telephone: 213-536-6351.

SUPPLEMENTARY INFORMATION: AD 77-01-04 requires a one-time inspection and rigging procedure. After the issuance of AD 77-01-04, an aircraft lost two air conditioning compartment access doors are a result of a lightning strike. Subsequent laboratory tests have revealed that a lightning strike can open a properly closed door notwithstanding the accomplishment of the rigging procedure required by AD 77-01-04.

Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require modification of the air conditioning compartment access door handles in addition to the presently required one-time inspection and rigging procedure.

Lightning simulation tests have demonstrated that the handle, modified as proposed will withstand the pressure and dynamic response to the extremely short-time pressure pulse associated with a lightning strike.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration as listed in "Addresses" above. All communications received on or before October 15, 1977, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments and reports of contracts with members of the public during the course of rulemaking will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

DRAFTING INFORMATION

The principal authors of this document are Douglas T. Sharman, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive which will supersede AD 77-01-04.

MCDONNELL DOUGLAS. Applies to Model DC-10-10, DC-10-10F, DC-10-30, DC-10-30F, and DC-10-40 airplanes, certificated in all categories.

Compliance required as indicated.

To prevent in-flight separation of an air conditioning compartment access door accomplish the following:

(a) Unless already accomplished, within 2000 flight hours after January 12, 1977 (the effective date of AD 77-01-04) accomplish the inspection and rigging procedure specified in the DC-10 Maintenance Manual, Chapter 52-42-01, Temporary Revision 52-231, dated September 17, 1976, paragraph 3, or later FAA approved revision with the following manual amendments:

(1) Steps outlined in 3.A.(1), (a) through (d) and 3.A.(2) may be omitted.

(2) Before accomplishing steps 3.A.(3), (a), and (b) and (3a), (a) through (g) inspect the doors to verify that when the upper edge of the door makes contact with the door jamb the clearance does not exceed 1.2 inches between the lower edge of the door and door jamb. If this dimension is not exceeded, steps 3.A.(3), (a) and (b) and (3a), (a) through (g) may be omitted. Otherwise, those steps must be performed.

(b) Unless already accomplished, within the next 2000 flight hours after the effective date of this AD modify the air conditioning compartment access door handle as follows:

(1) Install a Camloc stud (fastener) in accordance with McDonnell Douglas DC-10 Service Bulletin No. 52-116, dated July 2, 1974, or later FAA approved revision, or

(2) Install a handle catch in accordance with McDonnell Douglas DC-10 Service Bulletin No. 52-168, dated, June 7, 1977, or later FAA approved revision.

(3) If the air conditioning compartment access door is removed to accomplish the handle modification, verify the door handle position and loads are in accordance with paragraphs 3.A(11) and 3.A(18) of the DC-10 Maintenance Manual, Chapter 52-42-01, Temporary Revision 52-231, dated September 17, 1976, or later FAA approved revision.

(c) Equivalent procedures or modifications may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate airplanes to a base for the accomplishment of this AD.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on August 30, 1977.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.77-26205 Filed 9-9-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-WE-24]

PROPOSED DESIGNATION OF TRANSITION AREA

Placerville, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a 700 foot transition area at Placerville, Calif., to provide protection for aircraft executing a new instrument approach procedure (NDB Rwy-5) to the Placerville Airport.

DATES: Comments must be received on or before October 14, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261; telephone 213-536-6182.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261. All communications received on or before October 14, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, 15000 Aviation Boulevard, Lawndale, Calif. 90261, or by calling 213-536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Placerville, Calif., 700 foot transition area. This action will provide additional controlled airspace to accommodate aircraft executing the NDB-Rwy 5 approach procedure to the Placerville Airport.

Accordingly, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

PLACERVILLE, CALIF.

That airspace extending upward from 700 feet above the surface within a four mile radius of Placerville Airport (latitude 38°43'30" N., longitude 120°45'18" W.) and within four miles each side of the Placerville Nondirectional Radio Beacon (NDB) (latitude 38°43'23" N., longitude 120°45'54" W.) 210° magnetic bearing extending from the four mile radius area to eleven miles southwest of the NDB.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division, and DeWitte T. Lawson, Jr., Esquire, Regional Counsel.

(This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on August 30, 1977.

HERMAN C. BUSS,
Acting Deputy Director,
Western Region.

[FR Doc.77-26206 Filed 9-9-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 296]

[EDR-333; Docket No. 30783; Dated: September 1, 1977]

USE OF AIR FREIGHT FORWARDERS BY COOPERATIVE SHIPPERS ASSOCIATIONS AND BY OTHER AIR FREIGHT FORWARDERS

Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites comments from members of the general public, direct air carriers, international air freight forwarders, air freight forwarders, cooperative shippers associations, shippers, consumer organizations, and interested government agencies, on proposed rules which would permit the use of air freight forwarders by other air freight forwarders and cooperative shippers associations, and the use of international air freight forwarders by other international air freight forwarders. This proceeding is in response to a petition for rulemaking filed by Novo Airfreight Corporation, an authorized air freight forwarder.

DATES: Comments by: October 24, 1977. Reply comments by: November 14, 1977. Requests to be placed on the Service List by September 19, 1977.

ADDRESSES: Comments should be sent to Docket 30783, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments may be examined at the Docket Section, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Part 296 of the Board's Economic Regulations (14 CFR Part 296) contains rules governing the operations of three types of indirect air carriers of property: air freight forwarders, international air freight forwarders, and cooperative shippers associations. The definition of the term "air freight forwarder" contained in Part 296 (14 CFR 296.1(b)) includes a statement that a forwarder is an indirect air carrier that "utilizes * * * the services of a direct air carrier * * *" for the air transportation it performs. An identical provision is found in the definition of an international air freight forwarder (14 CFR 296.1(f)) and of a cooperative shippers association (14 CFR 296.1(c)).

Novo Airfreight Corporation (Novo), an air freight forwarder, has filed with the Board a petition concerning the "utilization" requirement in this definitional language. Novo seeks, in the alternative, three forms of relief. First, Novo asks the Board to issue a declaratory order stating that the requirement that a cooperative shippers association must "utilize" the services of a direct air carrier permits such an association to ship property via an air freight forwarder, which in turn would "utilize" the services of a direct air carrier. Secondly, Novo asks, if the Board determines not to issue such an order, whether certain movie film distributors (who are now Novo's customers) may designate a common agent to pool and tender their shipments to an air freight forwarder as one consolidated shipment. Finally, Novo asks, if the answer to its second request is also negative, that the Board institute a rulemaking proceeding to amend the definition of the term "cooperative shippers association" contained in the Board's rules to permit cooperative shippers associations to utilize the services of air freight forwarders.

Air Express International Corp. (AEI), another air freight forwarder, answered Novo's petition in opposition.[1] AEI states that the petition is merely a device to regain business which Novo has lost to AEI and is without substantive merit since (1) the Board's position with respect to the "utilization" requirement is clear, (2) there already exists a Board-sanctioned method (Petition of Southern States Traffic Systems, Inc., Docket 28359, Order 76-4-72) of pooling traffic through the use of an agent, and (3) the institution of a rulemaking proceeding to allow cooperative shippers associations to use air freight forwarders is unwarranted, because nothing has changed since the Board initially concluded that

[1] AEI's answer is styled "comments," and was accompanied by a motion to file an otherwise unauthorized document. Good cause having been shown, the motion is granted, and AEI's "comments" will be considered as an answer.

cooperative shippers associations are indirect air carriers.[2]

Upon consideration of this matter, we have decided to deny Novo's first two requests, and to institute a rulemaking proceeding to consider amendments to our rules to permit cooperative shippers associations to use air freight forwarders, and to permit air freight forwarders and international air freight forwarders to ship traffic on other members of the same class of indirect carriers. Our reasons are as follows:

Novo's first request is that the Board issue a declaratory order interpreting the existing definition of a cooperative shippers association so that such associations can ship their members' traffic via air freight forwarders. As Novo's petition recites, however, the Board has already considered the precise question that Novo raises, and has determined that the definitional language—i.e., the phrase "utilizes * * * a direct air carrier * * *"—does indeed prohibit the interposition of another indirect air carrier between a cooperative shippers association and the underlying direct carrier. Petition of WTC Airfreight, Inc., Docket 18818, letter dated December 26, 1967. Even Novo's own arguments supporting its request for a declaratory order appear to recognize that there is no genuine controversy about the Board's past interpretation of this definitional language, and instead in effect urge the Board to reconsider its views. Therefore, since there really is no "controversy" or "uncertainty" as to the Board's views here, in the sense in which those terms are used in section 5 of the Administrative Procedure Act (5 U.S.C. 554(e)), we must decline to issue a declaratory order.

Similarly, we see no need for any extended discussion of the circumstances in which an intermediary such as a shippers' agent may act as consignor and/or consignee of freight owned by its principals, since this issue (as noted by AEI) was dealt with in detail in Order 76-4-72, adopted on April 15, 1976, in Petition of Southern States Traffic Systems, Inc., supra. We remain in agreement with the views expressed in Order 76-4-72, and conclude that the film distributors referred to in Novo's petition could utilize an agent, just as did the wearing apparel shippers whose proposal was at issue in Order 76-4-72, in the manner described in that order.

Novo's final request is that the Board amend its rules to permit cooperative shippers associations to ship their members' traffic on air freight forwarders. In 1955, when the Board first established regulations for cooperative shippers associations,[3] the Board expressed the view that such associations should remain in the effective control of their members,[4] and a corollary of that view was (and is) that forwarders should not be allowed to dominate cooperative shippers associations to the possible detriment of the association's members, the forwarder's other customers, or competing forwarders.[5] While we continue to adhere to our views on this subject, we have tentatively concluded that we no longer need to prohibit the use of air freight forwarders by cooperative shippers associations in order to prevent such abuses. Members of cooperative shippers associations now appear to be, in the usual case, firms that are regular shippers of air freight, having traffic department employees who are quite well informed as to their firms' distribution costs generally, and as to common carriers' rates in particular. Because of this, we think it is far less likely than it may have been in the past that an air freight forwarder could successfully dominate an association to the detriment of the interests of its members, the forwarder's other customers, or competing forwarders. We adhere to our view that airfreight forwarders should not be allowed to dominate or control cooperative shippers associations,[6] of course, and merely tentatively conclude here that the danger of such domination is not so great that cooperative shippers associations should be prohibited from using the services of air freight forwarders by our regulations.

While the petition before us raised only the issue of the use of forwarders by associations, we have tentatively determined, in addition, to amend the definitions of an "air freight forwarder" and of an "international air freight forwarder" to permit each of the two classes of indirect air carriers to use the services of other members of the same class. Our reasons for doing so are related to those for permitting cooperative shippers associations to use forwarders, in that there appear to be instances in which a forwarder, as well as a cooperative shippers association, might find the use of another forwarder to be more advantageous than the use of a direct carrier.

All the foregoing are our tentative conclusions only, and we solicit the views of all interested persons to assist us in determining whether to adopt the proposed rules set forth in this notice.

Request for Comments

Interested persons may participate in this proceeding by submitting 20 copies of written data, views, or arguments addressed to: Docket 30783, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All comments received by October 24, 1977, and reply comments received by November 14, 1977, will be considered by the Board before taking further action.

Those persons planning to participate who wish to be served with the comments of others, and who are willing to serve their own comments and reply comments on others, may, on or before September 19, 1977, request the Docket Section to place them on the Service List. The Service List will be prepared by the Docket Section and mailed to those named on it. Persons filing responsive comments should serve any person whose comment is dealt with in their responsive comment, whether or not either party is on the Service List.

Individual members of the general public who wish to express their interest as consumers may do so by submitting comments in letter form, in the manner and by the dates indicated above, without the necessity of filing additional copies.

Proposed Rules

The Board proposes to amend Part 296 of its Economic Regulations as follows:

1. Section 296.1 (b)(2), (c)(2) and (f)(2) would be amended to read as follows:

§ 296.1 Definitions.

* * * * *

(b) * * *

(2) Which in the ordinary and usual course of its undertaking, assembles and consolidates or provides for assembling and consolidating of property or performs or provides for the performance of break-bulk and distributing operations with respect to consolidated shipments, is responsible for the transportation of property from the point of receipt to point of destination and utilizes for the whole or any part of such transportation either the services of a direct air carrier, as defined in § 296.1 (d) (1) and (3), or those of another air freight forwarder.

* * * * *

(c) * * *

(2) Which undertakes to ship property for the account of such association or its members, by air, in the name of either the association or the members, in order to secure the benefits of volume rates or improved services for the benefit of its members, and utilizes for the whole or any part of such transportation either the services of a direct air carrier as defined in § 296.1(d) (1) and (3), or those of an air freight forwarder.

* * * * *

(f) * * *

(2) Which, in the ordinary and usual course of its undertaking, assembles and consolidates or provides for assembling and consolidating of property or performs or provides for the performance of break-bulk and distributing operations with respect to consolidated shipments, is responsible for the transportation of such property from the point of receipt to point of destination, and utilizes for the whole or any part of such transportation either the services of a direct air carrier as defined in § 296.1(d) (1), (2),

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[2] Consolidated Flower Shipments, Inc., Bay Area, 16 C.A.B. 804 (1953); *Consolidated Flower Shipments, Inc., Bay Area v. Civil Aeronautics Board*, 213 F.2d 814 (9th Cir. 1954); Airfreight Forwarder Investigation, 21 C.A.B. 536 (1955).

[3] Airfreight Forwarder Investigation, 21 C.A.B. 536 (1955).

[4] Id. at 553, 645-46.

[5] Cf., Transportation Services of the Pacific, Inc., Docket 26445, Order 75-8-79.

[6] See, Transportation Services of the Pacific, Inc., supra.

and (4), or those of another international air freight forwarder.

(Secs. 101(3), 204(a), and 416(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 737, 743, 771; (49 U.S.C. 1301(3), 1324(a), 1386(a)).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-26396 Filed 9-9-77;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 77-144]

PRINCE WILLIAM SOUND, ALASKA

Anchorage Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to establish an anchorage ground in Prince William Sound, Alaska. This anchorage is needed because of increased vessel traffic transiting these waters to and from the oil terminal at Port Valdez. This anchorage is intended to provide a safe haven for these vessels when there are adverse weather conditions, they have navigational problems, or they must wait because of delays at Port Valdez.

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

ADDRESSES: Comments should be submitted to Commander, Seventeenth Coast Guard District (m), P.O. Box 3-5000, Juneau, Alaska 99802. Comments will be available for examination at the office of the Commander, Seventeenth Coast Guard District (m), Room 613A Federal Building, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his name and address, identify the notice (CGD 77-144) and the specific section of the proposal to which his comment applies, and give the reasons for his comment. All comments received before the expiration of the comment period will be considered beforfe final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Lieutenant Commander H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Stephen D. Jackson, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED RULE

This proposed anchorage is intended to be part of an overall vessel safety program for Prince William Sound. The Coast Guard promulgated regulations for a Vessel Traffic Service (VTS) on July 25, 1977 (33 CFR Parts 301-387, 42 FR 37928). This VTS includes vessel traffic lanes and equipment and reporting requirements to prevent vessel collisions and groundings. This anchorage would be for the temporary use of vessels that are unable to transit the VTS area. Vessels wishing to use this anchorage must notify the vessel traffic center at Valdez and must notify the vessel traffic center before leaving the anchorage. This notification will enable the vessel traffic center to direct vessels to anchor outside the anchorage if necessary and will also inform the center when a vessel is ready to resume transit in the VTS area.

This proposed anchorage is to be established off Knowles Head. This is a fairly protected area, convenient to the vessel traffic lanes, but also clear of normal vessel traffic. The Coast Guard has determined that an anchorage is necessary, although it realizes that no location is totally non-disruptive to some local interests. This anchorage covers a small area and it should not cause undue hardships to the local fishermen. This location was chosen after the tanker demonstrations in Prince William Sound this spring during which several locations were tested The Coast Guard is proposing this location because it is convenient to the traffic lanes, has an appropriate depth of water a safe distance offshore, is large enough to accommodate the tankers utilizing the oil terminal at Port Valdez, and the bottom has good holding capabilities.

In consideration of the foregoing, it is proposed that Part 110 of Title 33 Code of Federal Regulations be amended by adding a new § 110.233 to read as follows:

§ 110.233 Prince William Sound, Alaska.

(a) *The anchorage grounds.* In Prince William Sound, Alaska, beginning at a point at latitude 60°40'00" N., longitude 146°40'00" W.; thence south to latitude 60°38'00" N., longitude 146°40'00" W.; thence east to latitude 60°38'00" N., longitude 146°30'00" W.; thence north to latitude 60°39'00" N., longitude 146°30'00" W.; thence northwesterly to the beginning point.

(b) *The regulations.* (1) This anchorage area is for the temporary use of vessels during:

(i) Adverse weather or tidal conditions;

(ii) Vessel equipment failure; or

(iii) Delays at Port Valdez;

(2) No vessel may anchor in this anchorage without notifying the vessel traffic center in Valdez; and

(3) Each vessel anchored shall notify the vessel traffic center in Valdez when it weighs anchor.

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); sec. 6(g)(1), 80 Stat. 940 (49 U.S.C. 1655(g)(1)); 49 CFR 1.46(c)(1).)

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

Dated: September 7, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.77-26506 Filed 9-9-77;8:45 am]

PANAMA CANAL COMPANY

[35 CFR Part 10]

ACCESS TO INFORMATION CONCERNING INDIVIDUALS

Proposed Exemption From Access of System of Records Under the Privacy Act

AGENCY: Canal Zone Government and Panama Canal Company.

ACTION: Proposed rule.

SUMMARY: The proposed rule would exempt a system of records, called "Canal Protection Division Activity Report Files, PCC-CZG/CACP-2," from certain provisions of the Privacy Act of 1974. The general effect of the exemption would be to make information in the system inaccessible to the subjects of the records. The exemption is needed because the system consists of information maintained by a component of the Canal Zone Government whose principal function is the maintenance of the security of the Panama Canal and its vital installations and the prevention and detection of crime; divulging the information in the system to the subjects of the records could render the efforts of the Division ineffective.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 12, 1977.

ADDRESS FOR COMMENTS: Secretary, Panama Canal Company, Room 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C.; or Chief, Administrative Services Division, Panama Canal Company, Box M, Balboa Heights, Canal Zone.

FOR FURTHER INFORMATION CONTACT:

Mrs. Hazel M. Murdock, Assistant to the Secretary, Panama Canal Company, Room 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004 (telephone 202-724-0104).

Under the Privacy Act of 1974, 5 U.S.C. 552a, the Canal Zone Government and Panama Canal Company propose to amend Part 10 of 35 CFR by adding a

new paragraph (30) to 35 CFR 10.13(a), and by adding a new paragraph (xli) to 35 CFR 10.14(a)(2), as follows:

§ 10.13 General exemptions.

(a) * * *

(30) Canal Protection Division Activity Report Files, PCC-CZG/CACP-2.

§ 10.14 Specific Exemptions.

(a) * * *

(2) * * *

(xli) Canal Protection Division Activity Report Files, PCC-CZG/CACP-2.

Dated: August 19, 1977.

H. R. PARFITT,
Governor of the Canal Zone,
President, Panama Canal Company.

[FR Doc.77-26487 Filed 9-9-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 25, 33, 75, 94, 161, 164, 167, 180, 192]

[CGD 76-28S]

LIFESAVING EQUIPMENT

Lights and Retro-Reflective Materials for Life Preservers and Other Lifesaving Equipment

AGENCY: Coast Guard, DOT.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: In the FEDERAL REGISTER of May 23, 1977, the Coast Guard proposed regulations concerning lights and retro-reflective material for life preservers and other lifesaving equipment. This document gives notice of a public hearing to be held on the proposal, extends the comment period to November 4, 1977, and gives notice of additions to the proposal that have been made since the notice of proposed rulemaking was published. Comments were received requesting that a public hearing be held and that the comment period be extended. The additions to the notice of proposed rulemaking are based upon recent tests conducted by the Coast Guard.

DATE: (1) As stated above, comments must be received on or before November 4, 1977. (2) Public hearing: The Coast Guard will hold a public hearing on this proposal. The public hearing will be held in Room 8236, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C., beginning at 9 a.m. on September 30, 1977.

ADDRESS: Written comments on the notice of proposed rulemaking and on this supplemental notice of proposed rulemaking should be submitted to the Coast Guard Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: Twenty-four comments have been received on the notice of proposed rulemaking of May 23, 1977 (42 FR 26229). These comments are available for examination at the Coast Guard Marine Safety Council located at the address listed above.

DRAFTING INFORMATION

The principal persons involved in drafting this supplemental notice of proposed rulemaking are: Lieutenant Commander Paul K. Anderson and Robert L. Markle, Project Managers, Office of Merchant Marine Safety, and William R. Register, Project Attorney, Office of the Chief Counsel.

ISSUES RAISED BY THE NOTICE OF PROPOSED RULE MAKING

Among the issues and concerns raised in comments to the notice of proposed rulemaking are the following:

(a) Projected, excessive costs of lights if they are to be required items for life preservers.

(b) Anticipated storage life and reliability of battery powered lights.

(c) Extra space needed for stowage of life preservers with lights attached.

(d) Possible pilferage of the lights by vessel passengers.

(e) Decreased buoyancy of life preservers because of the addition of retro-reflective material.

(f) Applicability of the proposed rules to vessels operating during daylight hours only.

(g) Method of attaching lights and retro-reflective material to life preservers.

PUBLIC HEARING AND EXTENSION OF COMMENT PERIOD

Two of the commenters on the notice of proposed rulemaking requested that the comment period be extended and one commenter requested that a public hearing be held. On the basis of the comments received and the issues raised, the Coast Guard has determined that a public hearing is needed and the comment period should be extended in order to provide an adequate opportunity for thorough review and analysis of the proposed rules and issues raised.

Accordingly, a public hearing will be held at the time and place listed above and the comment period has been extended to November 4, 1977. (The original closing date of the comment period was July 4, 1977.) All comments received before November 4, 1977, on the notice of proposed rulemaking, on this supplemental notice of proposed rulemaking, and at the public hearings will be considered before taking final action on this rulemaking.

DISCUSSION OF ADDITIONAL PROPOSED RULES

This supplemental notice of proposed rulemaking, in addition to giving notice of public hearing and extending the comment period, proposes additional rules. Comments on these additional rules, both in writing and at the public hearings, are specifically requested. Each person submitting a comment on this supplemental notice should include his or her name and address, identify this supplemental notice (CGD 76-28S) and give reasons in support of the comment.

The additions proposed in this supplemental notice of proposed rulemaking include the following:

1. A provision has been added to the construction requirements for lights in proposed § 161.012-7 to require that each light be designed so that when attached to a personal flotation device its beam is visible, at a minimum, in an arc of 180° directly above or in front of the wearer of the device.

2. A provision has been added to the performance requirements for lights in proposed § 161.012-9 to prohibit use of a flashing light if its light beam is concentrated by means of a lens or curved reflector.

3. Additions have been made to proposed Table 164.018-9 to specify performance required for retro-reflective materials when using incidence angles of 45 degrees.

These proposals are based upon tests conducted by the Coast Guard on May 6, 1977, at Coast Guard Air Station, Elizabeth City, N.C. The tests were conducted to determine the effectiveness of various types of personal flotation device lights an dtwo types of retro-reflective material used in lifesaving equipment. The tests show that—

(1) The probability of sighting retro-reflective material which did not meet the requirements proposed below was significantly less than the probability of sighting material that did meet these requirements. Unless material with the lesser incidence angle performance was nearly perpendicular to the light source, it was not seen by the observers. It was clear that effective performance of retro-reflective material is needed at large angles of incidence since the material when attached to a personal flotation device will not always be perpendicular or nearly perpendicular to the light source and line of sight of the observer.

(2) Lights tested meeting the proposal below were adequate. However, it was apparent that a light with a narrow beam does not show over enough area to be effective as an aid in search and rescue. The proposal in the May 23, 1977 NPRM would not preclude a light with a narrow beam width.

(3) A flashing light with a beam that is concentrated by means of a lens or curved reflector is likewise not effective as a detection aid.

It is noted that commenters to the notice of proposed rulemaking made comments concerning the subject matter of these additional proposals. These

comments are currently being analyzed along with the other comments received.

In accordance with the foregoing, the following additions to the notice of proposel rulemaking of May 23, 1977, are proposed:

PART 161—ELECTRICAL EQUIPMENT

1. Add a new paragraph (g) to proposed § 161.012-7 in the notice of proposed rulemaking to read as follows:

§ 161.012-7 Construction.

* * * * *

(g) Each light must be designed so that when attached to a PFD, its light beam, at a minimum, is visible in an arc of 180 degrees above or in front of the wearer.

2. Add a new paragraph (e) to proposed § 161.012-9 in the notice of proposed rulemaking to read as follows:

§ 161.012-9 Performance.

* * * * *

(e) A light that concentrates its light beam by means of a lens or curved reflector must not be a flashing light.

PART 164—MATERIALS

3. Revise proposed Table 164.018-9 in the notice of proposed rulemaking to read as follows:

TABLE 164.018-9—*Reflective intensity*

Divergence angle [1]	Incidence angle [1]	Reflective intensity [1]
0.2	−4°	150
.2	+30°	75
.2	+45°	50
.5	−4°	57
.5	+30°	33
.5	+45°	25
2.0	−4°	2.5
2.0	+30°	2.0
2.0	+45°	1.0

[1] These terms are described in Federal specification L-S-300.

(46 U.S.C. 375, 390b, 391a, 416, 481, 526p, and 1454; (49 U.S.C. 1655(b); 49 CFR 1.46.)

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

Dated: September 6, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.77-26512 Filed 9-9-77;8:45 am]

Materials Transportation Bureau

[49 CFR Part 178]

[Docket No. HM-153]

CONSOLIDATION OF BAG SPECIFICATIONS

Advance Notice of Proposed Rule Making

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Advance Notice of Proposed Rule Making.

SUMMARY: This advance notice provides information and an opportunity for comment on the proposed consolidation of specifications for bags to be used for the transportation of hazardous materials.

DATE: Comments must be received on or before November 17, 1977.

ADDRESS: Comments should be addressed to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Five copies should be submitted.

FOR FURTHER INFORMATION CONTACT:

Mr. Alan I. Roberts, Director, Office of Hazardous Materials Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590 (202-426-0656).

SUPPLEMENTARY INFORMATION: There have been a number of attempts made to consolidate the specifications for bags as provided for in Part 178 of the Hazardous Materials Regulations. As an example, the Chemical Packaging Committee of the Manufacturing Chemists Association (MCA) developed several alternatives for consolidating some, but not all, of the specifications for bags in Part 178 of Title 49 CFR. As a result of this work, a petition for rule making was received which sought an amendment of Part 178 of the Department of Transportation's Hazardous Materials Regulations to consolidate the specifications for multiwall paper bags in the 44 series, i.e., Specifications 44B, 44C, 44D, and 44E. Primary drafters of this document are Mario E. Gigliotti and Douglas A. Crocket.

The background information on this subject indicates that many benefits will accrue as a result of bag specification consolidation. Among these benefits are: The number of bag specifications can be reduced; the Regulations can be made more concise and uniform, and thus easier to use; the bag specifications can be made simpler and less redundant, as well as more readily adapted to the incorporation of performance-oriented test procedures and requirements. Moreover, the background information also implies that the bag consolidation may favorably affect packagers and shippers of hazardous materials, carriers, and bag manufacturers and, therefore, could enhance the safe transportation of hazardous materials.

To develop a Notice of Proposed Rule Making, certain information is required. Therefore, the Materials Transportation Bureau is providing this opportunity for comment on the consolidation of specifications for bags for hazardous materials. Comments should be addressed to the following questions:

1. Is there a need to consolidate the specifications for bags?

2. Should the consolidation, if made, embrace all bag specifications? That is, cloth, Specification 36A; burlap, Sepecifications 36B and 36C; paper, Specifications 44B, 44C, 44D, and 44E; plastic, Specification 44P; cloth and paper, Specification 45B.

3. Should the consolidation be limited to specifications for bags consisting of cloth or cloth and paper, i.e., Specifications 36A and 45B?

4. Should the consolidation be narrowed to include only the multiwall paper bags in series 44 as proposed by the MCA in its petitions to consolidate Specifications 44B, 44C, 44D, and 44E?

5. Should the consolidation be limited to specifications for burlap bags, i.e., specifications 36B and 36C?

6. Should the consolidation(s) break down the specifications into "families" of bags? For instance—

(a) Bags, lined, i.e., Specifications 36A, 36B, 36C, and 45B.

(b) Bags, burlap, i.e., Specifications 36B and 36C.

(c) Bags, all paper, i.e., Specifications 44B, 44C, 44D, and 44E.

(d) Bag, all plastic, i.e., Specification 44P.

7. Based on neglible use for hazardous materials or lack of production, are certain specification bags obsolete and thus appropriate for cancellation?

8. Should the consolidation(s) of bag specifications be substantive in nature (i.e., include technical changes) or be solely editorial?

Comments addressing potential editorial or substantive amendment of the DOT bag specifications should identify and substantiate any reasonably foreseen costs or benefits to industry, the public or to Federal or State Governments. This information is necessary for an adequate evaluation of the comments and for examination of possible economic impacts prior to publication of any subsequent notice of proposed rule making.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.)

Issued in Washington, D.C., on September 6, 1977.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.77-26369 Filed 9-9-77;8:45 am]

[49 CFR Part 178]

[Docket No. HM-154]

CONSOLIDATION OF BOX SPECIFICATIONS

Advance Notice of Proposed Rule Making

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Advance notice of proposed rule making.

SUMMARY: This advance notice provides information and an opportunity for comment on the proposed consolidation of specifications for boxes to be used for the transportation of hazardous materials.

DATE: Comments must be received on or before November 17, 1977.

ADDRESS: Comments should be addressed to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Five copies should be submitted.

FOR FURTHER INFORMATION CONTACT:

Mr. Alan I. Roberts, Director, Office of Hazardous Materials Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590 (202-426-0656).

SUPPLEMENTARY INFORMATION: Since 1972, there have been sereval attempts made to consolidate the specifications for boxes as provided for in Part 178 of the Hazardous Materials Regulations. For instance, the Chemical Packaging Committee of the Manufacturing Chemists Association (MCA) developed several alternatives for consolidating some but not all of the specifications for boxes in Part 178 of Title 49 CFR. As a result of this work, a petition for rule making was received which sought an amendment of Part 178 of the Department of Transportation's Hazardous Materials Regulations to consolidate the specifications for fiberboard boxes in the 12 series. Primary drafters of this document are Mario E. Gigliotti and Douglas A. Crockett.

The background information on this subject indicates that many benefits will accrue as a result of consolidating the box specifications. Among these benefits are: the number of box specifications can be reduced; the Regulations can be made more concise and uniform, and thus easier to use; the box specifications can be made simpler and less redundant, as well as more readily adapted to the incorporation of performance-oriented test procedures and requirements. Moreover, the background information also implies that the box consolidation may favorably affect packagers and shippers of hazardous materials, carriers and box manufacturers and, therefore, could enhance the safe transportation of hazardous materials.

To develop a Notice of Proposed Rule Making certain information is required and, therefore, the Bureau is providing this opportunity for comment on the consolidation of specifications for boxes for hazardous materials. Comments should be addressed to the following questions:

1. Is there a need to consolidate the specifications for boxes?

2. Should the consolidation, if made, embrace all box specifications: That is, fiberboard (series 12) Specifications 12A, 12B, 12C, 12D, 12E, 12H, 12P, and 12R; (series 23) Specifications 23F, 23G, and 23H; Wooden, Specification 24; (series 15) Specifications 15A, 15B, 15C, 15D, 15E, 15L, 15M 15X, and 15P; (series 16) Specifications 16A, 16B, and 16D; (series 19) Specifications 19A and 19B; Metal, Specifications 32A, 32B, 32C, and 32D; Expanded polystyrene, Specification 33A.

3. Should the consolidation be limited to specifications for fiberboard boxes, i.e., series 12 and series 23?

4. Should the series 12 boxes and series 23 boxes be treated separately?

5. Should corrugated fiberboard boxes and solid fiberboard boxes be treated separately?

6. Should the consolidation be narrowed to include only fiberboard boxes in series 12, as proposed by the MCA in their petition to consolidate specifications 12A, 12B, 12C, 12D, and 12E?

7. Should the consolidation be limited to specifications for wooden boxes, i.e., series 15, series 16, series 19, and Specification 14? Should series 15, 16, and 19 wooden boxes be treated separately?

8. Should the consolidation be limited to specifications for metal boxes, i.e., series 32?

9. Should the consolidation(s) break down the specifications into "families" of boxes? For instance—

(a) Corrugated fiberboard boxes.
(b) Solid fiberboard boxes.
(c) Wooden boxes, nailed, e.g., Specifications 14, 15A, 15B, 15C, and 15D.
(d) Wooden boxes, lined, e.g., Specifications 15E and 15M.
(e) Wooden boxes, with or for inside containers, e.g., Specifications 15L, 15X, and 15P.
(f) Wooden boxes, wirebound, e.g., Specification 16A, 16B, and 16D.
(g) Wooden boxes, glued plywood, e.g., Specifications 19A and 19B.
(h) Expanded polystyrene box, e.g., Specification 33A.

10. Based on negligible use for hazardous materials or lack of production, are certain specification boxes obsolete and thus appropriate for cancellation?

11. Should the consolidation(s) of box specifications be substantive in nature (i.e., include technical changes) or be solely editorial?

Comments addressing potential editorial or substantive amendment of the DOT box specifications should identify and substantiate any reasonably foreseen costs or benefits to industry, the public, or to Federal or State Governments. This information is necessary for an adequate evaluation of the comments and for examination of possible economic impacts prior to publication of any subsequent notice of proposed rulemaking.

(49 U.S.C. 1803, 1804, 1080; 49 CFR 1.53(e) and paragraph (a)(4) of Appendix A to Part 102.)

Issued in Washington, D.C. on September 6, 1977.

ALAN I. ROBERTS,
Director, Office of Hazaradous Materials Operations.

[FR Doc.77-26370 Filed 9-9-77;8:45 am]

[49 CFR Part 178]

[Docket No. HM-155]

CONSOLIDATION OF DRUM SPECIFICATIONS

Advance Notice of Proposed Rule Making

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Advance notice of proposed rule making.

SUMMARY: This advance notice provides information and an opportunity for comment on the proposed consolidation of specifications for drums to be used for the transportation of hazardous materials.

DATE: Comments must be received on or before November 17, 1977.

ADDRESS: Comments should be addressed to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Five copies should be submitted.

FOR FURTHER INFORMATION CONTACT:

Mr. Alan I. Roberts, Director, Office of Hazardous Materials Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590 (202-426-0656).

SUPPLEMENTARY INFORMATION: In recent years there have been a number of attempts made to consolidate the specifications for drums as provided for in Part 178 of the Hazardous Materials Regulations. For instance, the staff of this Office discussed with the Steel Shipping Container Institute (SSCI) and the Chemical Packaging Committee of the Manufacturing Chemists Association (MCA), several alternatives for consolidating some, but not all, of the specifications for drums in Part 178 of Title 49 CFR. As a result of this cooperative work, a petition for rule making was received which sought an amendment of Part 178 of the Department of Transportation's Hazardous Materials Regulations to consolidate the specifications for steel drums in the 17 and 37 (single-trip) series. Another petition to consolidate the specifications for aluminum drums in the 42 series was received at a later date. Primary drafters of this document are Mario E. Gigliotti and Douglas A. Crockett.

Extensive background information on this subject indicates that many benefits will accrue as a result of consolidating the drum specifications. Among these are: The number of drum specifications in the Regulations can be reduced; the Regulations can be made more concise and uniform, and thus easier to use; the drum specifications can be made simpler and less redundant, as well as more readily adapted to the incorporation of performance-oriented test procedures and requirements. Moreover, the background information also implies that the drum consolidation may favorably affect packagers and shippers of hazardous materials, carriers and drum manufacturers and, therefore, could enhance the safe transportation of hazardous materials.

To develop a Notice of Proposed Rule Making certain information is required and, therefore, the Bureau is providing this opportunity for comment on the consolidation of specifications for drums for hazardous materials. Comments should be addressed to the following questions:

1. Is there a need to consolidate the specifications for drums?

2. Should the consolidation, if made, embrace all drum specifications? That is, Metal (series 5) Specifications 5, 5A, 5B, 5C, 5D, 5F, 5H, 5K, 5L, 5M, 5X, and 5P; (series 6) Specifications 6A, 6B, 6C, 6J, 6K, and 6D; (series 42) Specifications 42B, 42C, 42D, 42F, 42G, 42H, and 42E; (series 17) Specifications 17C, 17E, 17F, 17H, and 17X; (series 37) Specifications 37K, 37A, 37B, 37P, 37M; 37C, and 37D; Specification 13A; Fiber, Specifications 21C and 21P; Wooden, plywood, Specifications 22A, 22B, and 22C; Polyethylene, Specification 34; Rubber, Specification 43A.

3. Should the consolidation be limited to specifications for metal drums, i.e., series 5, series 6, series 42, series 17, series 37, plus specification 13A? Or should each of the series of metal drum specifications be separately consolidated? That is, consolidate the 5's, the 6's, the 42's, the 17's, the 37's?

4. Should the consolidation be narrowed to include only the drums in series 17 and series 37 as proposed by the SSCI and MCA?

5. Should the consolidation(s) break down the specifications into "families" of drums? For instance—

(a) Single-trip containers (STC); nonreuseable containers (NRC); and reusable containers.

(b) Removable head drums; and nonremovable head drums.

(c) Steel drums, e.g., series 5, 6, 17, and 37, plus specification 13A.

(d) Aluminum drums, e.g., series 42.

(e) Fiber drums, e.g., Specifications 21C and 21P.

(f) Wooden (plywood) drums, e.g., Specifications 22A, 22B, and 22C.

(g) Polyethylene drum, e.g., Specification 34.

(h) Rubber drum, e.g., Specification 43A.

6. Based on negligible use for hazardous materials or lack of production, are certain specification drums obsolete and thus appropriate for cancellation?

7. Should the consolidation(s) of drum specifications be substantive in nature (i.e., include technical changes) or solely editorial?

Comments addressing potential editorial or substantive amendment of the DOT drum specifications should identify and substantiate any reasonably foreseen costs or benefits to industry, the public, or to Federal or State Governments. This information is necessary for an adequate evaluation of the comments and for examination of possible economic impacts prior to publication of any subsequent notice of proposed rule making.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of Appendix A to Part 102.)

Issued in Washington, D.C., on September 6, 1977.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.77-26371 Filed 9-9-77;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.

NOTICE TO FEDERAL AGENCIES

Beginning October 1, 1977, Federal agencies must reimburse the Government Printing Office (GPO) for the cost of printing documents in the FEDERAL REGISTER and Code of Federal Regulations.

The Legislative Branch Appropriation Act, 1978 (Pub. L. 95-94, August 5, 1977) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the cost of printing, binding, and distributing the FEDERAL REGISTER and Code of Federal Regulations. The pertinent provisions of Pub. L. 95-94 amending 44 U.S.C. 1509 are contained in Appendix A to this document.

FEDERAL REGISTER

In order to make certain that statutory requirements for publication in the FEDERAL REGISTER can be met on and after October 1, 1977, agencies must submit a Printing and Binding Requisition (Standard Form 1) before September 15 to the following address:

Superintendent of Planning Service, Room C830, Government Printing Office Washington, D.C. 20401.

CODE OF FEDERAL REGULATIONS

Every agency that has rules in the Code of Federal Regulations must submit a second Printing and Binding Requisition (Standard Form 1) to the Superintendent of Planning Service at the above address.

COMPUTATION OF COSTS-BILLING: FISCAL YEARS 1978, 1979

For fiscal year 1978 agencies will be charged $285 for each page of printed matter they publish in the FEDERAL REGISTER and $50 for each page in the Code of Federal Regulations. Fractions of pages published in the FEDERAL REGISTER will be counted on a column basis with a minimum charge of one column ($95). GPO will bill each agency monthly for the material the agency has printed in the previous month. Billing for the Code of Federal Regulations will be on an as printed basis.

For budget planning purposes, agencies are advised that current estimates for printing services in Fiscal Year 1979 are as follows: FEDERAL REGISTER $300 per page; Code of Federal Regulations $55 per page.

These prices cover the costs of composition, printing, binding and distribution.

INFORMATION AND ASSISTANCE

For information and assistance in filling out the Printing and Binding Requisition (Standard Form 1) and in computing your projected printing costs, call: Mr. William Rose, 202-275-2867.

APPENDIX A

[Pub. L. 95-94 Approved Aug. 5, 1977]

* * * * *

"§ 1509. Costs of publication, etc.

"(a) The cost of printing, reprinting, wrapping, binding, and distributing the FEDERAL REGISTER and the Code of Federal Regulations, and, except as provided in subsection (b), other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this chapter shall be charged to the revolving fund provided in section 309. Reimbursements for such costs and expenses shall be made by the Federal agencies and credited, together with all receipts, as provided in section 309(b)."

* * * * *

(b) The amendments made by subsection (a) shall take effect on October 1, 1977.

* * * * *

DEPARTMENT OF AGRICULTURE

Forest Service

ST. FRANCIS UNIT PLAN

Availability of Final Environmental Statement; Correction

In FR Doc. 77-23124 appearing at page 40719 in the FEDERAL REGISTER of August 11, 1977, first paragraph, last sentence, 75-06, is corrected with 76-06 and in second paragraph, second column, August 4, 1977 is the correction.

Dated: August 30, 1977.

ROBERT F. WILLIAMS,
Regional Environmental Coordinator.

[FR Doc.77-26397 Filed 9-9-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-9-2; Dockets 27999, 28000]

UNITED AIR LINES, INC.

Order To Show Cause and Granting Temporary Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of September, 1977.

On June 8, 1977, United Air Lines filed a petition for an order to show cause why its certificate for Route 51 should not be amended so as to authorize it to perform nonstop air transportation between Cleveland, Ohio, and New Orleans, La.[1] The carrier also requests that the exemption granted in Order 75-8-23 for similar authority be extended pending final Board action on its certificate amendment application.[2]

In support of its application for renewal of its exemption authority, United states that it is the only carrier authorized to serve the Cleveland-New Orleans market on a single-carrier basis; [3] the exemption enabled United to improve service in the primary market, in the Buffalo-New Orleans market,[4] and in 12 beyond markets; [5] United's 1976 Cleveland-New Orleans nonstop service resulted in an overall positive system impact of $30,000 despite the 1975 holiday season strike; [6] and United expects to earn an operating profit of $426,000 in 1978 if the authority is granted. In support of its petition for an order to show cause, United points out that condition (12) of its certificate for Route 51 was originally imposed in the *Great Lakes-Southeast* Case, when Cleveland and several other cities were added to the certificate of United's pred-

[1] Condition (12) of Route 51 prohibits United from performing nonstop air transportation, inter alia, between Cleveland and New Orleans.

[2] By Order 75-8-23, August 6, 1975, United was authorized to provide nonstop service between Cleveland and New Orleans for a period of two years, or until 90 days after final decision in Docket 27999, whichever occurred first.

[3] This is correct—Delta Air Lines has certificate authority to provide one-stop service between Cleveland and New Orleans via Chicago or Detroit; and Eastern Air Lines has one-stop authority in the market via Tampa. In addition, Northwest Airlines can, as a result of its recently awarded Chicago-New Orleans nonstop authority, provide one-stop service via Chicago between Cleveland and New Orleans.

[4] United implemented the exemption authority by rerouting a former Cleveland-Pittsburgh-New Orleans round-trip flight to serve Buffalo instead of Cleveland. The carrier indicates that the new one-stop Buffalo-New Orleans flight benefitted over 9,000 Buffalo passengers in 1976.

[5] United states that the new Cleveland-New Orleans nonstop service benefitted over 17,000 passengers for whom Cleveland is a natural gateway.

[6] United states that although more than 39,000 passengers were carried over the Cleveland-New Orleans segment during 1976, the strike prevented the carrier from achieving its forecast passenger goal, and it experienced a segment loss of $13,000.

ecessor, Capital Airlines; [7] the scope of the proceeding was such that a restriction against nonstop service between points included in the investigation and points outside the scope of the case was found to be desirable; and to preserve a restriction imposed almost 20 years ago, which does not protect any other carrier or serve any other useful purpose, would merely deprive the traveling public of the benefits of nonstop service in the market.

The City of New Orleans and the Chamber of Commerce of the New Orleans Area filed an answer supporting United's application. No other responsive pleadings have been received.

Upon consideration, we have decided to (1) issue an order to show cause why United's certificate for Route 51 should not be amended under section 401(g) of the Act so as to permit nonstop service between Cleveland, Ohio, and New Orleans, La., and (2) grant United's exemption request pendente lite.

We tentatively find and conclude that the public convenience and necessity require the proposed amendment to United's certificate.[8] In support of our ultimate determination, we make the following tentative findings and conclusions. The one-stop restriction contained in condition (12) of United's certificate for Route 51 was imposed nearly 20 years ago on United's predecessor, Capital. The purpose of the restriction was to prohibit nonstop service between the new points Capital had been awarded on Route 51 and points already on its system which were not within the geographic scope of the proceeding (see fn. 7, supra).

Except for a short period from May through June of 1963, United did not provide single-plane service between Cleveland and New Orleans until the summer of 1967. For three and one-half years, until November 1, 1970,[9] the carrier provided one-stop jet service daily in both directions via Atlanta. The effect of this major service improvement was significant—O&D plus connecting passengers between Cleveland and New Orleans increased from 12,490 for the year 1966 to 20,070 for the twelve months ended September 30, 1968. On September 13, 1971, United inaugurated two daily one-stop round trips, both of which operated via Pittsburgh. Again traffic responded, increasing from 19,730 for fiscal year 1971 to 28,870 for calendar year 1972. Finally, on October 26, 1975, United substituted a nonstop round trip for one of the two one-stop round trips (utilizing the exemption authority granted in Order 75-8-23). O&D plus connecting traffic increased from 28,580 passengers in fiscal year 1975 to 33,670 for fiscal year 1976. Thus, there is a demonstrated demand for the services United has provided in the market, and traffic has responded to service improvements.

Given these facts, and the fact that United accounts for 99 percent of the single-carrier traffic between Cleveland and New Orleans, it would not be in the public interest to continue the imposition of a one-stop restriction in United's certificate which would preclude the carrier from providing nonstop services in the market. Of New Orleans' top 28 markets, Cleveland is one of only two in which no carrier is certificated to provide nonstop service.[10] The removal of United's stop restriction in this market would be consistent with our general policy of eliminating or modifying certificate restrictions absent an affirmative showing that their continuance is required.[11] This is especially so where, as here, no other carrier will be adversely affected. We note that no objections to United's petition for an order to show cause have been filed, and that the City of New Orleans supports United's request.

We further find that it would be in the public interest to exempt United from the provisions of its certificate so as to authorize the carrier to provide nonstop service between Cleveland and New Orleans, pending Board action on United's certificate amendment application in Docket 27999. The carrier's nonstop services operated pursuant to its exemption authority have provided significant public benefits, not only in the primary market but in ancillary markets as well. Furthermore, United expects to realize a substantial operating profit during 1978 if its application for renewal is granted. Grant of the requested renewal will permit the carrier to tailor its schedules to meet demand for direct services between Cleveland and New Orleans as well as in beyond-markets, without any adverse impact on any other carrier. Accordingly, we find that enforcement of section 401 of the Act and the terms, conditions, and limitations of United's certificate for Route 51, to the extent that they would otherwise prevent United from providing the services authorized here, would be an undue burden on United by reason of the limited extent of, and unusual circumstances affecting, its operations in this instance and is not in the public interest.

Finally, we have determined that in view of our tentative findings and conclusions, we will require United to file an environmental evaluation with respect to the certificate amendment being proposed. In complying with this requirement, United should assume in its exhibits the service pattern in existence before the grant of exemption authority in 1975, i.e., two daily one-stop round trips between Cleveland and New Orleans, and use the procedures set forth in Part 312 to determine the environmental effect of the changes in such schedules which would result from implementing the proposed 1978 service pattern. We will require United to file such information within 20 days of the date of adoption of this order.

Interested persons will be given 30 days following the date of this order to show cause why the tentative findings and conclusions set forth above should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail what he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, *it is ordered*, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending the certificate of public convenience and necessity of United Air Lines, Inc., for Route 51 so as to eliminate the one-stop restriction on flights between Cleveland, Ohio, and New Orleans, La., from condition (12) of that route;

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth in this order shall, within 30 days after the date of service, file with the Board and serve upon all persons listed in paragraph 8, a statement of objections together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objections; answers to objections shall be filed within 10 days of such date;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

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[7] *The Great Lakes Southeast Service Case*, Docket 2396, involved proposals for new air service between Florida, on the one hand, and Chicago, Detroit, and Buffalo, on the other, and between Chicago and Washington, D.C. Capital's Route 51 was amended in the proceeding by (1) extending it from Pittsburgh to Buffalo via Youngstown, Akron-Canton, Cleveland, and Erie, and (2) extending it from Atlanta to Miami via Jacksonville, Tampa-St. Petersburg-Clearwater and West Palm Beach. The authority was awarded in such a way that Cleveland and New Orleans were on the same segment (E-13024, decided September 30, 1958). Before the proceeding, Capital had authority to serve both Cleveland and New Orleans, but the two points were located on different routes.

[8] We further find that United is a citizen of the United States within the meaning of the Act and is fit, willing, and able to perform properly the transportation pursuant to the amended certificate proposed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[9] There was an 11-month interval between November 1970 and September 1971 when no direct service between Cleveland and New Orleans was available.

[10] Orlando, which ranked 25th among New Orleans' top markets, currently receives one-stop service; there are no carriers certificated to provide nonstop service in that market. These rankings are on the basis of 1975 O&D plus connecting traffic.

[11] See, e.g., Order 77-1-9, January 4, 1977.

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth in this order;

5. United Air Lines, Inc., be exempted temporarily from the provisions of section 401 of the Act and the terms, conditions, and limitations of its certificate of public convenience and necessity for Route 51 to the extent necessary to permit it to provide nonstop service between Cleveland, Ohio, and New Orleans, La.;

6. The authority granted in paragraph 5 shall be effective on the date of service of this order and shall continue until 60 days after final decision in Docket 27999;

7. United Air Lines, Inc., shall file an environmental evaluation pursuant to section 312.12 of the Board's Regulations within 20 days of service of this order;

8. A copy of this order will be served upon United Air Lines, Inc.; Allegheny Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; National Airlines, Inc.; North Central Airlines, Inc.; Northwest Airlines, Inc.; Southern Airways, Inc.; Texas International Airlines, Inc.; Trans World Airlines, Inc.; Wright Air Lines, Inc.; Mayor of New Orleans; Mayor of Cleveland; Governor of Louisiana; Governor of Ohio; Airport Manager, New Orleans International Airport; Airport Manager, Cleveland Hopkins International Airport; Louisiana Department of Public Works, State Aviation Division; Ohio Department of Transportation; and the Postmaster General; and

9. The exemption authority granted in this order may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-26410 Filed 9-9-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee (SAC) of the Commission will convene at 10 a.m. on October 3, 1977 and will end at 3 p.m. at 230 South Dearborn Street, the Midwestern Regional Office Conference Room, Chicago, Ill. 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting is to report to the membership what took place at the National Advisory Committee Conference on September 18-20, 1977, and to discuss ways of finalizing existing projects during the transitional period, i.e. State Committees to Regional Committees.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 7, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-26489 Filed 9-9-77;8:45 am]

NEW YORK AND NEW JERSEY ADVISORY COMMITTEES

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York and New Jersey Advisory Committees (SACs) of the Commission will convene at 7 p.m. on September 30, 1977 and will end at 10:30 p.m. and will convene again at 8 a.m. on October 1, 1977 and will end at 3 p.m. at the Tappan Zee Inn, Interstate Highway 87, Nyack, New York.

Persons wishing to attend this open meeting should contact either Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss and plan for the transition from State Advisory Committees to a Regional Advisory Committee.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 7, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-26490 Filed 9-9-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ADVISORY COMMITTEE ON EAST-WEST TRADE

Partially Closed Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Advisory Committee on East-West Trade will be held on Wednesday, September 28, 1977, at 9:30 a.m., in Room 6802, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

The Committee was established on February 11, 1974 to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to further its mission to promote and encourage the orderly expansion of commercial and economic relations between the United States and the Communist countries.

The Committee meeting agenda has two parts:

GENERAL SESSION, ROOM 6802

MORNING 9:30 A.M.-12:00 NOON

(1) Summary of recent events in East-West trade by the Deputy Assistant Secretary for East-West Trade.

(2) East-West trade legislative update.

(3) Review and comment on BEWT program for increasing public understanding of East-West trade issues.

(4) Review and comment on Atlantic Council report on, "East-West Trade: Managing Encounter and Accommodation."

(5) Review and comment on Soviet economic problems and prospects.

AFTERNOON 2 P.M.-3:30 P.M.

(6) Review and comment on upcoming meetings of Joint U.S.-East European commercial commissions.

(7) Review and comment on the potential for technology transfer from the U.S.S.R. to the United States.

(8) Review of items submitted by Committee members.

(9) Review of items submitted by the public.

EXECUTIVE SESSION, ROOM 6802

AFTERNOON 1 P.M.-2:00 P.M.

(10) Discussion of matters pertaining to the implementation of economic and commercial provisions of the Helsinki Final Act.

The General Session of the meeting will be open to public observation. Approximately 50 seats will be available (including 5 seats reserved for media representatives) on a first-come first-served basis.

A period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments should be submitted in writing before September 22, 1977. Other public statements regarding committee affairs may be submitted at any time before or after the meeting.

With respect to agenda item (10), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 8, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c).

Copies of minutes of the open portion of the meeting will be available 30 days after the meeting upon written request addressed to the Domestic and International Business Administration, Free-

dom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. William F. Kolarik, Jr., Committee Control Officer, Office of East-West Policy and Planning, Bureau of East-West Trade, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4691.

The complete Notice of Determination to close the aforementioned portion of the September 28 meeting of the Advisory Committee on East-West Trade is hereby published.

ALLEN J. LENZ,
Director, Office of East-West Policy and Planning Bureau of East-West Trade.

NOTICE OF DETERMINATION

The Secretary of Commerce, having determined that it is in the public interest in connection with the duties imposed on the Department by law, initially established the Advisory Committee on East-West Trade ("the Committee") on February 11, 1974, pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975). The Committee, which currently has 14 members, will terminate no later than December 10, 1978, unless renewed by appropriate action.

The Committee advises the Deputy Assistant Secretary for East-West Trade on ways to promote, facilitate, and coordinate the expansion of two way trade with the Soviet Union, Poland, Hungary, Czechoslovakia, Romania, Bulgaria, the People's Republic of China, and certain other areas of the world with similar economic political structures, so as to contribute materially to a more positive balance of trade and payments situation.

The Committee may identify and make recommendations concerning current and proposed government policies and programs relating to the promotion and expansion of such trade; advise on the development of future government plans and actions directed at promoting and increasing such trade and improving trading relations; advise on ways U.S. firms could enter this trade or expand existing trade programs and activities; advise on problems encountered by U.S. business in pursing such trade and recommend solutions; and provide a forum for business, the academic community and government to discuss problems and issues in the field of East-West trade.

The Committee's activities are conducted pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with 5 U.S.C. 552b(c).

5 U.S.C. 552b(c)(9)(B) provides that agency meetings or portions thereof may be closed to the public where they are likely to disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. In order to provide advice to the Department under the terms of its charter, on September 28, 1977, from 1 p.m.-2 p.m. the Committee will conduct a review of progress toward implementation of economic and commercial (Basket II) provisions of the Helsinki Final Act, agreed to by representatives of the U.S.S.R. and other East European countries in August 1975. Advice and information received from the Committee at this meeting will subsequently be transmitted to the U.S. Delegation to the upcoming Belgrade Conference on Security and Cooperation in Europe which will review the Helsinki accords for its use in the Conference. Public disclosure of information and advice furnished by the Committee on Basket II provisions prior to the Belgrade Conference could severely prejudice the negotiating position of the U.S. Delegation on these matters. In addition, knowledge that attributed information provided by the Committee would be disclosed would inhibit frank discussion of Basket II provisions by committee members at the September 28 meeting. All remaining portions of the meeting will be open to the public.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the portion of the Committee meeting scheduled from 1 p.m.-2 p.m. on September 28, 1977, which will address economic and commercial provisions of the Helsinki Final Act, shall be exempt from the provisions of section 10 (a)(1) and (a)(3) relating to open meetings and public participation therein, because the aforementioned Committee discussion will be concerned with matters listed in 5 U.S.C. 552b(c). Remaining portions of the meeting will be open to the public.

Dated: September 7, 1977.

GUY W. CHAMBERLAIN,
Acting Assistant Secretary for Administration.

Dated: September 6, 1977.

DANIEL GARBERN,
Acting General Counsel.

[FR Doc.77-26502 Filed 9-9-77;8:45 am]

National Bureau of Standards

CHARACTER SETS FOR OPTICAL CHARACTER RECOGNITION

Proposed Revision of Federal Information Processing Standard

In FR Doc. 77-25629 appearing at page 44259 in the issue of Friday, September 2, 1977, the Revised Standards for Character Recognition were inadvertently omitted. For the convenience of the reader, this document is being reprinted in its entirety.

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal Automatic Data Processing (ADP) Standards. A revised standard for Character Sets for Optical Character Recognition is being recommended for use by Federal agencies in their Optical Character Recognition (OCR) data entry systems.

Prior to the submission of this proposed revision to the Secretary of Commerce for approval, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public, and state and local governments. The purpose of this notice is to solicit such views.

This revised Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability and implementation of the standard, and (2) a specification section which defines the technical parameters of the standard. Both sections are provided with this notice.

Interested parties may obtain copies of the referenced voluntary standards, ANSI X3.49-1975—Character Set for Optical Character Recognition (OCR-B), and X3.2-1976—Print Specifications for Magnetic Ink Character Recognition (MICR), from the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018. Copies of X3.17-197X, Character Set and Print Quality for Optical Character Recognition (OCR-A), are available from the NBS Office of ADP Standards Management.

Comment should be submitted to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. Comments to be considered must be submitted on or before December 12, 1977.

Dated: August 29, 1977.

ARTHUR O. MCCOUBREY,
Acting Director.

CHARACTER SETS FOR OPTICAL CHARACTER RECOGNITION

ANNOUNCEMENT

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of standard. Character Sets for Optical Character Recognition (FIPS PUB 32-1).

Category of standard. Hardware Standard, Character Recognition.

Explanation. This standard provides the description, scope, identification, and application rules for standard sets of graphic shapes to be used in the Optical Character Recognition (OCR) data entry systems used in Federal agencies.

Approving authority. Secertary of Commerce.

Maintenance authority. Department of Commerce, National Bureau of Standards, (Institute for Computer Sciences and Technology).

Cross index. Standards required to implement this FIPS PUB:

(a) X3.2-1976, American National Standard Print Specifications for Magnetic Ink Character Recognition (MICR).

(b) X3.17-197X, American National Standard Character Set and Print Quality for Optical Character Recognition (OCRA).

(c) X3.49-1975, American National Standard Character Set for Optical Character Recognition (OCR-B).

Other related standards and guidelines:

(a) FIPS PUB 1, Code for Information Interchange.

(b) FIPS PUB 33, character Set for Handprinting.

(c) FIPS PUB 40, Guideline for Optical Character Recognition Forms.

(d) X3.4-1976, American National Standard Code for Information Interchange (ASCII).

(e) X3.45-1974, American National Standard Character Set for Handprinting.

(f) ECMA 8-1965, European Computer Manufacturers Association Nominal Character Dimensions of the Numeric OCR-A.

(g) ECMA 11-976, European Computer Manufacturers Association Character Set for Optical Character Recognition (OCR-B).

(h) ECMA 30-1976, European Computer Manufacturers Association OCR-B Subsets for Numeric Application.

(i) ISO R-1004, International Standard for Print Specifications for Magnetic Ink Character Recognition (MICR).

(j) ISO R-1073, International Standard for Character Sets for Optical Character Recognition (OCR-A and OCR-B).

Applicability. This standard is applicable to acquisition and use of OCR systems, equipment, and services utilizing any part or all of the character sets contained herein. This standard provides for three OCR sets—OCR-A, OCR-B, and MICR Read Optically. The selection between these sets is an operational decision which depends upon the requirements of specific applications. OCR Read Optically is a special application normally used in conjunction with MICR installations.

Implementation. The earlier version of this standard (FIPS PUB 32) became effective on December 1, 1974. The changes provided by this revision become effective on the date of publication.

All applicable equipment, systems, or services ordered on or after the date of this FIPS PUB 32-1 must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below.

Waiver procedure. Heads of agencies may waive the provisions of the implementation schedule. Proposed waivers relating to the procurement of nonconforming equipment or the use of nonconforming character sets will be coordinated in advance with the National Bureau of Standards. Letters should be addressed to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. Letters requesting waivers should describe the nature of the waiver and the reasons therefor.

Sixty days should be allowed for review and response by the National Bureau of Standards. However, the final decision for the granting of the waiver is a responsibility of the agency head.

Specifications. Technical considerations for implementing this standard are affixed.

Qualifications. As contained in American National Standards X3.17-197X, X3.49-1975, or X3.2-1976. In this standard (FIPS PUB 32-1), both SI and common measurements are expressed, where practicable.

Where to obtain copies of the standard. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161. When ordering, refer to Federal Information Processing Standards Publication 32-1 (NBS-FIPS-PUB-32-1), title and Accession number. Payment may be made by check, money order, or deposit account.

CHARACTER SETS FOR OPTICAL CHARACTER RECOGNITION AND MAGNETIC INK CHARACTERS READ OPTICALLY

SPECIFICATIONS

1. *Name of standard.* Character Sets for Optical Character Recognition.

2. *Category of standard.* Hardware Standard, Character Recognition.

3. *Explanation.* This standard provides the description, scope, identification, and application rules for standard sets of graphic shapes to be used in the Optical Character Recognition (OCR) data entry systems used in Federal agencies.

4. *Specifications.* American National Standards X3.17-197X, except Sections 3, 4, 5, Appendix B, and related illustrations, and X3.49-1975 are incorporated into this standard (FIPS PUB 32-1) by reference. Specifications for MICR Read Optically are based on American National Standard X3.2-1976. These American National Standards are required in the implementation of this standard.

5. *Qualifications.* As contained in American National Standards X3.17-197X, X3.49-1975, or X3.2-1976. In this standard (FIPS PUB 32-1), both SI and common measurements are expressed, where practicable.

Part I.—General

1. *Introduction.* This section of FIPS PUB 32-1 will establish a Magnetic Ink Character Set based on the E 13 B set of graphic shapes, to be used in data entry systems where data in the form of Magnetic Ink Characters are to be read optically in an Optical Character Recognition (OCR) system. This is a special application normally used in conjunction with a MICR installation.

If compatability with magnetic ink character reading systems is required, the user is directed to American National Standard X3.2-1976, Print Specifications for Magnetic Ink Character Recognition.

Part II.—Standard Characters

2.1 *Character sizes.* Standard character shapes are specified in one size only. The characters are designed upon an 0.013 in. (0.33 mm.) grid which forms a 7 x 9 matrix, as shown in Figure 15, X3.2-1976. The matrix and thereby the largest character (ZERO) is 0.117 in. (2.98 mm.) high by 0.091 in. (2.31 mm.) wide.

2.2 *Strokewidth.* Nominal strokewidths are multiples of the 0.014 (0.33 mm.) grid and are defined in the individual character drawings (See Figures 1 through 14, X3.2-1976).

2.3 *Character set repertoire.* The ten numerals and four special symbols defined in this standard constitute the total repertoire for magnetic ink characters read optically. No subsets are defined. This standard places no restrictions on the meaning or information content of the characters since this must be established by the user.

2.4 *Relationship to the ASCII code table.* This standard does not define a relationship with respect to output coding. The placement in the ASCII Code Table is shown in Figure 1, herein.

2.5 *Character shapes and dimensions.* Figures 1 through 14 of X3.2-1976 and this subsection define the characters of the standard set. Note that the graphic shapes of this section differ from those of OCR-A (ANSI X3.17-197X) and OCR-B (ANSI X3.49-1975) in that the character edges are specified rather than stroke centerlines.

All radii are 0.0065 in. (0.165 mm.) except in the case of the character zero, whose radii are specified in Figure 1 of X3.2-1976. All radii will produce curves which must meet the adjacent straight portions of the character edge tangentially.

Part III.—Charactor Positioning

3.1 *Form reference edges.*

3.1.1 *Horizontal dimensions.* The right-hand edge of the right-hand character on the form shall be located not less than 0.250 in. (6.350 mm.) from the right-hand edge of the form.

3.1.2 *Vertical dimensions.* All vertical format dimensions are measured from the bottom edge of the document.

3.2 *Horizontal character spacing.* The average edge is defined as an imaginary line that divides the irregularities along the edge of a character. The summation of the white areas on one side of this line is equal to the black areas on the other side. The distance between the right average edge of adjacent characters shall be 0.125±0.010 in. (3.175 ±0.025 mm.). See Figure 16, of X3.2-1976.

3.3 *Line separation.* The minimum vertical distance between the maximum character boundaries of adjacent lines shall be 0.040 in. (1.026 mm.).

3.4 *Alignment.* Each drawing has a vertical centerline (*cu*) which serves to establish a common vertical alignment for all characters of a line.

A line of characters in any field shall be aligned such that the bottom edges of adjacent characters within each field do not vary vertically more than 0.015 in. (0.380 mm.). For characters which are not of full matrix height (see Figures 14 and 15 of X3.2-1976) the same tolerance will apply to the horizontal centerlines (see Figure 17 of X3.2-1976).

3.5 *Character skew.* The maximum allowable character skew is ±3 degrees, measured from a line which is perpendicular to the average bottom edge of characters, excluding symbols 3 and 4. Note that the American National Standard X3.2-1976, Print Specifications for Magnetic Ink Characters, limits the maximum character skew to ±1.5 degrees for magnetic ink character recognition applications (see Figure 18 of X3.2-1976). This difference is applicable only to optical character recognition devices to permit the recognition of characters which are rejected by magnetic ink recognition devices. Magnetic ink characters which meet this tolerance, but exceed X3.2-1976, still fail print specifications.

				b7	0	0	0	0	1	1	1	1
				b6	0	0	1	1	0	0	1	1
				b5	0	1	0	1	0	1	0	1
b4	b3	b2	b1		0	1	2	3	4	5	6	7
0	0	0	0	0				0				
0	0	0	1	1				1				
0	0	1	0	2				2				
0	0	1	1	3				3				
0	1	0	0	4				4				
0	1	0	1	5				5				
0	1	1	0	6				6				
0	1	1	1	7				7				
1	0	0	0	8				8				
1	0	0	1	9				9				
1	0	1	0	10				[illegible]				
1	0	1	1	11				[illegible]				
1	1	0	0	12				[illegible]				
1	1	0	1	13				[illegible]				
1	1	1	0	14								
1	1	1	1	15								

Figure 1
Correspondence to the ASCII Set

[FR Doc.77-25629 Filed 9-1-77;8:45 am]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Gulf of Mexico Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Gulf of Mexico Fishery Management Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Alabama, west coast of Florida, Louisiana, Mississippi, and Texas. The Council, will among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on foreign fishing applications, and conduct public hearings.

The meeting will be held Tuesday, Wednesday, and Thursday, October 4, 5, and 6, 1977, on the mezzanine floor of the Sheraton Hotel, 301 Government Street, Mobile, Ala. The meeting will convene at 1:30 p.m. on October 4, and adjourn at about noon on October 6, 1977. The daily sessions will start at 8:30 a.m. and adjourn at 5 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Management plans.
2. Personnel and administration categories.
3. Review of foreign fishing applications, if any.
4. Other fishery management business.

This meeting is 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 meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about September 26, 1977:

Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, Tampa, Fla. 33609.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council 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 meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 7, 1977.

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

[FR Doc.77-26408 Filed 9-9-77;8:45 am]

MISSISSIPPI RIVER AND VIOLET CANAL, ST. BERNARD PARISH, LA.

Proposed Approval of Funding for Water System

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, is considering the approval of funding for a water system on the banks of the Mississippi and the Violet Canal located in St. Bernard Parish, La. This project will affect the use of the wetlands in this area.

The project will divert an estimated 2 billion cubic feet of water yearly over a five-month period from the Mississippi River into the Violet Canal to reverse salt water intrusion into the marsh lands of St. Bernard Parish. The project will require a U.S. Army Corps of Engineers (section 404) dredge and fill permit.

The views of interested persons and organizations are solicited. Written comments may be submitted to the following address:

Coastal Energy Impact Program, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235, Phone 202-254-8000.

Such comments should be received before September 29, 1977, to assure adequate consideration for inclusion in the project Environmental Impact Assessment.

Copies of the project proposal and environmental assessment are available from the Office of Coastal Zone Management.

Dated: September 2, 1977.

T. P. GLEITER,
Assistant Administrator
for Administration.

[FR Doc.77-26478 Filed 9-9-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SPACE SHUTTLE PROGRAM, VANDENBERG AFB, CALIF.

Public Hearing and Availability of Draft Environmental Impact Statement

An informal public hearing will be held for the purpose of soliciting comments from the public on the Draft Environmental Impact Statement (EIS) on the Space Shuttle Program, Vandenberg AFB, CA. The hearing is scheduled to be conducted on September 28, 1977, at 7 p.m. in the Civic Auditorium, Lompoc, Calif. Name and phone number of the presiding officer and any changes to this schedule will be publicized in the local news media.

The program includes construction, activation and operation of Space Shuttle facilities at Vandenberg AFB and Port Hueneme Harbor, Calif. Primary elements in the proposed action are: landing strip extension and other modifications, new orbiter processing facilities adjacent to VAFB; new facilities at Port Hueneme Harbor to receive, process, and store Shuttle External Tanks (ET's) and recovered spent Solid Rocket Boosters (SRBs) delivered by sea; new marine facilitity on the VAFB coast for receipt of ETs and SRBs; a tow route for transporting the Orbiter; and modified expanded support facilities at SLC-6 for handling of cryogenic propellants.

The Draft EIS on the proposed program was filed with the Council on Environmental Quality (CEQ) on August 19, 1977. Copies of the Draft EIS are available from:

Information Office, HQ Space and Missile Systems Organization, P.O. Box 92960, World Way Postal Center, Los Angeles, Calif. 90009.

In addition, copies of the Draft EIS have been placed in the following libraries for public reference:

- Lompoc Public Library, 601 East North Ave., Lompoc, Calif. 93436.
- Santa Maria Public Library, 420 South Broadway, Santa Maria, Calif. 93454.
- University of California at Santa Barbara, Library, Goleta, Calif. 93017.
- Santa Barbara Public Library, 4040 East Anapamu St., Box 1019, Santa Barbara, Calif. 93102.
- Los Angeles Public Library, 630 West 5th St., Los Angeles, Calif. 90017.
- University of California at Los Angeles, Library, 405 Hillguard, Los Angeles, Calif. 90024.
- U.C. Berkeley Library, 2090 Kitterage St., Berkeley, Calif. 94704.
- San Francisco Public Library, Civil Center, San Francisco, Calif. 94102.
- U.C. Riverside Library, 7th and Orange, Box 468, Riverside, Calif 92502.
- Oxnard Public Library, 241A C Street, Oxnard, Calif. 93030.
- Ventura Public Library, 651 East Main St., Box 771, Ventura, Calif. 93001.
- Santa Barbara City College Library, 712 Cliff Dr., Santa Barbara, Calif 93109.
- San Luis Obispo Public Library, San Luis Obispo, Calif. 93401.

The following procedures will be followed during the informal public hearings. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations will be accepted. The closing date for including written communications in the hearing record is five days after date of public hearing. Submit written communications to the presiding officer or as directed at the public hearing.

Other persons not able to participate in the public hearing have until October 10, 1977, to submit their written comments to the Deputy for Environment and Safety, Office of the Secretary of the Air Force (SAF/MIQ), Washington, D.C. 20330.

For further information contact Mr. R. W. Munsie, Environmental Planning Division, Headquarters USAF, phone 202-695-1422.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-26409 Filed 9-9-77;8:45 am]

Army Department

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

Partially Closed Meeting

In Accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting.

NAME OF COMMITTEE: Board of Visitors, United States Military Academy.

DATE OF MEETING: September 28, 1977.

PLACE OF MEETING: Room No. S146, U.S. Capitol Building, Washington, D.C.

TIME:

1st Session, 0900-1230 hours.
2d Session, 1400-1700 hours.

AGENDA:

0900-1130 hrs.—Open Session.
1130-1230 hrs.—Closed Session (Discussion of specific individuals involved in specific alleged Honor Code Violations).
1230-1400 hrs.—Lunch.
1400-1700 hrs.—Open Session.

The USMA Board of Visitors will inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods and other matters relating to the Military Academy that the Board decides to consider. A portion of this meeting is to address the Department of the Army Study Group report now being completed on the implementation of the recommendations set forth by the Special Commission on USMA in its report to the Secretary of the Army.

The session from 1130 to 1230 hours, 28 Sep 77 will be closed to the public for the sole purpose of discussing, by name or other information sufficient to identify the person, certain cadets and specific Honor Code matters in which they have been involved. An integral and inseparable portion of this session will involve discussion and review of material from personnel or similar files. The public disclosure of this information would constitute a clearly unwarranted invasion of the personal privacy of the individuals. These matters are exempt from public disclosure under Title 5, U.S.C., Section 552b(c)(6).

For further information, contact Captain Robert W. Miller, Jr., USMA, Telephone (914) 938-4110.

For the Board of Visitors.

DANA G. MEAD,
Colonel, USA, Executive Secretary, Board of Visitors.

[FR Doc.77-26568 Filed 9-9-77;8:45 am]

CHEMICAL PROPULSION ADVISORY COMMITTEE

Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) announcement is made of the following meeting:

NAME: Monopropellant Working Group (a sub element of the Chemical Advisory Committee).

DATE: September 27 thru 29, 1977.

PLACE: Naval Postgraduate School, Monterey, California.

TIME: Initial meeting 1:30 PM, 27 September 1977.

PROPOSED AGENDA: 27 September, 1:30 PM-6:00 PM: The technical steering committee will meet to outline Working Group future objectives, goals, and schedules and make work assignments.

28 September, 8:30 AM-5:00 PM: Progress Reports on Monopropellant Technology Programs.

29 September, 8:30 AM-5:00 PM: Committee workshops covering progress toward identified goals of the Advisory Working Group.

PURPOSE OF MEETING: The Committee's primary responsibility is to provide technical advice to the Joint Army-Navy-NASA-Air Force (JANNAF) Interagency Propulsion Committee and to promote the exchange of technical information in the field of chemical propulsion. The working group will review the progress of the individual subcommittees on assigned tasks of monopropellant technology since the last semiannual meeting. The committee will also discuss technical problems identified by the attending engineers and program managers.

The meeting is open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the Advisory Working Group representative in writing at least five (5) days prior to the meeting, of their intention to attend.

Any member of the public may file a written statement with the Working Group representative before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public presentation of oral statements at the meeting.

All communications regarding this meeting should be addressed to Mr. L. B. Piper, Working Group Representative, The Johns Hopkins University/APL, Chemical Propulsion Information Agency, Johns Hopkins Road, Laurel, MD 20810.

Dated: September 8, 1977.

By authority of the Secretary of the Army.

JEANNE G. HAMILTON,
Captain, United States Army, Acting Director, Administrative Management.

[FR Doc.77-26566 Filed 9-9-77;8:45 am]

CHEMICAL PROPULSION ADVISORY COMMITTEE

Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) announcement is made of the following meeting:

NAME: Propulsion Systems Cost Working Group (a subelement of the Chemical Propulsion Advisory Committee).

DATE: September 28, 1977.

PLACE: Conference Room A-12, Building 18, Area B, Wright-Patterson AFB, OH.

TIME: 9:00 a.m. to 4:00 p.m.

PURPOSE AND PROPOSED AGENDA:

The Committee's primary responsibility is to provide technical advice to the Joint Army-Navy-NASA-Air Force (JANNAF) Interagency Propulsion Committee and to promote the exchange of technical information in the field of chemical propulsion. At this meeting, the Ramjet Cost Estimating Handbook prepared by Vought Corporation, Dallas, Texas, under the sponsorship of the Air Force Aero Propulsion Laboratory, Wright Patterson AFB, Ohio, will be reviewed. Current and future activities of the Airbreathing Engine Cost Committee will also be reviewed.

The meeting is open to the public. Public attendance, because of limitation on available space, will be limited to the persons who notify the Committee Chairman in writing, at least five (5) days prior to the meeting, of their intention to attend.

Members of the public who may wish to do so are invited to submit material in writing to the Committee Chairman concerning matters believed to be deserving of the attention of the meeting participants. To the extent that time permits, the Committee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this meeting should be addressed to the Committee Chairman, Mr. Andrew C. Victor, Code 3241, Naval Weapons Center, China Lake, CA 93555.

Dated: September 8, 1977.

By authority of the Secretary of the Army.

JEANNE G. HAMILTON,
Captain, United States Army, Acting Director, Administrative Management TAGCEN.

[FR Doc.77-26567 Filed 9-9-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 789-3]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to the State of Indiana

Pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) has promulgated regulations establishing standards of performance of new stationary sources (NSPS). Pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On April 21, 1976, the Regional Administrator, Region V, EPA, delegated to the State of Indiana twelve categories of NSPS and the three categories of NESHAPS. This was reported at 41 FR 43148, 41 FR 43148, and 41 FR 43237, all dated September 30, 1976. The Indiana Air Pollution Control Board requested on February 18, 1977, delegation for an additional twelve categories of NSPS and one additional category of NESHAPS and, in a subsequent letter, requested all updates to the NSPS and NESHAPS previously delegated. After a thorough review of this request, the Regional Administrator has determined that delegation is appropriate for the source categories set forth in paragraphs (A) and (B) of the following official letter to Mr. Ralph C. Pickard, Technical Secretary, Indiana Air Pollution Control Board, subject to the terms set forth in conditions 1 through 10 of that letter:

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

JUNE 6, 1977.

MR. RALPH C. PICKARD,
Technical Secretary,
Indiana Air Pollution Control Board,
1330 West Michigan Street,
Indianapolis, Indiana 46206

DEAR MR. PICKARD: Thank you for your letter of February 18, 1977, requesting delegation of authority to implement and enforce additional categories of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the Indiana Air Pollution Control Board. Additionally, on May 2, 1977, you requested that those categories previously delegated on April 21, 1976, be updated to reflect all succeeding revisions to the NSPS. Indiana originally requested all categories of NSPS and NESHAPS extant as of February 28, 1975. Indiana was delegated these source categories on April 21, 1976, and the public was notified of these delegations on September 30, 1976 (41 FR 43148 and 41 FR 43237).

We have reviewed the submitted material, including pertinent laws and regulations of

the State of Indiana, and have determined that the State of Indiana has the resources and the ability to implement and enforce the additional NSPS and NESHAPS. Therefore, subject to the specific conditions and exceptions set forth below, we hereby grant delegation of authority to the State of Indiana to implement and enforce all of the current revisions to the NSPS and NESHAPS categories delegated on April 21, 1976, and the additional categories of NSPS and NESHAPS which follow:

A. Authority for all sources located in the State of Indiana subject to the standards of performance for new stationary sources published in 40 CFR Part 60 as amended, Subparts D through AA. (All references to the CFR in this letter apply to Code of Federal Regulations revised as of July 1, 1976.) In addition to the revisions to the first twelve NSPS delegated, twelve new categories are delegated by this letter. The new categories are primary copper smelters, primary zinc smelters, primary lead smelters, primary aluminum reduction plants, wet process phosphoric acid plants, superphosphoric acid plants, diammonium phosphate plants, triple superphosphate plants, granular triple superphosphate storage facilities, coal preparation plants which process more than 200 tons per day, ferroalloy production facilities and electric arc furnaces in steel plants.

B. Authority for all sources located in the State of Indiana subject to NESHAPS for the three previously delegated pollutants and subsequent revisions, as well as for the additional pollutant vinyl chloride, which was promulgated at 41 FR 46560 and 41 FR 53017.

This delegation is based upon the following conditions:

1. Acceptance of this delegation of these presently promulgated NSPS and NESHAPS does not commit the State of Indiana to request or accept delegation of future standards and requirements for other source categories or pollutants. A new request for delegation will be required for such standards not included in the State's requests of February 18, 1977, and May 2, 1977, or previous requests.

2. Upon approval of the Regional Administrator of Region V, the Technical Secretary of the Indiana Air Pollution Control Board may subdelegate his authority to implement and enforce these NSPS and NESHAPS to other air pollution control agencies in the State when the agencies have demonstrated that they have equivalent or more stringent programs in force.

3. The State of Indiana will at no time grant a waiver of compliance with NESHAPS.

4. The delegation to the State of Indiana does not include the authority to implement and enforce NSPS and NESHAPS for sources owned or operated by the United States which are located in the State. This condition in no way relieves any Federal Facility from meeting NSPS and NESHAPS.

5. Federal NSPS and NESHAPS (41 CFR Parts 60 and 61 as amended) do not have provisions for granting variances other than NESHAPS waivers of compliance, hence this delegation does not convey authority to the State of Indiana to grant variances.

6. The Indiana Air Pollution Control Board and the U.S. Environmental Protection Agency (EPA), Region V, will continue to maintain a system of communication for the purpose of insuring that each office is informed on (a) the current compliance status of subject sources in the State of Indiana, (b) the interpretation of applicable regulations, and (c) the description of sources and source inventory data.

7. At no time shall the State of Indiana enforce a State regulation less stringent than the Federal requirements for NSPS and NESHAPS (40 CFR Parts 60 and 61 as amended).

8. Enforcement of the NSPS and NESHAPS in the State of Indiana will be the primary responsibility of the State of Indiana. If, after appropriate discussion with the Indiana Air Pollution Control Board, the Regional Administrator determines that a State procedure for implementing and enforcing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Governor of the State of Indiana or his designee for NSPS and NESHAPS matters.

9. If the State of Indiana determines that a violation of a delegated NSPS and NESHAPS exists, the Indiana Air Pollution Control Board shall immediately notify EPA, Region V, of the nature of the violation together with a brief description of State efforts or strategy to secure compliance. EPA may exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with regard to any violations of the NSPS and NESHAPS regulations.

10. The Indiana Air Pollution Control Board will utilize the methods sepecified in 40 CFR Parts 60 and 61 as amended by 41 FR 46560 in performing source tests pursuant to the regulations.

A Notice announcing these delegations will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that effective immediately, all reports required pursuant to these additional categories of Federal NSPS and NESHAPS from sources located in the State of Indiana shall be submitted to the Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206, as well as the EPA Region V office. However, reports required pursuant to 40 CFR Section 60.7(c) (excess emissions and malfunctions) will be submitted to the State Agency only. Any such reports which have been or may be received by EPA, Region V, will be promptly transmitted to the Indiana Air Pollution Control Board.

Although this delegation is effective immediately, and although there is no requirement that the State notify EPA of its acceptance, we would appreciate written notice of acceptance or objection to the above delegations within 15 days of the date of receipt of this letter. Should no notice be received, we will proceed with public notice of the delegation in the FEDERAL REGISTER.

Sincerely yours,

GEORGE R. ALEXANDER, Jr.,
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Technical Secretary of the Indiana Air Pollution Control Board on June 6, 1977, that authority to implement and enforce the additional standards of performance for new stationary sources and the national emission standards for hazardous air pollutants was delegated to the State of Indiana.

All reports required pursuant to these additional categories of Federal NSPS and NESHAPS from sources located in the State of Indiana shall be submitted as required by 40 CFR 60.4(b), as modified by 41 FR 43148, and 40 CFR 61.4(b), as modified by 41 FR 43148, to the Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206, as well as to the Environmental Protection Agency, Region V office. However, reports required pursuant to 40 CFR 6.7(c) (excess emissions and malfunctions) need to be submitted to only the Indiana Air Pollution Control Board.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region V Office, 230 South Dearborn Street, Chicago, Illinois 60604.

This Notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended.

42 U.S.C. 1857 C-6 and 7.

Dated: August 31, 1977.

GEORGE ALEXANDER, Jr.,
Regional Administrator.

[FR Doc.77-26513 Filed 9-9-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Environmental Assessment of Proposed Waiver of Propane Purchase and Use Limitations

AGENCY: Federal Energy Administration.

ACTION: Notice of availability of Environmetal assessment and negative determination.

SUMMARY: The Federal Energy Administration (FEA) has prepared an environmental assessment (EA) on its pro-

posal to grant a waiver of the purchase and use limitations on propane to the Amoco Chemical Corporation for the operation of its No. 2 olefins unit at the Chocolate Bayou Plant, Alvin, Tex. FEA has determined that an environmental impact statement, pursuant to the National Environmental Policy Act, section 102(2)(C), is not required, and a negative determination (ND) to that effect is issued herewith. FEA announces the availability of the EA and invites comments on the EA and ND.

DATE: Comments by September 19, 1977.

ADDRESS: Written comments to: Executive Communications, Box PK, Room 3317, Federal Energy Administration, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

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

Richard Johnson (Regulatory Programs), 2000 M St. NW., Room 6318, Washington, D.C. 20461 (202-254-3330).

Carol Borgstrom (Environmental Policy), 12th and Pennsylvania Ave. NW., Room 7119, Washington, D.C. 20461 (202-566-9760).

J. Thomas Wolfe (General Counsel), 12th and Pennsylvania Ave. NW., Room 7146, Washington, D.C. 20461 (202-566-9760).

SUPPLEMENTARY INFORMATION: Amoco Chemical Corp., a wholly owned subsidiary of the Standard Oil Co. (Indiana), operates a petro-chemical manufacturing facility at Chocolate Bayou, Tex., using propane as a feedstock. A new No. 2 olefins unit at the site has been constructed and is scheduled to go on stream in October 1977. Amoco Chemical is requesting authorization to purchase and use an additional 9,000 barrels per day of naphtha and to maintain an inventory of 500,000 barrels of propane for its No. 2 unit. This request requires a waiver of the propane use limitations as provided for at 10 CFR 211.10(g)(8).

Following a review of the environmental impacts of the proposed issuance of the propane waiver, FEA has determined that the proposed action does not constitute a "major Federal action significantly affecting the quality of the human environment," within the meaning of section 102(2)(C) of the National Environmental Policy Act. Therefore, pursuant to 10 CFR 208.4(c), FEA concludes that an environmental impact statement is not required.

Single copies of the EA may be obtained from the National Energy Information Center, Room 1404, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the EA are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Interested parties are invited to submit written comments with respect to the EA and ND to Executive Communications, Box PK, Room 3317, Federal Energy Administration, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to FEA with the designation, "Environmental Assessment—Amoco Propane Use Waiver." Five copies should be received by FEA by September 19, 1977, in order to assure consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 6, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-26386 Filed 9-9-77;8:45 am]

CANADIAN ALLOCATION PROGRAM

Supplemental Allocation Notice for July 1 Through September 30, 1977, Allocation Period

In accordance with §214.32(c) of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Federal Energy Administration (FEA) hereby issues a supplemental allocation notice to reflect revisions in authorized export levels of Canadian condensate for the allocation period July 1 through September 30, 1977.

The revised issuance of Canadian crude oil rights for the July 1, 1977, allocation period to refiners and other firms is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists: (1) The name of each refiner and other firm to which rights have been issued; (2) the base period volume[1] of Canadian crude oil for each refiner's first or second priority refinery; (3) the base period volume of Canadian light and heavy crude oil, respectively, for each refiner's first or second priority refinery; (4) the nominations to FEA for Canadian light and heavy crude oil, respectively, of each refiner or other firm; (5) the number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) the specific first or second priority refineries for which rights are applicable.

[1] "Base period volume" for the purpose of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period on a barrels per day basis.

The Canadian National Energy Board (NEB) has advised FEA that the total volumes of Canadian light and heavy crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the three-month allocation period commencing July 1, 1977, will remain at the average level of 137,000 barrels per day (B/D) of Canadian light crude oil and 106,522 B/D of Canadian heavy crude oil, as specified in the Allocation Notice for the current allocation period issued on June 20, 1977 (42 FR 32567, June 27, 1977). However, the NEB has further advised FEA that the volume of condensate reflected in the total export volume of light crude oil will change from 30,000 B/D in July, as specified in the June 27 Allocation Notice, to 38,000 B/D in August and 31,000 B/D in September.

The NEB has further advised FEA of the following operational constraints with respect to the export of condensate in the months of August and September:

12,000 B/D of condensate must be delivered through the Rangeland-Aurora-Glacier pipeline system to Montana in August 1977.

10,000 B/D of condensate must be delivered through the Rangeland-Aurora-Glacier pipeline system to Montana in September 1977.

Pursuant to 10 CFR 214.35, FEA has given effect to these operational constraints in the revised issuance of Canadian crude oil rights for the June 1 through September 30, 1977, allocation period set forth in the Appendix. These issuances were computed in accordance with the formulas set forth in the June 27, 1977, allocation notice.

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed within 30 days of the publication of this notice.

Issued in Washington, D.C., on September 2, 1977.

ERIC J. FYGI,
Acting General Counsel.

APPENDIX

CANADIAN ALLOCATION PROGRAM

RIGHTS - July 1, 1977 to September 30, 1977
(Barrels Per Day)

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Canadian Light Crude Oil	Canadian Heavy Crude Oil	Nominations: Light	Heavy	Allocation: Light	Heavy
	AMOCO							
II	Whiting, Ind.	26,751	25,560	1,191	11,000	3,315	0	3,315
II	Casper, Wyo	2,991	2,991	0	0	0	0	0
II	Mandan, N.D.	8,995	8,995	0	10,000	0	0	0
II	Sugar Creek, Mo.	317	317	0	0	0	0	0
	ARCO							
II	Cherry Point, Wash.	34,225	34,225	0	9,013	0	0	0
	ASHLAND							
II	Buffalo, N.Y.	36,752	32,033	4,719	0	6,000	0	5,577
II	Findlay, Ohio	2,198	33	2,165	0	11,000	0	334
I	St. Paul Park, Minn	44,707	39,904	4,803	36,700	8,000	32,581	8,000
	DOW CHEMICAL, U.S.A							
II	Bay City, Mich.	2,767	2,767	0	1,000	0	0	0
	CLARK							
II	Blue Island, Ill	18,764	18,764	0	0	0	0	0
	CONSUMERS POWER							
I	Essexville, Mich	13,872	13,872	0	681	0	681	0
I	Marysville, Mich.	27,306	27,306	0	27,306	0	20,357 1/ 2/	0
	CONTINENTAL							
I	Billings, Mont.	25,994	25,994	0	26,000	0	21,224	0
II	Denver, Colo.	4,639	4,639	0	0	0	0	0
II	Ponco City, Ok.	1,188	1,188	0	0	0	0	0
I	Wrenshall, Minn.	20,651	20,651	0	20,700	0	16,861	0

1/ Operational Constraint

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Canadian Light Crude Oil	Canadian Heavy Crude Oil	Nominations: Light	Heavy	Allocation: Light	Heavy
	CRA							
II	Coffeyville, Kan.	318	318	0	318	0	0	0
II	Philipsburg, Kan.	173	173	0	173	0	0	0
II	Scotsbluff, Neb.	401	401	0	401	0	0	0
	CRYSTAL							
II	Carson City, Mich.	1,104	1,104	0	3,000	2,000	0	168
	ENERGY COOPERATIVE							
II	East Chicago, Ind.	10,804	10,267	537	0	0	0	0
	EXXON							
I	Billings, Mont.	15,908	15,908	0	19,000	0	12,989	0
	FARMERS UNION							
I	Laurel, Mont.	13,439	13,439	0	13,500	0	10,973	0
	GLADIEUX							
II	Fort Wayne, Ind.	774	774	0	2,500	2,500	0	117
	GULF							
II	Toledo, Ohio	13,253	13,253	0	41,521	0	0	0
	HUSKY							
II	Cheyenne, Wyo.	4,865	4,865	0	0	0	0	0
II	Cody, Wyo.	806	806	0	0	0	0	0
	KOCH							
I	ST. Paul, Minn	74,383	5,691	68,692	5,000	85,000	4,647	69,736
	LAKE SUPERIOR D.P.							
I	Ashland, Wisc.	125	125	0	125	0	102	0
	LAKETON							
II	Laketon, Ind.	141	10	131	0	0	0	0
	LAKESIDE							
II	Kalamazoo, Mich.	1,240	1,240	0	3,000	2,000	0	188
	LITTLE AMERICA							
II	Casper, Wyo.	2,248	2,248	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: Light	Allocation: Heavy
	MARATHON							
II	Detroit, Mich.	10,301	10,159	142	9,435	0	0	0
	MOBIL							
II	Buffalo, N.Y.	24,995	24,995	0	0	0	0	0
II	Ferndale, Wash.	45,444	45,444	0	5,000	0	0	0
II	Joliet, Ill.	14,606	2,132	12,474	0	10,000	0	2,216
	MURPHY							
I	Superior, Wisc.	25,625	20,253	5,372	19,651	10,000	16,536	9,089
	NCRA							
II	McPherson, Kan.	836	836	0	0	0	0	0
II	PESTER REFINING CO.							
	EL DORADO, ARK.	196	196	0	1,000	0	0	0
	PASCO							
II	Sinclair, Wyo.	709	709	0	0	0	0	0
	PHILLIPS							
II	Great Falls, Mont.	1,222	1,222	0	2,000	100	0	100 1/
II	Kansas City, Kan.	3,352	3,105	247	0	0	0	0
	ROCK ISLAND							
II	Indianapolis, Ind.	1,063	1,063	0	0	0	0	0
	SHELL							
II	Anacortes, Wash.	55,919	55,919	0	35,000	0	0	0
II	Wood River, Ill.	8,673	8,673	0	25,000	0	0	0
	SUN							
II	Toledo, Ohio	16,427	16,427	0	13,000	0	0	0
	SOHIO							
II	Toledo, Ohio	29,182	29,182	0	25,000	15,000	0	4,428
	TENNECO							
II	Chalmette, La.	1,767	1,767	0	0	0	0	0
	TESORO							
II	New Castle, Wyo.	676	676	0	300	0	0	0

1/ Operational Constraint

Priority	Refiner/Refinery	Base Period Volume: Total Canadian Runs	Base Period Volume: Canadian Light Crude Oil	Base Period Volume: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: Light	Allocation: Heavy
	TEXACO							
II	Anacortes, Wash.	41,229	41,229	0	58,696	0	0	0
II	Casper, Wyo.	1,380	1,380	0	4,500	0	0	0
II	Lockport, Ill.	1,244	1,244	0	26,000	0	0	0
	THE REFINERY CORP.							
II	Commerce City, Colo	174	174	0	0	0	0	0
	THUNDERBIRD							
II	Cut Bank, Mont.	554	554	0	64	0	50 1/	0
	TOTAL PETROLEUM							
II	Alma, Mich.	9,727	3,020	6,707	0	5,000	0	1,476
	TEXAS AMERICAN							
II	West Branch, Mich.	2,011	2,011	0	2,011	0	0	0
	UNION OIL OF CALIF							
II	Lemont, Ill.	11,711	11,711	0	10,000	10,000	0	1,777
	UNITED REFINING							
II	Warren, Pa.	9,917	9,789	128	9,836	0	0	0
	TOTAL PRIORITY I	262,010	183,143	78,867	168,663	103,000	136,950	86,825
	TOTAL PRIORITY II	469,029	440,588	28,441	308,768	66,915	50	19,697
	TOTAL I&II	731,039	623,731	107,308	477,431	169,915	137,000	106,522

1/ Operational Constraint

[FR Doc.77-26197 Filed 9-9-77;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to 46 CFR Part 542 and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01074	Sigval Bergesen: *Solfonn.*
01077	H. M. Wrangell & Co. A/S: *Hoi Ying.*
01210	A/S Brovigtank: *Randi Brovig.*
01322	Cardigan Shipping Co. Ltd.: *Norse Trader.*
01513	Rederiaktiebolaget Dalen: *Stove Friend.*
01546	Belgian Fruit Lines S.A.: *Frubel Oceania.*
01861	BP Tanker Co. Ltd.: *British Dart, British Explorer, British Pioneer, British Test, British Wye, British Severn, British Navigator, British Cygnet, British Osprey.*
01890	A/S Billabong: *Star Atlantic.*
01991	Malmros Rederi Aktiebolag: *Jacob Malmros, Frans Malmros.*
02091	Mathiasen's Tanker Industries, Inc.: *Joseph D. Potts.*
02145	Memphis Boat Refueling Service, Inc.: *Caribe 51.*
02198	Peninsular & Oriental Steam Navigation Co.: *Strathirvine, Remuera, Vikfrost.*
02446	Cosmopolitan Shipping Co., S.A.: *Claude Conway.*
02458	The China Navigation Co., Ltd.: *Sinking, New Guinea Chief, Kwangtung, Coral Chief.*
02470	La Crosse Dredging Corp.: *J. W. Wilkinson.*
02493	Sheridan Transportation Co.: *Mary J. Sheridan.*
02494	Simms Bros. Towing Co., Inc.: *RWH 43, JGH 33, Simms No. 6, Simms No. 2, Simms No. 3, Simms No. 4, Simms No. 5*
02507	Union Navale: *Eldonia-Delmas.*
02602	Fyffes Group Ltd.: *Tucurinca.*
02650	Adalbert Friesecke Reederei: *Albert Friesecke.*
02660	Partenreederei M/S Inge Kruger: *Inge Kruger.*
02734	Italia Societa Per Azioni di Navigazione: *Rossini, Verdi, Donizetti.*
02862	Ocean Shipping & Enterprises, Ltd.: *Sea Dolphin.*
02916	Oregon Steamship Co. Ltd.: *Lutetian, Lawrentian.*
02975	Venture Shipping (Managers) Ltd.: *Eastern Venture.*
03004	Rederi Ab Soya: *Carmen.*
03315	Afran Transport Co.: *Bering Sea.*
03477	Nissui Shipping Corp.: *Toko Maru, Seiko Maru, Hokko Maru, Matsushima Maru.*
03501	Osaka Shosen Mitsui Senpaku K.K.: *Norfolk Maru.*
03508	Teiyo Gyogyo K.K.: *Orient Maru No. 1.*
03571	Ringdals Rederi A/S and Olav Ringdals Tankrederi A/S: *Ringstad.*
03614	A/S Kristian Jebsens Rederi: *Frines, Korsnes.*
03692	Marmac Corporation: *JGH-33, RWH-43.*
03723	Southern Terminal and Transport Co.: *AD-104, AD-103, AD-102, AD-101, LTC-32, DONNA RAE, CHEM III, LRL-201, LRL-200, JIMMY, UM-187, P-394-A, SP-4, SP-3, P-394-B, NBC-751, NBC-750.*
03733	Great Lakes Dredge & Dock Co.: *Toledo.*
04050	A/S Uglands Rederi: *Vivita.*
04055	Missouri Barge Line Co., Inc.: *SW-2032, BW-2027.*
04085	Navifiazione Mongerbino S.P.A.: *Nai Monreale.*
04171	Young Brothers, Ltd.: *YB-22, YB-23.*
04173	Foss Launch & Tug Co.: *Foss 275.*
04357	Nedlloyd Lijnen B.V.: *Nijkerk.*
04398	Hapag-Lloyd Aktiengesellschaft: *Saarland, Havelland.*
04454	Satsumaru Kaiun K.K.: *Satsu Maru No. 27, Satsu Maru No. 57.*
04565	Consolidated Navigation Corp.: *New Energy.*
04625	American Commercial Lines, Inc.: *Chem 10, Chem 57.*
04642	South African Marine Corp. Ltd.: *S. A. John Ross, S. A. Tzaneen.*
04997	Aliakmon Marine Enterprises Corp. Monrovia: *Aliakmon Pilot.*
05017	Amerada Hess Corp.: *Hess Trader, Hess Bunker.*
05208	Gaelic Tugboat Co.: *E-17.*
05437	The Dow Chemical Co.: *H 1806, TCB 307, TCB 304, NMS 1401, NMS 1453, NMS 1454.*
05579	Black Sea Shipping Co.: *Khudozhnik Pakhomov.*
05636	Takashiromaru Kaiun Kabushiki Kaisha: *Takashiro Maru No. 21.*
05775	Good Luck Shipping Co., Ltd.: *Good Luck.*
05816	Alan B. Hyde and Meade D. Hyde: *Hybur Transport.*
05845	Shinto Kaiun K.K.: *Shinzan Maru.*
05995	Association of Maryland Pilots: *Baltimore.*
06065	K/S Norfold A/S & Co.: *Ross Head.*
06071	CIA Colombiana de Alcalis Planta Colombiana de Soda Ltda.: *Julio Caro, Planta de Betania, Salinas de Manaure, Luis Angel Arango, Planta de Mamonal.*
06399	Tokumaru kaiun K.K.: *Meitoku Maru.*
06435	Dampskibsaktieselskabet Den Norske Afrika-Og Australielinie, Wilhelmsens Dampskibsaktieselskab, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: *Traviata.*
06596	Issei Kisen K.K.: *Yusei Maru.*
06712	Chang An Marine Corp.: *Ever Safety.*
07026	Minami Nihon Senpaku K.K.: *Erimo Maru.*
07112	Dampskibsaktieselskabet Den Norske Afrika-Og Australielinie, Wilhelmsens Dampskibsaktieselskab, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI, Skips A/S Triton, Skips A/S Tudor: *Takamine.*
07212	Euterpe (Panama) S.A.: *Grand Apollo.*
08048	Andros Trading, Ltd.: *Konstantinos G. Chimples.*
08071	Anglo Nordic Bulkships (Management), Ltd.: *Russell H. Green.*
08116	Skopi Shipping Co., Ltd.: *Cretan Life.*
08130	Great Circle Marine, Ltd.: *Bolina.*
08131	Empresa navegacion caribe: *Bahia de Santiago de Cuba.*
08655	Navios viatlantica S.A.: *Wave Crest.*
08785	Maleme Maritime Co., Ltd.: *Cretan History.*
08787	Smit Internationale Zeesleep-en Bergings-Bedrijf BV: *Barentz Zee.*
08818	Venus Carriers Corp. S.A.: *Rose Daphne.*
08858	Miryung Navigation Co., Ltd.: *Garnet, Jasper.*
08871	Nisshin Gyogyo Kabushiki Kaisha: *Shinko Maru.*
08909	Dominique Maritime Corp.: *Dominique.*
09137	Arne Teigens Rederi A/S: *Torasund.*
09300	Yerania Shipping Corp.: *Drepanon.*
09319	Odajima Kaiun, Ltd.: *Yukikaze Maru.*
09374	International Ocean Transport Corp.: *Bradford Island.*
09380	Hoffman International, Inc.: *Century.*
09439	Candia Maritime Corp.: *Cretan Liberty.*
09718	Hosei Kaiun Shoji Kabushiki Kaisha: *Sanyo Maru.*
09882	Cyclops Drilling Co.: *Rig 14.*
09916	Ybarra Y Compania S.A.: *Cabo San Roque.*
09931	Georgian Bay Shipping Co., Ltd.: *Al Hilal.*
09997	Robinia Shipping Co., S.A.: *South Wing.*
10063	Ho Shin Shipping S.A.: *Ho Shin.*
10095	Escobal Naviera Co., S.A.: *Shunho.*
10227	Professional Navigation Corp.: *Silvania.*
10334	Atlantic Overseas Petroleum Carriers, Inc.: *Oriental Satellite.*
10615	Clew Bay Shipping Co., Inc., Panama: *Hope Star.*
10744	A/S Shipping Engagement: *Ragni Berg.*
10931	Hansung Shipping Co., Ltd.: *Blue Andromeda, Blue Cassiopeia.*
11159	Northern Sealanes Corp.: *Andros Petros.*
11304	Issei Kaiun, Yugen Kaisha: *Akitu Maru No. 5.*
11437	Friendship Carrier, Inc.: *Friendship.*
11464	Harris Tankers Corp.: *Tilia.*
11466	Lee-Vac, Ltd.: *H & S No. 3, H & S No. 2, Tidemar 20.*
11558	Skysea Corp., S.A.: *Titika.*
11948	Ardgowan Shipping Co., Ltd.: *Darro.*
12091	Green Nobility Line S.A.: *Green Nobility.*
12514	Giant Tarzan Marine Corp., S.A.: *Giant Tarzan.*
12939	Pesquera Costa De La Luz S.A.: *Captain Jorge II.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-26394 Filed 9-9-77;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators

have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311 (p) (1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 36 CFR.

Certificate No.	Owner/operator and vessels
01077	H. M. Wrangell & Co. A/S: *Lars Meling.*
01113	A/S J. Ludwig Mowinckels Rederi: *Para.*
01190	A/S Gerrards Rederi & A/S Gerrards Rederi II: *Georgia.*
01428	Ocean Transport & Trading Limited: *Menelaus.*
01821	The Scottish Tanker Co. Ltd.: *King William.*
01854	Southern Towing Co.: *Jo Anne Stegbauer.*
01890	A/S Billabong: *Star Shiraz.*
02194	Compagnie Generale Maritime: *Haussmann.*
02199	Atlantic Richfield Co.: *Arco Mariner, Arco Discovery.*
02242	Dal Deutsche Afrika-Linien G.m.b.h. & Co: *Tabora, Gulf Clipper.*
02259	Neste Oy: *Tiira.*
02344	Empresa Lineas Maritimas Argentinas S.A.: *Bahia Aguirre.*
02367	Canadian Pacific (Bermuda) Ltd.: *Fort Yale.*
02862	Ocean Shipping & Enterprises Ltd.: *Ocean Sincerity.*
02956	Ashland Oil Inc.: *Star Diamond, Star Shamrock.*
02976	Arthur-Smith Corp.: *AS-103, TCB-304.*
02982	The Shipping Corp. of India Ltd.: *Hargobind.*
03447	K. K. Kyokuyo: *Daishin Maru No. 18.*
03483	Sankyo Kaiun Kabushiki Kaisha: *Five Star.*
03488	Sanwa Sempaku K. K.: *Itoham Maru.*
03489	Sanwa Shosen K. K.: *Keigo Maru.*
03502	Shinyei Senpaku K. K.: *Norfolk Maru.*
03503	Shofuku Kisen K. K.: *Saikyo Maru.*
03518	Tokyo Senpaku K. K.: *Tokyo Maru, Djakarta.*
03533	Skibs-A/S Nanset: *Iver Stream.*
04173	Foss Launch & Tug Co.: *PT & S 286-1, Foss 286-1, PT & S 286-3.*
04228	Compagnie Maritime Belge (Lloyd Royal) S.A.: *Montsalva.*
04299	Erie Navigation Co.: *Loc Bay.*
04404	Lar Rej Johansen: *Bolina.*
04565	Consolidated Navigation Corp.: *Star Capella.*
04569	Marasia S.A.: *Antartico.*
04601	American Tunaboat Association: *Claire P.*
04966	Marlinea Armadora S.A.: *Lenio.*
05016	Hess Oil Virgin Islands Corp.: *Hovic V.*
05027	Westwind Africa Line Ltd.: *Desert King, Desert Queen.*
05089	H. F. Eimskipafelag Islands: *Laxfoss, Haifoss, Studlafoss.*
05098	Esso Tankers Inc.: *Esso Westernport, Esso Caribbean.*
05346	Sociedad Anonima de Navegacion Petrolera: *Cabo De Hornos II, Punta Arenas II.*
05372	Rowan Companies Inc.: *Rowan Juneau.*
05500	Petroleos Mexicanos: *18 De Marzo, Chac, Bacab.*
15537	Empresa Navegacion Mambisa: *Lazaro Peana.*
05581	Latvian Shipping Co.: *Ivan Polzunov.*
05743	Reederei Barthold Richters: *Claudia Maria.*
05834	Koyo Suisan K.K.: *Koyo Maru No. 65.*
05846	Nordsee-Deutsche Hochseefischerei G.M.B.H.: *Mainz, Wiesbaden.*
05926	Maritime Services G.M.B.H.: *Spindrift.*
05985	Murata Gyogyo Kabushiki Kaisha: *Taiko Maru No. 17.*
05998	Navarino Shipping & Transport Co. Ltd.: *Honesty, Integrity.*
06130	Northern Shipping Co. *Petr Strelkov.*
06150	Lineas Asmar S.A.: *Rosario Del Mar.*
06208	Hochseefischerei Nordstern A.G.: *Friedrich Busse.*
06246	Pam Shipping Ltd.: *Victory.*
06248	Commercial Corp. "Sovrybflot": *Sulak.*
06359	Malaysian International Shipping Corp. Berhad: *Rimba Merbau.*
06498	Federal Steam Navigation Co. Ltd.: *Wild Marlin, Wild Mallard.*
06516	Compagnie Nationale Algerienne de Navigation C.N.A.N.: *Bejaia.*
06877	Societe Francaise de Transports Maritimes: *Ville D'Anvers, Ville de Rouen.*
07075	Federal Off-Shore Services Ltd.: *Arctic Pelly.*
07204	Zensei Gyogyo Yugen Kaisha: *Zensei Maru No. 23.*
07623	Hawaiian Tug & Barge Co. Ltd.: *DTB-9, DTB-10, DTB-33, DTB-25, DTB-27, DTB-29, DTB-35, DTB-39.*
08071	Anglo Nordic Bulkships (Management) Ltd.: *Nordic Merchant.*
08370	Indiana & Michigan Electric Co.: *C. V. Sorenson, Richard E. Hodges.*
08488	Multinational Gas & Petrochemical Co.: *Bavaria Multina.*
08530	Prompt Shipping Corp. Ltd.: *Ceram Career.*
08533	Capital Marine Supply Inc.: *CMS 1.*
08699	Taikyu Suisan Kabushiki Kaisha: *Sumiyoshi Maru No. 58.*
08818	Venus Carriers Corp. S.A.: *Edelweiss.*
08840	Bangladesh Shipping Corp.: *Banglar Maan.*
08871	Nisshin Gyogyo Kabushiki Kaisha: *Meisei Maru No. 11.*
09053	Farpesca S.A.: *Farpesca Cuarto.*
09521	Societa Partenopea di Navigazione S.P.A.: *Span Terza.*
10423	Merry Shipping Co. Inc.: *Royal Lancer I, Royal Lancer II.*
10507	Ashford Shipping Inc.: *Gogo River.*
10651	Naviera Industrial S.A.: *Lucile.*
10931	Hansung Shipping Co. Ltd.: *Blue Nagoya, Blue Tokyo, Scan Crusaders.*
10969	Partrederiet AF 11/12-73: *Agnes Dania.*
11011	Power Corp. of Canada, Ltd.: *Eskimo.*
11062	Interocean Management Corp.: *Bradford Island.*
11195	Ondarrutarra S.A.: *Itxas-Txori.*
11287	Carlton Steamship Co. Ltd.: *Federal Tyne.*
11635	L & L Oil Co. Inc.: *CAGC No. 1.*
11674	Park Shipping Corp.: *Asian Rose.*
11776	Coen Marine Equipment Inc. and Marine Transport Inc.: *California, Coen 61, Coen 136.*
12080	Lyndhurst Financial Corp., Panama: *Tommy II.*
12247	Seabulk Chemical Carriers Inc.: *SCC 3902.*
12292	St. Christopher Maritime Inc.: *Norheim.*
12403	Val-Cap Marine Services Inc.: *Joy M.*
12424	Riogrande Shipping Co. S.A.: *Riogrande.*
12425	Riobravo Shipping Co. S.A.: *Riobravo.*
12426	Anesis Shipping Co. S.A.: *Riodoro.*
12427	Riodon Shipping Co. S.A.: *Riodon.*
12531	Don Mulco Inc.: *BG-476.*
12534	PCI International Inc.: *Witwater II.*
12565	Port City Barge Line Inc.: *UM-95, UM-98, UM-97, UM-191, UM-192, UM-190.*
12605	Ever Master Line S.A.: *Ever Master.*
12608	Youssef Shipping Corp.: *S.A.: Youssef B.*
12676	Oriental Pearl Line Kabushiki Kaisha: *Pacific Queen.*
12699	The Levens Corp.: *CC-209, CC-212.*
12709	Childress Co.: *CT1, CT2.*
12719	Evergreen Marine Corp.: *Ever Safety.*
12720	Pollux (Panama) S.A.: *Ever Glory.*
12721	Productos Pesqueros Mexicanos S.A. de C.V. Pesquero Santo Isabel S.A.: *Propemex E-1, Propemex E-2.*
12731	Productos Pesqueros Mexicanos S.A. de C.V./Atun Mex.: *Propemex E-5 Ensenada, Propemex E-6 Guaymas, Propemex E-7 Mazatlan.*
12761	Seaspir Corp.: *Coastal Spirit.*
12792	International Transport Suhaili Inc.: *Suhaili.*
12832	Conrad & Victor Bouchard: *Conrad Marie.*
12836	Superior Shipping Inc.: *Thilda.*
12856	Transporte Industrial S.A.: *Vencemos I, Vencemos III, Vencemos IV.*
02862	Chugach Electric Association Inc.: *Susitna.*
12865	Naviera Zabat S.A.: *Zabat Dos.*
12866	Dillingham Jebsen Shipping Corp.: *Bessnes.*
12903	Efpalinos Shipping Co. Ltd.: *Agios Nicolaos K.*
12906	Adam Shipping Enterprises Corp.: *SCT Vincent.*
12908	Naviera Del Sur S.A.: *Arona.*
12921	Atalanta Shipping Corp.: *Ledea.*
12936	Vamos Navigation S.A.: *Vamos.*
12937	Pierce County, Wash.: *Steilacoom.*
12939	Pesquera Costa de la Luz S.A.: *Capitan Jorge II.*
12940	Strider 3 Ltd.: *Saudi Crown.*
12943	Schepers & Co. Kg.: *Marlene S.*
12945	Elounda Maritime S.A.: *Elounda.*
12954	Damon S.A.: *Elisa.*
12958	Broland Shipping Co. Ltd.: *Broland.*
12959	Erico Enterprises S.A.: *Leonidas.*
12960	Pallas Shipping Agency Ltd.: *World Sovereign.*
12961	Lord Marine Co. S.A.: *Greenauklet.*
12962	Radiant Navigation Co. Ltd. S.A.: *Bungalon.*
12964	Manuel Veiga Costas: *Consuelo Veiga.*
12965	Nefeli Shipping Co. S.A.: *Nefeli.*
12966	Marko Marine Enterprises S.A. of Panama: *Adelphi Yemelos.*
12968	Kornal Trade & Finance Inc.: *Brazilian Vitoria.*
12969	Pleasure Shipping Ltd.: Paget.
12970	Mr. Masuhiro Hamada: *Omasu Maru No. 2.*
12971	Navios Crusader Inc.: *Navios Crusader.*
12972	Ms Hektor Reederei & Schiffahrts G.M.B.H. KG: *ASD Hektor.*

Certificate No.	Owner/operator and vessels
12973	Sapho Shipping Co.: *Sapho.*
12975	Scheepvaart Maatschappij Fairlift N.V.: *Fairlane.*
12978	Freedom Shipping Corp. S.A.: *Theodoros A.S.*
12979	Tri-Arrow Transportation Co. Ltd.: *Fortuna Carrier.*
12980	Bela Lines Co. Inc.: *Ocean Biko.*
12981	Thomson Shipping Co. Ltd.: *Jeannie.*
12982	Euro-Pirates International Inc.: *Capt. Francois Le Clerc, Chevalier De Gramont, L'Olonnois.*
12983	Chemlink Co. Inc.: *NMS 1801, NMS 1905.*
12984	Arimanios Corp. of Monrovia, Liberia: *Artemis.*
12985	Partrederiet Titus: *Titus.*
12987	Troll River Shipping Ltd.: *Troll River.*
12988	Siviris Maritime Corp.: *Joanna.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-26395 Filed 9-9-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP77-100 et al.]

TENNECO ATLANTIC PIPELINE CO.

Availability of the Final Environmental Impact Statement

SEPTEMBER 12, 1977.

Notice is hereby given in the above docket that on September 12, 1977, as required by section 2.82(b) of the Commission's General Policy and Interpretations (18 CFR 2.82(b)), copies of the Final Environmental Impact Statement (FEIS) are being transmitted pursuant to the requirements of the National Environmental Policy Act of 1969 and section 2.82(b) of the Commission's General Policy and Interpretations.

The FEIS, prepared by the staff of the Federal Power Commission, concerns applications filed by Tenneco Atlantic Pipeline Co. (TAPCO) Docket No. CP77-100 et al., which relate directly or indirectly to a proposal by TAPCO, pursuant to section 3 of the Natural Gas Act, to import liquefied natural gas (LNG) from Algeria to a terminal to be located in the vicinity of St. Johns, New Brunswick, Canada, and enter the United States via the proposed natural gas pipeline near Calais, Maine. Approval of the applications would authorize the construction and operation of facilities necessary to transport approximately one billion cubic feet of natural gas to consumers along Tennessee Gas Pipeline Co.'s system. A total of 506 miles of pipeline would be required in order to transport the regasified LNG from the border near Calais, Maine, to Milford, Pa.

This FEIS has been sent to the persons shown in the FEIS summary sheet, all parties to the proceeding, and interested citizens. The FEIS is on file with the Commission and is available for public inspection at its Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, and its regional office located at 26 Federal Plaza, 22nd Floor, New York, N.Y. 10007. Copies of the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

A Draft Environmental Impact Statement (DEIS) was circulated for comments on or before July 11, 1977. The period for comments has expired, and all timely comments received are attached to the FEIS in accordance with section 2.82(b) of Commission Order 415-C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-26477 Filed 9-7-77;2:44 pm]

[Docket Nos. G-8812, et al.]

THE SUPERIOR OIL COMPANY, et al.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

SEPTEMBER 2, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 26, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commisssion on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-8812, D 6/9/77	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	United Gas Pipe Line Co., certain acreage in the 4 Isle Dome Field, Terrebonne Parish, La.	(1)	--------
G-16388, D 6/9/77	The Superior Oil Co.	United Gas Pipeline Co., certain acreage in the 4 Isle Dome Field, Terrebonne Parish, La.	(1)	--------
CI77-552, B 6/10/77	A. G. Murphy dba A. G. Murphy & Associates, 634 Oneonta St., New Orleans, La. 71106.	United Gas Pipeline Co., Greenwood-Waskom, Caddo Parish, La.	(2)	--------
CI77-560, 6/15/77	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	Michigan Wisconsin Pipe Line Co., East Binger Field, Caddo County, Okla.	[3] $1.45	14.73
CI77-570, A 6/16/77	The Superior Oil Co. P.O. Box 1521, Houston, Tex. 77001.	El Paso Natural Gas Co., West Jal Field, Lea County, N. Mex.	[3] $1.45	14.73
CI77-571, A 6/16/77	Freeport Oil Co., a division of Freeport Minterals Co., P.O. Box 3038, Midland, Tex. 79701.	Mississippi River Transmission Corp., Mills Ranch Field, Wheeler County, Tex.	181.331¢	14.65
CI77-572, A 6/17/77	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	Northern Natural Gas Co., Mocane Laverne Field, Beaver County, Okla.	(2)	15.025
CI77-574, A 6/17/77	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77056.	Transwestern Pipeline Co., Albert Federal No. 1 Well (Morrow Formation) Eddy County, N. Mex.	[3] $1.569806	14-65
CI77-575, B 5/31/77	Mullins & Prichard, 416 Oil & Gas Bldg., New Orleans, La. 70112.	Southern Natural Gas Co., Pointe A La Hache Field, Plaquemines Parish, La.	(1)	--------
CI77-576 (CI61-831), B 5-31-77	H. J. Porter, 1111 Houston Club Bldg., Houston, Tex. 77002.	Coastal States Gas Producing Co., Johns Field, Duval, Tex.	(6)	--------
CI77-577, B 6/13/77	Glenn E. Jeffery, successor to Texaco Inc., P.O. Box 667, Meade, Kans. 67864.	Transwestern Pipe Line Co., Harper Field, Clark County, Kans.	(5)	--------
CI77-578, A 6/20/77	Mobil Oil Corp., 3 Greenway Plaza East, suite 800, Houston, Tex. 77046.	Texas Eastern Transmission, Vermilion area, Block 262, Federal offshore, Louisiana.	[3] 147.94¢	15.025
CI77-579, A 6/20/77	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., N/2 of East Cameron Block 42, offshore Louisiana.	(4)	15.025
CI77-580, A 6/21/77	Petroleum Inc., 300 West Douglas, Wichita, Kans. 67202.	Northwest Pipeline Corp., Sublette County, Wyo.	(2)	15.025
CI77-581, A 7/7/77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Mountain Fuel Supply Co., Spearhead Area, Converse County, Wyo.	[2] 99.91	15.025
CI77-583 (G-19415), B 5/31/77	H. J. Porter	Coastal States Gas Producing Co., Johns, Duval, Tex.	(6)	--------
CI77-585, A 6/13/77	Cotton Petroleum Corp., 2121 South Columbia, suite 600, Tulsa, Okla. 74114.	El Paso Natural Gas Co., Reydon Field, Roger Mills County, Okla.	[3] 155.2644¢	15.025
CI77-586, A 6/13/77	Texas Eastern Exploration, Co., P.O. Box 2521, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Block 593 Field, West Cameron Area, Offshore La.	[3] $1.96	15.025
CI77-587, A 6/22/77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Transco Gas Supply Co., Brazos Area, Block A-70 (South Addition) Offshore, Tex.	(4)	14.73
CI77-589, A 6/13/77	Napeco Inc., 122 South Michigan Ave., Chicago, Ill. 61603.	Natural Gas Pipeline Co. of America, Arabra Bailey No. 1 Well, Polk County, Tex.	(7)	14.73
CI77-592 (G-15361), B 6-22-77	Union Oil Co. of California, P.O. Box 7600, room 901, Los Angeles, Calif. 90057.	Texas Eastern Transmission Corp., North Arneckeville Field, DeWitt County, Tex.	(4)	--------
CI77-593, A 6/23/77	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., Hartzog Draw Field, Campbell County, Wyo.	(8)	15.025
CI77-595, A 6/23/77	Napeco Inc., 122 South Michigan Ave., Chicgo, Ill. 60603.	Natural Gas Pipeline Co. of America, H. L. Peterson No. 1 Well, Brazoria County, Tex.	(7)	14.73
CI77-596, A 6/24/77	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77056.	Transwestern Pipeline Co., Foster Federal No. 1 Well (Morrow Formation) Eddy County, N. Mex.	[3] $1.569806	14.65
CI77-597, A 6-24-77	Union Oil Co. of America, P.O. Box 7600, Los Angeles, Calif. 90051.	United Gas Pipe Line Co., Tiger Field, Jones and Perry Counties, Miss.	[3] $161.02	15.025
CI77-600 (G-9455), B 6/20/77	Terra Resources, Inc., Agent for Union Oil Co. of California, P.O. Box 2329, Tulsa, Okla. 74101.	Tennessee Gas Pipeline Co., North Tidehaven Field, Matagorda County, Tex.	(7)	--------
CI77-601 (G-9544), B 6/20/77	Terra Resources, Inc.	Tennessee Gas Pipeline Co., North Tidehaven Field, Matagorda County, Tex.	(7)	--------
CI77-602 (CI71-160), B 6/23/77	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Manderson Field, Big Horn County, Wyo.	(8)	--------
CI77-603, A 6/23/77	Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.	El Paso Natural Gas Co., Lusk (Morrow) Field, Lea County, N. Mex.	(7)	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-604 A 6/23/77	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Transwestern Pipeline Co., South Empire Deep No. 5 Well, Eddy County, N. Mex.	(8)	15.025
CI77-605 A 6/23/77	do	Lone Star Gas Co., Sholem Alechem Field, Denny No. 1 Well, Carter County, Okla.	(7)	15.025
CI77-606 A 2/23/77	do	Southern Natural Gas Co., main pass east addition, Block 288, offshore Louisiana.	(2)	15.025
CI77-607 A 6/24/77	Columbia Gas Development Corp., P.O. Box 1350, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Blocks 142 and 143, South Marsh Island, offshore Louisiana.	[3] $1.90	15.025
CI77-609 A 6/28/77	Pennzoil Offshore Gas Operators, Inc., P.O. Box 2967, Houston, Tex. 77001.	Sea Robin Pipeline Co., Block 125, South Marsh Island area, south addition, offshore, Louisiana.	[3] $1.73 [3] $1.75	15.025
CI77-610 A 6/28/77	do	Sea Robin Pipeline Co., Block 127, South Marsh Island area, south addition, offshore Louisiana.	[3] $1.75	15.025
CI77-611 A 6/30/77	Pennzoil Louisiana & Texas Offshore, Inc., P.O. Box 2967, Houston, Tex. 77001.	do	[3] $1.75	15.025
CI77-612 A 6/30/77	do	Sea Robin Pipeline Co., Block 125, South Marsh Island area, south addition, offshore Louisiana.	[3] $1.75	15.025
CI77-613 A 7/1/77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Northern Natural Gas Co., Baggett (Strawn) Field, Crockett County, Tex.	[3] $173.6216	14.73
CI60-214 D 6/21/77	Petroleum, Inc. (Operator), et al., 300 West Douglas, Wichita, Kans. 67202.	Michigan Wisconsin Pipe Line Co., certain acreage in Bever County, Okla.	(9)(10)	

[1] Non productive.
[2] Well was not abandoned.
[3] Supra.
[4] Depleted.
[5] Contract terminated.
[6] Wells depleted.
[7] Leases expired.
[8] Well was shut-in.
[9] 100 pct leasehold interest in the N/2 NE/4 and SE/4 SW/4; 62.5 pct leasehood interest in the SE/4, S/2 NE/4 and NE/4 SW/4; all in sec. 9-5N-27ECM, Beaver County.
[10] Lowrey Trust Unit will no longer deliver commercial quantities of gas. The available supply of natural gas from said unit is now depleted to an extent that continuance of service is impossible.

[FR Doc.77-26226 Filed 9-9-77;8:45 am]

FOREIGN CLAIMS SETTLEMENT COMMISSION

PRIVACY ACT OF 1974

German Democratic Republic Claims Program Records System Notice

The Foreign Claims Settlement Commission (FCSC) hereby publishes for comment an additional records system designated "FCSC-32," "German Democratic Republic, Claims Against." Any person interested in commenting on this system may do so by submitting comments in writing to the Executive Director (Privacy officer), Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. Comments must be submitted on or before October 12, 1977.

Dated at Washington, D.C., on September 6, 1977.

WAYLAND D. MCCLELLAN,
General Counsel.

FCSC-32

System name:

German Democratic Republic, Claims Against FCSC-32.

System location:

Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579, and General Services Administration Office, Region 3, Washington, D.C.

Categories of individuals covered by the system:

U.S. national who suffered certain property losses in the German Democratic Republic.

Categories of records in the system:

Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system:

Title VI, International Claims Settlement Act of 1949, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment. Names and other data furnished by claimants used for verifying citizenship status with INS. Law Enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil or criminal or regulatory in nature, and whether arising by general statute or particular program statute or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the repsonsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a Congressional staff member in response to any inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records maintained in file folders with some information transferred to magnetic tape for ease of retrieval and location.

Retrievability:

Filed numerically by claim number. Alphabetical index used for identification of claim. Information also may be retrieved by data printout.

Safeguards:

At FCSC: Building employs security guards. Records are maintained in locked room accessible only to authorized FCSC personnel. At GSA: In computer files, under control by GSA in accordance with Privacy Act of 1974.

Retention and disposal:

Records maintained under 5 U.S.C. 301. Disposal of records will be in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager and address:

Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. (Phone: 202-653-6156.)

Notification procedure:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Claimant on whom the record is maintained.

[FR Doc.77-26385 Filed 9-9-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 1, Tuesday, September 27, 1977 from 1 p.m. to 5 p.m., Room 932, J. W. McCormack Post Office and Courthouse, Post Office Square, Boston, Mass. 02109.

The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the following project:

"Building Modernization and Additional Courtroom A/C," Federal Building and U.S. Courthouse, Providence, R.I.

The meeting will be open to the public.

ALBERT A. GAMMAL, Jr.,
Regional Administrator.

SEPTEMBER 7, 1977.

[FR Doc.77-26618 Filed 9-9-77;10:27 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 1; Tuesday, September 27, 1977 from 8:30 a.m. to noon, Room 932, J. W. McCormack Post Office and Courthouse, Post Office Square, Boston, Mass. 02109.

The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the following project:

Building Modernization, U.S. Appraisers Stores, Boston, Mass.

The meeting will be open to the public.

ALBERT A. GAMMAL, Jr.,
Regional Administrator.

SEPTEMBER 7, 1977.

[FR Doc.77-26619 Filed 9-9-77;10:27 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

1977 Report (Section I)

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of 1977 report (section I).

SUMMARY: This notice announces the availability of the 1977 report (section I) of the National Advisory Council on Adult Education. Notice of the availability of this report is required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463). The report includes:

1. A review of the Council's activities.
2. Report from the Executive Director.
3. Council studies.

(a) Futures and amendment meetings.

(b) Survey of state support of adult education.

4. Program visitations.
5. Meeting dates, sites, and content.
6. Chronology of the Adult Education Act.
7. Council membership.
8. Committee structure.

ADDRESS: Requests for the report and further information may be directed to Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th Street NW., Washington, D.C. 20004 (202-376-8892).

Signed at Washington, D.C., on September 1, 1977.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.77-26422 Filed 9-9-77; 8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

The National Council on Educational Research hereby announces a time and agenda change for the meeting of September 16, 1977, at the NIE Offices (Room 823, 1200 19th Street NW., Washington, D.C.). The meeting was previously announced in the FEDERAL REGISTER on August 9, 1977.

The meeting will convene at 8:30 a.m. and adjourn at 11:30 a.m. The tentative agenda is as follows:

8:30—Convene.
8:30-8:35—Approve minutes.
8:35-8:45—Adjustments of future calendar and agendas.
8:45-9:15—Director's remarks.
9:15-10:15—Action on proposed policy for fundamental research.
10:15-10:45—Report of review and reports committee: Review and oversight function; plans for fourth annual report; implementation of resolution No. 18; policy on participation of women and minority group members in education R. & D.
10:45-11:30—Status report on FY 1978 budget, FY 1979 budget and alternatives for any necessary replanning; and initial discussion of long-range planning for FY 1980.
11:30—Adjournment.

This meeting will still be open to the public. Further information regarding the meeting and/or seating arrangements can be obtained by contacting Mrs. Ella L. Jones, Administrative Coordinator, at the address or telephone number below:

National Council on Educational Research, National Institute of Education, Washington, D.C. 20208; Telephone 202-254-7900.

Dated: September 6, 1977.

PETER H. GERBER,
Chief, Policy and Administrative Coordination, National Council on Educational Research.

[FR Doc.77-26417 Filed 9-9-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-77-796]

FEDERAL MOBILE HOME PROGRAM

Issuance of Bulletins

AGENCY: Department of Housing and Urban Development.

ACTION: Notice and index of previously issued bulletins.

SUMMARY: The Department issues various interpretations and other bulletins both by publication in the FEDERAL REGISTER and by distributing General Notices that are not published in the FEDERAL REGISTER. When these bulletins are not issued for publication in the FEDERAL REGISTER, the Department, approximately once each calendar quarter, publishes in the FEDERAL REGISTER a notice of their issuance and an index of the subjects. This is an index of all such bulletins issued since January 1, 1977.

DATES: The enforcement dates for these bulletins vary. Anyone who is interested should request a copy of the particular bulletin from the Department.

FOR FURTHER INFORMATION CONTACT:

Russell H. Dawson, Director, Mobile Home Standards Division, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4228, Washington, D.C. 20410 (202-755-5595).

INDEX.—*The following bulletins have been issued as notices since Jan. 1, 1977*

	Subject	Section(s)
A. Interpretations of the Federal Mobile Home Construction and Safety Standards, 24 CFR Pt. 280		
Interpretative bulletins:		
A-1-77	Identification of manufacturer and State of manufacture in the mobile home serial number.	280.6.
A-2-77	Durability of information on data plate	280.5(a).
C-1-77	Smoke detector standard—waiver	280.208(e).
F-1-77	Air infiltration at wall-to-wall, wall-to-ceiling, and wall-to-floor connections.	280.505(a)(2).
G-1-77	Plastic drain line fittings	280.610(g) (2) and (3).
G-2-77	Accessibility to plumbing fixtures	280.607(c)(1).
H-1-77	Clothes dryer/rough-in of moisture lint exhaust duct system	280.708 (b)(3) and (c).
H-2-77	Undercutting of bathroom doors	280.715(b) (1) and (4).
H-3-77	Location of shutoff valves for gas appliances	280.705(l)(3).
I-1-77	Location and type of outdoor receptacle outlet	280.806(d)(8).
I-2-77	External heating or airconditioning wiring protection—waiver.	280.808(k).
B. Interpretations of the Mobile Home Procedural and Enforcement Regulations, 24 CFR Pt. 3282		
Enforcement interpretative bulletins:		
H-1-77	PIA responsibility for documents required to be provided with mobile home.	3282.361 (a) and (c).
H-2-77	IPIA responsibility for application of serial No	3282.362 (c).
C. Bulletins clarifying the application of the Mobile Home Procedural and Enforcement Regulations, 24 CFR Pt. 3282		
Informational bulletins:		
1-77	Applicability of Federal regulations to add-ons	3282.7(b), 3282.8(l).
2-77	Labeling and assignment of serial Nos. to mobile homes damaged in transit.	3282.414(a), 3282.252(a), 3282.362(c)(2)(g).
D. Bulletins concerning the enforcement of Mobile Home Construction and Safety Standards, 24 CFR Pt. 280		
Enforcement bulletins: 77-1	Swingting exterior passage wood doors	280.405(d)(1).

Issued at Washington, D.C., August 29, 1977.

GENO C. BARONI,
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc.77-26276 Filed 9-9-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[SAC 079877]

CALIFORNIA

Partial Cancellation of Partial Termination of Proposed Withdrawal and Reservation of Lands, Correction

SEPTEMBER 2, 1977.

In FR Doc. No. 77-9486, appearing on page 16859 of the Wednesday issue of March 30, 1977, the tenth line of the first paragraph reading the "SE¼SE¼" is corrected to read the "SE¼SW¼".

JOAN B. RUSSELL,
Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc.77-26412 Filed 9-9-77;8:45 am]

[NM 31516]

NEW MEXICO

Application

SEPTEMBER 2, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 9 W.,
Sec. 31, lot 13;
Sec. 32, lots 2 and 3.

This pipeline will convey natural gas across 0.497 mile of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Land and Minerals Operations.

[FR Doc.77-26398 Filed 9-9-77;8:45 am]

[NM 31484, 31511, 31512 and 31514]

NEW MEXICO

Applications

SEPTEMBER 1, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 10 W.,
Sec. 22, lot 1.
T. 32 N., R. 10 W.,
Sec. 28, lot 1.
T. 32 N., R. 11 W.,
Sec. 18, SE¼NW¼.
T. 25 N., R. 12 W.,
Sec. 14, NW¼NW¼;
Sec. 15, N½N½.

These pipelines will convey natural gas across 1.667 miles of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-26413 Filed 9-9-77;8:45 am]

[ES 17763, Survey Group 101]

WISCONSIN

Filing of Plats of Survey

AUGUST 30, 1977.

On July 7, 1977, two plats of dependent resurvey and survey of omitted lands in Sections 17 and 22, T. 33 N., R. 2 E., Fourth Principal Meridian, Wis., were accepted. They will be officially filed in the Eastern States Office, Silver Spring, Md., as of 10 a.m. on October 12, 1977.

For both Sections 17 and 22, the plats represent retracements of the boundaries of the sections and reestablishment of portions of the record meander lines. In order to determine the extent of lands omitted from the original surveys, the plat of Section 17 also represents the survey of the present meander lines of Kettle Lake, and the plat of Section 22 represents the survey of the present meander lines of Kennedy Lake.

The new acreages and lottings, which are shown below, describe lands omitted from the original surveys. They encompass the areas between the reestablished original meander lines, which are now recognized as fixed boundary lines, and the present meander lines of Kettle and Kennedy Lakes. They are described as follows:

FOURTH PRINCIPAL MERIDIAN, WIS.

T. 33 N., R. 2 E.,
Sec. 17; lot 6 (22.87 acres), lot 7 (26.50 acres), lot 8 (25.79 acres);
Sec. 22; lot 7 (20.30 acres), lot 8 (41.90 acres).

The area described aggregates 137.36 acres, more or less.

Lots 6, 7, and 8, Section 17, are hilly with a large second-growth timber consisting of hemlock, ash, aspen, maple

and basswood. Birch and spruce are found in the lower and poorly drained areas. The soil is primarily gravelly clay loam in the uplands and boggy along portions of the shore of Kettle Lake.

Lots 7 and 8, Section 22, are of a rolling nature. Most of Section 22 has vegetation comprised of second growth timber consisting of ash, aspen, balsam, basswood, birch, cedar, maple, spruce, and tamarack. The soil content of Lot 7 is gravelly clay loam, while that of Lot 8 is muskeg.

Lots 6, 7, and 8, Section 17, and Lot 7, Section 22, were determined to be over 50 percent upland in character within the meaning of the Swamplands Act of September 28, 1850. They are, therefore, held to be public land.

For a period of 90 days from October 12, 1977, claimants under the Act of February 27, 1925 (43 Stat. 1013; 43 U.S.C. 994), have a preferred right of application to Lots 6, 7, and 8, Section 17, and Lot 7, Section 22. Claimants under the Act of August 24, 1954 (68 Stat. 789; 43 U.S.C. 1221–1223) have one year from October 12, 1977, to apply for the subject lots. Except for valid existing rights, these lots will not be subject to application, petition, selection, or to any other type of appropriation under any other public land laws, including the mining and mineral leasing laws, until a further order is issued.

Lot 8, Section 22, has been determined to be more than 50 percent swamp in character within the purview of the Swamplands Act of September 28, 1850. Title to this lot inured to the State of Wisconsin as of that date. Therefore, Lot 8 is open only to selection by the State under that Act.

All inquiries relating to these lands should be sent to the Director, Eastern States, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.77-26399 Filed 9-9-77;8:45 am]

Geological Survey

COAL LAND CLASSIFICATION ORDER UTAH NO. 120

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SALT LAKE MERIDIAN, UTAH

COAL LANDS

T. 33 S., R. 1 E., unsurveyed,
Sec. 22;
Sec. 23, W½, SE¼;
Sec. 25, W½, SE¼;
Secs. 26 and 27;
Sec. 28, E½;
Secs. 33 to 36, inclusive.
T. 33 S., R. 2 E., unsurveyed,
Sec. 31, W½, SE¼.
T. 34 S., R. 1 E., unsurveyed,
Secs. 1 to 4, inclusive;
Sec. 5, E½E½;
Sec. 8, NE¼, E½NW¼, SW¼NW¼, S½;
Secs. 9 to 17, inclusive;
Sec. 18, E½NE¼, SW¼NE¼, SE¼NW¼, S½;
Secs. 19 to 34, inclusive;
Sec. 35, N½, SW¼;
HES. 58, 107, 113, 122, and 170.

COAL LAND CLASSIFICATION ORDER UTAH NO. 120

T. 34 S., R. 2 E., unsurveyed,
Sec. 5, SW¼;
Secs. 6 and 7;
Sec. 8, W½, SE¼;
Sec. 9, SW¼;
Sec. 16, S½NE¼, W½, N½SE¼;
Secs. 17 and 18;
Sec. 19, N½, SE¼;
Sec. 20;
Sec. 21, W½;
Sec. 28, N½NW¼;
Sec. 29, N½NE¼, NW¼.
T. 35 S., R. 2 W., partly unsurveyed,
Secs. 9 to 11, inclusive;
Sec. 12, lot 3;
Sec. 13, lots 2 to 4, inclusive, W½NW¼, N½SW¼, N½NW¼SW¼SW¼, NE¼SW¼SW¼, SE¼SW¼;
Secs. 14 to 16, inclusive;
Secs. 21 to 23, inclusive;
Sec. 24, lots 1 to 4, inclusive, SW¼, W½SE¼;
Sec. 25, W½NE¼, W½, W½SE¼, SE¼SE¼;
Secs. 26 to 29, inclusive;
Secs. 32 to 36, inclusive;
HES. 65 in secs. 10 and 11, HES. 89 in sec. 11, HES. 91, HES. 111 in sec. 11 and that part in W½SW¼ of sec. 12, HES. 112, and HES. 134 in sec. 10.
T. 35 S., R. 1 E.,
Sec. 2, lots 3 and 4, SW¼NW¼;
Secs. 3 to 5, inclusive;
Sec. 6, lots 1 to 3, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, NE¼, E½SE¼;
Secs. 8 to 10, inclusive;
Sec. 11, S½NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 12, S½N½, S½;
Sec. 13, N½N½;
Sec. 14, N½, N½S½;
Sec. 15, N½, N½SW¼, SW¼SW¼, N½SE¼;
Secs. 16 and 17;
Sec. 20, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 21;
Sec. 22, W½W½;
Sec. 27, lot 4, W½NW¼, NW¼SW¼;
Sec. 28;
Sec. 29, E½NE¼, NE¼SE¼;
Sec. 33;
Sec. 34, W½NW¼, SW¼, W½SE¼, SE¼SE¼;
HES. 58 in secs. 4 and 5, and HES. 90.
T. 35 S., R. 2 E.,
Sec. 15, SW¼SW¼;
Sec. 16, SE¼SW¼, S½SE¼;
Sec. 20, SE¼NE¼, SE¼;
Secs. 21 and 22;
Sec. 23, SW¼SW¼;
Sec. 25, W½SW¼;
Sec. 26, S½NE¼, W½, SE¼;
Secs. 27 and 28;
Sec. 29, E½, E½W½;
Sec. 31, E½, E½W½;
Secs. 32 to 35, inclusive;
Sec. 36, S½NE¼, W½, SE¼.
T. 36 S., R. 3 W., partly unsurveyed,
Sec. 1;
Sec. 2, lots 1, 2, and 5 to 9, inclusive, SE¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 11, lots 1 to 4 inclusive, E½E½;
Sec. 12, N½NE¼, SW¼NE¼, W½, SW¼SE¼;
Sec. 13, W½NE¼, NW¼, W½SE¼;
Sec. 14, lots 1 and 2, SW¼NE¼.
T. 36 S., R. 2 W., partly surveyed,
Secs. 1 to 6, inclusive;
Sec. 7, W½NE¼, NW¼;
Sec. 8, NE¼, N½NW¼;
Secs. 9 to 14, inclusive;
Sec. 15, N½, N½SW¼, SE¼;
Sec. 16, N½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 22, NE¼;
Secs. 23 to 25, inclusive;
Sec. 26, lots 1 and 2, S½NE¼, SE¼NW¼, S½;
Sec. 35, N½NE¼, SW¼NE¼;
Sec. 36, NE¼, N½SE¼.
T. 36 S., R. 1 W., partly surveyed,
Sec. 5, SW¼SW¼;
Sec. 6, W½, SE¼;
Sec. 7;
Sec. 8, W½NW¼;
Sec. 17, W½, S½SE¼;
Secs. 18 to 20, inclusive;
Sec. 21, S½NE¼, W½, SE¼;
Sec. 22, SW¼, S½SE¼;
Sec. 25, W½SW¼;
Sec. 26, W½NE¼, W½, SE¼;
Secs. 27 to 35, inclusive;
Sec. 36, W½W½.
T. 36 S., R. 1 E., partly surveyed,
Sec. 1, E½, SE¼SW¼;
Sec. 2, W½SW¼;
Sec. 3;
Sec. 4, lots 1 to 3, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 9, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 10;
Sec. 11, W½W½;
Sec. 12, NE¼, NE¼NW¼, S½SW¼, SE¼;
Sec. 13, N½, SW¼, N½SE¼;
Sec. 14, NW¼NW¼, S½N½, S½;
Sec. 15, E½, E½W½;
Sec. 22, NE¼, NE¼NW¼, E½SE¼;
Sec. 23;
Sec. 24, N½NW¼, SW¼NW¼, NW¼SW¼;
Secs. 25 and 26;
Sec. 27, E½NE¼, NE¼SE¼;
Sec. 35, E½, E½W½, NW¼NW¼;
Sec. 36;
HES. 183, 198, and HES. 184 in W½NW¼ sec. 15.
T. 37 S., R. 1 W., partly surveyed,
Sec. 1, W½NW¼, SW¼;
Secs. 2 to 5, inclusive;
Sec. 6, N½, SE¼;
Sec. 8, N½, N½SW¼, SE¼;
Secs. 9 to 11, inclusive;
Sec. 12, W½, W½SE¼;
Secs. 13 to 16, inclusive;
Sec. 17, NE¼, S½;
Sec. 20, NE¼, E½NW¼, SE¼;
Secs. 21 to 28, inclusive;
Sec. 29, N½NE¼, SE¼NE¼;
Sec. 33, NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Secs. 34 to 36, inclusive.
T. 37 S., R. 1 E.,
Sec. 1;
Sec. 2, lots 1 to 3, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 11, E½, E½W½;
Secs. 12 and 13;
Sec. 14, E½, NE¼NW¼;
Sec. 18, lots 2 to 4, inclusive;
Sec. 19;
Sec. 23, E½NE¼, SE¼;
Secs. 24 and 25;
Sec. 26, SW¼, W½SE¼;
Sec. 27, S½SE¼;
Secs. 30 and 31;
Sec. 34, E½;
Secs. 35 and 36.

T. 37 S., R. 4 E., partly unsurveyed,
Sec. 19, S½;
Secs. 30 and 31;
Sec. 32, W½.
T. 38 S., R. 1 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 2;
Sec. 3, lots 1 to 4, inclusive, S½N½, E½ SW¼, SE¼;
Sec. 10, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 11, N½N½, SW¼NW¼;
Sec. 12, NW¼NW¼.
T. 38 S., R. 1 E., partly surveyed,
Secs. 1 and 2;
Sec. 5, W½;
Sec. 6;
Sec. 7, N½N½;
Sec. 8, N½NW¼;
Secs. 11 to 14, inclusive;
Sec. 23, E½;
Secs. 24 and 25;
Sec. 36, E½.
T. 38 S., R. 2 E., partly surveyed.
T. 38 S., R. 3 E.
T. 38 S., R. 4 E.,
Sec. 4, S½;
Secs. 5 to 9, inclusive;
Sec. 15, SW¼;
Secs. 16 to 22, inclusive;
Sec. 23, S½;
Sec. 25, W½, SE¼;
Secs. 26 to 36, inclusive.
T. 38 S., R. 5 E.,
Sec. 31, lots 3 and 4, E½SW¼.
T. 39 S., R. 1 E., partly surveyed,
Sec. 1, lots 1 and 2, S½NE¼, SE¼;
Sec. 5, lots 1 and 2, S½NE¼, SE¼.
T. 39 S., R. 2 E., partly surveyed,
Secs. 1 to 18, inclusive;
Sec. 19, E½;
Secs. 20 to 29, inclusive;
Sec. 30, E½;
Sec. 31, E½;
Secs. 32 to 36, inclusive.
T. 39 S., R. 3 E.
T. 39 S., R. 4 E.
T. 39 S., R. 5 E.,
Sec. 5, S½SW¼;
Secs. 6 and 7;
Sec. 8, W½, SE¼;
Sec. 9, S½;
Sec. 15, W½;
Secs. 16 to 22, inclusive;
Sec. 23, SW¼;
Sec. 26, W½, SE¼;
Secs. 27 to 35, inclusive;
Sec. 36, W½, SE¼.
T. 40 S., R. 2 E., partly surveyed,
Secs. 1 to 5, inclusive;
Sec. 6, E½;
Sec. 7, E½;
Secs. 8 to 17, inclusive;
Sec. 18, E½;
Secs. 20 to 29, inclusive;
Sec. 32, E½;
Secs. 33 to 36, inclusive.
T. 40 S., R. 3 E.
T. 40 S., R. 4 E., partly surveyed.
T. 40 S., R. 5 E.,
Secs. 1 to 23, inclusive;
Sec. 24, N½, SW¼;
Sec. 25, N½NW¼, SW¼NW¼, W½SW¼;
Secs. 26 to 33, inclusive;
Sec. 34, W½.
T. 40 S., R. 6 E., partly surveyed,
Sec. 7, W½;
Sec. 18, W½;
Sec. 19, NW¼.
T. 41 S., R. 2 E., partly surveyed,
Secs. 1 to 4, inclusive;
Sec. 9, E½;
Secs. 10 to 12, inclusive;
Sec. 13, N½N½;
Sec. 14, N½N½;
Sec. 15, N½N½.
T. 41 S., R. 3 E.,
Secs. 1 to 12, inclusive;
Sec. 13, N½N½;
Sec. 14, N½N½;
Sec. 15, N½N½;
Sec. 16, N½N½;
Sec. 17, N½N½;
Sec. 18, N½N½.
T. 41 S., R. 4 E., partly surveyed,
Secs. 1 to 12, inclusive.
T. 41 S., R. 5 E., partly surveyed,
Sec. 3, W½NE¼, W½, W½SE¼;
Secs. 4 to 10, inclusive;
Sec. 11, W½SW¼.

The area described aggregates 389,851 acres, more or less, of which all is classified coal.

Dated: September 2, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-26400 Filed 9-9-77;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, will meet on October 6, 1977, from 9 a.m. to 5 p.m. at the Hospitality House Motor Inn, U.S. 1, Jefferson Davis Highway, Arlington, Va., and on October 7, 1977, from 9 a.m. to 12 p.m. at the National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C.

The major topics of discussion on October 6, 1977, will concern long term and program planning activities of the Institute, and the activities of the Institute's Office of Technology Transfer. The major agenda item on October 7 will be a discussion of the Report of the Committee on Research on Law Enforcement and Criminal Justice of the National Academy of Sciences.

Both meetings are open to the public.

For further information, please contact Blair G. Ewing, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531 (202-376-3606).

JAY BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.77-26403 Filed 9-9-77;8:45 am]

NATIONAL MINORITY ADVISORY COUNCIL ON CRIMINAL JUSTICE

Meeting

This is to provide notice of meeting of the National Minority Advisory Council on Criminal Justice (NMACCJ).

The National Minority Advisory Council will meet on September 23 and 24, 1977. The meeting will be held at the Law Enforcement Assistance Administration, 13th Floor Conference Room, 633 Indiana Avenue NW., Washington, D.C. The meeting is scheduled to run from 12:00 noon on Friday the 23d and from 10:00 a.m. until 5:00 p.m. on Saturday the 24th. The Friday session will be utilized as a quarterly meeting; dealing with Council business only and the Saturday session will be a public hearing with discussion centering on the methodology to be utlized in accomplishing the national needs assessment of minorities and their relationship with the criminal justice system.

Anyone wishing to provide the Council with information or to participate as an observer should contact Mr. Lewis W. Taylor, Special Assistant to the Administrator for Minorities and Women, 633 Indiana Avenue NW., Washington, D.C. 20531, telephone No. 202-376-3936.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.77-26401 Filed 9-9-77;8:45 am]

NATIONAL MINORITY ADVISORY COUNCIL ON CRIMINAL JUSTICE

Meeting

This is to provide notice of meeting of the National Minority Advisory Council on Criminal Justice (NMACCJ).

The National Minority Advisory Council will meet on September 21 and 22, 1977. The meeting will be held at the Hyatt Regency-Chicago, 151 East Wacker Drive, Chicago, Ill. 60601. The meeting is scheduled to run from 6:00 p.m. until 10:00 p.m. on Wednesday the 21st and from 9:00 a.m. until 5:00 p.m. on Thursday the 22d. The meeting will be a public hearing and discussion will center on the methodology to be utilized in accomplishing the national needs assessment of minorities and their relationship with the criminal justice system.

Anyone wishing to provide the Council with information or to participate as an observer should contact Mr. Lewis Taylor, Special Assistant to the Administrator for Minorities and Women, 633 Indiana Avenue NW., Washington, D.C. 20531, telephone No.: 202-376-3936.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.77-26402 Filed 9-9-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 5 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Change of Time

The September 20, 1977 meeting of Working Group No. 5 of the ACRS Subcommittee on Reactor Safety Research has been rescheduled to start at 10 a.m. instead of 8:30 a.m. as announced in the

FEDERAL REGISTER on September 1, 1977, page 44042.

All other matters pertaining to this meeting remain the same.

Dated: September 6, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-26379 Filed 9-9-77;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO., MAINE YANKEE ATOMIC POWER STATION

Order for Modification of License

I

The Maine Yankee Atomic Power Co. (the licensee) is the holder of Facility Operating License No. DPR-36 which authorizes the operation of a nuclear power reactor known as Maine Yankee Atomic Power Station (the facility) at steady state reactor power levels not in excess of 2,440 megawatts thermal (rated power). The facility is a pressurized water reactor (PWR) located at the licensee's site in Lincoln County, Maine.

II

The licensee submitted an Emergency Core Cooling System (ECCS) performance analysis on January 12, 1977, as part of the Cycle 3 reload application. The analysis included a spectrum of seven large breaks performed for the low density fuel operating at a peak linear heat generation rate (PLHGR) of 12.8 kw/ft and eight large breaks for the high density fuel at 16.5 kw/ft. To conservatively account for the fact that the operating coolant inlet temperature is lower than that assumed in the analysis, the Technical Specifications issued May 27, 1977, for the facility limited the PLHGR to 12.4 kw/ft for low density fuel and 16.3 kw/ft for high density fuel.

The ECCS performance evaluation submitted by the licensee was based upon a previously approved ECCS evaluation model developed by Combustion Engineering, Inc. (CE), the designer of the facility, to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50, § 50.46, and Appendix K. The evaluation indicated that with peak linear heat generation rate limited as set forth above, and with the other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform to the criteria contained in 10 CFR § 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long term cooling.

The licensee referenced an October 1, 1974, analysis and a generic analysis by CE, CENPD-137, that demonstrated that smaller breaks are not limiting, and therefore the licensee did not reanalyze the small breaks. The small break analysis assumed that the initial PLHGR was 13.43 kw/ft for break areas of 0.1 and 0.5 ft^2 and 13.14 kw/ft for a break area of 1.0 ft^2.

In light of the recent action taken by the Commission with regard to the Millstone Nuclear Power Station Unit No. 2 (42 FR 39511, dated August 4, 1977), concerning that facility's small break loss of coolant accident (LOCA) analysis, the NRC staff has instructed the licensee to provide a revised LOCA analysis for the high density fuel at the cycle 3 PLHGR for a spectrum of small breaks. The licensee has stated that a preliminary evaluation by CE indicates that the peak clad temperature for a break area of 0.1 ft^2 will be increased about 130° F for the increase in PLHGR of about 3 kw/ft. This results in a peak clad temperature which is below 1,200° F. Based on the results of this evaluation, the staff expects that when final revised calculations for the facility are submitted using the revised plant specific model input data they will demonstrate that operation with a peak linear heat generation rate of 16.3 kw/ft will fully conform to the criteria of 10 CFR § 50.46 (b) and remain non-limiting. Such revised calculations, fully conforming to the requirements of 10 CFR § 50.46, are to be provided for the facility as soon as possible.

Upon notification by the NRC staff on July 21, 1977, the licensee promptly confirmed the conservatism of existing operating limits for the facility and committed by letter dated July 25, 1977, to provide a reanalysis of the small breaks at the increased PLHGR. The NRC staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and are being placed in the Commission's Local Public Document Room, the Wiscasset Public Library Association, High Street, Wiscasset, Maine: (1) Letter dated July 25, 1977, from Maine Yankee Atomic Power Co. to the Office of Nuclear Reactor Regulation, and (2) This Order for Modification of License, In the Matter of Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station), Docket No. 50-309.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered*, That Facility Operating License No. DPR-36 is hereby amended by adding the following new provision:

> As soon as practicable, but no later than October 31, 1977, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with Combustion Engineering Co.'s Evaluation Model approved by the NRC staff encompassing the peak linear heat generation rate described herein.

Dated In Bethesda, Md., this 29th day of August 1977.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.77-26384 Filed 9-9-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.11, Revision 1, "Terrestrial Environmental Studies for Nuclear Power Stations," provides technical information for the design and execution of terrestrial environmental studies for nuclear power stations. The information resulting from these studies will be appropriate for inclusion in an applicant's environmental report, thereby reducing the time required to prepare and review individual license applications. This guide was revised to reflect public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 1st day of September 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-26383 Filed 9-9-77;8:45 am]

[Docket No. STN 50-485]

ROCHESTER GAS & ELECTRIC CORP., ET AL.

Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated August 26, 1977, the Nuclear Regulatory Commission (the Commission) has issued Construction Permit No. CPPR-156 to the Rochester Gas & Electric Corp., Orange & Rockland Utilities, Inc., Central Hudson Gas & Electric Corp., and Niagara Mohawk Power Corp. for construction of a pressuried water nuclear reactor at the applicants' site in Cayuga County, N.Y. The proposed reactor, known as the Sterling Power Project Nuclear Unit No. 1 is designed for a rated power of 3,411 megawatts thermal with a net electric output of 1,150 megawatts.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the construction permit. The application for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permit is effective as of its date of issuance. The earliest date for the completion of the facility is April 1, 1984, and the latest date for completion is April 1, 1986. The permit shall expire on the latest date for completion of the facility.

A copy of (1) the Initial Decision, dated August 26, 1977; (2) Construction Permit No. CPPR-156; (3) the report of the Advisory Committee on Reactor Safeguards, dated October 16, 1975; (4) the Office of Nuclear Reactor Regulation's Safety Evaluation, dated September 5, 1975, and Supplement Nos. 1 and 2 thereto, dated April 14, 1976, and December 1, 1976, respectively; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicants' Environmental Report, dated December 16, 1974, and supplements thereto; (7) the Draft Environmental Statement, dated December 1975; and (8) the Final Environmental Statement, dated June 1976, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and at the Oswego City Library, 120 Second Street, Oswego, N.Y. 13126. A copy of the construction permit may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation (Document No. NUREG-75/082) and its supplements (Document Nos. NUREG-76/0052 for Supplement No. 1 and NUREG-0052 for Supplement No. 2) and the Final Environmental Statement (Document No. NUREG-0075), may be purchased at current rates from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 1st day of September, 1977.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.77-26380 Filed 9-9-77;8:45 am]

[Dockets Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO., AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 26 and 31 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Co. and Wisconsin Michigan Power Co., which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowoc County, Wis. The amendments are effective as of the date of issuance.

These amendments consist of changes to the Technical Specifications that will (1) allow one of the operable auxiliary feedwater pumps to be out of service provided a pump is restored to operable status within 24 hours; (2) revise the wording of the basis for Specification 15.3.7; (3) correct the peak clad temperature noted in the basis of Specification 15.3.10; (4) provide for the use of an optional gamma isotopic analysis of secondary coolant samples in place of a gross beta-gamma activity analysis; (5) involve the necessary approvals for temporary changes to procedures; and (6) revise Section 16.6 of Appendix B.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated May 31, 1977, (2) Amendment No. 26 to License No. DPR-24, (3) Amendment No. 31 to License No. DPR-27, and (4) the Commission's related Safety Evaluaion. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the University of Wisconsin—Stevens Point Library, Attn: Mr. Arthur M. Fish, Stevens Point, Wis. 54481. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 1st day of September 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-26201 Filed 9-9-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE FLOATING NUCLEAR PLANT

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Floating Nuclear Plant will hold an open meeting on September 29, 1977, at the Sheraton Inn, 3535 Quebec Street, Denver, Colo. 80207. The purpose of this meeting is to continue its review of the generic liquid pathway study. The Offshore Power System (OPS) Liquid Pathway Generic Study, Topical Report No. 22A60, dated June 1977, will be the major topic of discussion at this meeting.

The agenda for subject meeting shall be as follows:

THURSDAY, SEPTEMBER 29, 1977

8:30 A.M UNTIL CONCLUSION OF BUSINESS

The Subcommittee, with any of its consultants who may be present, will meet in Executive Session to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet to hear presentations by representatives of the NRC Staff, the Offshore Power Systems, and their consultants, and will hold discussions with these groups pertinent to the review.

At the conclusion of these sessions, the Subcommittee may caucaus to determine whether the matters identified in the initial session have been adequately covered.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy to Mr. Gary R. Quittschreiber, ACRS, NRC, Washington, D.C. 20555. Comments postmarked no later than September 22, 1977, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in OPS Topical Report No. 22A60 available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555; at the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Fla. 32204; at the New Orleans Public Library, Business and Science Division, 219 Loyola Avenue, New Orleans, La. 70240; and at the Stockton State College Library, Pomona, N.J. 08240.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 28, 1977, to the Office of the Executive Director of the Committee, telephone 202-634-1374, Atten.: Mr. Gary R. Quittschreiber, between 8:15 a.m. and 5 p.m., e.d.t.

(d) Questions may be asked only by members of the Subcommittee, its consultants, and the Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc. being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript and a copy of the minutes of the meeting will be available for inspection on or after October 6 and December 29, 1977, respectively, at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555; at the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Fla. 32204; at the New Orleans Public Library, Business and Science Division, 219 Loyola Avenue, New Orleans, La. 70140; and at the Stockton State College Library, Pomona, N.J. 08240.

Copies may be obtained upon payment of appropriate charges.

Dated: September 7, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-26516 Filed 9-9-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP NO. 4 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), Working Group No. 4 of the ACRS Subcommittee on Reactor Safety Research will hold a meeting on September 28-29, 1977 in Room 1046, 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to review the NRC sponsored research on advanced reactor technology.

The agenda for the subject meeting shall be as follows:

WEDNESDAY, SEPTEMBER 28, AND THURSDAY, SEPTEMBER 29, 1977

8:30 A.M. UNTIL CONCLUSION OF BUSINESS EACH DAY

The Working Group may meet in open Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will meet in open session to hear presentations by and to hold discussions with representatives of the NRC Staff, their consultants, and with representatives of other organizations participating in research on advanced reactor technology.

At the conclusion of these sessions, the Working Group may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c) (4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committe's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy adressed to Dr. Richard P. Savio, ACRS, NRC, Washington, D.C. 20555. Comments postmarked no

later than September 21, 1977, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the beginning of the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 27, 1977, to the Office of the Executive Director of the Committee, telephone 202-634-1394, Attn.: Dr. Richard P. Savio, between 8:15 a.m. and 5 p.m. e.d.t.

(d) Questions may be asked only by members of the Working Group, its consultants, and the Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc., being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. John C. McKinley, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after October 6, and December 29, 1977, respectively, at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: September 7, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-26517 Filed 9-9-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP NO. 2 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH AND THE REACTOR FUEL SUBCOMMITTEE

Meeting Change

The location of the two-day meeting of Working Group No. 2 of the Reactor Safety Research Subcommittee and the Reactor Fuel Subcommittee has been changed as follows:

September 22, 1977: The meeting will be held at the Le Baron Hotel, 1350 North First Street, San Jose, Calif. 95112.

September 23, 1977: The meeting will be held at the Electric Power Research Institute, 3460 West Bayshore Drive, Palo Alto, Calif. 94303.

The agenda for both days remains the same as announced in the FEDERAL REGISTER on September 1, 1977, page 44041.

All other matters pertaining to this meeting also remain the same.

Dated: September 8, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-26608 Filed 9-9-77;9:43 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

EARTHQUAKE HAZARDS REDUCTION ADVISORY GROUP

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Earthquake Hazards Reduction Advisory Group.

DATE: September 28, 1977.

TIME: 9 a.m to 4 p.m

PLACE: Room 3104, New Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C.

TYPE OF MEETING: Open.

CONTACT PERSON:

Mr. William Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

SUMMARY MINUTES: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

PURPOSE OF ADVISORY COMMITTEE: The Office of Science and Technology Policy, in accordance with the statutory mandate to analyze and interpret significant developments and trends in science and technology and relate these to their impact on the achievement of national goals and objectives, is reviewing the activities and plans appropriate to the Federal, State, local governmental units, and the private sector for the implementation of actions derived from a comprehensive program of research in earthquake prediction, earthquake hazards assessment and earthquake disaster mitigation.

AGENDA: 9 a.m. to 4 p.m.—a discussion of draft materials prepared as part of the policy review process for the President.

WILLIAM MONTGOMERY,
Executive Officer.

[FR Doc.77-26493 Filed 9-9-77;8:45 am]

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF DEFENSE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Working Group on Basic Research in the Department of Defense.

DATE: December 5 and 6, 1977.

TIME: 9 a.m. to 4 p.m.

PLACE: Room 3104, New Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C. 20500.

TYPE OF MEETING: Open.

CONTACT PERSON:

Dr. William P. Raney, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-3934.

SUMMARY MINUTES: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

PURPOSE OF ADVISORY COMMITTEE: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in the DOD is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.

AGENDA: 9 a.m. to 4 p.m. Planning meeting to discuss detailed objectives of the study, methods of approach, and work schedule and assignments.

WILLIAM MONTGOMERY,
Executive Officer.

[FR Doc.77-26494 Filed 9-9-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORTS DISTRICT OFFICE AT DENVER, COLO.

Closing

Notice is hereby given that on or about September 16, 1977, the Airports District Office at Denver, Colo., will be closed. Service to the aviation public of Colorado and Wyoming, formerly provided by the office will be provided by the Regional Office in Aurora, Colo. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Aurora, Colo., on August 30, 1977.

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

[FR Doc.77-26378 Filed 9-9-77;8:45 am]

AIRPORTS DISTRICT OFFICE AT PIERRE, S. DAK.

Closing

Notice is hereby given that on or about September 16, 1977, the Airports District Office at Pierre, S. Dak., will be closed. Service to the aviation public of South Dakota, formerly provided by this office, will be provided by the Regional Office in Aurora, Colo. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Aurora, Colo., on August 30, 1977.

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

[FR Doc.77-26376 Filed 9-9-77;8:45 am]

AIRPORTS DISTRICT OFFICE AT SALT LAKE CITY, UTAH

Closing

Notice is hereby given that on or about September 16, 1977, the Airports District Office at Salt Lake City, Utah, will be closed. Service to the aviation public of Utah, formerly provided by this office, will be provided by the Regional Office in Aurora, Colo. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Aurora, Colo., on August 30, 1977.

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

[FR Doc.77-26377 Filed 9-9-77;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS-77-13]

GOODWIN RAILROAD CO.

Petition for Exemption From the Hours of Service Act

The Goodwin Railroad has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, as amended, 45 U.S.C. 61-64(b).

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-77-13, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before October 15, 1977, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C., on September 1, 1977.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc.77-26420 Filed 9-9-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[TMK-2-R:E:R]

BOHN REX-ROTARY

Application for Recordation of Trade Name

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Bohn Rex-Rotary used by Bohn Rex-Rotary Division of Sheller-Globe Corp., a corporation organized under the laws of the State of Ohio, located at 1505 Jefferson Avenue, P.O. Box 962, Toledo, Ohio 43697.

The application states that the trade name is applied to mimeostencil duplicators, electrostatic copiers, offset duplicators, electrostatic and aluminum offset plate makers, electric stencil cutters for mimeo duplicators and spirit duplicators, manufactured in Denmark. The application states further that no foreign person, partnership, association or corporation is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than October 12, 1977.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

DONALD W. LEWIS,
Acting Assistant Commissioner,
Regulations and Rulings.

SEPTEMBER 6, 1977.

[FR Doc.77-26421 Filed 9-9-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 478]

ASSIGNMENT OF HEARINGS

SEPTEMBER 7, 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 cancelation 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 15651 (Sub-No. 29), Kaney Transportation, Inc., now being assigned November 29, 1977 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 107515 (Sub-No. 1064), Refrigerated Transport Co., Inc., now being assigned December 1, 1977 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 140134 (Sub-No. 7), Caldarulo Trading Co., Inc., now being assigned December 5, 1977 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 106674 (Sub-No. 226), Schilli Motor Lines, Inc., now being assigned December 7, 1977 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 135236 (Sub-No. 17), Logan Trucking, Inc., now assigned October 3, 1977, at New York, N.Y., is postponed indefinitely.

MC 113651 (Sub-No. 217), Indiana Refrigerator Lines, Inc., now assigned October 18, 1977, at New York, N.Y., is postponed indefinitely.

MC 133095 (Sub 130), Texas-Continental Express, Inc., now assigned September 12, 1977, at Dallas, Tex., is cancelled, application dismissed.

MC 143305 John H. Schuffer and Robert W. Hanna, d.b.a. John & Bob's Auto Service, now being assigned October 18, 1977 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 140054 (Sub-No. 1), Z & S Construction Co., Inc., now assigned September 12, 1977, at Denver, Colo., is canceled and application dismissed.

MC-C-9754, *Carolina Coach Co., Inc.* v. *Hopkins Motor Coach, Inc.*, now being assigned November 15, 1977 (3 days), at Salisbury, Md., in a hearing room to be later designated.

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

[FR Doc.77-26496 Filed 9-9-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 7, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice

(49 CFR 1100.40)and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43428—*Joint Rail-Water Container Rates—Baltic Shipping Co.* Filed by Baltic Shipping Co., (No. 105), for itself and interested rail carriers. Rates on general commodities, betwen railroad terminals at U.S. Pacific Coast ports, and ports in Continental Europe, United Kingdom, Black Sea, Scandinavia, Denmark, the U.S.S.R., and the Middle East (Westbound only).

Grounds for relief—Water competition.

Tariffs—Baltic Shipping Co. tariffs Nos. 4, 5, and 6, I.C.C. Nos. 4, 5, and 6, F.M.C. Nos. 34, 33, and 38, respectively. Rates are published to become effective on October 2, 1977.

By the Commission.

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

[FR Doc.77-26498 Filed 9-9-77;8:45 am]

[Notice No. 111TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 5, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41404 (Sub-No. 129TA), filed August 12, 1977. Applicant: ARGO-COLLIER TRUCK LINES CORP., P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food ingredients* (except oleomargarine, shortening, and salad oils, and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plant and storage facilities of Archer Daniels Midland Co. at Decatur, Ill., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Archer Daniels Midland Co., P.O. Box 1470, Decatur, Ill. 62525. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, Tenn. 38103.

No. MC 51146 (Sub-No. 518TA), filed August 11, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Plover, Wis., to points in Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Great American Basic Commodities, Inc., 1001 Hoover Road, Plover, Wis. 54467 (Dean W. Bledsoe). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 82079 (Sub-No. 51TA), filed August 11, 1977. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food products in mechanically refrigerated vehicles*, except in bulk, from the plantsites and warehouse facilities of Ore-Ida Foods, Inc., in Greenville, Mich., to points in Ohio, Indiana, and Illinois, restricted to traffic originating at Greenville, Mich., and destined to points in the named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ore-Ida Foods, Inc., Boise, Idaho 83707. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 99427 (Sub-No. 37TA), filed August 11, 1977. Applicant: ARIZONA TANK LINES, INC., 666 Grand Avenue, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alkaline copper solution*, liquid, in bulk, in tank vehicles, from Pima County, Ariz., to Luna County, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Allied Precious Metals Recycling Co., P.O. Box 26726, Tucson, Ariz. 85726. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 106074 (Sub-No. 38TA), filed August 15, 1977. Applicant: B AND P MOTOR LINES, INC., Oakland Road, P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber, kiln dried and cut to size*, from Ashland, Oreg., to the plantsite of All Wood Products Mfg. Corp., at or near Hudson, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): All Wood Products Mfg. Corp., P.O. Box 338, Hudson, N.C. 28638. Send protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, 800 Briar Creek Road, Mart Office Bldg., Room CC-516, Charlotte, N.C. 28205.

No. MC 113024 (Sub-No. 152TA), filed August 16, 1977. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S. Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: S. W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic yarn*, from Front Royal, Va., to McCook and Alliance, Nebr.; (2) *steel wire*, from Mt. Joy, Pa., to Alliance, Nebr., and (3) *uncured rubber*, in cartons, from Elizabeth, N.J., to McCook, Nebr., under a continuing contract, or contracts, with Electric Hose & Rubber Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. Fred H. Evick, Distribution Director, Electric Hose & Rubber Co., P.O. Box 910, Wilmington, Del. 19899. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 114604 (Sub-No. 49TA), filed August 11, 1977. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer 1, Building 33 State Farmers Market, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used ,sold or dealt in by

wholesale, retail and chain grocery and food business houses, from points in Alabama, Texas, Ohio, Arkansas, Louisiana, Kentucky, Tennessee, Missouri, Georgia, Florida, West Virginia, Virginia, North Carolina, South Carolina, and District of Columbia, to the warehouses, storage and distribution facilities of Colonial Stores, Inc., at Atlanta, Ga., Thomasville, Ga.; Columbia, S.C.; Raleigh, N.C.; and Norfolk, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Colonial Stores, Inc., 2251 N. Sylvan Road, Atlanta, Ga. 30302. Send protests to: Terrecia L. Standridge, Transportation Assistant, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 114604 (Sub-No. 50TA), filed August 12, 1977. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer 1, Building 33 State Farmers Market, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned or preserved* (except frozen), from the plantsite of Joan of Arc Co., Inc., at or near Turkey, N.C., to points in South Carolina, Florida, Georgia, Alabama, and Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Joan of Arc Co., Inc., 2231 W. Altorfer Drive, Peoria, Ill. 61614. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309

No. MC 117439 (Sub-No. 53TA), filed August 11, 1977. Applicant: BULK TRANSPORT, INC., P.O. Box 1429, 5500 Florida Blvd., Baton Rouge, La. 70821. Applicant's representative: John Schwab, P.O. Box 3036, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk and in bags, from all points and places in La., to all points and places in Mississippi, Alabama, Arkansas and Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Morton Chemical, 110 North Wacker Drive, Chicago, Ill. 60606. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Avenue, 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 118989 (Sub-No. 163TA), filed August 15, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 N. LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plantsite of American Can Co. at Memphis, Tenn., to Nashua, N.H., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Can Co., 915 Harger Road, Oak Brook, Ill. 60521. (Wm. Frazier) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 119493 (Sub-No. 157TA), filed August 10, 1977. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th St., Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, screws and fasteners, paint in containers*, (other than bulk in tank vehicles), from Chicago, Ill., and its commercial zone, East St. Louis, Ill., and its commercial zone, Mansfield, Ohio, Tulsa and Catoosa, Okla., to facilities of Neosho Products Co., Division of Sunbeam Corp. located at or near Neosho, Mo., for 180 days. Supporting shipper: Neosho Products Co., P.O. Box 622, Neosho, Mo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 140029 (Sub-No. 7TA), filed August 17, 1977. Applicant: CLIFFORD H. HALL, INC., Pearl Street, Bliss, N.Y. 14024. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silage additives*, from Arcade (Wyoming County), N.Y., to points in West Virginia, Virginia and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ruminant Nitrogen Products Co. Box 351, Arcade, N.Y. 14009. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 141914 (Sub-No. 17TA), filed August 19, 1977. Applicant: FRANKS AND SON, INC., Rt. 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Gary Brasel, Mezzanine Floor, Beacon Building, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molded pulp articles, plastic plates, knives and spoons*, from Waterville, Maine to Alabama, Florida, Georgia, North Carolina and South Carolina, for 180 days. Supporting shipper(s): Keyes Fibre Co. College Avenue, Materville, 04901. Send protests to: Joe Green District Supervisor, Room 240, Old Post Office Bldg, 215 N.W. 3 Street, Oklahoma City, Okla. 73102.

No. MC 142126 (Sub-No. 3TA), filed August 19, 1977. Applicant: FOAM TRANSPORT, INC., Dundee Park, Andover, Me. 01810. Applicant's representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, Me. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam*, between the facilities of GSF Corp., located at or near Andover, Me., on the one hand, and, on the other, Landover, Md., under a continuing contract, or contracts, with GSF Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): GSF Corp. 44 Lowell Junction Road, Andover, Me. 01810. Send protests to: Max Gorenstein District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, Mass. 02114.

No. MC 142346 (Sub-No. 3TA), filed August 17, 1977. Applicant: LARMER TRANSFER CO., 90129 Prairie Road, Box 706, Eugene, Oreg. 97401. Applicant's representative: Russell M Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel plate, angle iron, bars, pipe and channel*, from the plantsite of Farwest Steel Corp. at Eugene, Oreg., to Boise, Idaho, under a continuing contract, or contracts, with Farwest Steel Corp. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Farwest Steel Corp., P.O. Box 889, Eugene, Oreg. 97401. Send protests to: A. E. Odoms District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S. W. Yamhill Street, Portland, Oreg. 97204.

No. MC 143500 (Sub-No. 1TA) filed August 16, 1977. Applicant: R. B. CARRIERS, INC., 4425 Highway 31E, Jeffersonville, Ind. 47130. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures and fittings and related equipment*, from the plantsites and storage facilities of American Standard, Inc., at Tiffin, Ohio, and Louisville, Ky. to points in and west of Montana, Wyoming, Colorado and N. Mex., under a continuing contract, or contracts, with American Standard, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Standard Inc. P.O. Box 2003, New Brunswick, N.J. 08903. Send protests to: William S. Ennis District Supervisor, Interstate Commerce Commission, Federal Building & U. S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 143504 (Sub-No. 2TA), filed August 16, 1977. Applicant: VERNON CAMPBELL, d.b.a., CAMPBELL TRUCKING, P.O. Box 234, Preston, Iowa 52069. Applicant's representative: James M. Hodge, 1980 Financial

Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural concrete products*, from Maquoketa, Iowa, to points in Illinois, restricted to transportation service provided under a continuing contract, or contracts, with F&W Sales, Inc., of Maquoketa, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 lays of operating authority. Supporting shipper(s): F & W Sales, Inc., P.O. Box 545, Salem, S. Dak. 57058. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 143547R (Sub-No. 1 TA), filed August 19, 1977. Applicant: GRADY WALKER, d.b.a. GRADY WALKER USED CARS, Northeast 28th Street, Fort Worth, Tex. 76117. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles*, from Boston, Mass.; Detroit, Mich.; and Chicago, Ill., to Dallas, Tex., under a continuing contract or contracts, with Texas Vehicle Management, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Texas Vehicle Management, Inc. 3504 Belt Line Road, Dallas, Tex. 75234. E. K. Arledge, Inc. 525 N. Interurban, Richardson (Dallas) Tex. 75080. Send protests to: Robert J. Kirspel District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 143582 (Sub-No. 1TA), filed August 17, 1977. Applicant: CHARLES McCULLOUGH, d.b.a. CHARLIE McCULLOUGH TRUCKING, Glenfield, N. Dak. 58102. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down steel farm storage structures and parts and acessories* for knocked down steel farm storage structures, from Morton and Taylorville, Ill., and Falls City, Nebr., to points in Barnes, Cass, Steele and Traill Counties, N. Dak., under a continuing contract, or contracts, with E.E.E., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): E.E.E., Inc., Page, N. Dak. 58064. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 143610TA, filed August 12, 1977. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, Ariz. 85301. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Belledeau and St. Francisville, La., and their respective commercial zones, to points in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyo., under a continuing contract, or contracts, with Joan of Arc Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Joan of Arc Co., 2231 West Altorfer Drive, Peoria, Ill. 61614. (Douglas H. Wiggins) Send protests to: Andrew V. Baylor District Supervisor, Interstate Commerce Commision, Room 2020, Federal Building, 230 North 1st Avenue, Phoenix, Ariz. 85025.

No. MC 143619TA, filed August 18, 1977. Applicant: PALS FARMS, INC., R.F.D., Alexander, Iowa 50420. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Rowan, Iowa, to points in Minn., on and south of U.S. Highway 212, restricted to transportation service, under a continuing contract, or contracts, with Cargill, Inc., of Rowan, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cargill, Inc. P.O. Box 178, Rowan, Iowa. 50470. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa. 50309.

PASSENGER APPLICATION

No. MC 143611TA, filed August 16, 1977. Applicant: CALVIN A. REINBOLD, d.b.a. SPORT TOURS, 1402 Liberty Avenue, Allentown, Pa. 18102. Applicant's representative: James W. Paterrson, 1200 Western Savings Bank Bldg., Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, limited to the transportation of no more than fourteen (14) passengers in any one vehicle (excluding the driver and nonseated children under 10 years of age), in special and charter operations, between Allentown, Pa., and John F. Kennedy International Airport, Jamaica, N.Y., for 180 days. Supporting shipper(s): There are 16 statements attached to the application. They are available at the Philadelphia field office for inspection. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

By the Commission

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

[FR Doc.77-26497 Filed 9-9-77;8:45 am]

[Notice No. 220]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed unde section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission by October 12, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77168, filed May 23, 1977. Transferee: SERV-U, INC., 6640 Quad Avenue, Baltimore, Md. 21237. Transferor: Red Line, Inc., 2310 Orange Avenue, P.O. Box 151, Roanoke, Va. 24002. Applicants' representative: Wilmer B. Hill, 666 11th Street NW., Washington, D.C. 20001; William O. Turney, 7101 Wisconsin Avenue, Washington, D.C. 20014; William J. Little, 10 East Baltimore Street, Suite 1212, Baltimore, Md. 21202. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 66571, issued June 26, 1941, as follows: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between Baltimore, Md., and Washington, D.C., as follows: From Baltimore over U.S. Highway 1 to Washington, D.C., and return over the same route. Service is authorized to and from all intermediate

points on the above-specified route, and the off-route point of Annapolis, Md.; *general commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between Baltimore, Md., on the one hand, and, on the other, points and places in Maryland within ten miles of Baltimore. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77263, filed August 14, 1977. Transferee: BOLLMAN CHARTER SERVICE, INC., R.D. No. 1, Route 1, Everett, Pa. 15537. Transferor: Stanley Bollman, doing business as Bollman Charter Service, R.D. No. 1, Route 1, Everett, Pa. 15537. Applicant's representative: William A. Gray, Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15129. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 127120, MC 127120 (Sub-No. 1), and MC 127120 (Sub-No. 2) issued November 4, 1977, August 4, 1972, and January 27, 1977, respectively, as follows: *Passengers and their baggage*, in the same vehicle with passengers, in roundtrip charter operations, over irregular routes, beginning and ending at points in Bedford County, Pa., and extending to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Virginia, West Virginia, Kentucky, Indiana, Ohio, the lower peninsula of Michigan, and the District of Columbia; *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in roundtrip sightseeing and pleasure tours, over irregular routes, beginning and ending at Bedford and Everett, Pa., and extending to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in roundtrip sightseeing and pleasure tours, over irregular routes, beginning and ending at points in Bedford County, Pa., and extending to points in Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77268, filed August 18, 1977. Transferee: ALL NEW ENGLAND VAN LINES, INC., 50 Hurley Circle, Marlboro, Mass. 01752. Transferor: Howard E. Bamforth and Richard Bamforth, a partnership, doing business as H. E. Bamforth & Son, 313 Brookline Avenue, Needham, Mass. 02192. Applicant's representatives: Frank J. Weiner, attorney for transferee, 15 Court Square, Boston, Mass. 02108; George C. O'Brien, attorney for transferor, 15 Court Square, Boston, Mass. 02108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 94207, issued December 5, 1949, as follows: *Household goods*, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over irregular routes, between points and places in Massachusetts, on the one hand, and on the other, points and places in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New York. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77269, filed August 18, 1977. Transferee: COLUMBIA TRUCKING, INC., 3333 Sheffield Avenue, Hammond, Ind. 46320. Transferor: B. T. Services, Inc., doing business as Columbia Trucking, Inc., 3333 Sheffield Avenue, Hammond, Ind. 46320. Applicant's representative: Richard A. Kerwin, Burke, Kerwin & Towle, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 118612 (Sub-No. 2), issued June 15, 1973, as follows: *Asphalt and tar*, in bulk, in tank vehicles, from Gary, Whiting, East Chicago, and Hammond, Ind., to points in Cook, Du Page, McHenry, Will, Winnebago, Kane, De Kalb, Kankakee, Kendall, and Grundy Counties, Ill.; and *crude coal tar*, in tank vehicles, from the plant site and storage facilities of Bethlehem Steel Corp. at Burns Harbor, Ind., to Cicero, Ill. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77279, filed August 23, 1977. Transferee: DICK IRVIN, INC., 218 12th Avenue North, Shelby, Mont. 59474. Transferor: Robert Schmidt Trucking, Ltd., Manning, Alberta, Canada. Applicant's representative: Charles R. Irvin, President, 218 12th Avenue North., Shelby, Mont. 59474. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 136242, issued July 16, 1973, as follows: *Used farm machinery and used road building equipment* from points in Montana to ports of entry on the United States-Canada boundary line located in Montana. Transferee is presently authorized to operate as common carrier under Certificate No. MC 119634 and subs thereafter. Application has not been filed for temporary authority under section 210a (b).

No. MC-FC-77282, filed August 24, 1977. Transferee: R. L. C. TRUCKING, INC., 21 Edythe Lane, Peabody, Maine 01960. Transferor: H. E. Cohen, 21 Edythe Lane, Peabody, Maine 01960. Applicants' representative: Ronald I. Shapss, attorney at law, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 139552, issued December 4, 1974, as follows: *General commodities*, except those of unusual value, high explosives, household goods as defined by the Commission, and commodities requiring special equipment, between points in Bergen, Hudson, Passaic, Union, and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y. (except points in Nassau County, N.Y., within the New York, N.Y., Commercial Zone, as defined by the Commission). Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

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

[FR Doc.77-26495 Filed 9-9-77;8:45 am]

[I.C.C. Order No. 37 Under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads:

In the opinion of Joel E. Burns, Agent, the Atchison, Topeka, and Santa Fe Railway Co. and the Chicago, Rock Island, and Pacific Railroad Co. are unable to transport traffic to and from Texas City, Tex., because of high water and flooding.

It is ordered, That:

(a) The Atchison, Topeka, and Santa Fe Railway Co., and the Chicago, Rock Island, and Pacific Railroad Co., being unable to transport traffic to and from Texas City, Tex., because of high water and flooding, these lines and their connections are 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 shapper 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 division of 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 5 p.m., August 30, 1977.

(g) Expiration date: This order shall expire at 11:59 p.m., September 7, 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 railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 30, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-26499 Filed 9-9-77;8:45 am]

NOTICE TO INTERESTED PARTIES OF MODIFICATION OF THE PROCEDURE FOR CHANGING NAMES OF CARRIERS AND SHIPPERS IN OPERATING RIGHTS

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 6th day of September 1977.

Pursuant to a recommendation of the Commission's Staff Task Force on Improving Motor Carrier Entry Regulation, the Commission has decided to modify the procedure through which changes in carriers' and shippers' names in operating rights are effected. In the past, requests for such changes have been disposed of through issuance of various types of formal orders. These new procedures will also apply to strictly legal changes in the identification of a carrier. In the interest of efficiency and to better serve the public, on September 6, 1977, the Commission approved the following informal procedure to be utilized in the disposition of such requests in administratively final proceedings.

(1) Requests for changes in carriers' or shippers' names in certificates, permits, or licenses must be accompanied by a letter (an original and one copy) explaining fully the circumstances and reasons for such requests. The letter requests need not be verified or notarized.

(2) Filing fees will be waived for changes sought in administratively final proceedings.

(3) Requests will be examined by the Office of Proceedings, which will either issue a modified certificate, permit, or license, or, if the requested change is unacceptable, will inform the person requesting the change by letter of the reason for its unacceptability.

The foregoing procedure for the processing of requests for changes of names of carriers and shippers shall become effective on October 1, 1977.

By the Commission (Commissioners Murphy and Christian not participating).

Dated: September 6, 1977.

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

[FR Doc.77-26500 Filed 9-9-77;8:45 am]

[No. MC-F-8531 and F.D. No. 22739]

CALIFORNIA PARLOR CAR TOURS COMPANY—PURCHASE—THE GREYHOUND CORPARATION ET AL.

AGENCY: Interstate Commerce Commission.

ACTION: Further consideration of certain related proceedings.

SUMMARY: The Commission is reopening the proceedings involving the Greyhound Corp. to re-evaluate whether the Greyhound Corp., a non-carrier holding company, should continue to be subject to the securities jurisdiction of the Commission.

DATES: Notices of intent to comment must be received on or before September 27, 1977; verified statements must be received on or before October 27, 1977; and replies thereto must be received on or before November 16, 1977.

ADDRESS: Notices of intent, verified statements and replies should refer to docket No. MC-F-8531 and F.D. No. 22739. An original and ten copies should be submitted to the Office of Proceedings, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

G. Marvin Bober, Esq., Acting Deputy Director, Section of Finance, Interstate Commerce Commission, Washington, D.C. 20423, (202-275-7564).

SUPPLEMENTARY INFORMATION: By order of the Commission served August 26, 1977, the proceeding in No. MC-F-8531, California Parlor Car Tours Co. —Purchase—The Greyhound Corp. and Finance Docket No. 22739, California Parlor Car Tours Co.—Assumption of Obligations, was reopened for further consideration to allow further comments concerning the extent to which the Commission should continue to subject the Greyhound Corp., a non-carrier holding company, to the jurisdiction of the Commission, as a motor carrier, with respect to securities issuances pursuant to the provisions of section 214 of the Interstate Commerce Act. The order presents three issues to which any interested person may comment on pursuant to the modified procedure schedule established herein. The three issues are:

(1) What criteria should be applied in determining whether a non-carrier holding company should be considered a carrier and subjected to the provisions of sections 20a and 214 of the Interstate Commerce Act?

(2) Do Greyhound Corp. and its subsidiaries occupy a *sui generis* position in the motor carrier bus industry?

(3) If it is found that Greyhound does occupy a *sui generis* position in the motor carrier bus industry, must the criteria applicable to other carriers be applied to the Greyhound Corp. and its subsidiaries in order to subject them to the provisions of sections 20a and 214 of the Interstate Commerce Act?

Any interested person, who is not already a party of record in this proceeding, must file with the Commission and Greyhound Corporation's representative (W. L. McCracken, Greyhound Tower, Phoenix, Ariz. 85077) a notice of intent to comment on the above-mentioned issues on or before September 27, 1977. (Certification of service upon Greyhound Corporation's representative must appear in the notice filed with the Commission.) Within 10 days thereafter the Commission shall supply all parties of record and parties who have filed the above-mentioned notice of intent with a copy of the service list. On or before October 27, 1977, all the parties of record and interested parties who filed notices as described above may file with the Commission verified statements in response to the three above-noted issues raised by the Commission. Copies of these statements should be sent to all parties, including those presently of record and those who subsequently file notices of intent to comment. On or before November 16, 1977, any of the participating parties which filed verified statements may file replies to the other parties initial verified statements. Copies of these replies should be sent to all the participating parties which filed opening verified statements as well as the Commission. Satisfaction of the aforesaid service requirements relating to verified statements shall be certified on the copy of each verified statement filed with the Commission.

All participating parties must comply with the applicable provisions of § 1100.45(b), and § 1100.47-1100.54, inclusive of the Commission's General Rules of Practice relating to the modified procedure, except that the original and ten copies of any statement made pursuant to § 1100.51 shall be filed with the Commission.

Except for good cause shown, preliminary motions and requests for cross-examination of witnesses or for other relief will not be acted upon prior to the date on or before which all verified statements are required to be filed.

By the Commission.

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

[FR Doc.77-26504 Filed 9-9-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

SEPTEMBER 6, 1977.

DELETION OF ITEM FROM THE SEPTEMBER 8, 1977, MEETING AGENDA

TIME AND DATE: 10 a.m., September 8, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 4. General Fare increase proposed by Eastern (BFR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary 202-673-5068.

SUPPLEMENTARY INFORMATION: The Board has determined to delete this item from the September 8, 1977, agenda so that, consistent with its established policy, it may evaluate the proposed increases on the basis of June data which only recently became available. The following Members have voted that agency business requires the deletion of item 4 from the September 8, 1977, agenda and that no earlier announcement of this change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S-1279-77 Filed 9-8-77;9:08 am]

2

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: September 15, 1977. 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th St. N.W., Washington, D.C.

STATUS: Part open, part closed.

MATTERS TO BE CONSIDERED:

A. Open to the Public.

1. *Petition on Recall Cards AP 77-1.* In this petition, Paul Foldes, of Arlington, Va., has asked the Commission to require manufacturers and distributers to include pre-addressed, postage-paid "recall" cards with all consumer products.

2. *Final Regulations on Alternate Laundering Procedures for Children's Sleepwear Standards.* The staff has prepared a draft final regulation on alternate laundering procedures used to meet the laundering requirements of the children's sleepwear standards.

3. *Analysis of Possible Amendments to Children's Sleepwear Standards.* This staff analysis considers possible modifications to the two children's sleepwear standards which would maintain the level of protection afforded by the standards and at the same time address the problems resulting from the use of flame-retardant chemicals.

4. *Draft Labeling Rule for Clothing Containing Flame Retardants.* The Commission will consider a draft rule requiring clothing containing flame retardants to be labeled with the name of the chemical.

5. *Options on Upholstered Furniture Flammability.* The staff has prepared for Commission consideration a discussion paper relating to various options for Commission action on upholstered furniture flammability.

6. *California Upholstered Furniture Petition FP 77-2.*) The petitioner Howard C. Winslow, Chief of California Bureau of Home Furnishing, requests the Commission to adopt the California upholstered furniture regulations, as the national standard.

B. Closed to the Public.

7. *Freedom of Information Appeal, Aluminum Wiring.* The Commission will consider an appeal from a Freedom of Information request denial for information relating to a survey on aluminum wire in Montgomery County, Md., and solicitations relating to an additional survey.

8. *Recommended Prosecution, Prescription Drugs (OS Package No. 432).* The Commission will consider a possible prosecution for an alleged violation of the Poison Prevention Package Act.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th St. NW., Washington, D.C. 20207. Telephone: 202-634-7700.

[S-1273-77 Filed 9-7-77;12:11 pm]

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Wednesday, September 14, 1977.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: A part of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion open to the public:

Proposed work-sharing agreements between EEOC and the following five State or local agencies, for handling charges of discrimination:

1. Maryland Commission on Human Relations.
2. Baltimore (Maryland) Community Relations Commission.
3. Montgomery County (Maryland) Human Relations Commission.
4. Illinois Fair Employment Practices Commission.
5. Fort Worth (Texas) Human Relations Commission.

Portions closed to the public:

(1) Litigation Authorization; General Counsel Recommendations. Matters closed to the public under Sec. 1612.13 (a) of the Commission's regulations (42 FR 13830, March 14, 1977).

(2) Proposed time-phased plan for implementation of new compliance and litigation procedures in all EEOC field offices. This matter was originally announced for consideration at an open meeting scheduled for September 6, but postponed. A majority of the entire membership of the Commission determined by a recorded vote that the status of this portion of the meeting should be closed to the public. The vote was as follows:

In favor of change in status:

Eleanor Holmes Norton, Chair
Ethel Bent Walsh, Commissioner
Daniel E. Leach, Commissioner

Opposed: None.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This Notice Issued September 7, 1977.

[S-1281-77 Filed 9-8-77; 10:17 am]

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, at 2:10 p.m. on Tuesday, September 6, 1977, by telephone conference call.

The meeting was closed to public observation pursuant to subsections 552b (d)(4), (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(10) of the "Government in the Sunshine Act" and on the basis of the Board's determination that the public interest did not require consideration of the matters in a meeting open to public observation, and that no earlier notice of the subject matter of the meeting was possible.

The Board considered the following matters:

Application of proposed bank for Federal deposit insurance coincident with conversion of a savings and loan association into a mutual savings bank: Capital Mutual Savings Bank, Olympia, Wash., for Federal deposit insurance.

Application for consent to establish branch: North New York Savings Bank, White Plains, N.Y., for consent to establish a branch at 120 North Village Avenue, Village of Rockville Centre, N.Y.

Recommendations regarding the liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,156-L—Reserves for Losses and Allotments for Insurance Expenses.

Case No. 43,165-L—Franklin National Bank, New York, N.Y.

Case No. 43,166-L—Northeast Bank of Houston, Houston, Tex.

Case No. 43,172-NR—United States National Bank, San Diego, Calif.

Case No. 43,180-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

Dated: September 6, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-1271-77 Filed 9-7-77; 12:11 am]

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by vote of the Board of Directors, at 2 p.m. on Tuesday, September 6, 1977, by telephone conference call.

The meeting was closed to public observation by authority of sections 552b (d)(1), (c)(6), and (c)(9)(B) of the "Government in the Sunshine Act" and on the basis of the Board's determination that the public interest did not require consideration of the matters in a meeting open to public observation, and that no earlier notice of the subject matter of the meeting was possible.

The Board considered the following matters:

Recommendations regarding the liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,167-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,169-L—First State Bank of Northern California, San Leandro, Calif.

Case No. 43,173-NR—United States National Bank, San Diego, Calif.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.: Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Dated: September 6, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-1272-77 Filed 9-7-77;12:11 pm]

6

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 41213 (S-1103-77 Filed 8-11-77; 11:16 a.m.).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. to 3:30 p.m., September 16, 1977.

PLACE: Room 823, National Institute of Education, 1200 19th Street NW., Washington, D.C.

CHANGES IN THE MEETING:

TIME: 8:30 a.m. to 11:30 a.m.

MATTERS TO BE CONSIDERED:

1. Approve Minutes.
2. Adjustments of Future Calendar and Agendas.
3. Director's Remarks.
4. Action on Proposed Policy for Fundamental Research.
5. Report of Review and Reports Committee:
   Review and Oversight Function.
   Plans for Fourth Annual Report.
   Implementation of Resolution No. 18.
   Policy on Participation of Women and Minority Group Members in Education R&D.
6. Status Report on FY 1978 Budget, FY 1979 Budget and Alternatives for Any Necessary Replanning; and Initial Discussion of Long-Range Planning for FY 1980.

PERSON TO CONTACT FOR INFORMATION:

Ella L. Jones, Administrative Coordinator. Telephone 202-254-7900.

PETER H. GERBER,
Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S-1275-77 Filed 9-7-77;2:17 pm]

7

NATIONAL SCIENCE BOARD.

TIME AND DATE: 9 a.m., September 15, 1977. 9 a.m., September 16, 1977.

PLACE: Room 540, 1800 G Street NW., Washington, D.C. 20550.

STATUS: As previously announced part of this meeting will be open to the public. One additional item will be included in the open session.

MATTER TO BE CONSIDERED:

1. Presentation by Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson, Executive Secretary, 202-632-5840.

[S-1280-77 Filed 9-8-77;9:08 am]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: 11:05 a.m. (Approx.), Wednesday, September 7, 1977.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Briefing on Physical Search Requirements (Follow-on to September 1 briefing).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: September 6, 1977.

WALTER MAGEE,
Office of the Secretary.

[S-1263-77 Filed 9-7-77;10:46 am]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of September 12.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Some of these meetings will be open to the public; others will be closed to the public.

MATTERS TO BE CONSIDERED:

TUESDAY, SEPTEMBER 13

10 a.m.—Discussion of Draft Administration Bill for Nuclear Plant Licensing Reform. (Approx. 2 hrs.). (Closed—Exemption 9.)

2 p.m.—Discussion of Draft Administration Bill for Nuclear Plant Licensing Reform. (Approx. 2 hrs.). (Closed—Exemption 9), or Discussion of Proposed Testimony on Export Legislation. (Approx. 2 hrs.). (Closed—Exemption 9.)

WEDNESDAY, SEPTEMBER 14

1:30 p.m.—Discussion of Draft Administration Bill for Nuclear Plant Licensing Reform. (Approx. 2 hrs.). (Closed—Exemption 9.)

THURSDAY, SEPTEMBER 15

10 a.m.—Briefing on Response to NRDC Petition for Reconsideration of the Commission's Ruling Reopening the Hearing on the Uranium Fuel Cycle, and Reducing Procedural Cost Burdens for Participants in Commission Proceedings. (Approx. 1 hr.). (Public Meeting.)

2 p.m.—Petition for Review of ALAB-410 (in the Matter of Pacific Gas & Electric Co., Diablo Canyon Nuclear Power Plant, Units 1 and 2); and Review of ALAB-420 (in the Matter of Florida Power & Light Co.) (St. Lucie.) (Approx. 1½ hrs.). (Closed—Exemption 10.)

3:30 p.m.—Discussion of Draft Administration Bill for Nuclear Plant Licensing Reform. (Approx. 1 hr.). (Closed—Exemption 9.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: September 7, 1977.

WALTER MAGEE,
Chief, Operations Branch,
Office of the Secretary.

[S-1282-77 Filed 9-8-77;10:17 am]

10

RAILROAD RETIREMENT BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 45102, September 8, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., September 12, 1977.

CHANGES IN THE MEETING: Additional items to be considered at the portion of the meeting open to the public:

8. Board's National Meeting to be held in San Mateo, Calif., October 11-14, 1977.
9. Designation of a contact person to assist the U.S. Department of Justice to identify discrimination in policies and programs administered by the Board.
10. Audit of the Division of Disability Benefits in the Board's Bureau of Retirement Claims.

[S-1274-77 Filed 9-7-77;12:36 pm]

11

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, September 13, 1977, 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 9 are open to the public. Matters 10 and 11 are closed to the public. Status is not applicable to matters 12 and 13.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held September 7, 1977 and other Board meetings, if any.

2. Recommended Assignments OSC&E List No. 1883: (a) RCA Corp. Fiscal years ended December 31, 1971, 1972, 1973 and 1974.

Consolidated with: RCA International Services Corp.; Operations and Maintenance Service, Inc.

(b) RCA Limited, Canada. Fiscal years ended December 31, 1971, 1972, 1973 and 1974.

3. Application for Commercial Exemption—List No. 2998. (a) DoAll Co. Fiscal year ended May 31, 1975.

(b) DoAll Co. Fiscal year ended May 31, 1976.

(c) DeSoto, Inc. Fiscal year ended December 31, 1975.

4. Partial Mandatory Exemption for New Durable Productive Equipment: Libby Welding Co., Inc. Fiscal year ended June 30, 1974.

5. Partial Mandatory Exemption of New Durable Productive Equipment: Stadco Precision Fabricators, Inc. Fiscal year ended May 31, 1976.

6. Request for Permission to File Untimely Applications for Commercial Exemption. Motorola, Inc. Fiscal years ended December 31, 1971, 1972, 1973, 1974 and 1975.

7. Recommended Determination of Excessive Profits: U.S. Plastic Molding Corp. Fiscal year ended May 31, 1968.

8. Recommended Clearance Without Assignment: (a) Newport News Industrial Corp. Fiscal year ended December 31, 1973.

(b) Newport News Reactor Service, Inc. Fiscal year ended December 31, 1973.

(c) Qualitron Aero, Inc. Fiscal year ended December 31, 1973.

9. Recommended Clearance Without Assignment: Deutsche Marathon Petroleum GmbH. Fiscal years ended December 31, 1973 and 1974.

10. Withdrawal of Grant of Commercial Exemption: Shell Oil Co. Fiscal year ended December 31, 1973.

11. Determination of Clearance of Excessive Profits: (a) Shell Oil Co. Fiscal years ended December 31, 1971 and 1973.

(b) International Lubricant Corp. Fiscal years ended December 31, 1971, 1972 and 1973.

(c) Shell Oil Co., SII: Hollywood Plastics, Inc. Fiscal year ended December 31, 1971.

12. Approval of Agenda for meeting to be held October 26, 1977.

13. Approval of Agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M St. NW., Washington, D.C. 20446 (202-254-8277).

Dated: September 6, 1977.

GOODWIN CHASE,
Chairman.

[S-1276-77 Filed 9-7-77;2:17 pm]

12

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42FR 44329, September 2, 1977.

PREVIOUS ANNOUNCED TIME AND DATE: 10 a.m., September 8, 1977.

CHANGES IN THE MEETING: Deletion of item on open meeting agenda. The following item, originally scheduled for the open meeting on Thursday, September 8, 1977, has been rescheduled for the open meeting on Wednesday, September 14, 1977:

Application filed by the Columbia Gas System, Inc. for an order to issue and sell short-term notes and commercial paper and request for hearing by the State of Ohio regarding this application.

Chairman Williams, and Commissioners Loomis, Evans and Pollack voted to approve the above change and determined that no earlier notice thereof was possible.

SEPTEMBER 7, 1977.

[S-1277-77 Filed 9-7-77;2:17 pm]

13

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 12, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Monday, September 12, 1977, at 10:30 a.m. and on Wednesday, September 14, 1977, following the open meetings scheduled for 10 a.m. and 2:30 p.m. Open meetings will be held on Wednesday, September 14, 1977, at 10 a.m. and at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered

at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Monday, September 12, 1977 at 10 a.m. will be:

Formal orders of investigation.
Institution of injunctive actions.
Settlement of injunctive actions.
Settlement of administrative proceedings.
Simultaneous institution and settlement of injunctive actions.
Referral of investigative files to Federal, State, or Self-Regulatory authorities.
Interim and final allowances in proceeding.
Submission of applications of resignation.
Rule 2(e) proceedings.
Amendment of complaint.
Suspension of enforcement actions.
Freedom of Information Act Appeal.

The subject matter of the closed meeting scheduled for Wednesday, September 14, 1977, following the open meeting at 10 a.m., will be:

Institution of injunctive action.

The subject matter of the closed meeting scheduled for Wednesday, September 14, 1977, following the open meeting at 2:30 p.m., will be:

Post-oral argument discussion.

The subject matter of the open meeting scheduled for Wednesday, September 14, 1977, at 10 a.m. will be:

1. Consideration of an extension of time for Commission action on proposed changes to New York Stock Exchange Rule 405, the "Know Your Customer Rule".

2. Proposed Adoption of Rule 17a-4, which concerns the preservation of broker-dealer records prepared or maintained by outside service bureaus.

3. Proposed Rule 148 under the Securities Act of 1933, which would establish standards for the resale of securities that were either issued in bankruptcy proceedings by a debtor or were in the debtor's portfolio at the time such proceedings were commenced.

4. Consideration of soliciting comments on the re-examination of the Commission's Statement of Policy relating to the sales literature of investment companies.

5. Proposed interpretative release to provide guidance for directors of closed-end funds contemplating rights offerings below net asset value.

6. Application filed by The Columbia Gas System, Inc., for an order to issue and sell short-term notes and commercial paper and request for hearing by the State of Ohio regarding the application. (Rescheduled from September 8, 1977).

7. Consideration of rulemaking proposals which would: (1) exempt mineral resource assets in the oil and gas industry from the replacement cost rule and (2) require disclosure of information on the present value of estimated future net revenues from production of proved oil and gas reserves.

FOR FURTHER INFORMATION CONTACT:

Lawrence A. Horn at 202-376-8065.

SEPTEMBER 7, 1977.

[S-1278-77 Filed 9-7-77;12:17 pm]

federal register

MONDAY, SEPTEMBER 12, 1977
PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications and Criteria for Discretionary Grants

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No R-77-463]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications and Criteria for Discretionary Grants

AGENCY Department of Housing and Urban Development.

ACTION Final rule.

SUMMARY This rule changes the requirements for applications and criteria for Discretionary Grant selection by (1) eliminating references to filing periods no longer applicable and eliminating specific fiscal year references from filing periods which are open all year, and (2) to bring A-95 requirements with regard to funds applied for by a community following a Federally recognized disaster in line with Departmental policy implementing OMB Circular A-95.

EFFECTIVE DATE October 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Neil H Stern, Program Standards Division, 202-755-6306.

SUPPLEMENTARY INFORMATION On February 27, 1976, the Department of Housing and Urban Development published in the FEDERAL REGISTER (41 FR 8612) rules governing applications and criteria for discretionary grants under the community development block grant program. The changes that are described below are of a technical nature which do not change the administration of the program but present the rule in a clearer, more cohesive manner. No public comment period is necessary since no new policies, procedures or requirements are being introduced.

As a result the following changes are being made:

1. Paragraph (c) of § 570.400 is deleted and the paragraph reserved. This paragraph contained information that is repeated in the sections on individual types of discretionary grants.

2. Paragraph (c)(1) of § 570.403 is revised to show that applications from new communities may be submitted at any time during the fiscal year.

3. Paragraph (b) of § 570.405, regarding Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands, is revised to eliminate the reference to Fiscal Year 1976.

4. Paragraph (b)(3) of § 570.406 is amended to provide that innovative grants made be made by HUD in either of two ways. First, proposals may be solicited by publication of a program announcement in the FEDERAL REGISTER. Second, HUD may fund proposals received at anytime during the fiscal year which are determined by HUD to offer a significant opportunity to provide innovative approaches to urban problems.

5. Paragraph (c) of § 570.406 is revised by requiring submission of Innovative Applications to the Office of Community Planning and Development instead of the Office of Policy Development and Research. The necessary change to the delegation of Authority is being executed.

6. Paragraph (e) of § 570.407 regarding grants for disasters is revised to show that applications may be submitted at any time during the fiscal year.

7. Paragraph (e) of § 570.407 is amended to add a new subparagraph (5) to make A-95 requirements for Federally recognized disasters consistent with Department-wide policies implementing OMB Circular No A-95 as published in the FEDERAL REGISTER on September 23, 1976 at 41 FR 41874.

8. Paragraph (d) of § 570.408 is revised to show that applications for inequities grants may be submitted at any time during the fiscal year.

In connection with the environmental review of these amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1 (38 FR 19182). A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, 451 7th Street SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of these amendments have been carefully evaluated in accordance with OMB Circular A-107.

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); 7(d), Housing and Urban Development Act (42 U.S.C. 3535(d)).)

In consideration of the foregoing 24 CFR Part 570, Subpart E is amended as follows:

1. Section 570.400(c) is deleted and the paragraph reserved.

§ 570.400 General.

* * * * *

(c) [Reserved]

* * * * *

2. Section 570.403(c)(1) is amended by revising paragraph (c)(1) to read as follows:

§ 570.403 New Communities.

* * * * *

(c) *Application requirements*.—(1) *General*. The requirements set forth in this paragraph are designed to supplement application procedures and approval requirements of the new communities program under which substantial information will have already been provided to the Secretary. Applications for funds appropriated for a fiscal year will be accepted at any time during that fiscal year.

3. Section 570.405 is amended by revising paragraph (b) to read as follows:

§ 570.405 Guam, The Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

* * * * *

(b) *Criteria for funding*. Applicants may submit applications not later than 75 days prior to the end of the current program year for discretionary grants for the full range of eligible activities described in § 570.200. The Secretary will establish for each fiscal year an amount for which each eligible applicant may apply, taking into account any hold-harmless amounts as calculated pursuant to § 570.103(c) and the applicants' community development needs and local administrative capacity.

* * * * *

4. Section 570.406 is amended by revising paragraphs (b)(3) and (c) as follows:

§ 570.406 Innovative projects.

* * * * *

(b) *Criteria for selection*. * * *

(3) *Method of selection*. In view of the national scope of the Innovative Projects Program and the limitations on the amount of funds available during each fiscal year, innovative grants may be made at the discretion of HUD in response to:

(i) proposals received pursuant to a program announcement by Notice in the FEDERAL REGISTER which provides the following information:

(A) The areas of national significance which will be given priority consideration in the review of proposals;

(B) The specific selection criteria to be used in the review of proposals and the award of grants in addition to, or in lieu of, the criteria set forth in § 570.406(b)(2); and

(C) The time periods for the submission of proposals or applications; or

(ii) Proposals received at any time during a fiscal year which, though not in response to a program announcement, nonetheless are determined by HUD to offer a significant opportunity to provide innovative approaches through individual demonstration projects to the solution of longstanding or widespread urban area problems in furtherance of the objectives of the Act.

(c) *Application requirements*. Applications shall be submitted to HUD's Office of Community Planning and Development in accordance with the specifications of a program announcement pursuant to § 570.406(b)(3)(i), or in response to an invitation from HUD for a proposal received pursuant to § 570.406(b)(3)(ii). Applications shall be in a format approved by HUD and shall include the following:

* * * * *

5. Section 570.407 is amended by revising the first sentence of paragraph (e) and by adding a new paragraph (e)(5), as follows:

§ 570.407 Federally recognized disasters.

* * * * *

(e) *Application requirements*. An application may be submitted during any part of the fiscal year provided it is submitted to the appropriate HUD Area Office within 120 days after either the Presidential declaration or other Federal recognition that disaster or emergency assistance is required. Applications for grants under this section shall meet the

application requirements of § 570.303 with the following modifications:

* * * * *

(5) The applicant is exempt from the normal OMB Circular No. A-95 process. However applicants are required to submit an information copy of their application to the appropriate State and areawide clearinghouses at the same time the application is submitted to HUD.

* * * * *

6. Section 570.408(d) is amended to read as follows:

§ 570.408 Inequities funds.

* * * * *

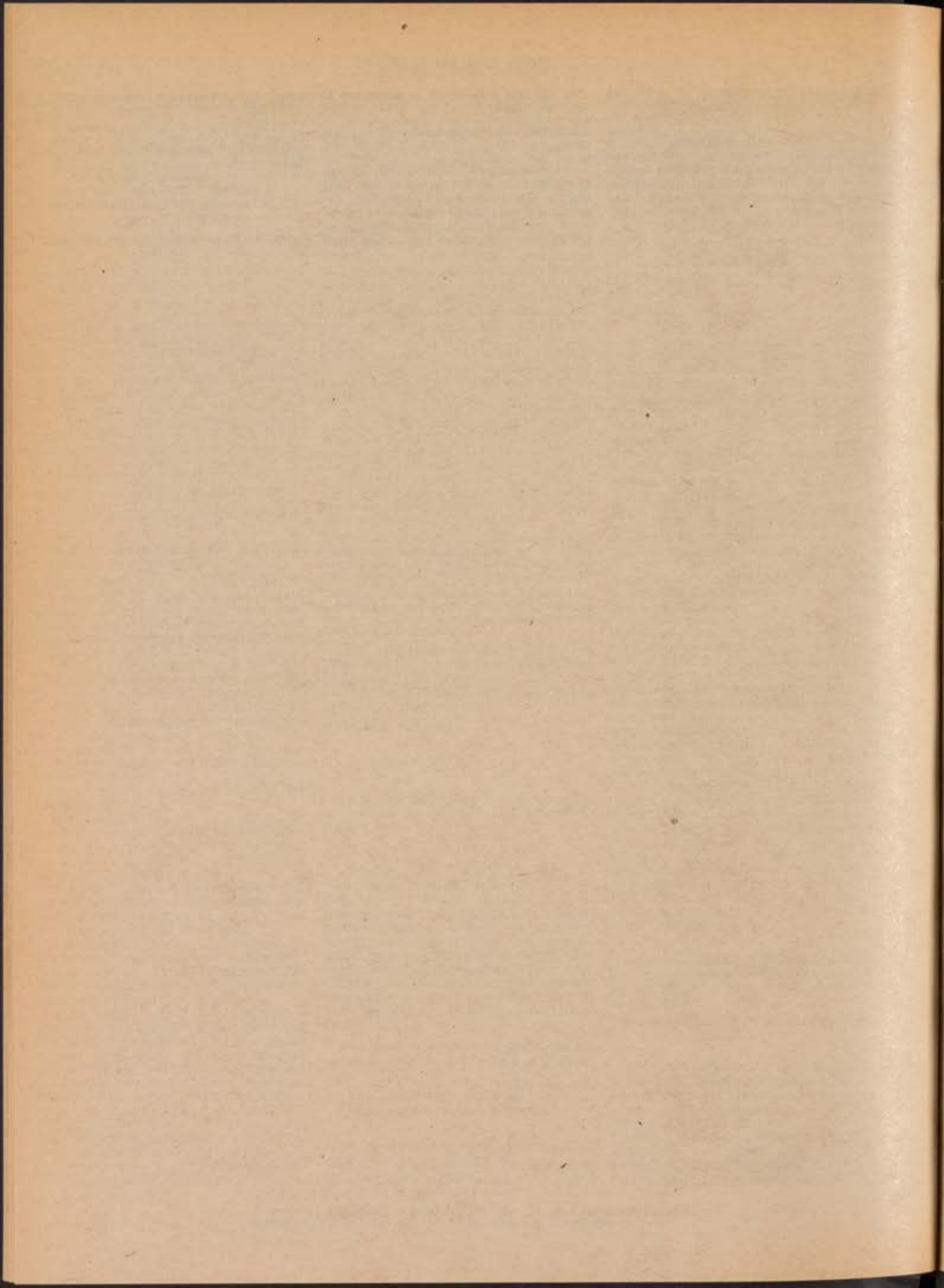
(d) *Application requirements.* An application may be submitted at any time during the fiscal year. Applicants requesting funds under criterion (2) shall meet the application requirements of § 570.401(c). All other applicants shall meet all application requirements in § 570.303.

* * * * *

Issued at Washington, D.C., August 31, 1977.

ROBERT C. EMBRY, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.77-26161 Filed 9-7-77;8 45 am]



federal register

MONDAY, SEPTEMBER 12, 1977

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

New Construction and Substantial Rehabilitation

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-311]

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Fair Market Rents for New Construction and Substantial Rehabilitation

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final Rule.

SUMMARY: This rule amends fair market rents for the following market areas: Poughkeepsie, N.Y.; Fort Lauderdale, Fla.; Memphis, Jackson, and Union City, Tenn.; Council Bluffs, Iowa; Minot, N. Dak.; San Francisco, Fresno, Modesto, San Jose, and Oakland-Marin, Calif.; and Ontario, Portland, Bend, Coos Bay, and Medford, Oreg. The amended Fair Market Rents are intended to reflect the changes which have occurred in the general levels of market rents for recently completed or newly constructed dwelling units within each market area since their last annual or special (interim) revision.

EFFECTIVE DATE: September 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Henry F. P. Cassagne, Chief Appraiser, Office of Technical Support, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410 (202-472-4810).

SUPPLEMENTARY INFORMATION: Notice was given on April 25, 1977, at 42 FR 21206, that the Department of Housing and Urban Development (HUD) was proposing to amend Title 24 of the Code of Federal Regulations incorporating in Part 888, Subpart A, a revised Schedule A, "Fair Market Rents for New Construction and Substantial Rehabilitation (including Housing Finance and Development Agencies Program)" for all market areas.

On June 30, 1977, at 42 FR 33572, HUD published the fair market rents for all market areas in final form as initially proposed on April 25, 1977, effective retroactively as of April 1, 1977. HUD stated in the June 30, 1977, publication that comments received in response to the April 25, 1977, publication would be carefully considered and that additional amendments would be published at a later date as deemed warranted.

HUD received forty-nine comments in response to the April 25, 1977, publication. Most of these comments stated that the proposed Schedule A Fair Market Rents were too low for a specific market area or areas. All comments have been seriously considered, and as a result, the Schedule A rents for seventeen additional market areas are now being modified.

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

It is hereby certified that the economic and inflationary impact of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Accordingly, Schedule A of Part 888, Subpart A, is amended for certain market areas as set forth below (see 42 FR 33578, 33589, 33597, 33614, 33619, 33625, and 33629 for the rents prior to the effective date of this amendment).

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d).)

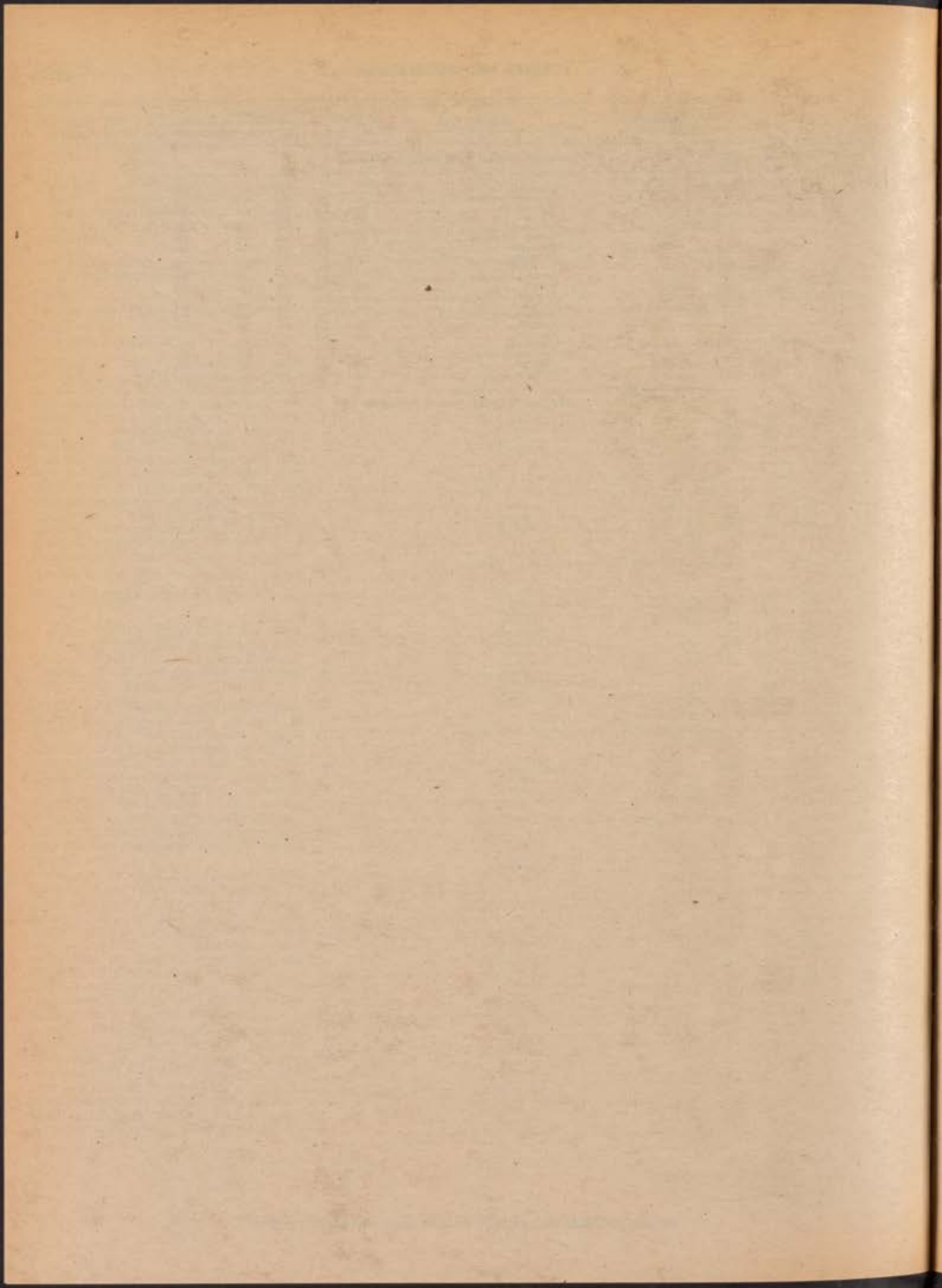
Issued on August 29, 1977.

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

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
Insuring office, Albany, N.Y., Region II—New York						
Poughkeepsie	Detached			436	508	546
	Semidetached/row		305	381	452	490
	Walkup	241	283	356	422	452
	Elevator	316	365	441		
Insuring office, Coral Gables, Fla., Region IV—Atlanta						
Fort Lauderdale	Detached			348	408	450
	Semidetached/row		255	320	402	430
	Walkup	217	240	320	402	425
	Elevator	232	245	328		
Insuring office Memphis, Tenn., Region IV—Atlanta						
Memphis	Detached			312	380	440
	Semidetached/row	232	258	285	335	387
	Walkup	191	222	259	291	331
	Elevator	253	290	346		
Jackson	Detached			260	299	340
	Semidetached/row	190	220	247	286	330
	Walkup	178	210	235	266	298
	Elevator	256	292	336		
Union City	Detached			260	299	340
	Semidetached/row	199	214	257	282	331
	Walkup	176	193	226	255	282
	Elevator	257	297	352		
Insuring office, Des Moines, Iowa, Region VII—Kansas City						
Council Bluffs	Detached			381	444	481
	Semidetached/row		274	334	390	450
	Walkup	184	217	278	336	367
	Elevator	278	320	381		
Insuring office, Fargo, N. Dak., Region VIII—Denver						
Minot	Detached			308	369	398
	Semidetached/row		218	280	332	373
	Walkup	169	207	267	312	353
	Elevator	217	261	309		
Area office, San Francisco, Calif., Region IX—San Francisco						
San Francisco	Detached			576	662	735
	Semidetached/row		385	451	559	648
	Walkup	312	326	414	497	557
	Elevator	349	459	554		
Fresno	Detached			346	369	408
	Semidetached/row		275	325	357	394
	Walkup	226	263	293	355	386
	Elevator	291	327	411		
Modesto	Detached			348	380	401
	Semidetached/row		262	327	341	374
	Walkup	240	252	302	325	367
	Elevator	277	320	411		
San Jose	Detached			472	495	519
	Semidetached/row		344	394	449	483
	Walkup	268	289	373	412	444
	Elevator	307	331	416		
Oakland-Marin	Detached			507	548	592
	Semidetached/row		396	459	504	534
	Walkup	258	277	357	429	449
	Elevator	315	352	432		

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
Area office, Portland, Oreg., Region X—Seattle						
Ontario	Detached			305	346	387
	Semidetached/row		243	284	332	375
	Walkup	187	228	270	325	367
	Elevator	238	291	348		
Portland	Detached			281	355	392
	Semidetached/row	206	239	273	340	377
	Walkup	191	225	260	325	364
	Elevator	260	315	372		
Bend	Detached			273	315	357
	Semidetached/row		233	267	303	336
	Walkup	183	218	254	289	324
	Elevator	255	309	357		
Coos Bay	Detached			281	315	351
	Semidetached/row		233	267	303	336
	Walkup	183	218	254	288	324
	Elevator	255	309	357		
Medford	Detached			288	348	383
	Semidetached/row		239	273	333	368
	Walkup	191	225	260	307	342
	Elevator	261	317	365		

[FR Doc.77-26322 Filed 9-9-77;8:45 am]



federal register

MONDAY, SEPTEMBER 12, 1977
PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

BUSES

Noise Emission Standards for Transportation Equipment

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 205]

(FRL 796-3)

BUSES

Noise Emission Standards for Transportation Equipment

AGENCY: Environmental Protection Agency

ACTION: Notice of proposed rulemaking

SUMMARY: This notice proposes interior and exterior noise emission standards for buses having a Gross Vehicle Weight Rating (GVWR) in excess of 10,000 pounds. This action is being taken pursuant to the Noise Control Act of 1972. Compliance with the proposed standards should on the average reduce the exterior noise generated by buses under maximum acceleration by 5 dBA and the noise inside buses under maximum acceleration by 7 dBA. The Agency assessed the health and welfare impact of bus noise control by evaluating three intrusive effects of bus noise, namely, sleep awakening, sleep disturbance and speech interference. The lowering of exterior bus noise to the proposed levels will result in a 33-49 percent reduction of these intrusive noise effects. The health and welfare effects of the reduction of noise inside buses were assessed in terms of potential passenger and operator hearing loss risk and passenger speech interference. Compliance with the proposed standards for interior bus noise will result in a 43 percent decrease in passenger speech interference impacts and a substantial reduction in potential hearing loss risk for both bus passengers and bus operators.

DATES: The official docket (Docket Number ONAC 77-6) for the proposed Bus Noise Regulation will remain open for the submission of comments until 4:30 p.m. (90 days from date of publication). At that time all materials submitted for the record, including transcripts of all public hearings, will become part of the official record. Public hearings will be held on October 25, 1977, commencing at 9 a.m. in the Quality Inn Capitol Hill, 415 New Jersey Avenue NW., Washington, D.C. 20001, and on November 1, 1977, commencing at 9 a.m. in the St. Francis Hotel, 335 Powell Street, San Francisco, Calif. 94119.

ADDRESSES: Persons submitting written comments to the docket should write to: Director, Standards and Regulations Division, Office of Noise Abatement and Control (AW-471), Attn: Bus Noise Regulation Docket Number ONAC 77-6, U.S. Environmental Protection Agency, Washington, D.C. 20460.

It is requested that comments to the docket be submitted with five (5) copies, if practicable.

Persons wishing to present their views at either public hearing should also notify the Director, Standards and Regulations Division, at the above noted address no later than October 17, 1977, of their intention to made a statement so that presentations may be scheduled. Concerning presentations at the hearings, it is requested that presentations be limited to 20 minutes in length to enable all pre-scheduled persons an opportunity to speak and to permit a question and answer period following each presentation. Persons who have not given notice of their intent to speak will be heard following the practicable, five (5) copies of their statement prior to the hearing date to the Director, Standards and Regulations Division.

All information received, which is not identified as company proprietary in nature will be open to public inspection and copying during normal business hours at the U.S. Environmental Protection Agency Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION RELATED TO THE PROPOSED STANDARDS CONTACT:

Mr. Christopher A. Kouts, Project Officer—Buses, Standards and Regulations Division, Office of Noise Abatement and Control (AW-471), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (703-557-7666).

TO RECEIVE COPIES OF THE PROPOSED REGULATION, DRAFT ENVIRONMENTAL IMPACT STATEMENT OR THE BACKGROUND DOCUMENT FOR THE PROPOSED REGULATION CONTACT:

Mr. Charles Mooney, EPA Public Information Center (PM-215), Room 2194D, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202-755-0717).

SUPPLEMENTARY INFORMATION:

1.0 INTRODUCTION

Through the Noise Control Act of 1972, Pub. L. 92-574, 86 Stat. 1234 et seq., 42 U.S.C. 4901 et seq. (the "Act"), Congress established a National policy "to promote an environment for all Americans free from noise that jeopardizes their health and welfare." In pursuit of that policy, Congress stated, in section 2 of the Act, "that, while primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, control of which requires national uniformity of treatment."

As part of this Federal action, section 5(b)(1) of the Act requires the Administrator, after consultation with appropriate Federal Agencies, to publish a report or series of reports "identifying products (or classes of products) which in his judgment are major sources of noise." Pursuant to section 5(b)(1), the Administrator published in the FEDERAL REGISTER (40 FR 23105, May 28, 1975) a report which identified "buses" as major sources of noise.

Section 6 of the Act requires the Administrator to publish proposed regulations for each product which is identified or which is part of a product class identified as a major source of noise, where in his judgment noise standards are feasible. Such regulations are to include standards that set limits on the noise emissions from such an identified new product "requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of such product (alone or in combination with other noise sources), the degree of noise reduction achievable through the application of the best available technology, and the cost of compliance."

Section 6(d)(1) of the Act specifies that the manufacturer of each new product shall warrant to the ultimate user and each subsequent purchaser that the product is designed, built and equipped so as to conform at the time of sale with the regulation.

Under section 6(e)(1), no State or political subdivision thereof may adopt or enforce any law or regulation which sets a limit on noise emissions from new products regulated by EPA, unless such law is identical to the applicable EPA regulation. The requirement to be "identical" applies to the standard and those elements of the measurement methodology which define the standard. These must be identical to those in the EPA regulation. However, other elements of the State or local law need not be identical. Such elements include the list of persons subject to the regulations, sanctions, enforcement procedures and correlatable or equivalent "short tests" used for enforcement purposes.

Section 6(e)(2) of the Act specifies that nothing in section 6 shall preclude or deny the right of any State or political subdivision thereof to establish and enforce controls on environmental noise and sources thereof through the licensing, regulation, or restriction of the use, operation, or movement of any product or combination of products. Such controls which are reserved to State and local authority under this section include, but are not limited to, the following:

(1) Controls on the time of day during which products may be operated.

(2) Controls on the places or zones in which products may be used.

(3) Controls on the noise emission level of products during use and operation that are enforceable against the consumer.

(4) Controls on the number of products which may be operated at the same time.

(5) Controls on noise emission level from the properties on which products are used.

(6) Controls on the licensing of products.

(7) Controls on the manner of operation of products.

State and local time-of-sale noise emission regulations applicable to products which are not covered by Federal regulation are in no way preempted by these regulations.

Section 10 of the Act establishes prohibited acts in relation to products for which section 6 regulations are appli-

cable. Distribution in commerce of any new product manufactured after the effective date of regulations specified in section 6, is prohibited, unless it is in conformity with such regulations. Removal or rendering inoperative of any device or element of design incorporated into any product in compliance with section 6 regulations, other than for purposes of maintenance, repair, or replacement, prior to its sale or delivery to the ultimate purchaser or while it is in use or the use of the product after such device or element of design has been removed or rendered inoperative by any person is prohibited.

Section 11 of the Act specifies enforcement penalties for violation of any prohibited act under section 10(a), (1), (3), (5) and (6). Such penalties for first violations include a fine of not more than $25,000 per day of violation, or imprisonment for not more than one year, or both for knowing or willful violations. The penalties double for subsequent violation.

Section 13 of the Act provides the authority for the Administrator to require a manufacturer to establish and maintain records, make such reports, and provide such information as is necessary for him to determine compliance.

Section 15 of the Noise Control Act established a process by which the Federal Government will give preference in its purchasing to products where noise emissions are significantly below those required by the Federal noise emission standards promulgated pursuant to section 6 of the Act. Accordingly, the EPA has published procedures for Certification of Low-Noise-Emission-Products (40 CFR Part 203).

For buses the specific noise emission level criteria required for Low-Noise-Emission-Product (LNEP) determination are contained in § 205.102(g) of Subpart C of the proposed regulation.

Section 16(d) grants the Administrator the authority to issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents to assist him in collecting information to carry out the purposes of the Act.

2.0 THE PROPOSED REGULATION

The proposed noise emission standards and effective dates, presented in Table 1, apply to buses while operating at maximum noise emission conditions during a low speed pass-by operating mode. The proposed exterior standard specifies an average A-weighted sound pressure level measured at a distance of 15.2 meters (50 feet) perpendicular to the center line of bus travel. The proposed interior standard specifies an average A-weighted sound pressure level measured at a height of 1.25 meters (4 feet) beside the interior seat location closest to the main body of the engine. The standard measurement procedures used to obtain the data are presented in detail in § 205.104 of Subpart C.

TABLE 1.—*Proposed regulatory noise emission standards*

Effective dates	*Average A-weighted sound pressure level (dBA)*
EXTERIOR BUS NOISE	
Jan. 1, 1979	83
Jan. 1, 1983	80
Jan. 1, 1985	77
INTERIOR BUS NOISE	
Jan. 1, 1979	86
Jan 1, 1983	83
Jan. 1, 1985	80

The Agency believes that the estimated health and welfare benefits from these proposed noise emission standards can be attained only if buses meet the not-to-exceed levels in Table 1 for a reasonable in-use period. At a minimum it means the standard must be met for an initial period of time and/or use, beginning on the date of the product's delivery to the ultimate purchaser. This period is described by the Agency as the Acoustical Assurance Period (AAP). It is defined as that period during which the product must meet the standard when the product is properly used and maintained. In the case of buses, the Acoustical Assurance Period is 2 years or 200,000 miles of use, whichever occurs first.

Concerning Agency enforcement of the AAP, a manufacturer must develop, pursuant to § 205.108-4 of subpart C, an anticipated increase in the noise level of its bus(es) during the AAP. A manufacturer must take this anticipated increase in noise level, expressed in terms of a Sound Level Degradation Factor (SLDF), into account when performing tests to show compliance with the applicable standard. That is, where an SLDF is anticipated, a manufacturer must show that his product meets a level defined by the applicable standard of Table 1 minus the SLDF value.

The Administrator has determined that the proposed standards are feasible and represent those levels of noise requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of such product (alone and in combination with other noise sources), the degree of noise reduction achievable through the application of the best available technology and the cost of compliance, as required by section 6(c)(1) of the Act.

EPA is unaware at this time of any bus manufacturer who would be unable to produce buses meeting the proposed standards by the specified effective dates. However, the Agency solicits the submittal of such data or information during the public comment period as may refute or support this position.

The proposed regulation also incorporates an enforcement program which includes production verification, selective enforcement auditing procedures, warranty, compliance labeling and anti-tampering provisions.

The information gathered by the Agency concerning all aspects of this regulation may be found in the Background Document, the availability of which is explained in section 9.0.

3.0 BACKGROUND INFORMATION

3.1 *General.* The proposed regulation is another in a series of transportation equipment noise regulations to be proposed under section 6 of the Act. In arriving at the proposed regulation, the Agency carried out detailed investigations of the potential environmental and health and welfare benefits associated with the application of various noise control measures; of bus design technology, including bus manufacturing and assembly processes and available bus noise control technology; of bus noise measurement methodologies; of costs attendant to bus noise control methods; of the cost to test machines for compliance; of the cost of record keeping; and of possible economic impacts.

To meet the requirements of the Act, in considering the best available technology "requisite to protect the public health and welfare" taking into account the cost of compliance, the Agency constructed definitions of the terms "best available technology" and "cost of compliance." In doing so, the Agency carefully considered the strict language of the Act, its legislative history, and other relevant data. Based thereon, the following definitions have been established by the Administrator for the purposes of these regulations.

"Best available technology" is defined as that noise abatement technology available which produces the greatest achievable, meaningful reduction in the noise produced by buses. EPA considers that the level "achievable through the application of the best available technology" is the lowest noise level, which can be reliably predicted based on engineering analysis of products subject to the standard that manufacturers will be able to meet by the effective date, through the application of currently known noise attenuation techniques and materials. In order to assess what can be achieved, EPA has: (1) Identified the sources of bus noise and the levels to which each of these sources can be reduced, using currently known techniques; (2) determined the level of overall bus noise that will result; (3) assured that such techniques may be applied to the general bus population; (4) assured that such techniques are adaptable to production line assembly; and (5) assured that sufficient time is allowed for the design and application of this technology by the effective dates of the standards.

"Cost of compliance" is defined as the cost of identifying what action must be taken to meet the specified noise emission level, the cost of taking that action, any additional cost of operation and maintenance caused by that action, and

cost of noise testing and record keeping required by the regulation.

To determine what constitutes the best available technology and the cost of compliance, the Agency amassed information from a range of sources including: (1) Studies performed by Agency personnel; (2) studies performed under contract to the Agency; (3) submissions by other Federal agencies; (4) submissions by industry; and (5) data in the available literature.

Representatives of the Agency carried out extensive interviews with key members of firms in the bus industry to gain first-hand knowledge of the industry and its products and to obtain and verify technological and financial information. Similar interviews were conducted with key persons in intercity bus companies, transit authorities, school districts, and bus industry trade associations as well as officials of various Federal agencies including the U.S. Department of Transportation.

3.2 *Product Definition* The Agency recognizes that there are many different types of buses commonly operated for the transportation of people and property in the United States. As a result of study and analysis, the Agency has determined that a reasonable definition for "bus" applicable to this noise rulemaking would be bus type vehicles which have a Gross Vehicle Weight Rating (GVWR) of over 10,000 pounds.

The large majority of bus type vehicles under 10,000 pounds GVWR appear to be vehicles composed of a light vehicle chassis with specialized bus body applications. The technology and characteristics of such vehicles are more akin to light vehicle terminology and characteristics than to bus type vehicles over 10,000 pounds GVWR. Accordingly, buses have been defined by the Agency as any motor vehicle with a GVWR in excess of 10,000 pounds designed for the transportation of passengers on a street or highway and includes a partially or fully enclosed engine compartment and an enclosed passenger compartment. The principal types of buses that are within this definition are those commonly referred to as school buses, transit buses, and intercity buses. There are however, other buses that meet the criteria specified by the Agency and are not typically identified in the above three types of buses. These may include, airport buses and similar specialized application buses which are over 10,000 pounds GVWR. Such vehicles are also subject to these regulations. Details regarding the identification of the above vehicles for noise control regulation, their design features and functional characteristics are contained in the Background Document.

3.3 *Technology*. As explained in the Background Document, Noise level data for buses were collected by EPA from a number of sources including: (1) Submissions by manufacturers, (2) EPA sponsored testing programs at various sites throughout the United States and (3) data available in the open literature. The range of exterior bus noise levels under maximum acceleration conditions at a position 15.2 meters (50 feet) perpendicular to the center line of travel were found to be (1) school buses 75–89 dBA, (2) transit buses 78–86 dBA and (3) intercity buses 82–87 dBA. The range of interior noise levels under maximum acceleration conditions measured at a height above the bus floor of 1.25 meters (4 feet) beside the seat location closest to the engine were found to be (1) school buses 81–89 dBA, (2) transit buses 80–90 dBA and (3) intercity buses 77–84 dBA.

Diagnostic investigation showed that vehicle noise consisted of the noise radiated by the (1) engine cooling fan, (2) engine casing, (3) engine exhaust, (4) engine air intake, and (5) transmission system. Of these sources, noise radiated by the cooling fan, engine casing, and engine exhaust are the most dominant and therefore, require first attention in techniques to quiet bus noise.

The results of studies performed to assess noise control techniques applicable to bus noise indicate that some vehicle design changes may be necessary to control fan and engine related noise. These changes vary in amount and type when applied to the different types of buses over 10,000 pounds GVWR. On the average, it is estimated that improved fan shrouds, increased radiator-to-fan and fan-to-engine clearances, and the use of various fan configurations can reduce fan noise by as much as 7 to 9 dBA. It is also estimated that engine casing noise can be reduced by 6 to 8 dBA through the application of acoustically absorbent material to the interior surfaces of the engine compartment. Further redesign of the engine compartment to modify the engine enclosure and acoustically treat the surfaces of the enclosure will further reduce exterior noise emissions. Finally, substantial reduction of engine exhaust noise can be accomplished by the use of improved mufflers: Current estimates indicate reductions of between 8 and 14 dBA. For some buses, the addition of larger mufflers causes relocation concerns and in some cases the loss of rear seat space. When translated into overall vehicle noise reduction, that is, a reduction of noise from a bus during a maximum acceleration measurement test, it is estimated that reduction of 8–10 dBA for all types of buses (obtained by a logarithmic aggregation of reductions in all component source noise levels) can be achieved through the application of available technology.

Related to the reduction of exterior noise levels is the concurrent reduction of interior bus noise levels, which can be accomplished with the application of some additional technology to minimize the transmission of noise from the engine and the exhaust system to the interior compartment of the bus. The principal technologies for reducing interior noise relate to the reduction of vibration transmission along with the application of absorptive material to the interior surfaces of the bus. Where the addition of sound absorptive materials to the interior of the bus may be necessary to reduce the interior noise levels to the regulatory standard, the durability of the materials employed should be compatible with existing durability requirements already in effect for the same vehicle type. With the application of vibration isolation techniques and in some cases interior sound absorptive materials it appears to the Agency that an average reduction in interior bus noise levels of 4 to 10 dBA can be achieved across all bus types through the application of available technology.

Details describing the specific technology applications, their design features, and functional characteristics for each type of bus considered for regulation are presented in the Background Document.

3.4 *Measurement Methodology*. The Agency desires, whenever practicable, to utilize those measurement standards and techniques voluntarily developed and in general use. However, such standards frequently were developed for nonregulatory purposes and their application to Federal rulemaking necessitates certain modifications. The EPA exterior noise measurement methodology for buses is a modification of the Society of Automotive Engineers (SAE) J366b method currently employed by many bus and truck manufacturers. The Agency's purpose in modifying the SAE J366b procedure was to provide in particular for a measurement procedure which would encompass those buses which have automatic transmissions that cannot be normally locked into a specific gear. Besides requiring a modified SAE J366b acceleration sound level test procedure, the Agency is also requiring that buses equipped with engine brakes be tested according to a specified deceleration test procedure. The Agency is pursuing this course of action because it has reason to believe that certain buses equipped with engine brakes even when properly muffled can generate noise emissions substantially above the proposed standards.

In regard to the selection of the proposed interior sound level measurement procedure, with the utilization of the same bus operational procedure as the exterior measurement procedure, a single measurement point representing the noisiest location in the bus interior has been selected for determining compliance with the interior noise standards.

In arriving at the proposed exterior and interior measurement procedures, the Agency has endeavored to arrive at simple, low cost test methods that will provide the accurate data requisite for product verification at a manufacturer's plant and for compliance testing in the field.

The Agency recognizes that situations may exist or arise where other measurement methodologies, both for exterior and for interior noise, may be just as appropriate for obtaining the required data and, for that matter may have more utilitarian use. To this end, the Agency has provided for the inclusion of other measurement methodologies where information is furnished showing

to the satisfaction of the Administrator that the data from such methodologies correlate with the data from the prescribed procedures.

4.0 Rationale for Standards Selection

In arriving at the proposed regulation, the Agency assessed a number of classification schemes which addressed the usage of different types of buses which operate in different urban and suburban environments and the areas where the largest number of citizens are exposed to bus noise, both as bus riders and bystanders. The transit bus, used primarily in highly populated urban and suburban areas, is clearly one appropriate classification. The other classifications, school buses and intercity buses, operate in rual as well as in urban and suburban areas. The health and welfare benefits derived by reducing the noise generated by school and intercity buses result from their operation in land use areas where population densities are high as well as in areas of more sparse habitation. In concluding that all buses above 10,000 pounds GVWR should be regulated to the same level in the same time frame, the Agency looked at relationship among vehicle usage, population impact, noise levels, production cost, and quieting technologies.

Of particular concern to the Agency was the appropriateness of making the regulations applicable to school buses. The total relative cost to reduce school bus noise is high when compared to the health and welfare benefits resulting from noise control of the other principal types of buses covered by this proposed regulation. For the following reasons, however, EPA proposes to make the regulations applicable to school buses. Although intercity buses operate primarily on major arterial highways and transit buses operate mainly on primary urban/suburban roads, school buses not only travel along these roads but also on secondary streets in suburban residential areas. The only other truck type vehicle which is routinely encountered in these neighborhoods is the "garbage truck". (The "garbage" or "solid waste" compactor is presently the subject of a separate proposed noise emission regulation.) Accordingly, if not subject to these regulations the school bus may reasonably be expected over time, as all other major sources of urban transportation noise are reduced by regulation, to be the single loudest source of vehicular noise in the community.

An important point regarding the regulation of bus noise is the relationship between the technologies to reduce exterior and interior noise. Agency studies have shown that, without concomitant reductions in exterior bus noise, interior bus noise becomes more difficult to reduce. As a result, without the regulation of exterior school bus noise, the health and welfare benefits to be accrued from the regulation of interior school bus noise cannot be realized.

Requiring noise control regulation of school buses effects uniform treatment of noise control for all types of buses and prevents school buses from becoming the noisiest source of urban/suburban street vehicle noise. This may be even more important in the future in light of the potential for a future increase in the number of diesel vehicles in the school bus fleets of some school districts and the resulting noise increase which would likely occur in the absence of noise source regulation.

If noise control standards were not made applicable to school buses, a group of medium truck chassis vehicles might be allowed to exceed the standards already set forth for such vehicles. This is true because the school bus industry is highly cost competitive and, as a result, truck chassis manufacturers may not apply truck chassis noise abatement techniques to school bus chassis, since the increase in cost for quieter school buses would be a market disadvantage.

Public comment is particularly invited on the question as to whether these regulations should be applicable to school buses.

The Agency examined the health and welfare benefits that would accrue if bus noise levels were reduced to various selected study levels corresponding to (1) the approximate current average sound levels for each class of vehicle, (2) levels achievable with "off the shelf" noise abatement techniques, and (3) levels that the Agency believes attainable through the application of "best available technology." The benefits attendant to these levels were then assessed in terms of the number of people who are impacted by single event noise exposure from both exterior and interior bus noise emissions and the number of people who can be removed from such impact through regulation of bus noise.

In reviewing the noise control technology applicable to bus noise reduction, lower regulatory standards than those found in this proposed regulation (for both exterior and interior bus noise) were studied and were found technologically feasible. However, after assessing the additional costs for such technology and the additional benefits projected to be accrued from such standards, the Agency determined that the proposed standards were more reasonable to impose.

Estimates of the costs to quiet these vehicles were developed on an engineering cost basis, assuming that incremental reductions from present day average noise levels could be applied to each class of buses. The Agency also examined the potential economic impact that may result from imposition of the various levels of noise reduction technology. The Agency concluded that in order to take advantage of available technology and thus realize short term health and welfare effects, an incremental reduction in the noise levels of these vehicles was a better approach than specifying that all vehicles meet the lowest or most stringent levels in one step.

The attainment of the health and welfare benefits from the reduction of bus noise emissions is dependent on the continued compliance of these products with the Federal noise emission standards during actual use. To ensure that manufacturers develop and apply durable sound reduction measures to their products, the Agency believes it is necessary to establish a specific period of time or use during which newly manufactured products must, as a minimum requirement, comply with the Federal standard. It is the Agency's opinion that this time period should be of a duration that is commensurate with average major component repair, replacement or product overhaul time periods. The Agency believes that if a bus complies with the standard during this initial period, the Acoustical Assurance Period, it is unlikely that the noise emissions of the bus will degrade (increase) above the standard for the remainder of the expected life of the product: *Provided*, That the product is properly maintained and used. This places a burden on several parties. First, it requires the manufacturer to design and build the product so that, if it is propertly maintained and operated, the product will be capable of performing at or below the requisite sound level, and second it relies on the owner/user to properly maintain and use the product. (The responsibility of the owner/user is discussed in other portions of this preamble; see discussion of antitampering infra.)

The Agency considers the concept of an Acoustical Assurance Period necessary because if the product is not built such that it is even minimally capable of meeting the standards while in use over this initial period when properly used and maintained, the standard itself becomes a nullity and the anticipated health and welfare benefits illusory.

The Agency considers the concept reasonable because in the information which is available to it, it finds that the noise levels of buses do not increase appreciably over the initial 2-years or 200,000 miles when the product is properly used and maintained. Furthermore, the Agency finds that the industry is technologically capable of designing these products to assure minimal degradation in the noise control features. This capability was considered within the technology, maintenance and cost assessments attendant to the standards proposed in this regulation.

In making the determination that the Acoustical Assurance Period for buses should be 2-years, or 200,000 miles, EPA took into account the magnitude and conditions of use of these products, the best maintenance attendant to noise control, and the cost of compliance. Among specific factors considered were:

1. The likelihood that acoustical degradation of noise control features and the resultant increase in noise level above the standard, would not occur during the Acoustical Assurance Period if the manufacturer used proper design and fabrication, quality materials and workmanship;
2. The low maintenance normally required on buses during their early years of use; and
3. The relative usage cycles of these products during their early years of use.

In assessing the noise control technology which is needed for compliance

with the proposed bus standards, the Agency found no components which cannot be built to assure minimal or no degradation (increase) in the bus's sound level: *Provided*, That the bus is properly maintained and used. The Agency has also found in its studies of the bus industry that the industry, in general, strives to produce a long lasting, durable product by using component parts of high quality and bus designs which can withstand extensive use. As a result of the above studies, the Agency has concluded that the AAP requirement will not impose additional maintenance or equipment costs over those already estimated as attributable to the proposed regulation.

It is important to understand what AAP means to the manufacturer. The manufacturer will be held responsible for producing a product that is capable of meeting the standard. The proposed enforcement provisions of the AAP allow the product to be designed and built at the level of the standard assuming no degradation in noise control features with time, or built with noise levels somewhat below the standard to account for some degradation with time. But in neither event can the product exceed the standard during the Acoustical Assurance Period.

EPA is also proposing a procedure whereby the manufacturer must account for sound level degradation in his compliance testing and verification program by applying a Sound Level Degradation in his compliance testing and verification program by applying a Sound Level Degradation Factor (SLDF) to the noise emission standard. This may result in a manufacturer-specific production test level which is lower than that specified by the standard. For example, if a manufacturer estimates that the noise level of his product may increase 3 dBA during the AAP and SLDF would be 3 dBA. Then, for production verification (discussed below), the manufacturer would have to test his product at a level which is 3 dBA lower than that specified by the standard. If a product is not expected to degrade during the AAP, the SLDF will be zero. It is EPA's evaluation that in most cases the SLDF would be near or equal to zero.

Manufacturers would be subject to federal enforcement actions consistent with section 11 of the Noise Control Act if the noise emission level during the AAP exceeds the noise emission standard. It should be clearly understood that this concept does not impose any additional burden on the manufacturer for proper maintenance and use. That is, if the product is not properly maintained and used during the AAP, the manufacturer is relieved of subsequent resulting liability. In this regard, maintenance instructions from the manufacturer to the owner/user may include component part replacement during the AAP, provided that the scheduled replacement of those parts is necessary and reasonable. In the final analysis, the responsibility for properly maintaining and operating the product rests with the owner/user.

EPA solicits comments on the approach it has taken to attain the health and welfare benefits requisite to this regulatory action EPA also solicits comments on the length of the AAP together with the rationale and data to support the position taken.

5.0 Estimated Impact of Proposed Regulations

5.1 *Health and Welfare*. Approximately 93 million Americans are exposed to levels of urban traffic noise which may jeopardize their health and welfare. Buses are an integral component of the urban noise problem. Assessment of the intrusive nature of bus noise impact led the Agency to a single event passby noise exposure analysis for assessing the health and welfare impact of bus noise control for exterior noise exposure. Three indicators of intrusiveness (sleep awakening, sleep disturbance and speech interference) were used for the single event analysis Compliance with the proposed standards for buses would result in a 39.5 percent reduction in potential sleep awakening impacts due to buses, a 33.4 percent reduction in potential sleep disturbance impacts due to buses and a 48.2 percent reduction in potential speech interference impacts due to bus noise exposure.

One of the problems which was not specifically addressed in the health and welfare analysis of exterior bus noise was the noise impact that certain population groups experience while residing or working in areas where buses frequently travel, where buses congregate in large numbers (such as near bus yards or bus depots) or where buses are the only surface transportation vehicle in the proximity (such as in bus malls). In these areas, buses can be a major contributor to the ambient environmental noise level as opposed to most other areas where bus noise does not greatly affect existing ambient environmental noise levels but can disrupt certain human activities. Although the health and welfare benefits of the proposed regulation were assessed on the basis of a nationwide average (thus, not addressing specific bus noise problems), the people impacted in these high bus noise impact areas will most likely receive substantial benefits from the proposed exterior standards.

The health and welfare impacts due to noise inside buses were assessed in terms of the reduction of speech disturbances inside buses and reduced potential hearing loss risk for bus passengers and operators. Hearing damage is generally brought about by noise exposure on a continuing, 24 hour, day-to-day-basis. As a result in order to ascertain the hearing loss effects due to interior bus noise on bus passengers and operators, the Agency assumed a reasonable range of three non-bus daily noise exposures (60, 70, 80 dBA) for all bus occupants in carrying out the hearing loss risk analysis. It should be noted that the impacts discussed for interior bus noise hearing loss risk assume many years of exposure to interior bus noise along with other noise exposures.

Compliance with the proposed standards for interior noise levels for buses would result in a 42.7 percent decrease in potential passenger speech interference impacts, a 92.4 percent decrease in potential hearing loss risk for passengers exposed to 60 dBA prior to bus transit, a decrease of 68.8 percent in potential hearing loss risk for passengers exposed to 70 dBA prior to bus transit, and a reduction of 2.6 percent in potential hearing loss risk for passengers exposed to an 80 dBA level prior to bus transit. Similar percentage impact reductions will occur for bus operators.

All of the foregoing reductions for both interior and exterior noise impact are percentages taken from present day impacts and projected to the year 2000.

If the number of bus vehicles rises significantly above the current population (utilized in the health and welfare analysis), the actual number of bus noise exposures as compared to the current number of exposures may be more but the relative benefits, when compared with projections utilizing an increased bus population with no regulation imposed, should remain the same.

For a detailed discussion of the noise impact techniques utilized in the health and welfare analyses, refer to the Background Document.

5.2 *Cost and Economic Impact*. Estimates of the costs to quiet buses can be expressed in terms of increased list price It is estimated that list price increases will range from 1.8 to 8.8 percent, (depending on bus type and size) resulting in a weighted average list price increase of 3.2 percent for all bus vehicles. There are indications that several small firms in the bus industry, by virtue of their small market share, specialized product and other factors, could incur relatively higher manufacturing costs which may result in higher list price increases. The Agency is desirous of minimizing disruptive impacts that may result from these regulations and solicits data and information which would indicate whether such disruption could reasonably be expected to occur should these regulations be promulgated as proposed herein.

The total estimated increase in annualized cost to users through the year 2000 due to the implementation of both the proposed interior and exterior standards is estimated to be about $69 million.

For school buses, this results in a potential average annual increase cost per school district of $2,319 per year. The above cost per school district is based on the assumption that the percentage of diesel school buses produced will remain relatively constant at about 11 percent of total school production. If the percentage of diesel school buses increases significantly the costs incurred by school districts due to the proposed rule will be increased.

A portion of any cost increase resulting for transit buses will most probably be funded through Federal programs under the Urban Mass Transit Administration (UMTA). Present UMTA policy provides up to 80 percent funding on initial purchase of transit buses and up

to 50 percent funding of local transit company operating costs. In trying to assess the maximum impact of the proposed regulation on transit and intercity bus fares, the Agency assumed that the increased total costs of the regulation would be financed almost entirely by fare increases. This is an extreme case since transit systems and intercity bus carriers typically try to absorb costs in order to forestall fare increases. Utilizing such a (worst case) assumption, the Agency projects a maximum of a 1.0 to 1.7 percent fare increase as a result of this regulation.

Various aspects of potential economic impact were assessed to evaluate changes which could occur due to promulgation of these proposed regulations. Since many effects are difficult to quantify, a qualitative summary follows:

1. *Impacts on Suppliers.* Some component suppliers may increase their sales depending on their ability to reduce the noise emissions of their product and thereby contribute to the reduction in overall vehicle noise. Furthermore, those suppliers specializing in the manufacture of sound dampening and sound absorbent materials and other products required for abatement would be expected to experience increased sales.

2. *Impacts on Exports.* Products manufactured for export only are not required under the Act to comply with the regulation. Accordingly, because the technology studied is essentially modular, vehicles for export can generally be produced without noise abatement equipment; therefore, the impact on U.S. exports should be minimal.

3. *Impacts on Foreign Trade.* The proposed regulations will apply to all imported buses. However, the percentage (approximately 2.5 percent) of buses imported when compared with overall domestic bus production in very small. There is no reason to believe that imports will be unable to competitively comply with the standards and thus the proposed regulation should have little to no effect on foreign trade.

4. *Employment Impacts.* Regulating the noise emissions of buses will probably have negligible overall effect on employment. The existing research and development (R&D) staffs of major firms and independent suppliers of these services would appear to be able to readily meet the bus industry's R&D requirements for noise abatement. There may, in fact, be a modest increase in manufacturing labor to design, build and install the necessary noise abatement materials. This potential increase may be offset by a corresponding decline in regular production personnel if decreases in demand for regulated buses result. This latter point is uncertain since it is also probable that firms will increase their sales efforts to counter any potential decline in demand in this highly competitive market.

5. *Effects on Gross National Product.* The proposed regulation is not expected to directly affect the Gross National Product (GNP). Since the Agency's best estimate of the price elasticity of demand for buses is −0.5, it is expected that marginal price increases of buses would probably be offset by equal percentage decreases in demand; the net result being an unchanged GNP as expressed in current dollars.

6.0 ENFORCEMENT

6.1 *General* The EPA enforcement strategy will place a major share of the responsibility on the manufacturers for pre-sale testing to determine the compliance of buses with these regulations and the interior and exterior noise emission standards at the time of sale. This approach leaves the manufacturers in control of many aspects of the compliance program and imposes a minimal burden on their business. The effectiveness of this strategy necessitates limited recordkeeping and reporting by the manufacturer and monitoring by EPA personnel of the tests conducted and actions taken by the manufacturer in compliance with this regulation. Comments are soliciated on this stratetgy and in particular the reporting requirements contained in the regulation.

The strategy proposed in this regulation for enforcement of both the interior and exterior standards consists of three parts: (1) Production Verification (PV), (2) Selective Enforcement Auditing (SEA), and (3) In-use Compliance.

The manufacturer who assembles the completed bus, as in the case of intercity and transit buses, is responsible for satisfying the PV, SEA and in-use requirements of this regulation for both the interior and exterior standards. In the case of vehicles which are assembled by two manufacturers, such as many Type I school buses, the chassis manufacturer must satisfy the PV, SEA and in-use provisions of this regulation with respect to the vehicle exterior noise emission standard. The body assembler/mounter of the Type I school bus is responsible for compliance with these provisions with respect to the vehicle interior standard. In addition, the body assembler is prohibited from causing the vehicle exterior noise emissions to exceed the standard and is subject to SEA provisions of the regulation for the exterior standard.

The following discussion of PV, SEA and in-use provisions applies to the enforcement of both the interior and exterior standards and is applicable to the appropriate manufacturer as discussed above.

6.2 *Production Verification* PV is the testing by a manufacturer of early production models of a category or configuration of the product, and submitting a report of the results to the EPA. This process, using the proposed methodologies, for both interior and exterior testing, gives the EPA some assurance that the manufacturer has the requisite noise control technology in hand and the capability to apply it to the production process. Models selected for testing must have been assembled using the manufacturer's normal assembly method and must be units assembled for sale.

PV does not involve any formal EPA approval or issuance of certificates subsequent to manufacturer testing. The proposed regulation would require that, prior to the distribution in commerce of any regulated product, a product must undergo production verification. Section 205.105–2(a) would allow a conditional and temporary waiver of this requirement under special circumstances. Responsibility for testing lies with the appropriate manufacturer as set out above and in section 205.105–1 of the regulation. The Administrator reserves the right to be present to monitor any test (including simulaneous testing with his equipment) or to require that a manufacturer ship products for testing to the EPA's Noise Enforcement Facility in Sandusky, Ohio or to any other site the Administrator may find appropriate.

The basic production unit selected for testing purposes is a product configuration, which is a set of vehicles grouped together on the basis of parameters proposed in § 205.105.3 The manufacturer would be required to verify each configuration. The regulations, however, also allow manufacturers to group configurations into categories based on the parameters proposed in § 205.105–2 and to verify by category. This is done by selecting the configuration in each category that the manufacturer determines will have the highest level of noise emissions at the end of its Acoustical Assurance Peroid (AAP) (based on tests or on engineering judgment). If when tested in accordance with the test procedure, that configuration does not exceed a sound level defined by the new product standard minus that configuration's expected noise degradation over the period of its AAP, the all configurations in that category are considered product verified. This applies to both the interior and exterior standards.

The Administrator also reserves the right to test vehicles at a manufacturer's test facility using either his own equipment or the manufacturer's equipment. This will provide the Administrator an opportunity to determine that the manufacturer's test facility and test equipment meet the specifications proposed in the regulations. If it is determined that the facility or equipment does not meet these specifications, the Administrator may disqualify it from further use for testing under this subpart.

Under proposed § 205.106(a)(1), the Administrator may require that manufacturers submit to him any vehicle, including those tested or scheduled to be tested pursuant to these regulations at such time and place as he may designate.

If a manufacturer proposes to add a new configuration to the product line or to change or deviate from an existing configuration with respect to any of the configurations, he must verify the new configuration either by testing a product and submitting data or by filing a report which demonstrates verification on the basis of previously submitted data. A manufacturer may production verify a configuration at any time during the model year or in advance of the model year if he so desires.

Production verification is an annual requirement. However, the Administra-

tor, upon request by a manufacturer, may permit the use of data from previous production verification reports for specific configurations or categories.

Production verification performed on the early production models give some assurance that the manufacturer has in hand adequate technology to produce vehicles which conform to the applicable noise emission standard and limits the possibility that non-conforming products are distributed in commerce. Because the possibility still exists that subsequently produced vehicles may not conform, selective enforcement auditing testing is incorporated in these proposed regulations.

6.3 *Selective Enforcement Auditing.* Selective enforcement auditing (SEA) is the testing of a statistical sample of assembly line (production) vehicles from a specified vehicle configuration or category to determine whether these vehicles comply with the applicable noise emission standards. The Agency proposes to utilize this strategy to oversee compliance with both the interior and exterior standards.

SEA testing is initiated when a test request is issued to the manufacturer by the Assistant Administrator for Enforcement or his designated representative. The test request will require the manufacturer to test a batch of vehicles of a specified category or a configuration produced at a specified plant. An alternative category or configuration may be designated in the event that vehicles of the first category or configuration are not available for testing.

The SEA plan employs a technique known as inspection by attributes. The basic criterion for acceptance or rejection of a batch is the number of sample vehicles in the batch which meet the standard rather than the average noise level of the vehicles tested.

A sequential batch sampling inspection plan will be used for SEA testing. Sequential sampling differs from single sampling in that small test samples are drawn from sequential batches rather than one large sample being drawn from a single batch. It offers the advantage of keeping the number of vehicles tested to a minimum when the majority of such vehicles are meeting the standards.

A batch will be defined as the number of vehicles produced during a time period specified in the test request. This will allow the Administrator to select batch sizes small enough to keep the number of vehicles to be tested at a minimum and still draw statistically valid conclusions about the noise emission performance and/or interior noise levels of all vehicles in that category or configuration.

The sampling plans proposed in these regulations are arranged according to the size of the batch from which a sample is to be drawn. Each plan specifies the sample size and the acceptance and rejection number for the established acceptance quality level (AQL). This AQL is the maximum percentage of vehicles exceeding the applicable noise emission standard minus the appropriate Sound Level Degradation Factor that for purposes of sampling inspection can be considered satisfactory. An AQL of 10 percent was chosen for both the interior and exterior standard to take into account some test variability. The number of failing vehicles in a sample is compared to the acceptance and rejection numbers for the appropriate sampling plan. If the number of failures is less than or equal to the acceptance number, then there is a high probability that the percentage of non-complying vehicles in the batch is less than AQL and the batch is accepted. If the number of failing vehicles is greater than or equal to the rejection number, then there is a high probability that the percentage of non-complying vehicles in the batch is greater than the AQL and the batch fails.

Since the sampling strategy involves a multiple sampling plan, in some instances the number of failures in a test sample may not allow acceptance or rejection of a batch so that continued testing may be required until a decision can be made to either accept or reject a batch.

When a batch sequence is tested and accepted in response to a test request, the testing is terminated. When a batch sequence is tested and rejected and the manufacturer desires to continue production and introduction into commerce of the failed configuration (category), the Administrator may require 100 percent testing of the vehicles of that configuration or category produced at that plant. He may then distribute the individual vehicles that pass the test.

Regardless of whether a batch is accepted or rejected, failed vehicles would have to be repaired or adjusted and pass a retest before they can be distributed in commerce.

The manufacturer can request a hearing on the issue of non-compliance of the rejected category or configuration.

Because the number of vehicles tested in response to a test order may vary considerably, a fixed time limit cannot be placed on completing all testing. The proposed approach is to establish a limit on test time per vehicle. It is estimated that manufacturers when conducting vehicle exterior and/or interior noise measurements can test a minimum of five (5) vehicles per day. However, manufacturers are requested to present any data or information that may effect a revision of this estimate.

6.4 *Administrative orders.* Section 11 (d)(1) of the Act provides that:

> Whenever any person is in violation of section 10(a) of this Act, the Administrator may issue an order specifying such relief as he determines is necessary to protect the public health and welfare.

This provision grants the Administrator discretionary authority to issue remedial orders to supplement the criminal penalties of section 11(a). The proposed regulations provide for several types of orders in specified circumstances: (1) Recall orders for failure of vehicles to comply with regulations (§ 205.109); (2) cease to distribute orders for vehicles not properly production verified (§ 205.105–10); and (3) cease to distribute orders for failure to test (§ 205.107–9).

In addition, 40 CFR 205.4(f) provides for cease to distribute orders for substantial infractions of regulations requiring entry to manufacturers' facilities and reasonable assistance. These provisions do not limit the Administrator's authority to issue orders, but give notice of cases where such orders would in his judgment be appropriate. In all such cases notice and opportunity for a hearing will be given.

6.5 *Compliance labeling.* The proposed regulation requires that buses be labeled to provide notice that the product complies with both the exterior and interior noise emission standards. As was stated above, the manufacturer who is required to conduct production verification testing for a particular standard must satisfy the labeling requirements applicable to that standard. The EPA is considering requiring that the actual not-to-exceed level of the standard be stated on the label. This would be intended to aid state and local officials in field testing and enforcement of complimentary in-use standards. Specific comments on the advantages and disadvantages of including the level of the standard on the compliance label are solicited from all concerned parties.

6.6 *In-use compliance.* In-use compliance provisions are included in §§ 205.108–1, 105.108–2 and 205.108–3 to ensure that degradation of emitted noise levels is minimized: *Provided,* That the vehicles are properly maintained and used. These provisions include a requirement that the manufacturers provide a time of sale warranty to purchasers, assist the Administrator in defining those acts that constitute tampering, provide to purchasers notice that such acts are tampering, and provide purchasers with instructions specifying the maintenance and use required to minimize degradation during product use.

It should be noted that the warranty is a time-of-sale warranty. Section 6 of the Act requires that a manufacturer warrant to the ultimate purchaser and all subsequent purchasers that at the time-of-sale the product was designed, built, and equipped to comply with the regulations. A warranty claim can be made by a purchaser at any time throughout the actual life of the product so long as it relates back to a non-compliance at the time-of-sale.

6.7 *Acoustical assurance period (AAP) compliance.* The manufacturer must also design his product so that it will meet the noise standard for the period of time specified as the Acoustical Assurance Period beginning at the date of delivery to an ultimate purchaser.

EPA does not specify what testing or analysis a manufacturer must conduct to determine that his vehicles will meet the AAP requirement of these regulations. However, these regulations do require the manufacturer to make a determination regarding the expected degradation and maintain records of the test data or other information upon which the determination was based. This determination

may be based on information such as tests of critical noise producing or abatement components, rates of noise control deterioration, engineering judgments based on previous experience, and physical durability characteristics of the product or product subcomponents.

The mechanism used in these regulations to express the amount of expected degraduation, if any, is the sound level degradation factor (SLDF). The SLDF is the degradation (noise level increase in A-weighted decibels) which the manufacturer expects will occur on a configuration during the period of time specified as the AAP. The manufacturer must determine an SLDF for each of his vehicle configurations.

To ensure that the vehicles will meet the noise standard throughout the AAP, they must emit a time of sale sound level less than or equal to the new product sound emission standard minus the SLDF. In no case shall this noise level exceed the federal standard; i.e., a negative SLDF may not be used. Production verification and selective enforcement audit testing both embody this principle.

If the product's noise level is not expected to deteriorate during the AAP when properly used and maintained, the SLDF is 0. If a manufacturer determines that a vehicle configuration will become quieter during the acoustical assurance period, the configuration must still meet the standard at the time of sale and an SLDF of 0 must also be used for that configuration.

This strategy should impose little, if any, additional cost on the manufacturer. In fact a basic assumption in our economic analysis has been that the noise level of a product which is properly used and maintained will not degrade, at least not any appreciable amount. However, EPA is not dictating that a product's noise level cannot deteriorate during its AAP, but rather merely requiring that it not deteriorate above the standard. It may be that most of the data required to determine an SLDF will already be in the hands of the manufacturer since this information is typically used for general product development work. In any event, EPA is not now proposing to require long term durability tests to be run as a matter of course.

6.8 *Applicability of previously Promulgated regulations.* Manufactures who will be subject to these proposed regulations must also comply with the general provisions of 40 CFR Part 205 Subpart A. These include the requirements for inspection and monitoring of manufacturer's actions taken in compliance with these proposed regulations and the requirements for requesting and granting exemptions from these proposed regulations.

A more detailed description of the enforcement regulations may be found in the Background Document.

7.0 FUTURE INTENT

The Agency is pursuing a strategy through which major contributors to overall transportation noise will be identified and subsequently regulated. This coordinated approach is necessary because a number of different types of vehicles are operated at the same time on the highway system and the quieting of only one vehicle type will not in itself be sufficient to adequately reduce the noise from the transportation system to a level the Agency believes requisite to protect the public health and welfare with an adequate margin of safety.

The Agency intends to continue its investigations pursuant to noise regulatory actions for other transportation vehicles. Consequently, the levels specified for the standard in this proposed rulemaking are consistent with the Agency's objective to ultimately reduce the total noise emitted from all transportation vehicles including medium and heavy trucks, buses, automobiles and light duty vehicles and motorcycles.

8.0 PUBLIC COMMENT

The Agency is committed by statute and policy to public participation in the decision making process for its environmental regulations. That policy encourages and solicits communications and comments on all aspects of the proposed regulation, including EPA's determination that buses are a major source of noise (40 FR 23107, May 28, 1975). These contributions are desired from as many diverse views as possible. Such information, when submitted, is fully analyzed and where so indicated, necessary changes in proposed rule will be made, and explained in the final regulation.

9.0 BACKGROUND DOCUMENT

The document entitled "Draft Environmental Impact Statement, and Background Document for the Proposed Bus Noise Emission Regulation" may be obtained from:

U.S. Environmental Protection Agency, EPA Public Information Center (PM-215, Room M2194D, Waterside Mall, Washington, D.C. 20460.

This regulation is proposed under the authority of sections 6, 10, 11, 13, and 15 of the Noise Control Act (Pub. L. 92-574, 86 Stat. 1237, 1242, 1244, and 1245 (42 U.S.C. 4905, 4909, 4910, 4912, and 4914).

Dated: August 29, 1977.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, it is proposed to amend Part 205 by adding Subpart C as follows:

Subpart C—Buses

Sec.
205.100 Applicability.
205.101 Definitions.
205.102 Vehicle noise emission standards.
205.103 Maintenance of records; Submittal or information.
205.104 Test procedures.
205.104-1 Low speed exterior sound emission test procedures.
205.104-2 Low speed interior sound emission test procedures.
205.104-3 Sound data acquisition system.
205.105 Product verification.
205.105-1 General requirements.
205.105-2 Production verification of vehicles; compliance with standards.
205.105-3 Configuration identification.
205.105-4 Production verification report: Required data.
205.105-5 Test sample selection.
205.105-6 Test vehicle preparation.
205.105-7 Testing.
205.105-8 Addition of, changes to, and deviation from a vehicle configuration during the model year.
205.105-9 Production verification based on data from previous model years.
205.105-10 Cessation of distribution.
205.105-11 Labeling (interior/exterior standards)—compliance.
205.105-12 Labeling—Exterior [Reserved].
205.106 Testing by the Administrator.
205.107 Selective enforcement auditing requirements.
205.107-1 Test request.
205.107-2 Test vehicle sample selection.
205.107-3 Test vehicle preparation.
205.107-4 Testing procedures.
205.107-5 Reporting of the test results.
205.107-6 Acceptance and rejection of batches.
205.107-7 Acceptance and rejection of batch sequence.
205.107-8 Continued testing.
205.107-9 Prohibition of distribution in commerce; manufacturer's remedy.
205.108 In-use requirements.
205.108-1 Warranty.
205.108-2 Tampering.
205.108-3 Instructions for maintenance, use, and repair.
205.108-4 Sound level degradation factor (SLDF) and retention of durability data.
205.109 Recall of non-complying vehicles.

APPENDIX I

AUTHORITY: Sec. 6, Noise Control Act (42 U.S.C. 4905) and additional authority as specified.

Subpart C—Buses

§ 205.100 Applicability.

Except as otherwise provided, the provisions of this subpart apply to any bus or vehicle (as defined in § 205.101) which meets the definition of the term "new product" in the Act.

§ 205.101 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in other subparts of this part.

(1) "Acceptable quality level" means the maximum percentage of failing vehicles that, for purposes of sampling inspection, can be considered satisfactory as a process average.

(2) "Acceptance of a batch" means that the number of noncomplying vehicles in the batch sample is less than or equal to the acceptance number as determined by the appropriate sampling plan.

(3) "Acceptance of a batch sequence" means that the number of rejected batches in the sequence is less than or equal to the acceptance number as determined by the appropriate sampling plan.

(4) "Acceptance of a vehicle" means that the noise emissions of the vehicle, when measured in accordance with the applicable procedure as delineated in this subpart, conform to the applicable standard minus the applicable SLDF.

(5) "Batch" means the collection of vehicles of the same category or configuration as designated by the Administrator in a test request, from which a batch sample is to be drawn and inspected to determine conformance with the acceptability criteria.

(6) "Batch sample" means the collection of vehicles of the same category or configuration which are drawn from a batch from which test samples are drawn.

(7) "Batch size" means the number as designated by the Administrator in the test request of vehicles of the same category or configuration in a batch.

(8) "Batch sample size" means the number of vehicles of the same category or configuration in a batch sample.

(9) "Bus" means any vehicle which has an enclosed passenger compartment.

(10) "Category" means a group of vehicle configurations which are identical in all material aspects with respect to the parameters listed in § 205.105-2.

(11) "Configuration" means the basic classification unit of a manufacturer's product line and is comprised of all vehicle designs, models or series which are identical in material aspects with respect to the parameters listed in § 205.105-3.

(12) "Designed for the transportation of passengers on a highway or a street" means that the vehicle:

(i) Is self propelled and is designed for the transportation of passengers;

(ii) Is capable of maintaining a maximum cruising speed of at least 25 mph over a level paved surface;

(iii) Is equipped or can readily be equipped with features customarily associated with practical street or highway use, such features including, but not being limited to, a reverse gear, a differential, and a fifth wheel; and,

(iv) Does not exhibit features which render its use on a street or highway impractical or highly unlikely, such features including, but not being limited to, tracked road means, an inordinate size or features ordinarily associated with combat or tactical vehicles.

(13) "Exhaust system" means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine exhaust port to the atmosphere.

(14) "Failing vehicle" means that the noise emissions of the vehicle, when measured in accordance with the applicable procedure, exceed the standard minus the applicable, SLDF.

(15) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

(16) "Governed engine speed" means the maximum engine speed achieved under the regulation test conditions, where wide-open-throttle is maintained through the end point.

(17) "Inspection criteria" means the rejection and acceptance numbers asociated with a particular sampling plan.

(18) "Low noise emission product" means any product which emits noise in amounts significantly below the levels specified in noise emissions standards under the applicable regulation.

(19) "Maximum rated engine speed" means the maximum engine speed, as determined by the engine manufacturer beyond which the ungoverned engine should not be operated.

(20) "Model year" means the manufacturer's annual production period which includes January 1 of such calendar year: *Provided*, That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(21) "Noise control system" includes any vehicle part, component, or system, the primary purpose of which is to control or cause the reduction of noise emitted from a vehicle.

(22) "Noise emission test" means a test conducted pursuant to the measurement methodology specified in this § 205.104.

(23) "Production verification vehicle" means any vehicle selected for testing, tested or verified pursuant to the production verification requirements of this subpart.

(24) "Rejection of a batch" means the number of noncomplying vehicles in the batch sample is greater than or equal to the rejection number as determined by the appropriate sampling plan.

(25) "Rejection of a batch sequence" means that the number of rejected batches in a sequence is equal to or greater than the rejection number as determined by the appropriate sampling plan.

(26) "Shift" means the regular production work period for one group of workers.

(27) "Sound Level Degradation Factor" (SLDF) means the increase in A-weighted sound level which the product configuration is projected to undergo during the Acoustical Assurance Period when properly maintained and used.

(28) "Tampering" means those acts prohibited by section 10(a)(2) of the Act.

(29) "Test sample" means the collection of vehicles from the same category or configuration which is drawn from the batch sample and which will receive noise emission tests.

(30) "Test sample size" means the number of vehicles of the same category or configuration in a test sample.

(31) "Test vehicle" means a vehicle in a test sample or a production verification vehicle.

(32) "Vehicle" means any motor vehicle, with a gross vehicle weight rating (GVWR) in excess of 10,000 lbs, designed for the transportation of passengers on a street or highway and includes a partially or fully enclosed engine compartment.

§ 205.102 Vehicle noise emission standards.

(a) *Low speed exterior noise emission standards*. Vehicles manufactured subsequent to the effective dates noted below shall be designed built, and equipped so that at the time of sale they will not produce exterior sound emissions in excess of the following levels when tested and evaluated as prescribed in this subpart:

Effective date:	*Level (dBA)*
(i) Jan. 1, 1979	83
(ii) Jan. 1, 1983	80
(iii) Jan. 1, 1985	77

(b) The standards set forth in paragraph (a) of this section refer to the sound emissions as measured in accordance with the procedures prescribed in § 205.104-1.

(c) *Low speed interior noise emission standards*. Buses manufactured subsequent to the effective dates noted below shall be designed, built, and equipped so that at the time of sale they will not produce interior sound emissions in excess of the following levels indicated when tested and evaluated as prescribed in this subpart:

Effective date:	*Level (dBA)*
(i) Jan. 1, 1979	86
(ii) Jan. 1, 1983	83
(iii) Jan. 1, 1985	80

(d) The standards set forth in paragraph (c) of this section refer to the sound emissions as measured in accordance with the procedures prescribed in § 205.104-2.

(e) Every manufacturer of a new bus or vehicle subject to the standards prescribed in this section shall comply with the other provisions of this subpart or Subpart A, as applicable, before distributing any new bus or vehicle into commerce.

(f) *In-use standard*. (1) Following the effective date of the standards prescribed in paragraphs (a) and (c) of this section, buses, when properly used and maintained, shall continue to meet the standards for an Acoustical Assurance Period (AAP) of two years or 200,000 miles, whichever occurs first, after sale to the ultimate purchaser.

(2) At the time of product verification (PV) testing in § 205.105 and selective enforcement auditing (SEA) testing in § 205.107, new vehicles must comply with the standards set forth in paragraphs (a) and (c) of this section minus the sound level degradation factor (SLDF) developed in accordance with § 205.108-4.

(g) *Low noise emission product*. For the purpose of Low-Noise-Emission-Product (LNEP) Certification pursuant to 40 CFR Part 203, buses subject to this subpart which are procured after the dates listed below shall not emit A-weighted sound pressure levels in excess of the indicated levels determined in accordance with the procedures prescribed in § 205.104. In order for any bus to qualify for LNEP Certification the bus must meet both the interior and exterior standards as indicated below:

Procurement date	Average A-weighted sound level	
	Exterior	Interior
Jan. 1, 1978	78	81
Jan. 1, 1982	75	78
Jan. 1, 1984	72	75

(Secs. 10, 13, Noise Control Act (42 U.S.C. 4909, 4914).)

§ 205.103 Maintenance of records: Submittal of information.

(a) Except as otherwise provided for in this regulation the manufacturer of any new vehicle subject to any of the standards or procedures prescribed in this subpart shall establish, maintain, and retain the following adequately organized and indexed records:

(1) *General records.* (i) Identification and description by category and configuration parameters of all vehicles composing the manufacturer's product line for which testing is required under this subpart and the identification and description of all devices incorporated into the vehicle for the purpose of noise control and attenuation.

(ii) A description of any procedures other than those contained in this regulation used to perform noise tests on any test vehicle.

(iii) A record of the calibration of the acoustical instrumentation as is required by § 205.104–3.

Individual records for test vehicles:

(i) A complete record of all noise emission tests performed for PV and SEA (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each test, or exact copies thereof.

(ii) A record and description of all repairs, maintenance, and other serving performed on PV and SEA test vehicles, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service.

(3) A properly filed production verification report following the format prescribed by the Administrator in § 205.-105-4 fulfills the requirements of paragraphs (a)(1) (i), (ii), (iii), and (a)(2) (i) of this section.

(4) All records required to be maintained under this part shall be retained by the manufacturer for a period of three (3) years from the production verification date. Records may be retained as hard copy or alternatively reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer; however, all of the information contained in the hard copy shall be retained in the alternative method if this method is used.

(b) The manufacturer shall, pursuant to a request made by the Administrator, submit to the Administrator the following information with regard to new vehicle production

(1) Number of vehicles, by category or configuration, scheduled for production for the time period designated in the request.

(2) Number of vehicles, by category or configuration, produced during the time period designated in the request.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.104 Test procedures.

§ 205.104–1 Low speed exterior sound emission test procedures.

(a) *Instrumentation.* The following instrumentation shall be used, where applicable.

(1) A sound measurement system which meets the Type I requirements of ANSI SI.4–1971, Specification for Sound Level Meters or a sound level system with a magnetic tape recorder and/or a graphic level recorder or indicating meter my be used, providing the system meets the requirements § 205.104–3.

(2) A windscreen must be employed with the microphone during all sound measurements. The windscreen shall not affect the A-weighted sound levels from the vehicle in excess of ±0.5dB.

(3) A sound level calibrator shall be used which shall produce a sound pressure level, at the microphone diaphragm that is known to within an accuracy of ±0.5B. The Calibrator shall be checked annually to verify that its output has not changed.

(4) An engine-speed tachometer which is accurate within ±2 percent of the meter reading.

(5) An anemometer or other device for measurement of ambient wind speed accurate within ±10 percent at 19.3 km/hr (12 mph).

(6) A thermometer for measurement of ambient temperature accurate within ±1 C.

(7) A barometer for measurement of ambient pressure accurate within ±1 percent.

(b) *Test site requirements.* (1) The test site shall be such that the vehicle radiates sound into a free field over a reflecting plane. This condition may be considered fulfilled if the test site consists of an open space free of large reflecting surfaces, such as parked vehicles, signboards, buildings, or hillsides, located within 30.4 meters (100 feet) of either the vehicle path or the microphone.

(2) The microphone shall be located 15.2±0.1 meters (50 feet ±4 inches) from the centerline of vehicle travel and 1.2±0.1 meters (4 feet ±4 inches) above the ground plane. The microphone point is defined as the point of intersection of the vehicle path and the normal to the vehicle path drawn from the microphone. The microphone shall be oriented with respect to the source in a fixed position so as to minimize the deviation from the flattest frequency response over the frequency range 100 Hz to 10 KHz for a vehicle traversing through the end zone.

(3) (i) For vehicles with manual transmissions or for vehicles with automatic transmissions which can manually be held in gear, an acceleration point shall be established on the vehicle path 15.2 meters (50 feet) before the microphone point.

(ii) For vehicles with automatic transmission vehicles, which cannot be manually held in gear, a starting point shall be established as described in paragraph (c)(2)(ii) of this section.

(4) An end point shall be established on the vehicle path 30.5 meters (100 feet) from the acceleration point and 15.2 meters (50 feet) from the microphone point.

(5) The end zone is the last 12.2 meters (40 feet) of vehicle path prior to the end point.

(6) The measurement area shall be the triangular paved (concrete or sealed asphalt) area formed by the acceleration point, the end point, and the microphone location.

(7) The reference point on the vehicle, used to indicate when the vehicle is at any of the points on the vehicle path, shall be the front of the vehicle except as follows:

(i) If the engine is front mounted and the horizontal distance from the front of the vehicle to the exhaust outlet is more than 5.1 meters (200 inches) tests shall be run using both the front and rear of the vehicle as reference points.

(ii) If the main body of the engine is located rearward to the center of the chassis or at the approximate center (±1.5 meters, ±5 feet) of the chassis, the rear of the vehicle shall be used as the reference point.

(8) The plane containing the vehicle path and the microphone location (plane ABCDE) shall be flat within ±0.05 meter (±2 inches).

(9) Measurements shall not be made when either the road surface or the measurement surface area is wet, covered with snow, or during precipitation.

(10) Not more than one person, other than the observer reading the meter, shall be within 15.2 meters (50 feet) of the vehicle path or instrument and the person shall be directly behind the observer reading the meter, on a line through the microphone and observer. A cable should be used between the microphone and the sound level meter. No observer shall be located within 1 meter (3.3 feet) in any direction of the microphone location.

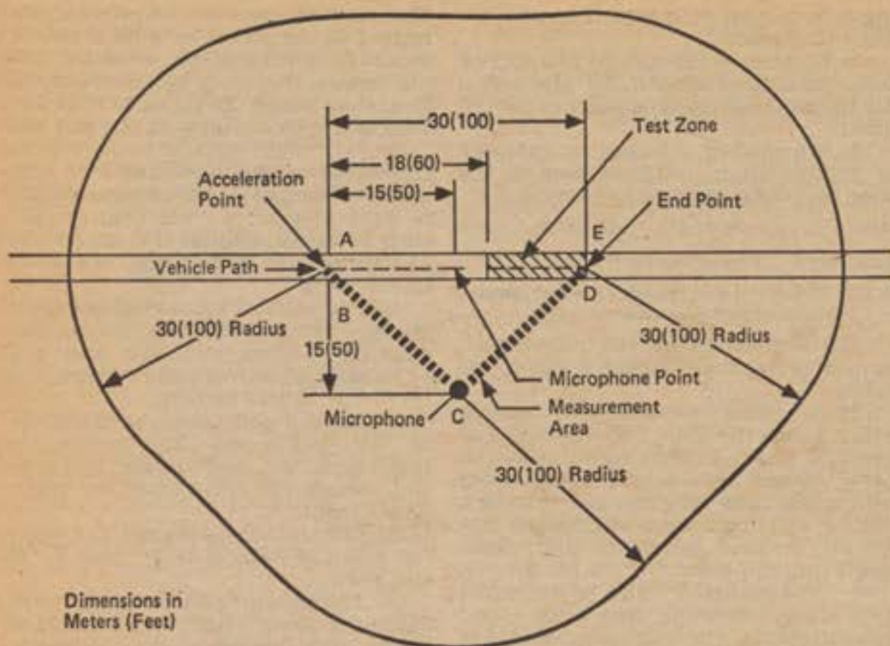


FIGURE 205.101

(11) The maximum A-weighted fast response sound level observed at the test site immediately before and after the test shall be at least 10 dB below the regulated level.

(12) The road surface within the test site upon which the vehicle travels, and at minimum, the measurement area shall be smooth concrete or smooth scaled asphalt, free of extraneous material such as gravel.

(13) Vehicles with diesel engines shall be tested using Number 1D or Number 2D diesel fuel possessing a cetane rating from 42 to 50 inclusive.

(14) Vehicles with gasoline engines shall use the grade of gasoline recommended by the manufacturer for use by the purchaser.

(15) Vehicles equipped with thermostatically controlled radiator fans (fan clutches) shall be tested with the fan engaged in a "lock up" mode such that the fan drive hub and the fan are turning at the same speed or as near the same speed as is possible within the design limits of the particular fan clutch design.

(c) *Procedure.*—(1) *Vehicle operation for vehicles equipped wih manual (standard) transmissions or for vehicles with automatic transmissions which can be manually held in gear.* Full throttle acceleration and closed throttle deceleration tests shall be used. A beginning engine speed and proper gear ratio shall be determined for use during measurements. Closed throttle deceleration tests are required only for those vehicles equipped with an engine brake. In the procedure contained in paragraph (c) of this section, the phrase "governed engine speed" applies to vehicles which are equipped with engine speed governors, while the phrase "maximum rated engine speed" applies to vehicles which are not equipped with engine speed governors.

(i) Select the highest rear axle and/or transmission gear ("highest gear" is used in the usual sense; it is synonymous with the lowest numerical ratio) and an initial vehicle speed such that at wide-open throttle the vehicle will accelerate from the acceleration point.

(A) Starting at no more than two-thirds (66 percent) of maximum rated or of governed engine speed.

(B) Reaching maximum rated engine speed (if the vehicle is not equipped with an engine governor) or governed engine speed (if the vehicle is equipped with an engine governor) within the end zone.

(C) Without exceeding 56 km/hr (35 mph) before reaching the end point.

(*1*) Should maximum rated or governed rpm be attained before reaching the end zone, decrease the approach rpm in 100 rpm increments until maximum rated or governed rpm is attained within the end zone.

(*2*) Should maximum rated or governed rpm not be attained until beyond the end zone, select the next lower gear until maximum rated or governed rpm is attained within the end zone.

(*3*) Should be lowest gear still result in reaching maximum rated or governed rpm beyond the permissible end zone, unload the vehicle and/or increase the approach rpm in 100 rpm increments until the maximum rated or governed rpm is reached within the end zone.

(ii) For the acceleration test, approach the acceleration point using the engine speed and gear ratio selection in paragraph (c)(1)(i) of this section and at the acceleration point rapidly establish wide-open throttle. The vehicle refference shall be as indicated in paragraph (b)(7) of this section. Acceleration shall continue until maximum rated or governed engine speed is reached.

(A) Vehicles equipped with governed engines must be held at wide open throttle until the entire vehicle is out of the end zone.

(B) Vehicles equipped with ungoverned engines must not be allowed to drop more than 100 rpm below maximum rated engine speed until the vehicle is out of the end zone.

(iii) Wheel slip which affects maximum sound level must be avoided.

(iv) If the vehicle being tested is equipped with an engine brake, it must also be tested as follows: Approach the microphone point at maximum rated or governed engine speed in the gear selected for the acceleration test. When the vehicle reference point reaches the microphone point, close the throttle and immediately apply the engine brake fully and allow the vehicle to decelerate to one-half of maximum rated or of governed engine speed. The vehicle reference shall be as indicated in paragraph (b)(7) of this section. The engine brake must be full on during this test.

(2) *Vehicle operation for vehicles equipped with automatic transmissions which cannot be manually held in gear.* Full throttle acceleration tests and closed throttle deceleration tests are to be used. Closed throttle deceleration tests are required only for those vehicles equipped with an engine brake.

(i) Select the highest gear axle and/or transmission gear (higest gear is used in the usual sense; it is synonymous with the lowest numerical ratio) to accelerate the vehicle under wide open throttle from a stationary position.

(ii) A starting point along the test path at which the vehicle shall begin the acceleration test shall be determined by the following procedure:

(A) The vehicles' reference point shall be placed at the midpoint (±0.3 meters, ±1 feet) of the end zone with the front end of the vehicle facing back along the test path in the opposite direction of travel that is used for the sound measurement tests.

(B) The vehicle shall then be accelerated, as rapidly as possible to establish a wide open throttle, until the first transmission shift point is reached.

(C) The location along the test path at which the front end of the vehicle is passing when the first transmission shift point occurs during the wide open throttle acceleration shall be the designated stationary starting point.

(D) The vehicle's direction of travel shall then be reversed for sound testing.

(iii) For the acceleration test, accelerate the vehicle from a standing position with the front of the vehicle at the selected stationary starting point, obtained by using paragraph (c)(2)(ii) of this section, as rapidly as possible to establish a wide open throttle. The acceleration shall continue until the entire vehicle has vacated the end zone.

(iv) Wheel slip which affects maximum sound level must be avoided.

(v) If the vehicle being tested is equipped with an engine brake, it must also be tested as follows: Approach the microphone point at maximum rated engine speed (if the vehicle is not equipped with an engine speed governor) or governed engine speed (if the vehicle is equipped with an engine speed governor) in the gear utilized for the acceleration test. When the vehicle's reference point reaches the microphone point, close the throttle, immediately apply the engine brake fully and allow the vehicle to decelerate to one-half of maximum rated or of governed engine speed. The vehicle reference shall be as indicated in paragraph (b)(7) of this section. The engine brake must be full on during the test.

(3) *Measurements.* (i) The meter shall be set for "fast response" and the A-weighted network.

(ii) The sound meter shall be observed during the period while the vehicle is accelerating. The applicable reading shall be the highest sound level obtained for the run. The test shall be rerun if unrelated peaks should occur due to extraneous ambient noises.

(iii) Sound level measurements shall be taken on both sides of the vehicle. The sound level associated with a side shall be the average of the first two pass-by measurements for that side, if they are within 2 dBA of each other. The average of the measurements on each side shall be computed separately. If the first two measurements for a given side differ by more than 2 dBA, two additional measurements shall be made on each side, and the average of the two highest measurements on each side, within 2 dBA of each other, shall be taken as the measured vehicle sound level for that side. The reported vehicle sound level shall be the higher of the two averages.

(d) *General requirements.* (1) Measurements shall be made only when wind speed is below 19.3 km/hr (12 mph).

(2) Proper usage of all test instrumentation is essential to obtain valid measurements. Operating manuals or other literature furnished by the instrument manufacturer shall be referred to for both recommended operation of the instument and precautions to be observed. Specific items to be adequately considered are:

(i) The effects of ambient weather conditions on the performance of the instruments (for example, temperature, humidity, and barometric pressure.)

(ii) Proper signal levels, terminated impedances, and cable lengths on multi-instrument measurement systems.

(iii) Proper acoustical calibration procedure, to include the influence of extension cables, etc. Field calibration shall be made immediately before and after each test sequence. Internal calibration means is acceptable for field use: *Provided,* That external calibration is accomplished immediately before or after field use.

(3)(i) A complete calibration of the instrumentation and external acoustical calibrator over the entire frequency range of interest shall be performed at least annually and as frequently as necessary during the yearly period to insure compliance with the standards cited in American National Standard S1.4-1971 "Specifications for Sound Level Meters" for a Type 1 instrument over the frequency range 100 Hz-10,000 Hz.

(ii) If calibgration devices are utilized which are not independent of ambient pressure (e.g., a pistonphone) corrections shall be made for barometric or altimetric changes according to the recommendation of the instrument manufacturer.

(4) The vehicle shall be brought to a temperature within its normal operating range prior to commencement of testing. During testing appropriate caution shall be taken to maintain the engine at temperatures within the normal operating range.

(e) *Alternative procedures.* The Administrator may approve applications from manufacturers of buses for exterior noise level test procedures which differ from those contained in this part so long as the alternative procedures have been demonstrated to correlate with the prescribed procedure. To be acceptable, alternative testing procedures shall be such that the test result will identify all those test units which would not comply with the noise emission standard prescribed in § 205.102(a) when tested in accordance with the procedure contained in § 205.104-1. Tests conducted by manufacturers under approved alternative procedures may be accepted by the Administrator for all purposes including, but not limited to, production verification testing and selective enforcement audit testing.

§ 205.104-2 Low speed interior sound emission test procedures.

Interior sound levels shall be measured using the following measurement equipment and test site area, and vehicle operation as described in the procedure for measurement of exterior noise emissions § 205.104-1.

(a) *Instrumentation.* The following instrumentation shall be used, where applicable.

(1) A sound level system which meets the Type I requirements of ANSI SI-1971, Specification for Sound Level Meters, or a sound level system with a magnetic tape reader and/or a graphic level recorder or indicating meter may be used providing the system meets the requirements of § 205.104-3.

(2) A windscreen must be employed along with the microphone during all measurements. The windscreen shall not affect the A-weighted sound levels from the vehicle in excess of ±0.5 dB.

(3) A sound calibrator shall be used which shall produce a sound pressure level, at the microphone diaphragm, that is known to within an accuracy of ±0.5 dB. The calibrator shall be checked annually to verify that its output has not changed.

(4) An engine speed tachometer which is accurate to within ±2 percent of the meter reading.

(5) A thermometer for measurement of ambient temperature accurate within ±1 C.

(6) A barometer for measurement of ambient pressure accurate within ±1 percent.

(b) *Microphone placement.* (1) The test site shall be such that the bus radiates sound into a free field over a reflecting plane. This condition may be considered fulfilled if the test site consists of an open space free from reflecting surfaces, such as parked vehicles, signboards, buildings or hillsides, located within 30.4 meters (100 feet) of the vehicle path.

(2) For all buses other than those with a front mounted engine, the microphone shall be located next to the passenger seat location closest to the main body of the engine at a height of 1.25 meters (4.1 ft.) from the bus floor. In addition, the microphone shall be placed at least 0.5 meters (1.6 ft.) from the nearest vehicle wall.

(3) For front mounted engine buses the microphone shall be placed next to vehicle operator's seat at a height of 1.25 meters (4.1 ft.) from the floor and at least 0.5 meter (1.6 ft.) from the nearest vehicle wall.

(4) The microphone shall be tilted towards the front of the bus at an angle of 20-30 degrees from the vertical.

(c) *Procedure*—(1) *Vehicle operation.* The bus shall be operated in the same manner as prescribed in § 205.104-1. The same axle ratios, gear ratios, along with the same procedure as modified by transmission type shall be utilized.

(2) All windows and doors shall be closed on the bus and all interior fan accessories (including air-conditioning fans and or heating fans) turned on.

(d) *Measurements.* (1) The meter shall be set for "fast response" and an the A-weighted network.

(2) The meter shall be observed during the period while the bus is accelerating. The applicable reading shall be the highest sound level obtained during the run. The test shall be rerun if unrelated peaks should occur due to extraneous ambient noise.

(3) The average of the two highest levels within 2 dB of each other shall be reported as the interior sound level of the bus.

(e) *General requirements.* (1) Not more than one person, other than the observer reading the meter and the driver shall be in the bus at the time of measurement.

(2) The maximum A-weighted fast response sound level observed in the test bus immediately before and after the testing shall be at least 10 dB below the regulatory level.

(3) Instrument manufacturer recommendations for operation of instrumentation shall be followed. (i) The effects of ambient weather conditions on the performance of the instruments (for example, temperature, humidity, and barometric pressure).

(ii) Proper signal levels, terminating impedances, and cable lengths on multi-instrument measurement systems.

(iii) Proper acoustical calibration procedure, to include the influence of extension cables, etc. Field calibration shall be made immediately before and after each test sequence. Internal calibration means is acceptable for field use, provided that external calibration is accomplished immediately before or after field use.

(4)(i) A complete calibration of the instrumentation and external acoustical calibrator over the entire frequency range of interest shall be performed at least annually and as frequently as necessary during the yearly period to insure compliance with the standards cited in American National Standard S1.4-1971 "Specifications for Sound Level Meters" for a Type 1 instrument over the frequency range 100 Hz–10,000 Hz.

(ii) If calibration devices are utilized which are not independent of ambient pressure (e.g., a pistonphone) corrections shall be made for barometric or altimetric changes according to the recommendation of the instrument manufacturer.

(5) The vehicle shall be brought to a temperature within its normal operating temperature range prior to the commencement of testing. During testing appropriate caution shall be taken to maintain the engine at temperatures within the normal operating range.

(f) *Alternative procedures.* The Administrator may approve applications from manufacturers of buses for interior noise level test procedures which differ from those contained in this part as long as the alternative procedures have been demonstrated to correlate with the prescribed procedure. To be acceptable, alternative testing procedures shall be such that the test results will identify all those test units which would not comply with the noise emission limit prescribed in § 205.102(c) when tested in accordance with the procedure contained in § 205.104-2. Tests conducted by manufacturers under approved alternative procedures may be accepted by the Administrator for all purposes, including, but not limited to, production verification testing and selective enforcement audit testing.

§ 205.104-3 Sound data acquisition system.

(a) Systems employing tape recorders and graphic level recorders may be established as equivalent to a Type I—ANSI S1.4-1971 sound level meter for use in determining compliance with this regulation by meeting the requirements of this section (§ 205.104-3(b)). This sound data acquisition system qualification procedure is based primarily on ANSI S6.1-1973.

(1) *Performance requirements*—(i) *System Frequency response.* The overall steady-state frequency response of the data acquisition system shall be within the tolerances prescribed in Table 205.101 when measured in accordance with § 205.104-3. The tolerances in Table 205.101 are applicable to either flat or A-weighted response. (See paragraph (a)(3)(iii) of this section.)

(ii) *Detector response.* The difference between the level indicated for a 1000 Hz sinusoidal signal equivalent to a sound level of 86 dB (rms) and the level indicated for an octave band of random noise of equal energy as the sinusoidal signal centered at 1000 Hz shall be no greater than 0.5 dB. A true rms voltmeter shall be used to determine equivalence of two input signals.

(iii) *Indicating meter.* If an indicating meter is used to obtain sound levels or band pressure levels, it shall meet the requirements of paragraphs (a)(2) and (a)(6)(ii) of this section and the following.

TABLE 205.101—*System response data*

	A-weighted response (Re-100 Hz, decibel)	Tolerance (decibels)	
		Plus	Minus
Frequency (hertz)			
31.5	−39.4	1.5	1.5
40.0	−34.6	1.5	1.5
50.0	−30.2	1.0	1.0
63.0	−26.2	1.0	1.0
80.0	−22.5	1.0	1.0
100.0	−19.1	1.0	1.0
125.0	−16.1	1.0	1.0
160.0	−13.4	1.0	1.0
200.0	−10.9	1.0	1.0
250.0	−8.6	1.0	1.0
315.0	−6.6	1.0	1.0
400.0	−4.8	1.0	1.0
500.0	−3.2	1.0	1.0
630.0	−1.9	1.0	1.0
800.0	−.8	1.0	1.0
1,000.0	0	1.0	1.0
1,250.0	.6	1.0	1.0
1,600.0	1.0	1.0	1.0
2,000.0	1.2	1.0	1.0
2,500.0	1.3	1.0	1.0
3,150.0	1.2	1.0	1.0
4,000.0	1.0	1.0	1.0
5,000.0	.5	1.5	2.0
6,300.0	−.1	1.5	2.0
8,000.0	−1.1	1.5	3.0
10,000.0	−2.5	2.0	4.0
12,500.0	−4.3	3.0	6.0

(A) The scale shall be graduated in 1 dB steps.

(B) No scale indication shall be more that 0.2 dB different from the true value of the signal when an input signal equivalent to 86 dB sound level indicates correctly.

(C) Maximum indication for an input signal of 1000 Hz tone burst of 0.2 second duration shall be within the range of −2 to 0 dB with respect to the steady-state indication for a 1000 Hz tone equivalent to 86 dB sound level.

(iv) *Microphone.* If a microphone is used which has not been provided as a component of a precision sound level meter, it must be determined to meet the microphone characteristics described in IEC Publication 179, Precision Sound Level Meters.

(v) *Magnetic tape recorder.* No requirements are described in this document pertaining to tape recorders, except for frequency response. Generally, recorders of adequate quality to provide the frequency response performance required will also meet other minimum requirements for distortion, signal-to-noise ratio, etc.

(vi) *Graphic level recorder dynamic response.* When using a graphic level recorder, it is necessary to select pen response settings such that the readings obtained are statistically equivalent to those obtained by directly reading a meter which meets the "fast" dynamic requirement of a precision sound level meter indicating meter system for the range of vehicles to be tested. To ensure statistical equivalence, at least 30 comparative observations of real test data shall be made and the average of the absolute value of the differences observed shall be less than 0.5 dB. The settings described in paragraph (a)(6) of this section likely assure appropriate dynamic response; however, different settings may be selected on the basis of the above requirement.

(A) Use a pen writing speed of nominally 60–100 dB/sec. If adjustable, low frequency response shall be limited to about 20 Hz.

(B) Indicated overshoot for a suddenly applied 1000 Hz sinusoidal signal equivalent to 86 dB sound level shall be no more than 1.1 dB and no less than 0.1 dB.

(2) *Frequency response qualification procedure.* (i) Typical noise measurement and analysis configurations are shown in figures 205.102 through 205.104. The qualification procedure described herein duplicates these configurations, but with the microphone replaced by an electronic sinewave oscillator. Caution should be exercised when connecting an oscillator to the input of a sound level meter to ensure that the input is not overloaded (see § 205.104-3(a)(2(ii))).

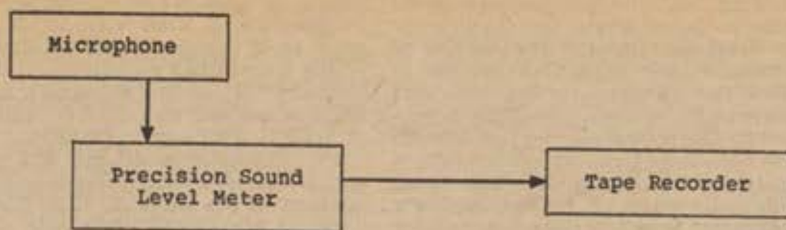


Figure 205.102 Data Recording

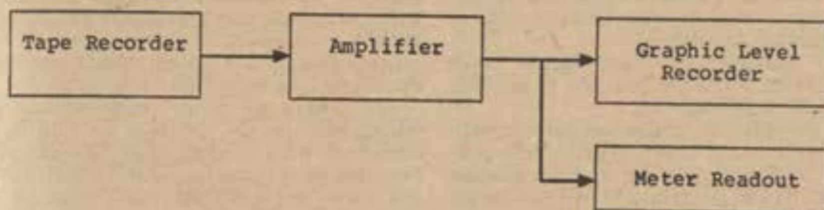


Figure 205.103 Data Analysis and Test Analysis

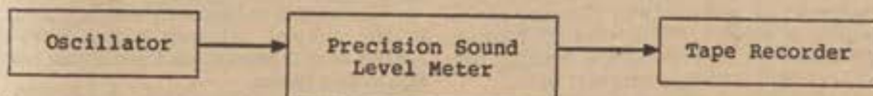


Figure 205.104 Test Recording

(ii) Calibrate the oscillator to be used by measuring its output relative to the voltage which is equivalent to 86 dB sound level at each of the 27 frequencies listed in Table 205.101 using an electronic voltmeter of known calibration. Record the result in voltage level in dB re voltage corresponding to 86 dB sound level at 1000 Hz. This shall describe the frequency response characteristics of the oscillator.

(iii) If a graphic level recorder is to be used, connect it to the oscillator output. If the oscillator and graphic level recorder can be synchronized, slowly sweep the frequency over the range of 31.5 to 12,500 Hz, recording the oscillator output. If they cannot be synchronized, record oscillator output for signals at the 27 frequencies given in Table 205.101. The differences between the combined response thus obtained and the oscillator describe the frequency response of the graphic level recorder.

(iv) If visual observation of an indicating meter is to be used for obtaining data, the oscillator shall be connected to the indicating meter input (such as the microphone input of a sound level meter) and the meter reading observed for a fixed oscillator output voltage setting for signals at the 27 frequencies given in Table 205.101.

(v) To check a tape recorder, connect the instruments as shown in Figure 205.104. Using a 1000 Hz tone, adjust the oscillator output level to obtain a reading 15 dB below maximum record level. If the synchronized oscillator graphic level recorder system is to be used for analysis, record an oscillator sweep over the range of 31.5 to 12,500 Hz, using an appropriate tape recorder input attenuator setting. Alternatively, tape-record frequency tones at the 27 frequencies given in Table 205.101. Replay the tape recordings using the setup shown in Figure 205.103. Record the data on a graphic level recorder or through visual observation of the indicating meter. Subtract the oscillator frequency response in paragraph (b)(2) of this section from the response obtained through the record-playback sequence to obtain the record reproduce frequency response of the system except for the microphone.

(vi) To obtain the overall system frequency response, add the manufacturer's microphone calibration data to the response just obtained. This may be the frequency response for the specific microphone to be used, including calibration tolerances. Alternatively, use the manufacturer's "typical" microphone response plus and minus the maximum deviation expected from "typical" including calibration tolerances. Use the microphone response curve which corresponds to the manner in which it is used in the field. It may be required to add a correction to the response curves provided to obtain field response; refer to the manufacturer's manual.

(3) *General comments.* (i) Tape recorders shall be calibrated using the brand and type used for actual data acquisition. Differences in tape can cause an appreciable variation in the recorder's reproduce frequency response characteristics of tape recorder.

(ii) It shall be ensured that the instrumentation used will perform within specifications and applicable tolerances over the temperature, humidity, and other environmental variation ranges which may be encountered in vehicle noise measurement works.

(iii) Qualification tests shall be performed using equipment (including cables) and recording and playback techniques identical with those used while recording vehicle noise. For example, if weighted sound level data are normally recorded use similar weighting and apply the tolerances of Table 205.101 to the weighting curve for comparison with record-playback curves. Precautions should also be taken to ensure that source and load impedances are appropriate to the device being tested. Other data acquisition systems may use any combination of microphones, sound level meters, amplifiers, tape recorders, graphic level recorders, or indicating meters. The same approach to qualifying such a system shall be taken as described in this document for the systems depicted in Figures 205.102, 205.103, and 205.104.

(b) Systems other than those specified in § 205.104-1(a) and § 205.104-3(c) may be used for establishing compliance with these regulations. In each case the system must yield sound levels which are equivalent to those produced by a sound level system Type 1 ANSI S1.4-1971. The manufacturer bears the burden of demonstrating such equivalence. The manufacturer shall notify the Administrator pursuant to §§ 205.105-4(b)(5) and 205.107-5(c)(4) of the use of such a sound data acquisition system.

§ 205.105 Production verification.

§ 205.105-1 General requirements.

(a) Every new vehicle manufactured for distribution in commerce in the United States which is subject to the standards prescribed in this subpart and not exempted in accordance with § 205.5:

(1) Shall be verified in accordance with the production verification procedures described in this subpart;

(2) Shall be represented in a product verification report, as required by § 205.-105-4;

(3) Shall be labeled in accordance with the requirements of § 205.105-11; and

(4) Shall conform to the applicable exterior and or interior noise emission standard established in § 205.102 of this regulation.

(b) The requirements of paragraph (a) of this section dealing with exterior noise standards apply to new products at the time they first conform to the definition of vehicles in these regula-

tions. The responsibility for complying with the requirement of paragraph (a) of this section rests with the manufacturer of the new product at the time the product first conforms to the definition of vehicle in this regulation.

(c) The requirements of paragraph (a) of this section dealing with interior noise standards apply to new products at the time they meet the definition of bus in this regulation. The responsibility for complying with the requirements of paragraph (a) of this section rests with the manufacturer of the new product at the time it first conforms to the definition of bus in these regulations.

(d) Subsequent manufacturers of a new product which conforms to the definition of vehicle in these regulations when received by them from a prior manufacturer, need not fullfill the requirements of paragraph (a) (1), (2) or (3) of this section where such requirements have already been complied with by a prior manufacturer.

(e) The manufacturer who is required to conduct product verification testing, for a particular standard, shall satisfy all other provisions of this subpart applicable to that standard, including, but not limited to, record keeping, reporting, and in-use requirements.

(Secs. 10, 13 of the Noise Control Act (42 U.S.C. 4909, 4912).)

§ 205.105-2 Production verification of vehicles; compliance with exterior and interior standards.

(a) (1) Prior to distribution in commerce of vehicles of a specific configuration, the first manufacturer of such vehicles must verify such configurations in accordance with the requirements of this subpart. However, production verification of a configuration is automatically and conditionally waived by the Administrator without request by a manufacturer for a period of up to 45 consecutive days from the date of distribution in commerce by a manufacturer of the first vehicle of that configuration in order to enable a manufacturer to distribute vehicles in commerce and thus avoid disruption of the manufacturing process. To qualify for such waiver, a manufacturer must conduct any tests required in paragraphs (b) or (c) of this section as soon as weather conditions at a manufacturer's test facility permit after distribution in commerce of the first vehicle of a configuration. Such conditions must be documented by the manufacturer and provided to the Administrator on request. Failure to test on such first suitable day will result in automatic and retroactive recision of the waiver and will render the manufacturers liable for illegally distributing vehicles in commerce.

(2) At the completion of any 45 day period the conditional waiver granted under paragraph (a)(1) of this section is rescinded for that configuration unless the manufacturer has complied with the requirements of paragraph (b) or (c) of this section as appropriate; except that, upon application by a manufacturer and a showing that the weather conditions at the manufacturer's test facility or other conditions beyond the control of the manufacturer made it impossible to conduct the required testing and that documentation of such conditions is submitted by the manufacturer, the Administrator at his option, may extend for a specified period (not to exceed 45 days) conditional production verification for a configuration to enable the manufacturer to comply with the requirements of paragraph (b) or (c) of this section or he may require that the manufacturer ship the test vehicle to the EPA test facility for testing by the Administrator.

(b) The production verification requirements with regard to each vehicle configuration consist of:

(1) Testing in accordance with § 205.104 of a vehicle selected in accordance with § 205.105-5;

(2) Compliance of the test vehicle with a dBA level such that the arithmetic addition of the Sound Level Degradation Factor (SLDF, determined in accordance with § 205.108-4) to that dBA level does not exceed the applicable interior and or exterior standards, when tested in accordance with § 205.104; and

(3) Submission of a production verification report pursuant to § 205.105-4.

(c) (1) In lieu of testing vehicles of every configuration as described in paragraph (b) of this section, the manufacturer may elect to verify the configuration based on representative testing, the requirements of which consist of:

(i) Grouping exterior and or interior configurations into categories where each category will be determined by a separate combination of at least the following parameters (a manufacturer may use more parameters):

(A) Engine Type.

(*1*) Gasoline—2 stroke cycle.

(*2*) Gasoline—4 stroke cycle.

(*3*) Diesel—2 stroke cycle.

(*4*) Diesel—4 stroke cycle.

(*5*) Others.

(B) Engine Manufacturer

(C) Engine Displacement.

(D) Engine Configuration (including, but not limited to V-6, L-6, etc.).

(E) Engine Location.

(*1*) Front.

(*2*) Midships.

(*3*) Rear.

(F) Body Style, including but not limited to:

(*1*) Flat Front End School Bus.

(*2*) Conventional School Bus.

(*3*) Intracity Transit Bus.

(*4*) Intercity Transport Bus.

(ii) (A) Identifying the configuration within each category which emits the highest sound level (dBA) at the end of its defined acoustical assurance period, based on his best technical judgment or emission test data or both;

(B) If two or more configurations would emit the same level described in paragraph (C)(1)(ii)(A) of this section, then identifying the configuration which emits the highest sound level when distributed into commerce;

(iii) Testing in accordance with the applicable exterior and/or interior test(s) in § 205.104 of a vehicle selected in accordance with § 205.105-5 which must be a vehicle of the configuration which is identified pursuant to subparagraph (1)(ii) of this paragraph as having the highest sound level (estimated or actual) within the category;

(iv) Compliance of the test vehicle with a dBA level such that the arithmetic addition of the SLDF to that dBA level does not exceed the applicable exterior and or interior standards when tested in accordance with § 205.104; and

(v) Submission of a production verification report pursuant to § 205.105-4.

(2) Where the requirements of paragraph (c)(1) of this section are complied with, all those configurations contained within a category are considered to be represented by the tested vehicle and are considered to be production verified.

(3) Where all other requirements of paragraph (c)(1) of this section are complied with except that the manufacturer tests a configuration which does not have the highest sound level in a category (as identified in paragraph (c)(1)(ii) of this section), all those configurations in the category which have sound levels no greater than the tested vehicle are considered to be production verified; however, a manufacturer must production verify according to the requirements of paragraph (b)(1) and/or (c)(1) of this section any configurations in the subject category which have a higher sound level than the vehicle configuration tested.

(d) A manufacturer may elect to production verify using representative testing pursuant to paragraph (c) of this section, all or part of his product line.

(e) A manufacturer may, at his option, proceed with any of the following alternatives with respect to any vehicle determined not in compliance with applicable standards:

(1) Delete that configuration from the production verification report. Configurations so deleted may be included in a later report under § 205.105-4. However, in the case of representative testing a new test vehicle from another configuration must be selected and production verified according to the requirements of paragraph (c) of this section, in order to production verify the category represented by the non-compliant vehicle.

(2) Modify the test vehicle and demonstrate by testing that it meets applicable standards. All modifications and test results must be reported in the production verification report. The manufacturer must modify all production vehicles of the same configuration in the same manner as the test vehicle before distribution into commerce.

(f) Upon request by the Director, Noise Enforcement Division, the manufacturer shall notify such Director of any production verification testing scheduled by the manufacturer pursuant to this section so that EPA Enforcement Officers may be present and observe such testing or conduct the testing in lieu of the manufacturer.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.105–3 Configuration identification.

(a) *Exterior configuration parameters.* A separate vehicle configuration shall be determined by each combination of the following parameters:

(1) Exhaust system configuration:

(i) Single vertical.

(ii) Dual vertical.

(iii) Single horizontal.

(iv) Dual horizontal.

(2) Air induction system (engine):

(i) Natural.

(ii) Turbocharged.

(3) Cooling fan type:

(i) Axial.

(ii) Radial.

(4) Engine manufacturer's horsepower rating.

(5) Category parameters listed in § 205.105–2.

(b) *Interior configuration parameters.* (1) Accessories within the bus affecting noise absorption:

(i) Number of passenger seats.

(ii) Type of floor, wall, and passenger seat coverings.

(2) Design characteristics of the bus body affecting noise transmission through the bus walls and floor:

(i) Thickness and type of acoustic and thermal insulation beneath the floor and within the walls.

(3) Category parameters listed in § 205.105–2.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.105–4 Production verification report: Required data.

(a) Prior to the distribution in commerce of any product to which this regulation applies, the manufacturer shall submit a production verification report to the Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. A manufacturer may choose to submit separate production verification reports for different parts of his product line.

(b) The report shall be signed by an authorized representative of the manufacturer and shall include the following:

(1) The name, location, and description of the manufacturer's noise emission test facilities which meet the specifications of § 205.104 and have been utilized to conduct testing pursuant to this subpart, except a test facility that has been described in a previous submission under this subpart need not again be described but must be identified as such.

(2) A description of normal predelivery maintenance procedure.

(3) A description of all vehicle configurations, as determined in accordance with § 205.105–3, to be distributed in commerce by the manufacturer, including the sound level degradation factor for each configuration and a list identifying or defining any device or element of design (including its location and method of operation) incorporated into vehicles for the purpose of noise control and attenuation both exterior and interior, including the following information for each configuration:

(i) Muffler (exhaust):

(A) Manufacturer name.

(B) Manufacturer part number.

(ii) Air induction system (engine):

(A) Manufacturer name.

(B) Manufacturer part number.

(iii) Cooling fan (radiator):

(A) Manufacturer name.

(B) Manufacturer part number.

(iv) Governed or maximum rated rpm.

(v) Any device which affects noise emissions from the vehicle and does not operate during the normal operating modes of the vehicle (e.g., over temperature protection).

(vi) Sound level degradation factor (see § 205.108–4).

The manufacturer may satisfy the vehicle configuration description requirements of this paragraph by submitting as part of the production verification report a copy of his sales literature that describes his product line including options: *Provided*, That this literature is supplemented with any additional information necessary to fulfill the requirements of this section. If a manufacturer elects to production verify pursuant to § 205.105–2(c), the configuration, within each category, which is estimated to have the highest sound level at the end of its Acoustical Assurance Period shall be identified. The manufacutrer may estimate the sound level based on his best technical judgment or data. The criteria used to estimate each sound level shall be stated with the estimates.

(4) The following information for each noise emission test conducted:

(i) The completed data sheet required by § 205.104 for all official tests conducted in accordance with § 205.105–7 including, for each invalid test, the reason for invalidation.

(ii) A complete description of any preparation, maintenance or testing which was performed on the test vehicle and which will not be performed on all other production vehicles.

(iii) The reason for replacement where a replacement vehicle was necessary, and test results, if any, for replaced vehicles.

(5) A complete description of the sound data acquisition system if other than those specified in §§ 205.104–1(a) and 205.104–2(a).

(6) The following statement and endorsement:

This report is submitted purseuant to Section 6 and Section 13 of the Noise Control Act of 1972. All testing for which data is reported herein is conducted in strict conformance with applicable regulations under 40 CFR Part 205 et seq. All the data reported herein is a true and accurate representation of such testing. All other information reported herein is, to the best of ______

____
(Company name)

knowledge, true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder.

____
(Authorized representative)

(c) Where a manufacturer elects to submit separate production verification reports for portions of his product line as provided for in paragraph (a) of this section, information provided in previous reports need not be resubmitted. Except, that information necessary to update or make current previously submitted information must be submitted.

(d) Any change with respect to any information reported pursuant to this subpart shall be reported as soon as the information becomes available.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.105–5 Test vehicle sample selection.

(a) Test vehicles of a configuration for which production verification testing is required by § 205.105–2 shall be a vehicle of the subject configuration which which has been assembled using the manufacturer's normal production processes and will be sold or offered for sale in commerce.

(b) Should a situation arise in which the configuration to be tested consists of only vehicles with automatic transmissions, they shall be tested in accordance with § 205.104–1(c)(2).

(c) If the configuration to be tested consists of both automatic transmission and standard transmission vehicles, the test vehicle shall be a standard transmission vehicle unless the manufactuer has reason to believe that the automatic transmission vehicle emits a greater sound level.

(Secs. 10, 13, Noise Control Act (42 U.S.C. 4909, 4912).)

§ 205.105–6 Test vehicle preparation.

(a) Prior to the official test, the test vehicle selected in accordance with § 205.105–5 shall not be prepared, tested, modified, adjusted, or maintained in any manner unless such adjustments, preparation, modification, or tests are part of the manufacturer's prescribed manufacturing and inspection procedures, and documented in the manufacturer's internal vehicle assembly and inspection procedures or unless such adjustments or tests are required or permitted under this subpart or are approved in advance by the Administrator. The manufacturer may perform adjustments, preparations, modifications or tests normally performed at the port of entry by the manufacturer to prepare the vehicle for delivery to a dealer or a customer: *Provided*, That such adjustments, preparation, modification, or tests are documented in the production verification report.

(b) Equipment or fixtures necessary to conduct the test may be installed on the vehicle: *Provided*, That such equipment or fixtures shall have no effect on the noise emissions of the vehicle, as determined by the measurement methodology.

(c) In the event of a vehicle malfunction (i.e., failure to start, etc.) the manufacturer may perform the maintenance that is necessary to enable the vehicle to operate in a normal manner: *Provided*, That such maintenance is documented and reported in the final report and prepared and submitted in accordance with this subpart.

(d) No quality control, testing, assembly, or selection procedures shall be used on the test vehicle or any portion thereof, including parts and subassemblies, that will not normally be used during the production and assembly of all other vehicles of the category which will be distributed in commerce, unless such procedures are required or permitted under this subpart or are approved in advance by the Administrator.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.105–7 Testing.

(a)(1) The manufacturer shall conduct one valid exterior and/or interior test in accordance with the test procedures specified in § 205.104 for each vehicle selected for verification testing.

(2) Where a manufacturer produces vehicles which are subject to both the exterior and interior noise standards he may conduct both exterior and interior tests simultaneously.

(b) No maintenance will be performed on the test vehicles except as provided for by § 205.105–6. In the event a vehicle is unable to complete either emission test, the manufacturer may replace the vehicle. Any replacement vehicle will be a production vehicle of the same configuration as the replaced vehicle or a noisier configuration and will be subject to all the provisions of these regulations. Any replacement shall be reported in the production verification report including the reason for the replacement.

(c) In the event a vehicle fails to comply with the standards of this subpart when tested in accordance with the procedures specified in paragraph (a) of this section, the manufacturer may proceed in accordance with § 205.105–2(e).

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.105–8 Addition of, changes to, and deviation from a vehicle configuration during the model year.

(a) Any change to a configuration with respect to any of the parameters stated in § 205.105–3 shall constitute the addition of a new and separate configuration or category to the manufacturer's product line.

(b)(1) When a manufacturer introduces a new category or configuration to his product line, he shall proceed in accordance with § 205.105–2.

(2) If the configuration to be added can be grouped within a verified category and the new configuration is estimated to have a lower sound pressure level than a previously verified configuration within the same category, the configuration shall be considered verified: *Provided*, That the manufacturer submits a report pursuant to § 205.105–4 with respect to such configuration.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.105–9 Production verification based on data from previous model years.

(a) Production verification of each configuration will be required at the beginning of each model year except that in certain instances, the Administrator, upon request by the manufacturer, may permit the use of production verification data for specific configurations from previous production verification reports. Considerations relevant to his decision may include but are not limited to:

(1) The level of the standard in effect for the model year in question;

(2) Performance based on production verification data for previous model years;

(3) Performance based on data obtained from selective enforcement testing during previous model years; and

(4) The number and type of noise emission design changes incorporated in the new models that affect the noise emission level of that model.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.105–10 Cessation of distribution.

(a) If a category or configuration is found to be non-conforming to this subpart by reason of failure to be properly verified, as required by § 205.105–2, the Administrator may issue an order to the manufacturer to cease to distribute in commerce vehicles of that category or configuration. However, such an order shall not be issued if the manufacturer has made a good faith attempt to properly production verify the category or configuration. The burden of establishing such good faith shall rest with the manufacturer.

(b) Any such order shall be issued after notice and opportunity for a hearing.

(Sec. 11, Noise Control Act (42 U.S.C. 4912).)

§ 205.105–11 Labeling (interior/exterior standards)—compliance.

(a) The manufacturer who is required to satisfy the production verification requirements of these regulations for the interior and/or exterior standards must satisfy the requirements of this section.

(1) The manufacturer of any vehicle subject to the provisions of § 205.102 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described in paragraphs (a)(2), (3), and (4) of this section, containing the information specified in this section, to all such vehicles to be distributed in commerce: The labels shall be affixed in such a manner that they cannot be removed without destroying or defacing them, and shall not be affixed to any equipment which is easily detached from such vehicle.

(2) A label shall be permanently attached, in a readily visible position in the operator's compartment.

(3) The label regarding exterior vehicle noise emissions shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading:

Vehicle Exterior Noise Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Date of manufacture;

(iv) The statement:

This vehicle Conforms to U.S. EPA Regulations for Exterior Noise Emission Applicable to Buses

The following acts or the causing thereof by any person are prohibited by the Noise Control Act of 1972: (A) The removal or rendering inoperative, other than for purposes of maintenance, repair or replacement, of any noise control device or element of design (listed in the owner's manual) incorporated into this vehicle in compliance with the Noise Control Act. (B) The Use of this vehicle after such device or element of design has been removed or rendered inoperative

(v) Vehicles manufactured solely for use outside the United States shall be clearly labeled "For Export Only."

(4) The label regarding interior vehicle noise emissions shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading: Vehicle Interior Noise Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Date of manufacture;

(iv) The statement:

This Vehicle Confroms to U.S. EPA Regulations for Interior Noise Emission Applicable to Buses

The following acts or the causing thereof by any person are prohibited by the Noise Control Act of 1972: (A) The removal or rendering inoperative, other than for purposes of maintenance, repair or replacement, of any noise control device or element of design (listed in the owner's manual) incorporated into this vehicle in compliance with the Noise Control Act; (B) The use of this vehicle after such device or element of design has been removed or rendered inoporative.

(v) Vehicles manufactured solely for use outside of the United States shall be clearly labeled "For Export Only."

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.105–2 Labeling—exterior. [Reserved]

§ 205.106 Testing by the Administrator.

(a)(1) The Administrator may require that any vehicle to be tested pursuant to these regulations or any untested vehicles be submitted to him, at such place and time as he may designate for the purpose of conducting test in accordance with the test procedures described in § 205.104 to determine whether such vehicles conform to applicable regulations.

(2) The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment of the type required by these regulations shall be made available by the manufacturer for test operations. The Administrator may conduct such tests with his own equipment, which shall equal or exceed the performance specifications of the instrumentation and equipment specified by the Administrator in these regulations.

(b) (1) If, based on tests conducted by EPA or on other relevant information, the Administrator determines that the test facility does not meet the requirements of § 205.104 (including any alternative procedures that may be approved thereunder), he will notify the manufacturer in writing of his determination and the reasons therefor

(2) After any notification in paragraph (b)(1) of this section, no data derived from such test facility will be acceptable for purposes of this part and the Administrator may issue an order to the manufacturer, with respect to the vehicle category or configuration in question, to cease to distribute in commerce vehicles of such category or configuration: Except, that any such order shall be issued only after notice and opportunity for a hearing. Such notification may be included in any notifications under paragraph (b)(1) of this section. A manufacturer may request that the Administrator grant a hearing. Request shall be made not later than fifteen (15) days, or other such period as may be allowed by the Administrator, subsequent to notification of the Administrator's intent to issue an order to cease to distribute.

(3) The manufacturer may request in writing that the Administrator reconsider his determination in paragraph (b)(1) of this section based on data or information which indicates that changes have been made to the test facility and such changes have resolved the reasons for disqualification.

(4) The Administrator will notify the manufacturer of his determination with regard to the requalification of the test facility within 10 days of the manufacturer's request for reconsideration pursuant to paragraph (b)(3) of this section.

(Sec. 11, 13, Noise Control Act (42 U.S.C 4910, 4912))

§ 205.107 Selective enforcement auditing requirements.

§ 205.107-1 Test request.

(a) The Administrator will request all testing under this subpart by means of a test request addressed to the manufacturer.

(b) The test request will be signed by the Assistant Administrator for Enforcement or his designee. The test request will be delivered by an EPA Enforcement Officer to the plant manager or other responsible official as designated by the manufacturer.

(c) The test request will specify the vehicle category or configuration selected for testing, the batch selected for testing, the batch size, the manufacturer's plant or storage facility from which the vehicles must be selected, and the time at which a vehicle must be selected. The test request will also provide for situations in which the selected configuration or category is unavailable for testing. The test request may include an alternative category or configuration selected for testing in the event that vehicles of the first specified category or configuration are not available for testing because the vehicles are not being manufactured at the specified plant, are not being manufactured during the specified time, or are not being stored at the specified plant or storage facility.

(d) Any manufacturer shall, upon receipt of the test request: (1) If the manufacturer produces less than 4 of the specified category or configuration of vehicles per given period of time as specified in the test request, select and test every vehicle produced in two consecutive batches in accordance with these regulations and the conditions specified in the test request.

(i) If one or more of the vehicles in a test batch fails to meet the standard, the batch is rejected.

(ii) If one batch is rejected then the batch sequence determined under this paragraph is rejected.

(2) If the manufacturer produces 4 or more of the specified category or configuration of vehicle per given period of time as specified in the test request, select and test a batch sample of vehicles from consecutively produced batches of the vehicle category or configuration specified in the test request in accordance with these regulations and the conditions specified in the test request.

(e)(1) Any testing conducted by the manufacturer pursuant to a test request shall be initiated within such period as is specified within the test request. Such test initiation may be delayed for increments of 24 hours or one business day where ambient test site weather conditions in any 24-hour period do not permit testing: *Provided*, That the ambient test site weather conditions for that period are recorded.

(2) The manufacturer shall complete exterior noise emission and/or interior noise testing on a minimum of five vehicles per day unless otherwise provided for by the Administrator or unless ambient test site conditions only permit the testing of a lesser number: *Provided*, That ambient test site weather conditions for that period are recorded.

(3) The manufacturer shall be allowed 24 hours to ship vehicles from a batch sample from the assembly plant to the testing facility if the facility is not located at this plant or in close proximity to the plant: Except, that the Administrator may approve more time based upon a request by the manufacturer accompanied by a satisfactory justification.

(f) The Administrator may issue an order to the manufacturer to cease to distribute into commerce vehicles of a specified category or configuration being manufactured at a particular facility if

(1) The manufacturer refuses to comply with the provisions of a test request issued by the Administrator pursuant to this section; or

(2) The manufacturer fails to comply with any of the requirement of this section.

(g) A cease-to-distribute order shall not be issued under paragraph (f) of this section if such refusal is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with the provisions of a test request or any other requirements of this section. Such conditions and circumstances shall include, but are not limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(h) Any such order shall be issued only after a notice and opportunity for a hearing.

(Secs. 11, 13, Noise Control Act (42 U.S.C 4910, 4912))

§ 205.107-2 Test vehicle sample selection.

(a) Vehicles comprising the batch sample which are required to be tested pursuant to a test request in accordance with this subpart will be selected in the manner specified in the test request from a batch of vehicles of the category or configuration specified in the test request. If the test request specifies that the vehicles comprising the batch sample must be selected randomly, the random sele tion will be achieved by sequentially numbering all of the vehicles in the batch and then using a table of random numbers to select the number of vehicles as specified in paragraph (c) of this section based on the batch size designated by the Administrator in the test request. An alternative random selection plan may be used by a manufacturer: *Provided*, That such a plan is approved by the Administrator. If the test request does not specify that test vehicles must be randomly selected, the manufacturer shall select test vehicles consecutively. The provisions of § 205.105-5 (b) and (c) shall also pertain to this section.

(b) The Acceptable Quality Level is 10 percent. The appropriate sampling plans associated with the designated AQL are contained in Table II of Appendix I to this subpart.

(c) The appropriate batch sample size will be determined by reference to Tables I and II of Appendix I to this subpart. A code letter is obtained from Table I based on the batch size designated by the Administrator in a test request. The batch sample size will be obtained from Table II. The batch sample size will be equal to the maximum cumulative sample size for the appropriate code letter obtained from Table I plus an additional 10 percent rounded off to the next highest number

(d) If the test request specifies that vehicles comprising the batch sample must be selected randomly, individual vehicles comprising the test sample will be randomly selected from the batch sample using the same random selection plan as in paragraph (a) of this section. Test

sample size will be determined by entering Table II.

(e) The test vehicles of the category or configuration selected for testing shall have been assembled by the manufacturer for distribution in commerce using the manufacturer's normal production process.

(f) Unless otherwise indicated in the test request, the manufacturer will select the batch sample from the production batch next scheduled after receipt of the test request, of the category or configuration specified in the test request.

(g) Unless otherwise indicated in the test request, the manufacturer shall select the vehicles designated in the test request for testing.

(h) At their discretion, EPA Enforcement Officers, rather than the manufacturer may select the vehicles designated in the test request.

(i) The manufacturer will keep on hand all vehicles in the batch sample until such time as the batch is accepted or rejected in accordance with § 205.107-6: Except, that vehicles actually tested and found to be in conformance with these regulations need not be kept.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.107-3 Test vehicle preparation.

Prior to the official test, the test vehicle selected in accordance with § 205.107-2 will be prepared in accordance with § 205.105-6.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.107-4 Testing procedures.

(a) The manufacturer shall conduct one valid test in accordance with the test procedures specified in § 205.104 for each vehicle selected for testing pursuant to this subpart.

(b) No maintenance will be performed on test vehicles except as provided for by § 205.107-3. In the event a vehicle is unable to complete the emission test, the manufacturer may replace the vehicle. Any replacement vehicle will be a production vehicle of the same configuration as the replaced vehicle. It will be randomly selected from the batch sample and will be subject to all the provisions of these regulations.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.107-5 Reporting of the test results.

(a)(1) The manufacturer shall submit a copy of the test report for all testing conducted pursuant to § 205.107 at the conclusion of each 24-hour period during which testing is done.

(2) For each test conducted the manufacturer will provide the following information:

(i) Configuration and category identification where applicable;

(ii) Sound Level Degradation Factor (SLDF)

(iii) Year, make, assembly date, and model of vehicle;

(iv) Vehicle serial number; and

(v) Test results by serial numbers.

(3) The first test report for each batch sample will contain a listing of all serial numbers in that batch.

(b) In the case where an EPA Enforcement Officer is present during testing required by this subpart, the written reports requested in paragraph (a) of this section may be given directly to the Enforcement Officer.

(c) Within 5 days after completion of testing of all vehicles in a batch sample, the maufacturer shall submit to the Administrator a final report which will include the information required by the test request in the format stipulated in the test request in addition to the following:

(1) The name, location, and description of the manufacturer's emission test facilities which meet the specifications of § 205.104 and were utilized to conduct testing reported pursuant to this section: Except, that a test facility that has been described in a previous submission under this subpart need not again be described but must be identified as such.

(2) A description of the random vehicle selection method used, referencing any tables of random numbers that were used, name of the person in charge of the random number selection, if the vehicle test request specifies a random vehicle selection.

(3) The following information for each interior/exterior noise emission test conducted.

(i) The completed data sheet required by § 205.104 for all noise emission tests including for each invalid test, the reason for invalidation.

(ii) A complete description of any modification, repair, preparation, maintenance, and/or testing which was performed on the test vehicle and will not be performed on all other production vehicles.

(iii) The reason for the replacement and the test reults for the replaced vehicles.

(4) A complete description of the sound data acquisition system if other than those specified in § 205.104.

(5) The following statement and endorsement:

This report is submitted pursuant to section 6 and section 13 of the Noise Control Act of 1972. All testing for which data is reported herein was conducted in strict conformance with applicable regulations under 40 CFR Part 205 et seq. All the data reported herein is a true and accurate representation of such testing. All other information reported herein is, to the best of ________________ knowledge, true and ac-
(company name)
curate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder.

____
(authorized representative)

(Sec. 13, Noise Control Act (42 U.S.C. 49-12).)

§ 205.107-6 Acceptance and rejection of batches.

(a) A failing product is one whose measured sound level is in excess of the sound level equal to the applicable noise emission standard set forth in § 205.102 minus the SLDF as determined in § 205.108-4 for the category or configuration being tested.

(b) The batch from which a batch sample is selected will be accepted or rejected based upon the number of failing vehicles in the batch sample. A sufficient number of test samples will be drawn from the batch sample until the cumulative number of failing vehicles is less than or equal to the acceptance number or greater than or equal to the rejection number appropriate for the cumulative number of vehicles tested. The acceptance and rejection numbers listed in Table II of Appendix I to this subpart at the appropriate code letter obtained according to § 205.107-2 will be used in determining whether the acceptance or rejection of a batch has occurred.

(c) Acceptance or rejection of a batch takes place when the decision that a vehicle is a failing vehicle is made on the last vehicle required to make a decision under paragraph (a) of this section.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.107-7 Acceptance and rejection of batch sequence.

(a) The manufacturer will continue to inspect consecutive batches until the batch sequence is accepted or rejected. The batch sequence will be accepted or rejected based upon the number of rejected batches. A sufficient number of consecutive batches will be inspected until the cumulative number of rejected batches is less than or equal to the sequence acceptance number or greater than or equal to the sequence rejection number appropriate for the cumulative number of batches inspected. The acceptance and rejection number listed in Table III of Appendix I to this subpart at the appropriate code letter obtained according to § 205.107-2 will be used in determining whether the acceptance or rejection of a batch sequence has occurred.

(a) Acceptance or rejection of a batch sequence takes place when the decision that a vehicle is a failing vehicle is made on the last vehicle required to make a decision under paragraph (a) of this section.

(c) If the batch sequence is accepted, the manufacturer will not be required to perform any additional testing on vehicles from subsequent batches pursuant to the initiating test request.

(d) The Administrator may terminate testing earlier than required in paragraph (b) based on a request by the manufacturer, accompanied by voluntary cessation of distribution in commerce, from all plants, of vehicles from the configuration in question: *Provided*, That once production is reinitiated the manufacturer must take the action described in § 205.107-9(a)(1) and (a)(2) prior to distribution in commerce of any vehicle from any plant of the vehicle category or configuration in question.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.107-8 Continued testing.

(a) If a batch sequence is rejected in accordance with paragraph (b) of § 205.107-7, the Administrator may require continued 100 percent testing with respect to all vehicles of that category or configuration produced at that plant.

(b) The Administrator will notify the manufacturer in writing of his intent to require any 100 percent testing of vehicles pursuant to paragraph (a) of this section.

(c) Any tested vehicle which demonstrates conformance with the applicable standards may be distributed into commerce.

(d) Any knowing distribution into commerce of a vehicle which does not comply with the applicable standards is a prohibited act.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.107-9 Prohibiiton on distribution in commerce; manufacturer's remedy.

(a) The Administrator will permit the cessation of continuous testing under § 205.107-8 once the manufacturer has taken the following actions:

(1) Submits a written report to the Administrator which identifies the reason for the noncompliance of the products, describes the problem, and describes the proposed quality control and/or quality assurance remedies to be taken by the manufacturer to correct the problem or follows the requirements for an engineering change pursuant to § 205.105-9; and

(2) Demonstrates that the specified product, category or configuration has passed a retest conducted in accordance with § 205.107 and the condition specified in the initial test request.

(b) Any product failing the prescribed noise emission tests conducted pursuant to this Subpart C may not be distributed in commerce until necessary adjustments or repairs have been made and the product passes a retest.

(c) No products of a rejected batch which are still in the hands of the manufacturer may be distributed in commerce unless the manufacturer has demonstrated to the satisfaction of the Administrator that such products do in fact conform to the regulation: Except, that any product that has been tested and does, in fact, conform with this regulation may be distributed in commerce.

(Secs. 11, 13, Noise Control Act (42 U.S.C. 4910, 4912).)

§ 205.108 In-use requirements.

§ 205.108-1 Warranty.

(a) The vehicle maufacturer who is required to production verify the exterior noise emission standard under this part shall include in the owner's manual or in other information supplied to the ultimate purchaser the following statement:

EXTERIOR NOISE EMISSIONS WARRANTY

-------------------- warrants to the first
(name of mfr.)
person who purchases this vehicle for purposes other than resale and to each subsequent purchaser that this vehicle was designed, built and equipped to conform at the time of sale to such first purchaser with all applicable U.S. EPA Bus exterior noise control regulations.

This warranty is not limited to any particular part, component or system of the vehicle Defects in the design, assembly, or in any part, component, or system of the vehicle which, at the time of sale to such first purchaser, caused exterior noise emission levels to exceed Federal standards are covered by this warranty for the actual life of the vehicle.

(b) The manufacturer who is required to production verify the interior noise level standard under this part shall include in the owner's manual or in other information supplied to the ultimate purchaser the following statement.

INTERIOR NOISE EMISSIONS WARRANTY

-------------------- warrants to the first
(name of mfr)
person who purchases this vehicle for purposes other than resale and to each subsequent purchaser that the interior of this vehicle was designed, built and equipped to conform at the time of sale to such first purchaser with all applicable U.S. EPA Bus interior noise control regulations

This warranty is not limited to any particular part, component or system of the interior of the vehicle. Defects in the design, assembly, or in any part, component, or system of the interior of the vehicle which, at the time of sale to such first purchaser, caused interior noise emission levels to exceed Federal standards are covered by this warranty for the actual life of the vehicle.

(c) Not later than the date of submission of the product verification report required by § 205.105-4, the manufacturer shall submit to the Administrator two (2) copies of the written noise emission warranty required by paragraph (a) of this section and two (2) copies of all other information provided to the ultimate purchaser which could reasonably be construed as impacting on the warranty.

(d) Not later than ten (10) days after dissemination, the manufacturer shall submit two (2) representative copies of all information of a general nature, or modifications thereto, which is provided to dealers, zone representatives, or other agents of the manufacturer regarding the administration and application of the noise emission warranty. Information regarding noise emission warranty claims which is provided to a dealer or representative in response to a particular warranty claim or dealer inquiry is not considered to be information of a general nature, if such information does not receive broad dissemination to dealers.

(e) All information required to be forwarded to the Administrator pursuant to this section shall be addressed to: Director, Noise Enforcement Division, (EN-387), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

(Sec. 13, Noise Control Act (42 U.S.C. 4912).)

§ 205.108-2 Tampering.

(a)(1) The following provisions are applicable as appropriate to the manufacturer who is required to conduct production verification for the exterior and/or interior standard.

(2) For each model year and for each configuration of vehicles covered by this part, the manufacturer shall submit to the Administrator a list of those acts which, in the manufacturer's estimation, might be done to the vehicle in use, on more than an occasional basis, and result in an increase in the interior and/or exterior noise emission levels above the standards prescribed in § 205.102. The manufacturer should indicate, wherever possible, the amount of this increase in noise emission level.

(b) The above information shall be submitted to the Administrator within adequate time prior to the introduction into commerce of each configuration to allow for the development and printing of tampering lists, as provided in paragraphs (c) and (d), of this section.

(c) On the basis of the above information, the Administrator will develop a list of acts which, in the Administrator's judgment, constitute the removal or rendering inoperative, totally or partially other than for purposes of maintenance, repair, or replacement, of noise control devices or elements of design of the vehicle. This list shall be provided to the manufacturer by the Administrator within 30 days of the date on which the information required in paragraph (a) of this section is submitted by the manufacturer and shall be included in the statement to the ultimate purchaser as required by paragraph (d)(2) of this section. If the list is not provided by the Administrator within 30 days of the date on which the information required in paragraph (a) of this section is submitted, the manufacturer shall include only the statement in paragraph (d)(1) of this section until such time as the list has been provided and the owner's manual is reprinted for other purposes.

(d) The appropriate manufacturer shall include in the owner's manual the following information:

(1) The statement:

TAMPERING WITH NOISE CONTROL SYSTEM PROHIBITED

Federal law prohibits the following acts or the causing thereof: (1) The removal or rendering inoperative by any person other than for purposes of maintenance, repair, or replacement, of any device or element of design incorporated into any new vehicle for the purpose of noise control prior to its sale or delivery to the ultimate purchaser or while it is in use, or (2) the use of the vehicle after such device or element of design has been removed or rendered inoperative by any person.

(2) The statement:

Among those acts presumed to constitute tampering are the acts listed below.

Immediately following this statement, the manufacturer shall include the list developed by the Administrator under paragraph (c) of this section.

(e) Any act included in the list prepared pursuant to paragraph (c) of this section is presumed to constitute tampering; however, in any case in which a proscribed act has been committed and it has been shown that such act resulted in no increase in the A-weighted sound level of the vehicle or that the

vehicle still meets the noise emission standard of § 205 102. such act will not constitute tampering

(f) The provisions of this section are not intended to preclude any State or local jurisdiction from adopting and enforcing its own prohibitions against the removal or rendering inoperative of noise control systems on vehicles subject to this part

(g) All information required by this section to be furnished to the Administrator shall be sent to the following address

Director Noise Enforcement Division (EN 387) U S Environmental Protection Agency 401 M Street SW Washington, D C 20460

(Sec 10 13 Noise Control Act (42 U.S.C 4909 4912))

§ 205.108–3 Instructions for maintenance, use and repair.

(a) (1) The manufacturer responsible for the exterior and or the interior noise standards shall provide to the ultimate purchaser of each vehicle covered by this subpart written instructions for the proper maintenance. use and repair of the vehicle and or vehicle body in order to provide reasonable assurance of the elimination or minimization of noise emission degradation throughout the life of the vehicle

(2) The purpose of the instructions is to inform purchasers and mechanics of those acts necessary to reasonably assure that the degradation of noise emission level is eliminated or minimized during the life of the vehicle Manufacturers shall prepare the instructions with this purpose in mind The instructions shall be clear and. to the extent practicable, written in non-technical language.

(3) The instructions shall not be used to secure an unfair competitive advantage They shall not restrict replacement equipment to original equipment or service to dealer service unless such manufacturer makes public the performance specifications on such equipment.

(b) For the purpose of encouraging proper maintenance. the manufacturer shall provide a record or log book which shall contain a schedule for the performance of all required noise emission control maintenance Space shall be provided in this record book so that the purchaser can note what maintenance was done. by whom. where and when

(c) Not later than the date of submission of the production verification report required by § 205 105–4. the manufacturer shall submit to the Administrator two (2) copies of the maintenance instructions (including the record book) required by paragraphs (a) and (b) of this section

(d) The Administrator will require modifications to the instructions if they are not sufficient to fullfill the requirements of paragraph (a) of this section.

(e) Information required to be submitted to the Administrator pursuant to this section shall be sent to the following address

Director Noise Enforcement Division (EN-387), U.S Environmental Protection Agency 401 M Street SW., Washington, D C 20460

(Sec 13. Noise Control Act (42 U.S.C 4912).)

§ 205.108–4 Sound level degradation factor (SLDF) and retention of durability data.

(a) Each manufacturer responsible for compliance with the standards specified in § 205 102 shall develop a Sound Level Degradation Factor for each of his vehicle configurations utilizing the records compiled under paragraph (b) of this section

(b) (1) The manufacturer shall establish and maintain records which demonstrate the increase in sound level which will occur for each vehicle configuration during the specified AAP.

(2) The records may include, but need not be limited to. the following

(i) Durability data and actual noise testing on critical sound producing or attenuating components

(ii) Sound level deterioration curves on the entire vehicle.

(iii) Data from products in actual use.

(c) The SLDF is to be used in all production Verification testing and Selective Enforcement Audit testing to determine compliance.

(d) If the manufacturer determines the vehicle sound level will not increase during the AAP when properly used and maintained, the SLDF is zero.

(e) If a manufacturer determines that a vehicle's sound level will not increase, but rather decreases with use, yielding a negative SLDF. he shall use zero as the SLDF in all testing under these regulations, but shall determine and record the actual SLDF

(f) A separate SLDF shall be developed for both the exterior and the interior standards.

(Sec. 13, Noise Control Act (42 U.S.C. 4912))

§ 205.109 Recall of noncomplying vehicles.

(a) Pursuant to section 11(d)(1) of the Act, the Administrator may issue an order to the manufacturer to recall and repair or modify any vehicles distributed in commerce which are not in compliance with this subpart.

(b) A recall order issued pursuant to this section shall be based upon a determination by the Administrator that vehicles of a specified category or configuration have been distributed in commerce which do not conform to the regulations. Such determination may be based on:

(1) A technical analysis of the noise emission characteristics of the category or configuration in question; or

(2) Any other relevant information, including test data.

(c) For the purposes of this section, noise emissions may be measured by any test prescribed in § 205.104 for testing prior to sale or any other test which has been demonstrated to correlate with the prescribed test procedure.

(d) Any order to recall shall be issued only after notice and an opportunity for a hearing.

(e) All costs, including labor and parts, associated with the recall and repair or modification of non-complying vehicles under this section shall be borne by the manufacturer.

(f) This section shall not limit the discretion of the Administrator to take any other actions which are authorized by the Act.

(Sec. 11, Noise Control Act (42 U.S.C 4910))

APPENDIX I

TABLE I.—*Sample size code letters*

Batch size	Code letters
4 to 8	A
9 to 15	B
16 to 25	C
25 and larger	D

TABLE II.—*Sampling plans for inspecting batches*

Sample size code letter	Test sample	Test sample size	Cumulative test sample size	Batch inspection criteria	
				Acceptance No.	Rejection No.
A	1st	4	4	0	1
B	1st	3	8	0	1
C	1st	3	3	0	2
	2d	3	6	1	2
D	1st	2	2	[1]	2
	2d	2	4	[1]	2
	3d	2	6	0	2
	4th	2	8	0	3
	5th	2	10	1	3
	6th	2	12	1	3
	7th	2	14	2	3

[1] Batch acceptance not permitted at this sample size.

TABLE III.—*Batch sequence plans*

	Number of batches	Cumulative number of batches	Sequence inspection criteria	
			Acceptance No.	Rejection No.
Sample size code letter:				
A	2	2	1	(1)
	2	4	2	4
	2	6	3	5
	2	8	4	5
B	2	2	0	(1)
	2	4	1	4
	2	6	2	5
	2	8	4	6
	2	10	5	6
	2	12		
C	2	2	(2)	2
	2	4	0	2
	2	6	0	3
	2	8	1	3
	2	10	2	4
	2	12	3	4
D	2	2	0	2
	2	4	1	3
	2	6	2	4
	2	8	3	4

[1] Batch sequence rejection not permitted for this number of batches.
[2] Batch sequence acceptance not permitted for this number of batches.

TABLE IV.—*Recommended format for vehicle noise data sheet*

Test report No. .... Manufacturer ....
Vehicle:
Trade name .... VIN ....
Model year .... Other reference No. ....
Configuration identification .... Category identification ....
Test site identification and location ....
Noise level degradation factor ....
Instrumentation:
Microphone manufacturer .... Model No. .... Serial No. ....
Sound level manufacturer .... Model No. .... Serial No. ....
Calibrator manufacturer .... Model No. .... Serial No. ....
Other and manufacturer .... Model No. .... Serial No. ....
Test data:
Approach gear .... Date of test ....
Approach RPM .... Temp. .... Wind ....
Acceleration test ....

ACCELERATION TEST

Run No.	1	2	3	4	5
dBA:					
Left					
Right					

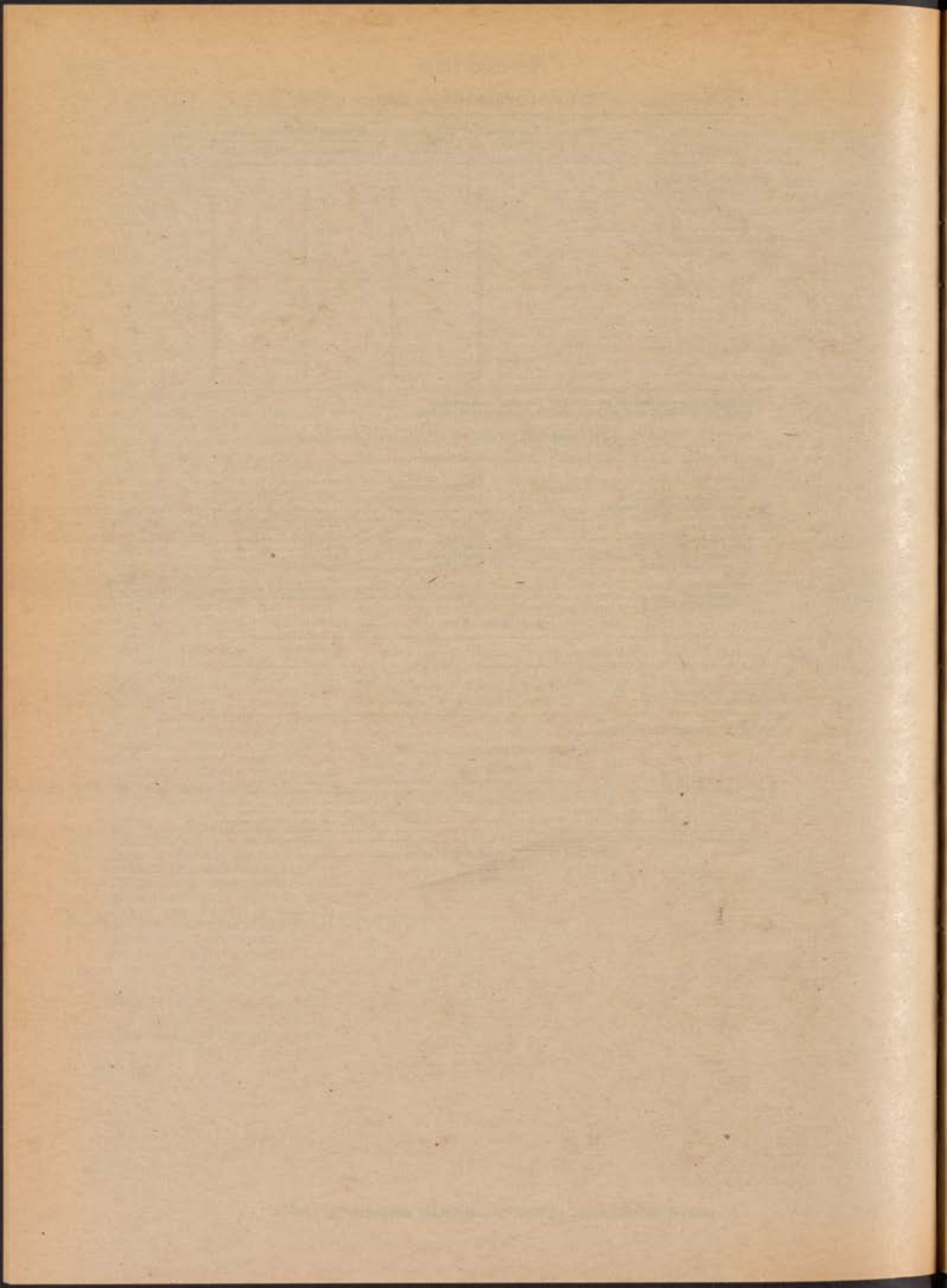
Highest RPM attained in end zone ....

Calculated sound pressure .... dBA

INTERIOR TEST

Microphone location ....
Level measured (dBA) ....
Run No.:
1. ....
2. ....
3. ....
4. ....

[FR Doc.77-26375 Filed 9-9-77;8:45 am]



federal register

MONDAY, SEPTEMBER 12, 1977

PART V

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

CARGO SECURITY ADVISORY STANDARDS

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No 32. Notice No 77-10]

PART 85—CARGO SECURITY ADVISORY STANDARDS

Cargo Loss Reporting System and Procedures; Adoption Report

AGENCY: Department of Transportation.

ACTION: Adoption of Advisory Standards.

SUMMARY: Cargo theft-related activities continue as a major problem in the transportation industry. Thus, on September 23, 1976, the Department solicited comments on a proposed cargo security advisory standard. This document reviews the comments received, incorporates some of the proposals and adopts the proposed standards. The standards adopted establish a loss reporting system to provide a carrier the means for prompt discovery of shipment discrepancies. The standards should lead to recovery of lost cargo and/or detection of a weak spot in a carrier's freight accountability system.

EFFECTIVE DATE: September 12, 1977.

FOR FURTHER INFORMATION CONTACT:

James P. Fernan, Chief, Cargo Security Division, Office of Transportation Security, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1688.

SUPPLEMENTARY INFORMATION: The persons responsible for the drafting of this document are James Fernan and Lloyd Milburn, both of the Office of Transportation Security. Booker T. Wade, Jr., of the Office of General Counsel, is responsible for its legal sufficiency.

ADOPTION STATEMENT

Introduction. By notice published in the FEDERAL REGISTER of September 23, 1976 (see 41 FR 41716), the Department of Transportation proposed the issuance of its fourth Cargo Security Advisory Standard, entitled "Cargo Loss Reporting System and Procedures." Public comment was invited. Comments were received from the Pacific Merchant Shipping Association; the American Institute of Marine Underwriters; the American Trucking Association; Corkum Transportation Co.; Lykes Bros. Steamship Co.; the Association of American Railroads; the Shippers National Freight Claim Council, Inc.; and the Air Transport Association of America. After consideration of these comments, we have decided to make one substantive and several editorial changes.

General Concerns. Two concerns predominate many of the comments.

First, a number of commentators, particularly the American Trucking Association and the Association of American Railroads express strong concern that the standards may reflect Departmental regulatory policies and may be perceived as mandatory. The implication is that practical, if not legal, relationships could be affected. Since the establishment of this program (see 37 FR 2540, November 30, 1972) the Department has consistently emphasized the advisory nature of these standards. Indeed, the language of each standard clearly states that the standards are advisory, not mandatory, and that considerable latitude in application is anticipated.

The second concern is that compliance with the daily actions and report preparation standards would require significant amounts of manpower that would not be justified economically relative to losses sustained. The Department believes that these standards are proven management techniques and that substantial benefits will result from this application. Indeed, the Air Transport Association notes that the airline industry currently applies many of the techniques contained in the standards, albeit less frequently. More importantly, considering that compliance with the advisory standards is voluntary, managerial judgment and decision should and will be exercised in every application of the standards. Each carrier is free to determine the cost effectiveness of the system relative to their operations.

Specific Comments. The Pacific Merchant Shipping Association suggests the use of the "U.S. Customs Service Standards for Cargo Security" in lieu of the proposed advisory standards. We have reviewed Customs' service standards. Those standards give recommendations for physical security mechanisms (e.g., fencing, gates, lighting, locking devices) and procedural security mechanisms (e.g., personnel screening, identification cards, etc.). Although there is some minor overlap, those standards do not address the organization and operation of a cargo loss reporting system. We believe the Department's standards to be a complement to those of other agencies.

The American Institute of Marine Underwriters has reservations that providing employees with all the security data specified in section 85-4-15 (a) and (b) would be disadvantageous since pilferage is in large part based on inside information. As with the general intent of Customs Service General Recommendation on Security Education (see Service Standards, supra, p. 13), we believe a more informed employee enhances operations and relieves the chances for loss.

The Shippers National Freight Claims Council, Inc. suggests that the functions of tracing and clearing over, short and damaged cargo as specified in sections 85-4-27(d) be separated. The Department agrees. This paragraph has been rewritten to incorporate the suggestion.

In consideration of the foregoing, Part 85, title 49, Code of Federal Regulations, is amended by adding a new Part 85-4 to the appendix, as follows:

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 85-4—CARGO LOSS REPORTING SYSTEM AND PROCEDURES

SUBPART A—GENERAL

Sec.
85-4.1 Purpose.
85-4.3 General.
85-4.5 Definitions.

SUBPART B—ELEMENTS OF THE SYSTEM

85-4.11 General.
85-4.13 Guidelines and Procedures.
85-4.15 Training
85-4.17 Management Review and Analysis

SUBPART C—SYSTEM ORGANIZATION, GUIDELINES AND PROCEDURES

85-4.21 General.
85-4.23 Organization.
85-4.25 Guidelines.
85-4.27 Procedures.
85-4.29 Training.
85-4.31 Review and Analysis.

SUBPART A—GENERAL

Sec. 85-4.1 *Purpose*. (a) The purpose of this part is to set forth minimum procedures and guidelines that should be observed in establishing a cargo loss reporting system.

(b) The provisions herein are general and each may not apply to every transportation mode. Adaptation may be necessary to suit mode peculiarities and individual carrier needs.

Sec. 85-4.3 *General*. The movement of cargo by carrier involves an inherent risk of loss from theft and other causes due mainly to its exposure in the transportation system. Thus the transportation carrier with this inherent characteristic should establish a cargo loss reporting system which will provide information, safeguards, and practices to protect the cargo entrusted to him by the shipping public. The need for timely, accurate and definitive cargo loss information is essential to a successful cargo claims prevention program. Early identification of the cause of cargo losses through theft, hijack, pilferage or other reasons is an essential step to prevention and cure.

Sec. 85-4.5 *Definitions*. As used in this part—

"Bill of lading" means the document by which a carrier acknowledges receipt of freight and contracts for its carriage. Also known as "ocean bill of lading" and "air bill of lading."

"Carrier" means a common or contract carrier, but does not mean a private carrier.

"C.O.D." means collect on delivery for invoice value of the goods.

"Connecting line" means another carrier with whom the original carrier interlines a shipment for thru movement from origin to destination. Also known as "interline."

"Consignee" means the designated receiver of merchandise.

"Consignor" means the shipper of merchandise.

"Damage" means impairment of cargo shipment or contents.

"Destination terminal" means the terminal from which carrier makes final delivery. Also known as "destination port."

"Exception" means a deviation from the condition or quantity as shipped.

"Forced billing" means an internal document used by carriers to cover movement of a shipment from one terminal to another, when there is no way bill to cover, and is also used as a delivery receipt until the proper paperwork is found or prepared.

"Free astray" means a form used by carriers to cover movement of an over-shipment

from one terminal to another until it can be matched up with paperwork or other disposition made.

"Hijack" means stealing a cargo vehicle by force or threat of bodily harm.

"High-value cargo" means cargo handled at a facility, which because of its monetary value, utility, desirability, or history of frequent theft, requires greater protection than other commodities normally handled at the facility.

"Intermediate terminal" means a location through which a shipment moves at some point between origin and destination. It can also be a carrier's break-bulk terminal or rehandling location. Also known as "intermediate point" and "intermediate port."

"Loss" means disappearance of cargo under circumstances where the cause cannot be defined.

"Manifest" means tabulation of waybills on the loaded vehicle. Often used by checkers as a check sheet when loading and unloading to verify the count.

"Order notify" means a shipment is consigned to order of the shipper, with instructions to notify another party of the arrival of the freight who can claim the shipment by surrendering the original "bill of lading." Also known as "sight draft."

"Origin terminal" means the terminal at which the shipment begins its travel to destination. Also known as "origin port."

"O. S. & D." means over, short, and damaged cargo.

"Overage" means a cargo shipment that is not covered by a "bill of lading" or "waybill."

"Pilferage" means theft of cargo in small amounts.

"Proof of delivery" means a request by shipper or consignee for proof of delivery, requesting name, date and exceptions.

"Seal procedure" means an internal procedure detailing company practices in seal application and removal.

"Security" means human or mechanical protection for cargo shipments.

"Shortage" means a shipment that is incomplete as compared with its description on the "bill of lading" or "waybill."

"S.L. & C." means shipper's load and count.

"Theft" means larcency or unlawfully taking goods of another without force.

"Tracer" means an internal inquiry between terminals to determine location or status of a shipment.

"Traffic" means goods moved by a transportation carrier. Also known as "cargo" or "freight."

"Waybill means a document prepared from a "bill of lading" that accompanies shipment from origin to destination. Also known as "freight bill."

Subpart B—Elements of a System

Sec. 85-4.11 *General.* An effective cargo loss reporting system must contain certain elements for successful implementation by employees and management. This subpart sets forth the minimal elements of such a system.

Sec. 85-4.13 *Procedures.* Detailed procedures for identifying and handling over, short, and damage cargo should be prepared by each carrier's management office and placed in terminals for reference, guidance, and training of all personnel involved in the cargo movement.

Sec. 85-4.15 *Training.* (a) Employees should have knowledge of the operating authority and traffic patterns of the carrier. This includes terminal locations, points served, service restrictions and exceptions, and average service schedule to all points.

(b) Drivers, dock workers and others involved with the traffic should have knowledge of customer freight movements, commodities shipped and peculiarities of specific customers.

(c) Employees should have full knowledge of the loss reporting system and the company's claim prevention program.

(d) All supervisory and management personnel should be involved in the training and fully understand the loss reporting system, how it functions, its objectives, the mechanics thereof, and who to contact in making the system work.

Sec. 85-4.17 *Management Review and Analysis.* (a) Reports in appropriate detail from the Cargo Loss Reporting System should be reviewed by the following: (1) General Management, (2) Security Officers, (3) Claims Managers, (4) Directors of Operations, and (5) Terminal Managers.

(b) The cargo loss data should form the basis for reports on cargo claims which are or may be required by a regulatory agency.

(c) Reports should be analysed to pinpoint needed improvements in the claims prevention program.

Subpart C—System Organization, Guidelines and Procedures

Sec. 85-4.21 *General.* (a) The cargo loss reporting system is intended to be responsive to management in the claims prevention program.

(b) The system should provide the most effective means and times to report all discrepancies in shipments to minimize claims exposure, and to provide better service to the customer.

(c) The reports generated by the system will serve as information to the claims department for denial or approval of claims presented by customers.

Sec. 85-4.23 *Organization.* (a) A central office to serve as the clearinghouse for all reports of shipment discrepancies should be established preferably at the corporate or company headquarters.

(b) This central office should be the focal point for all reports of overages, shortages, and damages and is responsible for: (1) Clearing reports on discrepancies; (2) Matching overages and shortages; (3) Issuing disposition instructions to terminals; and (4) Developing advisory instructions for terminals with special problems.

(c) The central office should be in the claims department with direct communication with all terminals by means of teletype or telephone.

Sec. 85-4.25 *Guidelines.* (a) The loss reporting procedures should be implemented immediately upon discovery of an overage, shortage, or damage in shipment.

(b) The reports of an overage, shortage, or damage should include information defining who, what, when, where and how.

(c) Effectiveness of the procedures depends on detailed facts and prompt action.

(d) When a shortage is discovered at a terminal, usually one of the following errors has occurred:

(1) A billing error was made.

(2) Driver failed to pick up the entire shipment.

(3) A theft occurred from the pickup unit enroute to the terminal.

(4) The freight was loaded on the wrong unit at the shipper's dock.

(5) Another carrier picked up the freight in error.

(e) Action to be taken when such shortages are discovered:

(1) Check for billing or typographical error on bill of lading.

(2) Review with checker and crew that unloaded pickup unit.

(3) Check dock area for the missing freight.

(4) Interview the pickup driver promptly, by telephone if necessary, for his recollection of facts surrounding pick up and his count.

(5) Contact the shipper for possible error in his billing or have him recheck his dock for the missing freight. Obtain names of other carriers who made pick ups that day at his dock.

(6) Call other carriers and ask them to check for the missing freight.

(7) Check with the consignee to determine if he received the freight via another carrier.

(8) Advise the central clearing office and other terminals of the shortage with a full description.

(f) Other actions that should be taken:

(1) If shortage was part of a shipment, move the balance to destination with accompanying shortage report. Do not hold up the freight.

(2) If shortage is a complete shipment, a report should be prepared immediately for the central clearing office.

(3) If theft is indicated, notify all appropriate law enforcement authorities.

(4) Make a daily check for the missing freight with other terminals for the next five workdays.

(5) If the missing freight is located as a complete shipment, ship it promptly to destination on original waybill, free-astray bill or forced billing, depending on circumstances.

(6) If the recovered freight is a part shipment, and the balance of the shipment has already moved to destination, prepare a free-astray bill and move the freight to destination promptly for final delivery.

(7) If the shortage is from an interline carrier, a signed and dated exception should be noted by the checker on connecting carriers freight bill.

(8) If the shortage is noted at an intermediate terminal, it should be recorded by the checker who should notify his supervisor. The central clearing office should be notified as well as the origin and destination terminal.

(g) Copies of all over, short, and damage reports should be sent to the central clearing office where records and statistics should be compiled from each day's receipts, detailing all pertinent facts regarding each incident. Such facts should serve to furnish the carrier's management with facts and figures to formulate an improved claim prevention program.

(h) The central clearing office should maintain a daily follow-up with terminals on outstanding shortages and other omissions, thereby encouraging the terminals to intensify the search for facts to close out those files.

(i) When discrepancies are found and reported, immediate action should commence to correct the cause or causes.

(j) A daily schedule should be established for reporting all shortages and overages. Each carrier, based on experience, length of haul, and other factors should establish a timeframe within which discrepancies are reported to the central office and to other terminals to clear them and for a match-up. The report on losses should contain the following information:

(1) Name of Shipper;
(2) Name of Consignee;
(3) Waybill number;
(4) Date of shipment;
(5) Commodity;
(6) Weight;
(7) Type of shipment (container, truckload, pallet, etc.);
(8) Part missing (in shortage shipment);
(9) Part damaged;
(10) C.O.D. or order notify;
(11) Prepaid/collect;
(12) Where checked and by whom;
(13) How many times handled;
(14) Type loss (theft/hijack/pilferage/unknown) and
(15) Location where loss was detected.

(k) Any failure of the system in reporting losses should be investigated to determine and institute corrective measures.

(l) Prompt investigation of distressed freight and immediate reporting to the central control is essential to curtail cargo loss claims. This enhances the opportunity for correction and recovery before the audit trail becomes obliterated.

(m) Liaison should be established with all law enforcement agencies for help as needed. All theft losses and break-ins or attempted break-ins of facilities should be reported to these agencies.

(n) Shipments found without identification should be segregated and placed in the security cage while a search is made by an authorized person for packing slips or invoices to determine ownership. If identification is made, the freight should be recoopered and proper markings should be applied to each shipping container for prompt movement to destination.

(o) Overages found in the carrier's terminals should be reported in the same manner as shortages, for an overage can well mean a shortage elsewhere.

(p) All damaged freight should be reported to the central office. Local terminals should recooper such freight promptly to prevent further damage. Dry freight containers (cartons, bags, etc.) should be securely recoopered with sealing tape, banding wire, or other material to prevent further loss of contents or further damage. Waybills should be marked to indicate that shipment has been damaged.

(q) Each carrier should have printed forms for all reports in a format best suited to its needs for recording all types of discrepancies. The data content of the form should be tailored to its loss reporting system so that information can be retrieved.

(r) The carrier should issue advisory bulletins as needed to all terminals on specific problems or situations that arise. Changes in the existing Loss Reporting System should be made as necessary.

Sec. 85-4.27 *Procedure.* (a) A comprehensive over, short, and damage manual should be prepared and maintained based on the guidelines in section 85-4.25 of this subpart.

(b) An employee at each terminal should be designated the O. S. & D. clerk. Such person should be experienced in freight, movement, company routes, customer identity, commodities shipped, all movements of specialized cargoes, and high-risk movements. The O. S. & D. clerk should also possess a knowledge of claims handling, cargo claims prevention procedures, cargo security, packaging required by tariffs, recoopering practices, customer service, tracing, and related activities. He should be able to detect and correct flaws in handling and checking procedures, security measures and identification of problems relating to cargo claims prevention.

(c) The O. S. & D. clerk, who may be the terminal's Claims Prevention Manager, should be knowledgeable enough to judge when security has been breached and advise management, who in turn should call in law enforcement personnel.

(d) A daily inventory should be taken of freight docks to detect over and damaged freight. Such discoveries should be taken to recoop any damaged shipments, segregating those that are likely to damage other cargo, and to provide security for high-value cargo. The O. S. & D. Clerk and the Tracer Clerk should maintain close coordination to expedite delivery of overages.

(e) A centralized reporting procedure for O. S. & D.'s should be established for the central office to receive reports of all discrepancies from all locations, both verbal and written. This will enable that office, along with terminal help, to match up shortages, clear other discrepancies, and provide for disposition of O. S. & D. freight.

(f) The central office should have final authority in advising terminals on disposition of shipments involved in discrepancies and possible claims. This insures that all overages are promptly forwarded to proper destination with bills to cover until they can be matched up with proper billing at destination. Shortages should be given preferred attention, since they represent the single greatest dollar loss to a carrier.

(g) The central office should establish daily reports to account statistically for O. S. & D. activity and provide management with information to reflect error experience each day. High O. S. & D. activity is a sign of operational problems and a forerunner to severity in cargo loss claims.

(h) Daily written records of all events relating to O. S. & D.'s must be maintained and be part of the carrier's files and available for inspection by the claims department as needed.

(i) The central office should maintain a cross-reference file of O. S. & D.'s that is continually updated for accurate reference. It should be posted and purged daily. It is a source of reference for terminals seeking information on outstanding O. S. & D. items, for tracer information, and other O. S. & D. information. It also serves as the source for daily trends.

(j) The central office should compile discrepancy data on shippers, such as failure to mark shipments properly, and the use of poor quality containers. Such discrepancies should be called to the shipper's attention for correction.

(k) A daily conference call among terminals on the communications network should be established, preferably at an hour when telephone traffic is light and most of the inbound traffic is out for delivery. This pro-v.des the best opportunity to have a clear picture of the day's discrepancies. This call should be monitored by the central office since it provides information to and about all terminals.

(l) When teletype is used in lieu of telephone, messages should be short and meaningful, delivered on receipt to the O. S. & D. clerk and other addresses, and acted upon promptly.

Sec. 85-4.29 *Training.* (a) Training sessions should be held at each terminal location for all personnel in relation to their participation in the loss reporting procedures. Office, dock, and driving empoyees as well as management should participate in order to be acquainted fully with the carrier's practices involving O. S. & D.'s and reporting procedures.

(b) Personnel trained in the Loss Reporting System must of necessity be knowledgeable of the carriers' physical operations, routings, points served and terminal locations, as well as the care and handling of specialized cargo, hazardous materials, and high-risk cargo.

Sec 85-4.31 *Review and Analysis.* (a) The Loss Reporting System's explicit purpose is loss prevention through intensified management of freight handling activities. Information developed in the Loss Reporting System will assist management in identifying problem areas within the system, and prompt corrective action.

(b) Periodic reports should indicate trends, problem areas, problem freight, prolem customers, and problem employees and proposed corrective action. They will identify theft-prone areas and commodities.

(c) The report should advise management of the relationship of O. S. & D.'s to cargo claims filed, O. S. & D.'s to shortages never recovered, and O. S. & D.'s to claims never filed, billing errors, checker errors, and causes previously unknown or ignored.

(d) The report will also furnish data on other matters such as:

(1) Frequency of billing errors;

(2) Errors on SL&C trailers at shipper's dock, where drivers signing for loads do not count the freight; and

(3) Packaging problems on SL&C.

(e) The report should also:

(1) Identify geographic areas of loss such as large distribution centers, high-value cargo shippers and receivers, and dangerous and hazardous material shipment problems;

(2) Provide data on frequency of shipments picked up that lack proper or complete address which prevent delivery or seriously delay shipment and cost carrier time and money in determining the correct identification; and

(3) Identify shipments picked up lacking any markings which must be delayed until someone with proper authority opens cartons and checks for identification in the form of packing slips, invoices, or advertising.

(f) The report can provide data on shippers who should unitize their small carton shipments. Small containers are easily lost, stolen, or damaged when shipped loose. The:e multiple small pieces are costly to the carrier in extra labor as well as claims exposure. Unitizing can reduce carrier'r handling cost and protect contents of shipment from loss and damage.

(g) A periodic review of the Loss Reporting System and its results should be done by management to determine:

(1) Its effectiveness, and

(2) Methods for improvement.

(Sec. 9, 80 Stat. 944 (49 U.S.C. 1657), Executive Order 11836, 3A CFR 123, Comp. (1975) and 49 CFR 85.3.)

Issued in Washington, D.C., on September 8, 1977.

DANIEL A. WARD,
Director of Transportation Security.

[FR Doc.77-26617 Filed 9-9-77;10:16 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. 32; Notice No. 77-11]

[49 CFR Part 85]

CARGO SECURITY ADVISORY STANDARDS

High-Value or Sensitive Cargo Transit Procedures; Advised Standard Setting

AGENCY: Department of Transportation.

ACTION: Notice of Proposed Advisory Standards Setting.

SUMMARY: The Department proposes to issue the fifth in a series of Cargo Security Advisory Standards on High-Value or Sensitive Cargo Transit Procedures. A paramount problem in transportation is the theft of high value or sensitive cargo. To achieve a greater reduction in theft-related claims, the Department proposes special transit procedures relating to routes, communications, escorts, seals and other security mechanisms. Comments are requested.

DATES: Comments must be received on or before October 14, 1977.

ADDRESS: Comments should be sent to: Docket Clerk, TGC-10, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

James P. Fernan, Chief, Cargo Security Division, Office of Transportation Security, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1688).

SUPPLEMENTARY INFORMATION: The persons responsible for the drafting of this document are James Fernan and Lloyd Milburn, both of the Office of Transportation Security. Booker T. Wade, Jr., of the Office of the General Counsel is responsible for its legal sufficiency.

THE PROBLEM

The transportation industry faces many different problems in the day-to-day operation of moving cargo safely, efficiently and economically. A paramount problem is the susceptibility of high-value and sensitive cargo to theft or other criminal activities. The ability of the industry to solve this problem and meet their responsibilities is dependent upon many diverse factors. A dominant factor is the need for top management commitment to set policy and assure implementing procedures within each transportation mode that will ensure secure, safe, expeditious and economical transit of goods, particularly those commodities with a high monetary value or a sensitive nature that warrant special handling procedures.

Each transportation mode has singular and unique problems in connection with its operation. The thrust of this advisory standard is directed toward all transportation modes. Each carrier, shipper, warehouseman or freight forwarder should determine, based on operational loss experience, which high-value or sensitive shipments require special transit procedures. Commodities such as clothing, jewelry, alcohol, drugs, certain food items, firearms, ammunition, explosives, cigarettes and small electrical appliances are considered high-value cargo in all modes and most geographic areas. Nuclear or hazardous materials, because of their strategic value or potentially catastrophic nature, must be handled in accordance with designated handling procedures as specified in the appropriate Federal or state regulations.

DISCUSSION

An analysis of data on claims paid discloses that among the many commodities handled by the transportation industry, 20 account for the majority of theft-related losses. Nationally, these high-loss commodities comprise a small percentage of the total volume carried; yet, they account for a disproportionately large share of claims paid. To achieve a significant reduction in theft-related claims, attention should be directed to what is being stolen, where it is being stolen, when and how. Positive accountability of high-value or sensitive cargo while in transit is one of the best ways to control losses. The implementation of this DOT Cargo Security Advisory Standard and the standards on Seal Accountability, High-Value Commodity Storage and Internal Accountability Procedures can contribute toward achievement of an acceptable degree of positive accountability.

PROPOSAL

It is the firm conviction of the Department that if high-value or sensitive cargo is transported in adherence with known and tested safeguard procedures, it will benefit the carrier and shipper in a number of ways. First, the goods will arrive at the intended destination on time and intact. Second, the cost and effort involved in processing unnecessary claims will be eliminated. Third, customer goodwill, an intangible but critical element to every successful business, will be maintained. And finally, carriers and shippers who as a matter of top management policy endorse and promote good, safe and economical operational methods in cargo movement will realize greater profits.

The following subparts delineate definitive procedures that afford protection to high-value or sensitve cargo while in transit.

Compliance to this advisory standard is voluntary and not mandatory. This standard does not replace or modify any statutory requirement or regulatory authority vested in any Federal, state or local governmental body.

In consideration of the foregoing, the Department proposes to establish Part 85-5 of the Appendix to Part 85 of Title 49 of the Code of Federal Regulations, to read as follows:

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 85-5—HIGH VALUE OR SENSITIVE CARGO TRANSIT PROCEDURES

SUBPART A—GENERAL

Sec.
85-5.1 Purpose.
85-5.3 Application.
85-5.5 Definitions.

SUBPART B—ROUTING AND COMMUNICATION

85-5.11 General.
85-5.13 Communications.
85-5.15 Routes.
85-5.17 Escorts.

SUBPART C—OPERATING PROCEDURES

85-5.21 General.
85-5.23 Delivery.
85-5.25 Seals.
85-5.27 Physical Security.
85-5.29 Terminal Security.
85-5.31 Security Crib.
85-5.33 Supervisor Responsibilities.

SUBPART A—GENERAL

§ 85-5.1 *Purpose.*

(a) The purpose of this part is to set forth special transit procedures designed to protect high-value or sensitive cargo against theft and pilferage.

(b) The provisions herein are general and each may not apply to every transportation mode.

§ 85-5.3 *Application.*

The guidelines presented here in apply equally to high-value or sensitive cargo in full load trailers/containers/railcars moving in line haul and in less than full load shipments. Compliance with this advisory standard is voluntary and not mandatory. This standard does not repeal or modify any statutory requirement or regulatory authority vested in any Federal, state or local governmental body.

§ 85-5.5 *Definitions.*

As used in this part—

"High-value cargo" means cargo which because of it monetary value, utility, desirability, or history of frequent theft, require greater protection than other commodities normally handled in the transportation facility.

"Sensitive cargo" means cargo which because of its strategic value or potentially hazardous nature warrants greater security protection and care than other commodities normally handled in the transportation facility. Such sensitive cargo, if lost, could constitute a risk to national security.

SUBPART B—ROUTING AND COMMUNICATION

§ 85-5.11 *General.*

Routing and communications should be carefully planned for high-value or sensitive shipments. Written instruction's to drivers would eliminate the possibility of a breakdown in personal communications or misunderstandings.

§ 85-5.13 *Routes.*

(a) Whenever possible travel should be restricted to limited access highways, turnpikes, freeways, etc.

(b) Unnecessary stops should be avoided. The shipment is most vulnerable when stopped.

(c) Unattended trailers, containers or railcars should be locked and protective devices activated.

(d) Estimated arrival times and delays should be expeditiously communicated to destination stations.

§ 85-5.15 *Communication.*

(a) Where radios are available on local delivery vehicles, the route should be desig-

nated, and scheduled radio contacts between the dispatcher and the vehicle should be maintained.

(b) For pickup or delivery vehicles without radio, the driver should telephone the dispatcher when leaving the shipper or arriving at the consignee, as appropriate. The dispatcher should notify the police if the driver does not contact him within the scheduled or reasonable time.

§ 85-5.17 *Escorts.*

In cases where extremely high-value or sensitive cargo is transported, an escort should be used especially in areas which are high-risk or shipment is highly vulnerable. The escort should have radio communication with a central station. Any use of armed escorts must be in conformity with laws governing the use of firearms and armed escorts.

SUBPART C—OPERATING PROCEDURES

§ 85-5.21 *General.*

The general details for high-value or sensitive cargo shipments should be standard operating procedures.

(a) To facilitate planning of necessary or special procedures, details of quantity, value, destination, etc., should be ascertained when initial pickup is arranged.

(b) High security padlocks should be provided on all pickup and delivery trucks.

(c) The dispatcher should know the identity of the shipper and consignee of each high-value or sensitive cargo and coordinate pickup and delivery with each.

§ 85-5.23 *Delivery.*

Every attempt should be made to have the load arrive at the local terminal for same-day delivery. This is extremely important in high-crime areas where cargo may be vulnerable in terminals or railyards.

§ 85-5.25 *Seals.*

(a) Seal Accountability and Procedures are covered in Part 85-1 of this Appendix.

(b) The serial number of a seal applied at the shipper's facility or the terminal should be recorded on the bill of lading and the manifest.

(c) The condition of the seal and its serial number should be checked upon entering and leaving each terminal or facility. The seal should also be checked by the driver after any other stops, and by railroad personnel on interchange of railcars.

§ 85-5.27 *Physical Security.*

(a) Trailers, containers and railcar door hasps should be secured with a lock, wire or cable to deter the casual pilferer and delay more persistent thieves. Cable or wire twisted and secured through the safety latch, to be cut at destination, have proven to be an effective preventive measure.

(b) Door bolts, especially those on the locking bar and latch, should be peened or welded.

(c) Motion alarms are available commercially. These can be attached to trailers, containers and railcars when parked to signals attempts at access or movement.

§ 85-5.29 *Terminal Security.*

(a) High value or sensitive cargo temporarily placed on the dock or spotted in a railyard should be located in a special area which affords good visibility from the terminal office and should be checked frequently.

(b) Kingpin-locked trailers can be parked door-to-door to block access to other high-value or sensitive cargo. In the absence of kingpin locks, security can be achieved by hooking the tractor to the trailer, removing the ignition key and locking the tractor.

(c) Unauthorized persons should not be allowed entry into the terminal area.

(d) When company identification badges are used, they should be worn at all times by employees.

(e) Procedures should be established to have the count certified by drivers and loaders. Any exceptions should be reported immediately to the supervisor.

§ 85-4.31 *Security Crib.*

(a) High-value or sensitive cargo which cannot be outloaded immediately should be placed in a security crib or cage, in accordance with Part 85-2 of this Appendix, "High-Value Commodity Storage."

(b) The following should be recorded:

(1) The count and the name of the person doing the counting;

(2) The condition of the shipment; and

(3) The fact that the shipment was intact when placed in the crib.

(c) Cargo should only be removed from the crib when scheduled for immediate placement in a delivery or line unit. The count and condition should be certified by a supervisor.

§ 85-5.33 *Supervisor Responsibilities.*

(a) An effective loss control program requires participation by all supervisory personnel.

(b) A supervisor should inspect all bills of lading from incoming pickups promptly to identify high-value or sensitive items and provide necessary security.

(c) A supervisor should verify the count and condition when cargo is stripped from pickup or interline unit and direct the movement into the line trailer, container or railcar.

(d) High-value or sensitive cargo should be loaded in the front end of the trailer, container or railcar. The supervisor should monitor the loading to ensure that the commodity is "buried" and to provide necessary documentation for accountability. Adherence to safe loading procedures is necessary to avoid overloading the front end or creation of unsafe conditions.

Prior to issuing the proposed advisory standard, the Department will consider the comments of all interested persons. Comments should identify the docket number (see above) and be submitted to the Docket Clerk, TGC-10, Office of the General Counsel, Department of Transportation, D.C. 20590. Comments received on or before October 14, 1977, will be considered before final action is taken. Comments received after that date will be considered if practicable. All comments will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Assistant General Counsel, Room 10100, Nassif Building, 400 Seventh Street SW., Washington, D.C., between 9 a.m. and 5:30 p.m., local time, Monday through Friday, except Federal holidays.

(Sec. 9(c)(1), Department of Transportation Act (80 Stat. 944, 49 U.S.C. 1657(e)(1)), Executive Order 11836 (3A CFR 123, Comp. (1975)), and Sec. 85.3 of the regulations of the Office of the Secretary of Transportation (49 CFR 85-3).)

Issued in Washington, D.C., on September 8, 1977.

DANIEL A. WARD,
Director of Transportation Security.

[FR Doc 77-26615 Filed 9-9-77; 10:15 am]

federal register

MONDAY, SEPTEMBER 12, 1977

PART VI

ENVIRONMENTAL PROTECTION AGENCY

Pesticide Programs

REBUTTABLE PRESUMPTION AGAINST REGISTRATION AND CONTINUED REGISTRATION OF PESTICIDE PRODUCTS CONTAINING DIMETHOATE

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000 (FRL 787-6) 16]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Dimethoate

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

ACTION: Notice of rebuttable presumption.

SUMMARY: This notice provides public notification that dimethoate has been found to exceed certain risk criteria set forth in 40 CFR 162.11. The notice requests registrants and other interested persons to submit rebuttals and comments on the presumption and to submit any other data on the risks and benefits of dimethoate. This notice is the first of several which will give public notification of the Agency's progress in reviewing this chemical.

DATE: Comments must be received on or before November 7, 1977.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

W. T. Waugh, Office of Special Pesticide Reviews, Office of Pesticide Programs (WH-566), EPA (202-755-5851).

SUPPLEMENTARY INFORMATION: The Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing dimethoate.[1]

I. REGULATORY PROVISIONS

A. *General*. Title 40, Part 162.11, of the Code of Federal Regulations for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.), provides that a rebuttable presumption against registration shall arise if the Agency determines that a pesticide meets or exceeds any of the risk criteria relating to acute and chronic toxic effects set forth in section 162.11 (a)(3). If it is determined that such a rebuttable presumption has arisen, the regulations require that the registrant be notified by certified mail and afforded an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should also be given notice of the bases for the presumption to provide an opportunity for comment and to solicit additional information relevant to the presumption.

A notice of rebuttable presumption against registration is issued when the evidence related to risk meets the criteria set forth in section 162.11(a)(3). It is emphasized that a notice of rebuttable presumption against registration and continued registration of a pesticide is not a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of intent to cancel is issued only after the risks and benefits of a pesticide are carefully considered and it is determined that the pesticide may generally cause unreasonable adverse effects to the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions listed in Part II of this notice and, in the case of oncogenicity, to submit information which relates to the assessment of oncogenic risks as set forth in the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402). Registrants and othere interested parties may submit for consideration data on benefits which they believe would justify registration or continued registration. In addition, any registrant may petition the Agency to voluntarily cancel a current registration pursuant to Section 6(a)(1) of FIFRA.

This notice of rebuttable presumption against dimethoate also describes scientific studies which suggest that dimethoate may cause delayed neurotoxicity and synergism of dimethoate by other pesticides, especially by EPN. The Agency is soliciting information and comment on these questions, but is not now presuming against on the basis of these studies.

B. *Rebuttal Criteria*. Section 162.11(a)(4) provides that a registrant may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity or lack of emergency treatment criteria, "that when considered with the formulation, packaging, method of use, and proposed restrictions on the directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional, or national populations of nontarget organisms is not likely to result in any significant acute adverse effects" [40 CFR 162.11(a)(ii)];

(2) In the case of a pesticide presumed against pursuant to the Chronic toxicity criteria, "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects" [40 CFR 162.11(a)(ii)]; or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error."

C. *Benefits Information*. In addition to submitting evidence to rebut the presumption of risk, Section 162.11(a)(5)(iii) provides that a registrant "may submit evidence as to whether the economic, social, and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the risk presumptions are not rebutted, the benefit evidence submitted by the registrant,[2] applicants, and other interested persons will be considered by the Administrator in determining the appropriate regulatory action. Specifically Section 162.11(a)(5)(iii) provides that if the "benefits appear to outweigh the risks," the Administrator may (1) issue a notice of intent to hold a hearing pursuant to Section 6(b)(2) of FIFRA rather than a notice of intent to cancel or (2) deny registration pursuant to Section 6(b)(1) of FIFRA. Alternatively, if the "benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to Section 3(c)(6) or Section 6(b)(1) of the Act, as appropriate." Moreover, if at any time the Administrator determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to Section 6(c) of the Act.

Stated below are the Section 162.11 (a)(3) risk criteria which the Agency has found to have been met or exceeded by registrations and applications for registration of pesticide products containing dimethoate. The Agency's basis for concluding that these risk criteria have been met or exceeded is set out in "Dimethoate: Position Document 1," which follows. Copies of attachments to the Position Document which are not published with this notice are available for

[1] A position document, containing an appendix of references, background information, and other material pertinent to the issuance of this notice, has been prepared by the Agency Working Group on dimethoate and is also published with this notice. This position document and its attachments are available for public inspection in the Office of Special Pesticide Reviews (WH-566), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Room 447, 401 M Street SW., Washington, D.C. 20460.

[2] Registrants or other interested persons who desire to submit benefit information should consider submitting information on the following subjects, along with any other relevant information they desire to submit.

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.
2. Identification of the minor uses of the pesticide, including estimated quantities used by category such as lawn and garden uses and household uses.
3. Identification of registered alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.
4. Determination of the change in costs to the user of providing equivalent pesticide treatment with any available substitute products.
5. Assessment of regulation impact upon user productivity (e.g., yield per acre and/or total output) from using available substitute pesticides or from using no other pesticides.
6. If the impacts upon either user costs or productivity are significant, a qualitative assessment of the regulation's impact on production of major agricultural commodities and retail food prices of such commodities.

public inspection (see Footnote 1). Information protected from disclosure pursuant to FIFRA Section 10 cannot be provided. Specific inquiries concerning the Position Document should be directed to Project Manager W. T. Waugh, Office of Special Pesticide Reviews (WH-566), EPA, Rm. 447, East Tower, 401 M St. SW., Washington, D.C. 20460 (202-755-5851).

II. PRESUMPTIONS

A. *Oncogenicity*. 40 CFR 162.11(a)(3)(ii)(A) provides that a rebuttable presumption shall arise if a pesticide "[i]nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure * * *." As a further clarification of the provision, the preamble to the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402) states that "a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that this risk index has been exceeded by all registrations and applications for registration of pesticide products containing dimethoate, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

F. *Mutagenicity*. 40 CFR 162.11(a)(3)(ii)(A) also provides that a rebuttable presumption shall arise if a pesticide "* * * induces mutagenic effects, as determined by multi-test evidence." The Mutagenicity Testing Requirements Section of the FIFRA, Draft Section 3 Guidelines on Hazard Evaluation of Humans and Domestic Animals defines multi-test evidence as "evidence from at least two submammalian test systems in combination with evidence that the agent or its active metabolite(s) reaches the germinal tissue in mammals when administered by an appropriate route."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that this risk index has been exceeded by all registrations and applications for registration of pesticide products containing dimethoate, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

G. *Other Chronic or Delayed Toxic Effects*. 40 CFR 162.11(a)(3)(ii)(B) provides that a rebuttable presumption shall arise if a pesticide "[p]rodoces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety * * *."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that dimethoate can cause reproductive and fetotoxic effects in mammalian species and that this risk index has been exceeded by all registrations and applications for registration of pesticide products containing dimethoate, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

III. GROUNDS FOR PESTICIDE REVIEW IN ADDITION TO REBUTTABLE PRESUMPTION CRITERIA

A. *General*. In addition to the risk criteria set forth in 40 CFR 162.11(a)(3) which require the issuance of a notice of rebuttable presumption against registration or continued registration and a determination by the Administrator to register or cancel a pesticide, 40 CFR 162.11(a)(6) provides that the Administrator may determine that a pesticide should be cancelled or that a hearing should be held if the pesticide poses a substantial question of safety to man or the environment "based on toxicological data, epidemiological studies, use history, accident data, monitoring data, or such other evidence as is available to the Administrator."

A determination to cancel or deny registration of a pesticide or to hold a hearing based upon such data and a finding that a pesticide poses a substantial question of safety need not be preceded by public notice and opportunity for rebuttal prior to the administrative adjudicatory hearing procedure of Section 6(b) of the Act. However, where the Agency is using a notice of rebuttable presumption against registration or continued registration based on the risk criteria of 40 CFR 162.11(a)(3), it is in the public interest to include all evidence which may indicate additional grounds for determining that a pesticide causes unreasonable adverse effects on the environment. Accordingly, evidence derived from studies which suggest that dimethoate may produce delayed neurotoxic effects and synergism of dimethoate by other pesticides, especially EPN, has been included in this notice.

B. *Delayed Neurotoxicity*. The information concerning the delayed neurotoxic effects of dimethoate is summarized in the Position Document. Demyelination studies for dimethoate on white leghorn hens appeared to show no myelin degeneration. However, deficiencies in the study's protocol, listed in the Position Document, caused concern that the study results were not conclusive. The Agency is not presuming against dimethoate on this basis but requests any interested party possessing information relevant to the delayed neurotoxicity of dimethoate to submit such data to the Agency.

C. *Synergism*. The information concerning synergism of dimethoate is summarized in the Position Document. (Synergism is defined as the greater toxicity of two compounds together than would be anticipated from the sum of their individual effects.)

Studies have shown that EPN can cause synergistic toxicity of dimethoate in mammals. The Agency is not now presuming against dimethoate on this basis but requests registrants and any other interested party possessing information relevant to the use of EPN with dimethoate, or to the synergism of dimethoate by EPN or any other pesticide to submit such data to the Agency.

IV. REGISTRATIONS AND PRODUCTS SUBJECT TO THE NOTICE

All registrants and applicants for registration listed below are being notified by certified mail of the rebuttable presumption existing against registration and continued registration of their products.

The registrants and applicants for registration shall have 45 days from the date this notice is sent or until November 7, 1977, to submit evidence in rebuttal of the presumption. However, the Admintrator may, for good cause shown, grant an additional 60 days during which such evidence may be submitted. Notice of such an extension, if granted, will appear in the FEDERAL REGISTER.

V. DUTY TO SUBMIT INFORMATION ON ADVERSE EFFECTS

Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time, pursuant to Section 6(a)(2) of FIFRA and 40 CFR 162.8(d). If any registrant of dimethoate products has any published or unpublished information, studies, reports, analyses, or reanalyses regarding any adverse effects in animal species or humans, residues, and claimed or verified accidents to humans, domestic animals, or wildlife, which have not been previously submitted to EPA, the material must be submitted immediately. When responding to this notice, each registrant shall submit a written certification to the Agency that all information regarding any adverse effects known to the registrant has been submitted. In addition, the registrants should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion date, and a summary of all results observed to date.

VI. PUBLIC COMMENTS

During the time allowed for submission of rebuttal evidence, comments on the presumptions set forth in this notice and on the material contained in the Position Document are solicited from the public. In particular, any documented episodes of adverse effects to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to EPA as soon as possible. Specifically, information on the fate and effects of dimethoate, its impurities, metabolities, and degradation products on flora and fauna, particularly animals with metabolism similar to man, is solicited. Similarly, any studies or comments on the benefits from the use of dimethoate are requested to be submitted. All comments information received, as well as any other relevant information and

analysis thereof which come to the attention of the Agency may serve as a basis for final determination pursuant to Section 162 11(a)(5).

All comments and information should be sent to

Federal Register Section Technical Services Division (WH-569), Rm 401 East Tower, 401 M Street SW Washington D C 20460

Three copies of the comments or information should be submitted if possible to facilitate the work of the Agency and others interested in inspecting them The comments and information should bear the identifying notation "OPP-30000 16." Comments and information received within the specified time limit shall be considered before it is determnied whether a notice shall be issued in accordance with 40 CFR 162 11(a)(5)(ii).

Comments received after the specified time period will be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162 11 (a)(5)(ii). All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal working days.

Interested persons are encouraged to take advantage of the opportunity to inspect Agency files during normal working hours since (1) all of the information received may serve as a basis for final determination pursuant to Section 161.11(a)(5), and (2) the Agency will not generally publish a summary of information received in the FEDERAL REGISTER at the close of the rebuttal period.

Your cooperation is solicited in identifying any errors or omissions which may have been made in the following computer listings. Corrections to the listings may not necessarily be published in the FEDERAL REGISTER, but rather handled by mail with affected parties Omissions will be corrected by notice in the FEDERAL REGISTER.

Dated: September 2, 1977

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

DIMETHOATE POSITION DOCMENT 1

(DIMETHOATE WORKING GROUP, U.S. ENVIRONMENTAL PROTECTION AGENCY)

DIMETHOATE POSITION DOCUMENT 1

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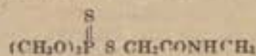
DIMETHOATE POSITION DOCUMENT 1

I BACKGROUND

A *Chemical Physical Characteristics* Dimethoate is an organophosphate insecticide. Its chemical name is O,O-Dimethyl S-(N-methyl-carbamoylmethyl) phosphorodithioate Its structural formula is.



Dimethoate is a white, crystalline solid with a camphorlike odor The technical grade material is a yellow-brown liquid Dimethoate has a melting point of 51 to 52° C It is most soluble in alcohols and ketones, as well as in organic solvents except saturated hydrocarbons. Its solubility in water is 2 to 3 percent (1, 2, 3) Dimethoate hydrolizes rapidly in alkaline solutions to a variety of products.[3] Dimethoate may be oxidized to a number of toxic products (cholinesterase inhibitors) by air, oxidative N-demethylation, and potassium permanganate[4] An important metabolite is the toxic agent dimethoxon (the oxygen analog of dimethoate), formed when the sulfur in dimethoate is replaced by oxygen (1)

Dimethoate is a sulphur-containing organophosphorus insecticide which acts as an acetylcholinesterase inhibitor The toxicity of dimethoate to animals depends, to a significant extent, on the conversion to the oxygen analog dimethoxon, [O,O-dimethyl-S-(N-methyl-carbamoylmethyl) phosphorothiolate] (5)

Hassan et al. (6) indicated that dimethoxon is 75 to 100 times more potent than dimethoate in inhibiting rat brain acetylcholinesterase. Lucier and Menzer (5) found dimethoxon to be 10^{3} times more potent than dimethoate in inhibiting housefly head cholinesterase or human plasma cholinesterase, although dimethoxon was only four times more acutely toxic than dimethoate to houseflies in vivo

The toxicity of dimethoate is related to purity Very pure dimethoate contains little or no dimethoxon and is not as acutely toxic as technical dimethoate which contains more dimethoxon Sanderson and Edson (7) found the acute oral LD_{50} of pure dimethoate to be 500 to 600 mg kg for the male rat The LD_{50} for technical dimethoate was 180 to 325 mg kg for the male rat

Since carcinogenic N-nitroso compounds may be produced by the reaction of nitrite with certain nitrogen compounds, the formation of N-nitroso derivatives as contaminants in pesticide formulations should be investigated whenever a potential nitrosatable substrate is involved A literature search for work performed or work in progress yielded no data on potential N-nitroso dimethoate, and an Agency chemist concluded that "dimethoate would not be expected to give high yields of N-nitroso dimethoate" (51)

B *Formulation and class.* Dimethoate is classed and used as a systemic insecticide/acaricide and is available in emulsifiable concentrates, soluble concentrates, ultra-low volume concentrates, wettable powders, and granules (1, 2) Formulations include a 5 percent granular, a 20 percent wettable powder, and 20 and 40 percent emulsifiable concentrates. It is especially effective against rasping and sucking pests.

C *Registered uses and production.* Dimethoate has been produced as a pesticide since 1963 Thirty-eight registrants hold Federal registrations and manufacture 66 registered products. Sixteen companies have state registrations and produce[5] 34 products.

Environmental Protection Agency (EPA) records indicate that a total of 2,007,553 pounds of dimethoate was used in the United States during 1974 (8) Of this total, 9,455 pounds were used in industry; 5,443 pounds in government; and 1,992,655 pounds were used in agriculture. Of the agriculture total, 405,399 pounds were used on fruits and nuts; 383,233 pounds on sorghum; 294,955 pounds on corn; 254,896 pounds on vegetables; 193,205 pounds on cotton; 177,863 pounds on miscellaneous field crops; 175,751 pounds on livestock; 59,237 pounds on hay and small grains; 47,859 pounds on ornamentals, and 257 pounds on tobacco. (Additional uses are listed in Reference 9.)

The National Soils Monitoring Program (10), conducted by EPA's Ecological Monitoring Branch, has collected data on the application of dimethoate to various representative cropland sampling sites. The data indicated a limited use (<1 percent) of dimethoate. In fiscal year (FY) 1969, 0.12 percent (or two sites of out 1,684) reported using dimethoate. Average total application was 3.21 pounds/acre. There was no reported use of dimethoate on the cropland sampling sites in FY 1972. In FY 1973, 0.4 percent (or 6 sites out of 1,402) reported using dimethoate. Average total application was 0.58 pounds/acre. In FY 1974, 0.4 percent (or 5 sites out of 1,165) reported using dimethoate. Average total application was 1.63 pounds/acre. Among the crops to which dimethoate was applied were wheat, peppers, cotton, tomatoes, field corn, sorghum, grapes, oranges, and string beans.

D. *Tolerances.* Tolerances for total residues of dimethoate in or on raw agricultural commodities are listed in 40 CFR 180.204 as follows: 2 parts per million (ppm) in or on

[3] These products include desmethyldimethoate, O,O,dimethyl dithiophosphoric acid, O,O-dimethyl thiophosphoric acid, and dimethoate acid (the carboxy derivative (1)

[4] These toxic products include O,O-dimethyl S-(N-methylcarbamoylmethyl) thiophosphate, the N-demethylated analogs of dimethoate and dimethoxon and the N-hydroxmethyl intermediates of each, and dimethoxon (1).

[5] Pesticide products currently registered under state pesticide registration laws and shipped or distributed for sale solely within intrastate commerce are subject to Federal pesticide regulations under 40 CFR section 162.17(a).

alfalfa, apples, beans (dry, lima, snap), broccoli, cabbage, cauliflower, celery, collards, endive (escarole), grapefruit, kale, lemons, lettuce, mustard greens, oranges, pears, peas, peppers, soybean forage, soybean hay, spinach, Swiss chard, tangerines, tomatoes, turnips (roots and tops), and wheat (green fodder and straw); 1 ppm in or on corn fodder and forage, grapes, and melons; 0.2 ppm in or on potatoes and sorghum forage; 0.1 ppm in or on cottonseed, pecans, safflower seed, and sorghum grain; 0.1 ppm (negligible residue) in or on corn grain; 0.05 ppm (negligible residue) in or on soybeans; 0.04 ppm (negligible residue) in or on wheat grain; 0.02 ppm (negligible residue) in eggs and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and 0.002 ppm (negligible residue) in milk. Dimethoate is registered for agricultural and home use.

E. *Metabolism*. Lucier and Menzer (5) investigated the nature of the oxidative metabolites of dimethoate formed in rats and on bean plants using radio-labeled dimethoate. In rats hydrolysis products predominated over chloroform-extractable metabolites. The oxygen analog, dimethoxon, was the major organo-extractable metabolite, and most of it had been extracted 6 to 12 hours after administration. Dimethoxon represented 5.39 percent of the administered radioactivity from males and 5.46 percent from females. Dimethoate was rapidly degraded in rats with only small quantities being recovered six hours after treatment. In bean plants the half-life of dimethoate was 1.7 days. At harvest, dimethoxon was the major organo-extractable metabolite, reaching a level of 7.33 percent after 3 days.

(1) *Absorption*. Shah and Guthrie (11) studied the absorption of ^{14}C-labeled dimethoate after 80 minutes through separately prepared sections of the digestive tract (small intestine, colon, rectum) of 6-week-old mice. On average, 50.9 percent of the applied dose had been absorbed in the serosal fluid and 14.2 percent in the gut tissue of the small intestine; 66.9 and 10.8 percent had been absorbed in the serosal fluid and gut tissue, respectively, of the colon; and 65.4 and 12.4 percent had been absorbed in the serosal fluid and gut tissue, respectively, of the rectum. When mice of different ages were tested, dimethoate penetrated more rapidly through the tissues of unweaned mice. The average absorbed in isolated sections of the small intestine after 80 minutes was 61.1 and 11.9 percent in the serosal fluid and gut tissue, respectively, for 12-day-old mice; 50.9 and 14.2 percent in the serosal fluid and gut tissue, respectively, for 6-week-old mice; and 56.5 and 13.7 percent in the serosal fluid and gut tissue, respectively, for 12-week-old mice.

(2) *Distribution*. Kaplanis et al. (12) analyzed tissues from an orally treated calf and showed only very low levels (0.02 ppm) of organo-extractable radioactive compounds present in brain, liver, testes, and lungs.

Chamberlain et al. (13) studied the metabolism and associated residues following intramuscular (i.m.) injection and oral administration of P^{32}-dimethoate in sheep. Degradation was rapid and appeared not to be significantly affected by the route of administration. Only trace residues were found in tissues of sheep sacrificed 2 and 4 weeks after treatment. The thio-carboxy derivative was the predominant degradation product found in samples of urine and accounted for one-fourth to one-half of the administered dose for all animals. When dimethoate was given orally at two dosage levels, it was noted that at the lower level the organosoluble fraction in the blood accounted for less than 5 percent of the total radioactivity, whereas at the higher level this fraction was above 30 percent. The authors suggested that the mechanism of breakdown was overwhelmed by the larger dose, allowing more dimethoate and dimethoxon to accumulate in the blood.

Dedek and Schwarz (14), using in vivo tests of dimethoate in cattle, reported <5 ppm dimethoate in the blood at 6 hours following a 20 mg/kg i.m. dose, >3 ppm at 12 hours, and about 2 ppm at 18 hours. Blood concentrations following a 15 mg/kg dermally applied dose of 2 percent dimethoate in a mineral oil solution were about 1 ppm at 6 hours, and almost zero at 12 hours. With a 20 mg/kg dermal dose of a 5 percent dimethoate/fatty oil solution, blood concentrations were about 2.5 ppm at 6 hours, 1.5 ppm at 12 hours, and about 1 ppm at 18 hours.

(3) *Biotransformation*. Lucier and Menzer (4) investigated the metabolism of dimethoate in bean plants. The metabolism of dimethoate-^{32}P and dimethoate-carbonyl-^{14}C was studied using four modes of application. Degradation occurred most rapidly in excised leaves, followed by stem-injected plants, root-treated plants, and least rapidly in plants treated by foliar application. Eighteen metabolites of dimethoate, including 11 unknowns, were isolated. The oxygen analog (dimethoxon) was consistently present in moderate amounts in plants treated by all four modes of applicaton. Oxidation of dimethoate took place to a lesser degree than hydrolysis, although oxidation seemed more important in foliar-treated plants than in the other modes of application.

Kaplanis et al. (12) studied the metabolism of dimethoate in cattle. Ten mg/kg P32- of dimethoate was administered orally and by intramuscular injection. Eighty to 90 percent of the oral dose was eliminated in the urine after 24 hours, and the same percentage of the intramuscular dose was excreted after 9 hours. The major metabolic products were dimethyl phosphate, dimethyl phosphorothioate, and several unknowns.

Krueger et al. (15) studied the persistence and metabolism of dimethoate, among other compounds, to determine their toxicity to the mouse, American cockroach, and housefly. The observed selectivity of dimethoate for insects as compared with mammals was attributed to a persistence of unaltered parent compound in the whole body. In the mouse, 89 percent of a 0.5 µg/g dose and 76 percent of a 30 µg/g dose appeared in chloroform inextractables within 0.5 hours after treatment. The oxygen analog levels were approximately three times greater in the cockroach than in the mouse. The authors concluded that the mouse degrades either the parent compound or the oxygen analog more readily than the insect does, and that selectivity is probably due to differences in ability to degrade.

Uchida and O'Brien (16) studied the degradation of dimethoate by homogenates of human liver. An average of 0.27 µg/g was degraded in a 30-minute period. Using this and other data available on dimethoate's acute toxicity, the authors suggested a probable acute oral LD_{50} to humans of approximately 30 mg/kg.

(4) *Excretion and degradation*. Kaplanis et al. (12) studied the metabolism of P^{32}-dimethoate in cattle following oral and i.m. administration of 10 mg/kg. About 87 to 90 percent of the oral dose was eliminated in the urine after 24 hours. The same percentage of the i.m. dose was excreted after 9 hours. Only 3.7 to 5 percent of the oral dose and about 1.1 percent of the i.m. dose were eliminated in the feces. The major metabolic products were dimethyl phosphate, dimethyl phosphorothioate, and several unknowns.

Brady and Arthur (17) studied the excretion of P^{32}-dimethoate in rats. Rats excreted about 45 percent of the orally administered dimethoate in the urine and only about 5.8 percent in the feces 72 hours after treatment. Rats treated dermally with dimethoate excreted 30.6 percent in the urine and 6.5 percent in the feces.

Rowlands (18) studied the metabolism of dimethoate by stored wheat and sorghum grains. Samples of both grains were treated with 2 or 10 ppm of dimethoate. Samples were analyzed after 1, 4, 7, 11, 14, and 21 days of storage. Dimethoate was rapidly degraded to anionic derivatives which the author considered nontoxic. Slight oxidation to dimethoxon occurred, but this was similarly degraded.

F. *Residues*.—(1) *Food*.—(a) *FDA commodity survey*. The Food and Drug Administration (FDA[a]) has been collecting food and feed samples for a number of years, analyzing each sample to determine pesticide residue levels and frequency of occurrence (19). The following list indicates the commodities, the number of positives within the year, and the fiscal years (FY) when found contaminated. Figures include residues of both dimethoate and its oxygen analog for both domestic and imported products.

Commodity	Fiscal year		
	1974	1975	1976
Leaf and stem vegetables	4	3	32
Beans	19	8	26
Vine and ear vegetables	72	69	158
Large fruits	0	2	11
Small fruits	0	48	2
Root vegetables	0	1	0
Processed fruit products	0	11	2
Processed vegetable products	0	1	0
Total number occurrences	95	143	251

(b) *Other studies*. Dedek and Schwarz (14) reported residues in milk of dimethoate-treated cows. With a 20 mg/kg i.m. dose, dimethoate residues in milk were >3.5 ppm at 12 hours, <1 ppm at 24 hours, and <0.5 ppm at 36 hours. With a 15 mg/kg dermal dose of a 2 percent dimethoate/mineral oil solution, residues in milk were about 2.5 ppm after 1 to 2 hours, <1 ppm at 6 hours, and almost zero shortly after 12 hours. With a 20 mg/kg demal dose of a 5 percent dimethoate/fatty oil solution, residues in milk were almost 2 ppm at about 10 hours, about 1.5 ppm at 12 hours, and <0.5 ppm at 24 hours. The approved tolerance for dimethoate residues in milk is 0.002 ppm.

Steller and Brand (20), using gas-liquid chromatography, analyzed field-treated grape samples harvested 28 days after the last application of dimethoate. The authors reported residue values of <0.05 ppm of what appeared to be de-N-methyl dimethoate (O,O-Dimethyl S-carbamoylmethyl phosphorodithioate), N-hydroxymethyl dimethoate, de-N-methyl dimethoxon, and N-hydroxymethyl dimethoxon. The authors concluded that residue values demonstrated

[a] The U.S. Department of Agriculture conducts a comparable residue study for domestic and imported meat products. In 1973 and 1974, standard screening tests for organophosphate pesticides were conducted, but no dimethoate residues were found. Screening for organophosphate pesticides was discontinued in 1974.

degradation of dimethoate residues from a maximum of 18 ppm to approximately 0.5 ppm with no accumulation of dimethoxon (maximum of 0.3 to 0.4 ppm). The approved tolerance for dimethoate residues on grapes is 1 ppm.

(2) *Feed*. Beck et al. (21) studied the persistence of dimethoate residues on soybeans, corn, and coastal bermudagrass. Dimethoate was sprayed at rates of 4, 8, and 16 ounces (of a formulation containing 43.8 percent dimethoate) per acre. Residues degraded to the 0.1 ppm level about 7 and 16 days after treatment on soybeans and corn, respectively. The same level was not reached in 70 days with bermudagrass. (The authors suggested that lack of rainfall and the cool season of the year resulted in the extended persistence of residues on bermudagrass.) The approved tolerance levels for soybean and corn forage are 2 and 1 ppm, respectively.

(3) *Plants*. Dauterman et al. (22) analyzed surface and absorbed residues following foliar treatment of various crop plants with radioactive dimethoate in a solution equivalent to 0.5 pound of dimethoate per 100 gallons of water. Dimethoate was rapidly absorbed. It decomposed both on the surface and inside the foliage. Only trace amounts of dimethoate and dimethoxon were present 32 days after treatment in and on foliage of corn and peas. After 32 days, residues ranged from 16 to 39 ppm in and on foliage of four groups of potatoes, and 5 to 10 ppm in and on cotton.

(4) *Soil*. Bohn (23) studied the decomposition of dimethoate following the application (one pound actual per acre) of an emulsifiable concentrate to a cultivated sandy loam soil. Dimethoate disappeared rapidly, even when applied in amounts exceeding the recommended rate. Half of the insecticide in the top three inches of soil disappeared in four days under drought conditions and in 2.5 days after moderate rainfall. The rate of disappearance did not change with repeat applications.

Mishra and Gupta (24) studied the persistence of dimethoate in three types of soil: sandy, loam, and clay loam. Dimethoate was applied at 4 and 8 ppm. After treatment, soil samples were drawn at 0, 1, 3, 5, and 7 days and thereafter every week for 5 weeks. Samples were taken from depths of 0 to 2 inches, 2 to 4 inches, and 4 to 6 inches. Dimethoate had a half-life of 5 to 7 days in sandy soil and loam at both 4 and 8 ppm at depths of 0 to 2 inches, as well as in sandy soil at 4 ppm at the 2-to-4-inch depth. Dimethoate had a half-life of 7 to 14 days at 4 ppm in loam and clay soil at depths of 2 to 4 inches, and 0 to 2 inches, respectively; and at 8 ppm in sandy, loam, and clay soil at depths of 2 to 4 inches, 2 to 4 inches, and 0 to 2 inches, respectively. A half-life of 14 to 22 days was recorded only for clay at the 2-to-4-inch depth at both 4 and 8 ppm. On day 5, the highest residues were recorded for all 3 soils at the 4-to-6-inch depth.

Duff and Menzer (25) studied the persistence and degradation of ^{14}C-dimethoate in silty loam, loamy sand, and clay loam. No major difference in total applied radioactivity recovered was noted between the three soil types in two experiments. Soil moisture content promoted more rapid disappearance of the dimethoate-^{14}C-equivalents.

Getzin and Rosefield (26) measured dimethoate residues by gas-liquid chromatography two weeks after application to Chehalis clay loam. Dimethoate degraded at about the same rate in heat-sterilized and gamma-irradiated soil, 18 and 20 percent, respectively. About 77 percent of the dimethoate had degraded after 2 weeks in nonsterile soil.

Harris and Hitchon (27), in laboratory tests on the biological activity of several pesticides in soil, reported dimethoate to be "moderately persistent," i.e., its biological activity disappeared after 36 weeks.

There is apparently no substantial movement of dimethoate in soil. Bohn (23) reported that rainfall did not cause appreciable leaching into the 3-to-6-inch zone of soil. Mishra and Gupta (24) reported more leaching of dimethoate in sandy than in loam or clay-loam soils. Duff and Menzer (25) reported that downward movement of dimethoate was slightly more extensive in loamy sand than silty loam or clay loam, and that increased moisture content in soil promoted downward movement in silty loam, loamy sand, and clay loam.

Duff and Menzer (25) also reported that in moist soils the conversion of dimethoate to dimethoxon was faster, and the levels of dimethoxon were generally greater. The only hydrolytic metabolite of dimethoate they identified was dimethoate carboxylic acid.

Harris and Hitchon (27) studied the biological activity of several insecticides in soil. As already noted, dimethoate became inactive after 36 weeks. In dry sandy loam, 50 ppm was the lowest concentration at which dimethoate showed biological activity when applied as a soil treatment; in moist sandy loam the level was 10 ppm; and in muck the level was 100 ppm. The reported increase in toxicity (cholinesterase inhibition) of dimethoate in moist soil, as compared to dry sol, is probably due to the greater production of the toxic oxygen analog, dimethoxon, (see Duff and Menzer above). Dimethoate and its metabolites rapidly disappeared from highly saturated muck soil.

(5) *Air and water*. The National Air Monitoring Program (10), conducted by EPA's Ecological Monitoring Branch, does not have air data on dimethoate available since air samples are not being analyzed for this pesticide.

The National Estuarine Monitoring Program (10), also conducted by EPA's Ecological Monitoring Branch, does not have estuarine data on dimethoate.

(6) *Transport*. Graham-Bryce (28) studied the diffusion characteristics of dimethoate in silty loam soil. Diffusion rates varied little as the dimethoate concentration was increased; however, diffusion rates increased rapidly as the soil moisture increased. These findings agree with studies already cited in section I.F.(4) which showed little movement of dimethoate in soil, except under moist conditions (25, 27).

G. *Pesticide Episode Review System (PERS) Reports*. The Agency maintains a Pesticide Episode Review System, which collects reports of pesticide exposure affecting humans, domestic animals, livestock, and wildlife. For the period 1966 to June 1976, PERS data show a total of 50 episodes involving dimethoate (29). Thirty-five involved dimethoate alone, and 15 involved dimethoate in combination with other active ingredients.

Humans were affected in 38 of the 50 reported episodes, livestock in two, plants in one, fish in one, and environmental contamination in eight.

Site of occurrence was reported as agricultural operations in 28 of the 50 reported episodes, transportation in five, greenhouses in three, storage areas in two, homes in two, aerial application preparation sites in two, formulation plants in one, an unspecified urban worksite in one, and a disposal site in one. In addition, two episodes simultaneously involved both a residential area and a worksite. Three episode reports did not specify a site of occurrence.

For five of the 50 episodes, there was substantial evidence that dimethoate was directly involved; for 12 episodes, there was circumstantial evidence; for 31 episodes, there was insufficient evidence; and for two episodes, there was evidence which proved that dimethoate was not responsible for the episode.

For the 17 episodes in which there was either substantial or circumstantial evidence for dimethoate's involvement, 12 involved humans, two involved building contamination, and one each involved livestock, water contamination, and both water and soil contamination. Of the 12 human incidents, site of occurrence was reported as agricultural operations in four, homes in two, aerial application sites in two, and transportation, a greenhouse, a formulation plant, and a residential worksite area in one each. The two building contaminations occurred in a greenhouse and a storage area. The livestock incident involved an agricultural operation, the water contamination involved a storage area; and the water and soil contamination involved a disposal site.

II. REGULATORY HISTORY

Dimethoate has been the subject of several Federal regulatory actions since its original registration. All actions were initiated when the U.S. Department of Agriculture was responsible for the regulatory control of pesticides.

Pesticide Registration (PR) Notice 67-10 issued on November 6, 1967, extended certain "no residue" and "zero tolerance" registrations beyond December 31, 1967. Uses of dimethoate were extended until January 1, 1969. (This and all following PR Notices are cited in Reference 30.)

PR Notice 68-3 isued on January 10, 1968, classified certain chemical use patterns as nonfood uses. For dimethoate, this included the use on agricultural premises, except in dairy barns and poultry houses.

PR Notice 68-5 issued on January 30, 1968, extended certain "no residue" and "zero tolerance" registrations beyond December 31, 1967. For dimethoate, uses in dairy barns and poultry houses were extended until January 1, 1969.

PR Notice 68-17 issued on November 1, 1968, extended certain "no residue" and "zero tolerance" registrations beyond December 31, 1968. For dimethoate, uses on alfalfa, cotton, and safflower, and in dairy barns and poultry houses were extended until January 1, 1970.

PR Notice 69-2 issued on January 16, 1969, extended certain "no residue" and "zero tolerance" registrations beyond December 31, 1968. For dimethoate, uses on potatoes and watermelons were extended until January 1, 1970.

PR Notice 70-1 issued on January 19, 1970, extended certain "no residue" and "zero tolerance" registrations beyond December 31, 1969. For dimethoate, use on alfalfa was extended until January 1, 1971.

III. SUMMARY OF SCIENTIFIC EVIDENCE TO SUPPORT REBUTTABLE PRESUMPTION

The following adverse effects of dimethoate have been found to exceed the criteria for issuance of a rebuttable presumption.

A. *Chronic Toxicity.*—(1) *Oncogenic Effects in Test Animals*. 40 CFR Section 162.11 (a)(3)(ii)(A) provides that "a rebuttable presumption shall arise if a pesticide's ingredient(s) * * * (i)nduce(s) oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation, or dermal exposure * * *." Section 162.3 (bb) defines the term oncogenic as "the property of a substance or a mixture of substances to

produce or induce benign or malignant tumor formation in living animals."

The Office of Special Pesticide Reviews has conducted an exhaustive search of the open literature and has isolated two published research papers dealing with oncogenicity of dimethoate.

(a) *Studies Relevant to Rebuttable Presumption.* Gibel et al. (31) studied the effects of dimethoate on 10-week-old Wistar rats of both sexes. Forty animals per group were employed in the study. Fresh solutions of dimethoate were made at the time of administration to limit hydrolysis. The compound was given by gavage twice weekly at 5, 15, and 30 mg/kg dose levels. One group of animals was also given 15 mg/kg intramuscularly. The authors described technical dimethoate as a yellow-brown oil. Meister (2) described dimethoate as a white crystalline solid. The Working Group has requested a sample of the material used by Gibel et al.

Animals were weighed at regular intervals. Only the animals that lived 3 months in the study and showed no post mortem changes were examined histologically. Blood and bone marrow were also examined.

Treated animals showed strong hyperplasia of the blood forming parenchyma of the bone marrow involving erythropoesis, granulopoesis, and magakaryopoiesis. Nonbony myeloid metaplasia was seen primarily in the liver and spleen in 59 percent of the treated animals. In addition, granulocytosis was found in 22 percent of the animals.

Incidence of benign and malignant tumors shown in Table 1 indicates that there is a significant increase of malignant tumors among treated animals at the highest dose levels for both oral and intramuscular routes of administration.

TABLE 1.—*Incidence of tumors in rats treated with dimethoate*

Dose milligrams per kilogram	Route	Average survival (days)	Benign tumors	Malignant tumors	p values
0	Oral	473	3/36	0/36	
5	do	518	7/26	2/26	
15	do	511	5/25	3/25	
30	do	627	2/20	[1] 4/20	0.0132
0	1 im	711	4/35	0/35	
15	1 im	570	5/30	[2] 6/30	.0072

[1] 1 liver sarcoma, 1 malignant reticulosis, and 2 sarcomas of the spleen.
[2] 1 sarcoma of the spleen, 1 soft tissue sarcoma, 1 ovarian sarcoma, 1 reticulum cell sarcoma, 1 spleen sarcoma, and 1 liver sarcoma.

In addition, a significant linear trend ($p<0.01$) was found for the oral route. No significant difference was detected for benign tumors.

Gibel et al. (31) also studied the effects of dimethoate on mice. Percutaneous application of fresh solutions of dimethoate was given twice a week for six weeks on shaved back skin of AB mice of both sexes; the animals survived for only 270 days. Five animals out of 19 showed malignant tumors, of which there were four leukoses and one breast carcinoma. The spleen showed considerable metaplasia with often complete atrophy of white pulp. The follicles of the white pulp showed a loose, narrow lymphocytic mantle around the central arteries. The trabecular framework of the spleen was generally narrowed and reduced. The red pulp showed a partially localized, and diffuse myeloid proliferation with numerous immature cell forms which made it difficult to recognize the basic structure. The authors felt that mice also developed the myeloproliferative syndrome similar to that observed in rats.

The benign tumors observed in the control animals were exclusively fibroadenoma of the breast. The authors did not mention the incidence of malignant tumors in controls but implied that they did not find any malignant tumors in the control animals.

In 1977 the National Cancer Institute (NCI) completed a feeding study with dimethoate (32). Osborne-Mendel rats, 35 days old, were used as test animals. The compound was added to the diet at 250 and 125 ppm dose levels. After 19 days the doses were reduced to half and the treatment was continued for an additional 61 weeks. The animals were followed for 115 weeks. The treatment groups consisted of 50 animals of each sex, and the matched controls consisted of 10 animals. Matched controls for aldrin, chlordane, dichlorvos, dieldrin, and heptachlor were used for evaluation because these studies were carried out concurrently with the dimethoate feeding study. Complete histopathology was carried out on all the animals. Statistical analysis of tumor incidence by site and type indicated no excess incidence of any specific tumor type and also no increase in total tumor incidence. A summary of the survival data and number of tumor-bearing animals is shown in Table 2.

TABLE 2.—*Dimethoate chronic feeding study—number and survival of tumor-bearing rats*

Sex	Dosage group	Effective number [1]	Number TBA [2]	Percent	Percent surviving [3] (weeks)		
					52	78	[4] 115
Male	Pooled control	58	36	62	92	87	47
Do	Matched control	10	7	70	100	80	30
Do	Low	50	23	46	98	96	72
Do	High	49	24	49	92	82	58
Female	Pooled control	60	43	72	97	95	73
Do	Matched control	10	7	70	100	100	90
Do	Low	47	30	64	98	92	74
Do	High	45	21	47	88	67	51

[1] Total number of rats initially placed on test minus the number missing or autolyzed.
[2] Number of tumor-bearing rats.
[3] Denominator for survival percentages was the original number of animals minus those killed for diagnostic purposes. No animals were accidentally killed, and none were missing.
[4] Study terminated at 115 weeks.

The pathological evaluation of this study was done at Gulf South Research Institute. EPA's Carcinogen Assessment Group (CAG) is interested in reviewing the slides of this study.

NCI (32) also studied the effects of dimethoate on B6C3F hybrid mice which were 35 days old. The compound was added to the diet at 250 and 500 ppm dose levels, and the feeding was continued for 69 and 60 weeks, respectively. Animals were observed for additional 24 and 34 weeks, respectively, before sacrifice. All the animals were necropsied and examined histopathologically. The data were statistically analyzed for each organ and tumor type. No dose-related increase in tumor incidence by site or total in either sex was found. The data for total tumor-bearing animals are summarized in Table 3.

The pathological evaluation of this study was carried out at Gulf South Research Institute. CAG is interested in reviewing the slides of this study.

CAG (33) reviewed the results of both the Gibel et al. (31) and the NCI (32) studies and concluded, "The Gibel et al. study showed a statistically significant increase in malignant tumors and myeloproliferative syndromes in Wister rats tested orally or intramuscularly with dimethoate. * * * They also reported an increase incidence of malignant tumors and myeloproliferation in AB mice following percutaneous application of dimethoate on shaved back skin but the inadequate description of this part of the study precluded statistical analysis. The NCI study on dimethoate using different strains of rats and mice was negative. * * *"

TABLE 3.—*Dimethoate chronic feeding study—number and survival of tumor-bearing mice*

Sex	Dosage group	Effective number[1]	Number TBA[2]	Percent	Percent surviving[3] (weeks)		
					52	78	[4] 90
Male	Pooled control	96	31	32	94	92	85
Do	Matched control	7	6	86	100	100	86
Do	Low	50	11	22	98	84	82
Do	High	50	11	22	96	96	92
Female	Pooled control	80	14	18	96	90	83
Do	Matched control	10	3	30	90	90	70
Do	Low	50	15	30	96	96	90
Do	High	49	12	24	94	94	90

[1] Total number of mice initially placed on test minus the number missing or autolyzed.
[2] Number of tumor-bearing mice.
[3] Denominator for survival percentages was the original number of animals minus those killed for diagnostic purposes. No animals were accidentally killed, and none were missing.
[4] Study terminated at 90 weeks.

The Working Group concludes that the Gibel study on rats supports the issuance of a rebuttable presumption on the basis of oncognic effects for the following reasons. First, the studies on rats conducted by NCI and Gibel et al. were dissimilar in several ways. The test animal used by Gibel et al. was the Wistar rat, whereas NCI used the Osborne-Mendel rat. It is generally recognized (34) that different strains of test animals, for a variety of reasons, may demonstrate a varied response to a chemical. The method of application also varied in the two tests. NCI incorporated dimethoate in feed for the rat study whereas Gibel et al. administered dimethoate by intubation or intramuscular injection. Different methods of application may or may not result in a different response on the part of the test animal. Second, the purpose of the RPAR process is not to determine whether dimethoate is or is not an oncogen, but to determine whether there is sufficient information available to raise a question as to its safety in this regard. For these reasons the Working Group recommends that a rebuttable presumption be issued against dimethoate pursuant to 40 CFR Section 162.11 (a)(3)(ii)(A).

(b) *Studies On Which Further Information Is Sought.* Steiglitz et al. (35) studied the hematotoxic effects of dimethoate in rats. Dimethoate was administered to 10-week-old Wistar rats in doses of 5, 10, and 15 mg/kg body weight by oral intubation (p.o.). Another group was given an i.m. dose of 15 mg/kg. Each test group consisted of 40 animals with two control groups of 40 animals each. The most important hematological results included pronounced hyperplasia of the hematopoietic parenchyma in the bone marrow, and sometimes strong, extraosseous myeloid metaplasia. Hyperplasia in the bone marrow occurred at different levels in all three hematopoietic cell systems with preferential involvement of granulocytopoiesis. Leukocytosis of varying intensity in the peripheral blood was also found but mainly affected granulocytes. The highest value exceeded 50,000/ul.

The Agency is not now presuming against dimethoate on the basis of this study, but requests any interested party possessing information relevant to this or any other oncogenic effect due to dimethoate to submit such data to the Agency.

(2) *Mutagenic Effects.* 40 CFR Section 162.11(a)(3)(ii)(A) provides that "a rebuttable presumption shall arise if a pesticide's ingredient(s), metabolite(s), or degradation product(s) * * * induce mutagenic effects, as determined by multi-test evidence."

The Mutagenicity Testing Requirements Section of the FIFRA, Draft Section 3 Guidelines on Hazard Evaluation of Humans and Domestic Animals defines multi-test evidence as "evidence from at least two submammalian test systems in combination with evidence that the agent or its active metabolite(s) reaches the germinal tissue in mammals when administered by an appropriate route."

(a) *Studies on Dimethoate-Induced Mutations in Sub-Mammalian Test Systems.* Fahrig (36) treated cultures of *Saccharomyces cerevisiae*, with dimethoate at seven dosage levels (ranging from 40 mM to 100 mM). An induction of mitotic gene conversions was observed which demonstrated a significant dose-response relationship and a positive mutagenic effect.[7]

Hanna and Dyer (37) tested dimethoate in two bacterial systems by adding 5 to 10 ul of dimethoate to a layer of the bacterial strain. Positive results were observed in two strains of *Escherichia coli* (*E. coli* WP2 uvrA and *E. coli* WP 67). Negative results were seen in several other *E. coli* and *Salmonella typhimurium* strains.[7]

Mohn (38) studied the effect of dimethoate in *E. coli* K-12/galRs18. Dimethoate was shown to have mutagenic activity. A significant does-response relationship was obtained using five does levels (from 1 to 6×10^{-3} M).[7]

American Cyanamid Co. (39) investigated the mutagenic potential of Dimethoate using several strains of *S. typhimurium* and one strain of *E. coli*. Rat liver microsomal enzymes (S-9) were used for metabolic activation. No mutagenic effects were observed. Doses ranged from 20 to 100 ug/plate.

Shirasu et al. (40 studied the mutagenic effect of dimenthoate in the H17 Rec+ and R45- strains of *Bacillus subtilis*. No mutagenic activity was observed under the conditions of the study. The dose of dimethoate used was not given.[7]

Agarwal et al. (41) studied the effect of dimethoate on seed setting and germination in the bean (*Phaseolus vulgaris*). Dimethoate in concentrations of 0.1 and 0.5% by volume were used as foliar sprays on bean plants in four observation plots. The spraying was done at the time of bud initiation. Seeds were then collected and soaked for 48 hours at room temperature. Dimethoate reduced germination 23 to 28% below controls. Chromosomal abnormalities including fragments, stickiness, and anaphase bridge formation were seen in 12.8 to 27.5% of the treated series. No abnormalities were seen in the controls.

Amer and Farah (42) studied the cytological effects of dimethoate on cotton (*Gossypium barbadense*) and beans (*Vicia fada*). Bean seeds were treated at concentrations of 0.5, 0.25, 0.125, and 0.0625% using both pure and formulated (solution containing 40% active ingredient) dimethoate. Cotton seeds were treated with the formulated product at concentrations of 0.25, 0.125, and 0.0625% dimethoate. Both pure and formulated dimethoate greatly inhibited cell division in beans. The mitotic index for bean seeds treated with pure dimethoate ranged from 18.4 (0.5% dimethoate) to 62.6 (0.625% dimethoate) compared with a mitotic index of 94.1 for controls. The mitotic index for beans treated with formulated dimethoate ranged from 8.0 (0.25% dimethoate) to 42.0 (0.0625% dimethoate) compared with 56.4 for controls. Chromosomal abnormalities were also observed for all treated seeds. The percentage of abnormal mitoses in beans induced by formulated dimethoate was much higher than that induced by pure dimethoate.

(b) *Studies on Dimethoate-Induced Mutation In Mammalian Test Systems.* Gerstengarbe (43) investigated the ability of dimethoate to induce dominant-lethal mutations in the mouse (*Mus musculus*). Dimethoate was administered intraperitoneally to male mice of an inbred, AB Jena/Halle strain. One set of mice received a one-time dose of 80 mg/kg, while another group received 6.66 mg/kg daily for 30 days. The treated males were then paired with untreated females. The number of implantations, resorptions, and living and dead fetuses on the eighteenth day of gestation was determined. The living fetuses were weighed and separated according to sex. A significant increase in the resorption rate was detected, indicating damage during spermiogenesis. A significant increase was observed in the mutation index indicating that dimethoate, in the case of AB Jena/Halle mice, induces dominant-lethal mutations and is capable of reaching germinal tissue.

[7] The author(s) did not indicate whether a metabolic activation system had been included in the test procedures.

[7] The author(s) did not indicate whether a metabolic activation system had been included in the test procedures.

Bhunya and behera (44) injected adults of both sexes of the mouse (*Mus musculus*) with 1 cc/100 g body weight of dimethoate (0.5 and 1.0% solutions). Control animals were injected with distilled water, and standard cytological slides were prepared from bone marrow cells of animals sacrificed at 24, 48, and 72 hours after treatment. The authors stated that in the treated animals, in addition to other aberrations, centromeric fission and stretching were predominant. The number of chromosomes with breakage at the centromere ranged from 1 to 38 per cell. The frequency of aberrations was highest at 24 hours, moderate at 48 hours, and least after 72 hours for both doses tested. Aberration rates in control animals were not reported.

The Working Group concludes that the the Gerstengarbe (43) study demonstrates that dimethoate can, under certain conditions, reach germinal tissue in mammals. Based on this finding and the other positive mutation results in tests with fungi, bacteria, plants, and mice, the Working Group recommends that a rebuttable presumption be issued against dimethoate pursuant to 40 CFR Section 162.11(a)(3)(ii)(A).

B. *Reproductive and Fetotoxic Effects in Mammalian Species.* 40 CFR 162.11(a)(3)(ii)(B) provides that a rebuttable presumption shall arise if a pesticide "(p)roduces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety." This section reflects concern that chronic exposure to chemicals may result, among other things, in injury to the reproductive system and/or the fetus and provides that a rebuttable presumption shall arise if chronic chemical exposure in test animals produces such results.

Budreau and Singh (45) studied the effect of dimethoate on the reproduction of Charles River CD-1 mice. The insecticide was added to drinking water at the rate of 60 ppm (⅙ the LD_{50}) for five generations. Reproductive performance was evaluated by mating success and reproduction time. Mating success was calculated as the proportion of the females mated that had litters, expressed in percentage. Reproduction time was the number of elapsed days from the first day when the females were presented to the male to the day of delivery. The authors stated that dimethoate treatment significantly reduced mating success and increased reproduction time.

Second litter mating success ranged from 33 to 61% ($p<0.01$) and treated females required significantly longer periods than controls ($p<0.01$) to produce first litters in all generations. Survival rate of total pups and litters was significantly reduced ($p<0.01$) in generations I, III, IV, and V. Histologic examination of the mammary glands of treated females with high newborn mortality showed the glands were well developed and contained milk. The growth rate of dimethoate-treated pups usually fell behind that of controls from day 12 after birth. On day 28, average weight was not always significantly different from controls, mainly because low-weight pups died.

In a dam-transfer experiment (45), a number of control young were transferred from an untreated to a treated, lactating mother. Increased mortality was noted in the young nursed by the treated mothers as compared with controls. This suggested that dimethoate or a toxic metabolite was passed to the young via milk.

Scheufler (46) administered a single 40 mg/kg dose of dimethoate, intraperitoneally, to female AB Jean/Halle mice on the day of conception. On the ninth day of pregnancy the author observed a significant increase in the number of dead embryos ($p<0.01$). When dimethoate was injected daily, at 40 mg/kg, during the first 14 days of pregnancy, four times as many implanted embryos died in comparison to controls. When 40 mg/kg of dimethoate was administered to female C57BL mice, the number of nonpregnant females was increased to 70% as compared to 20 to 30% for controls. When dimethoate was applied to DBA-mice, 50% of the mated females showed no embryos. The author suggested that dimethoate appears to hinder strongly the development of embryos prior to implantation.

The American Cyanamid Co. (47) conducted a three generation feeding study to determine whether dimethoate would interfere with reproduction or lactation. Albino mice of the CF1 strain were fed diets containing 5, 15, 50, and 0 (control) ppm of dimethoate. Animals were approximately one month old at the start of the test. Weaned pups were fed the same diets as their parents.

For mating purposes one male and two females were housed together. Females were housed alone while they cast and weaned their litters, after which parent animals were mated again. There were two mating periods. The report concluded that "reproduction and lactation performance was good for all groups."

An EPA scientist who reviewed this study agreed with the conclusion that no teratogenic effects were observed. The scientist identified the following data from this study relative to the effect of dimethoate on reproduction. This data, however, is not statistically significant.

Diet (parts per million)	Number of mothers died	Number of mothers with tremors or a litter which died
0	1	0
5	[1] 2	0
50	2	4

[1] 1 had an abscessed uterus.

Mating record

	F_1 generation	F_2 generation
1st generation.	All conceived.	1 5 p/m did not conceive.
2d generation.	1 5 p/m did not conceive.	Do. 3 15 p/m did not conceive. 3 50 p/m did not conceive.

In order to determine whether a rebuttable presumption should be issued based on reproductive and fetotoxic effects pursuant to Section 162.11(a)(3)(ii)(B), the Working Group must determine whether an ample margin of safety exists between the levels of dimethoate which produce reproductive and fetotoxic effects and the levels to which humans can reasonably be anticipated to be exposed.

In order to determine whether an ample margin of safety exists, the Working Group must first determine how much dimethoate a woman could be exposed to through: (1) Oral exposure, (2) dermal exposure, or (3) inhalation exposure. For each of these analyses the Working Group assumes a woman to weigh 50 kg. The Working Group is aware that this is a conservative assumption.

(1) *Oral Exposure.* For purposes of this analysis the Working Group assumes dimethoate residues to be present at tolerance level (see Section I.D). The Working Group realizes, however, that residues found in or on raw agricultural commodities are typically lower than tolerance levels. The following calculations are based on the average values for the amount of food eaten per day (1.5 kg) as reported by Lehman (54).

Food	Food factor (percent)	Tolerance (milligrams per kilogram) (40 CFR 180.204)	Contribution to daily intake (milligrams per kilogram)
Alfalfa	(1)		
Apples	1.81	2	0.0362
Beans (dry)	0.50	2	.0100
Beans (snap and lima)	.74	2	.0148
Broccoli	.19	2	.0038
Cabbage	.49	2	.0098
Cauliflower	.43	2	.0086
Celery	.76	2	.0152
Citrus (including grapes, lemons, oranges, tangerines)	3.66	2	.0732
Collards	(2)		
Endive (escarole)	(3)		
Grapefruit	(4)		
Kale	.14	2	.0028
Lemons	(4)		
Lettuce (including mustard greens, endive/escarole)	[3]1.15	2	.0230
Oranges	(4)		
Pears	.32	2	.0064
Peas (dry)	.12	2	.0024
Peas (fresh)	.49	2	.0098
Peppers	.25	2	.0050
Soybean forage	(1)		
Soybean hay	(1)		
Spinach	.29	2	.0058
Swiss chard (as beets)	.44	2	.0088
Tangerines	(4)		
Tomatoes	3.34	2	.0668
Turnips (roots and tops)	(5)		
Wheat (green fodder and straw)	(1)		
Corn fodder	(1)		
Grapes	.32	1	.0032
Melons	1.98	1	.0198
Potatoes	7.00	0.2	.0140
Cotton/safflower/soybean (as edible oil and margarine)	1.43	.1	.0014
Pecans (as nuts)	.60	.1	.0006
Sorghum grain and forage	(1)		
Corn	1.19	.1	.0012
Corn (as flour/cereal/starch)	.71	.1	.0007
Wheat grain (as flour)	8.05	.04	.0032
Wheat grain (as cereal)	.18	.04	.0001
Eggs	3.0	.02	.0006
Beef	4.60	.02	.0009
Hogs	2.89	.02	.0006
Horses	(6)		
Poultry	2.45	.02	.0005
Sheep	.28	.02	.0001
Milk	19.6	.002	.0004
Total			.35

[1] No food factor available. Exposure is reflected in part by meats and poultry.
[2] See kale.
[3] See lettuce.
[4] See citrus.
[5] See kale/spinach.
[6] Data not available.

The quantity of dimethoate in the average daily diet equals the average daily intake of dimethoate multiplied by the average daily food intake: 0.35 mg×1.5 kg=0.525 mg.

The theoretical exposure of an average woman equals the amount absorbed divided by the weight of the average woman: 0.525 mg/50kg=0.0105 mg/kg of body weight.

(2) *Dermal Exposure*. In order to conduct this analysis the Working Group must make certain assumptions concerning the amount of dimethoate which would come in contact with the skin and how much of this would be absorbed.

Sanderson and Edson (7) studied the dermal absorption characteristics of ^{32}P-labeled dimethoate on the rat. Three to four percent of an applied dose was absorbed after one hour, and 10 to 25% after four hours. On the basis of these results the authors conducted a series of tests involving skin application of a commercial-type ^{32}P-labeled dimethoate formulation using human subjects. The authors found that, after two hours of contact, almost all dimethoate was removed by washing with water. After 5½ hours, 5 to 13% of the dimethoate dose remained after washing with water; however, this was "largely removed" by vigorous washing with soap and water.

For purposes of this analysis, the Working Group will assume that 10% of the dimethoate coming in contact with the skin or clothing of the applicator will be absorbed even after washing.

The Working Group feels that more women of childbearing age would be exposed to dimethoate through application around the home than under any other situation. The Working Group has selected a product representative of a pesticide product containing dimethoate which can be used around the home. This product contains 23.4 percent dimethoate as formulated (equivalent to 2 pounds of dimethoate per gallon). For dermal exposure from spraying, the conservative assumption is made that no applicator would get more than one pint of dilute spray on herself during spraying. This would be enough to thoroughly wet the operator's clothing. The following calculations of exposure assume a dilution for spraying of 16 fluid ounces (or 0.25 pound) of formulated product per 24 pints of water.

Changing pounds to grams gives: 0.25 lb/24 pt×454 gr/lb=4.73 gr/pt. The Working Group has assumed 1 pint exposure and 10 percent absorption by a 50 kg female. To determine the amount absorbed, multiply the amount of dimethoate per pint by the amount absorbed: 4.73 gr×10 percent=0.473 gr=473 mg exposure.

The theoretical exposure of an average woman equals the amount absorbed divided by the weight of the average woman: 473 mg/50 kg=9.46 mg/kg of body weight.

(3) *Inhalation Exposure*. Inhalation exposure from spraying is estimated by assuming that some fraction of the spray enters the breathing zone of the applicator. With

the course spray droplets resulting from a home garden spray nozzle, there is no substantial upward diffusion, and the spray droplets follow a mechanical trajectory to the ground. Since the sprayer is held roughly waist high, normally very little spray would enter the breathing zone. The applicator is thus exposed to substantially less dimethoate by respiration than by dermal contact. This reasoning is in agreement with Wolfe's (55) comment, "over 97 percent of the pesticide to which the body is subjected during most exposure situations, and especially to applicators of liquid sprays, is deposited on the skin." Thus even with the conservative assumption that all inhaled dimethoate would be retained in the lungs of the applicator, it appears that inhalation exposure would not make an important contribution to the total potential exposure.

Total theoretical exposure from dimethoate equals

0.0105 mg/kg (due to oral exposure)
9.4600 mg/kg (due to dermal exposure)

9.4705 mg/kg = total theoretical exposure.

The theoretical margin of safety for dimethoate-induced reproductive and fetotoxic effects equals the effect level divided by the total theoretical exposure level:

$$\frac{20\ \text{mg/kg (Budreau \& Singh (45))}}{9.4705\ \text{mg/kg (total theoretical exposure)}} = 2.11$$

It is generally recognized that humans vary in their susceptibility to a toxicant and that humans may, for a variety of reasons, be far more sensitive than laboratory animals. Therefore, and lacking information to the contrary, the Working Group feels that 2.11 does not constitute an adequate margin of safety and recommends that a rebuttable presumption be issued against dimethoate pursuant to 40 CFR 162(a)(3)(ii)(B).

Registrants and other interested persons can, during the course of the RPAR process, submit data and/or comments regarding the existence of an ample margin of safety for dimethoate-induced reproductive and fetotoxic effects, and any other comments and data concerning dimethoate-induced reproductive and fetotoxic effects.

IV. OTHER RELEVANT ADVERSE EFFECTS

This section addresses certain criteria for determination of unreasonable adverse effects which dimethoate may produce, but for which insufficient evidence exists to initiate a rebuttable presumption.

A. *Delayed Neurotoxicity*. American Cyanamid Co. (48) performed demyelination studies for dimethoate and its oxygen analog, dimethoxon, in white leghorn hens estimated to be 1 to 2 years of age. Although the results appear to show that these chemicals did not cause myelin degeneration, a closer examination of these reports indicates that the tests were inconclusive for the following reasons:

1. An LD_{50} for 24 hours, instead of 7 days, should have been used in the tests;

2. Since hens were given the chemicals in their feed, the dose received by each hen was not accurately known. Administration of the test substance should have been by intubation or gelatin capsule; and

3. Since maximum doses of only one-eighth LD_{50} were administered, delayed neurotoxic effects may not have developed.

The regimen of the study was such that it would not detect delayed neurotoxicity of some compounds that are known to cause this effect. Either much higher doses, i.e., the maximally tolerated dose using atropine, or sub-acute studies for longer periods of time should have been used.

The Agency is not now presuming against dimethoate on the basis of this study but requests any interested party possessing information relevant to this or any other chronic or delayed toxic effect due to dimethoate to submit such data to the Agency.

B. *Synergism*. Uchida et al. (49) have reported on synergism of dimethoate by EPN in mammals and insects. (Synergism is defined as the greater toxicity of two compounds together than would be anticipated from the sum of their individual effects.)

The authors found that one-half the LD_{50} of dimethoate (170 mg/kg) and one-half the LD_{50} of EPN (11 mg/kg) killed an average 90 percent of mice in two trials when given simultaneously. For guinea pigs, the authors found that one-half the LD_{50} of dimethoate (390 mg/kg) and one-half the LD_{50} of EPN (14 mg/kg) killed an average of 24 percent ±5 in five trials when given simultaneously. The authors described this result as "moderate" synergism. The authors noted that EPN blocks liver degradation of dimethoate profoundly in the mouse and less so in the guinea pig and concluded this inhibition in metabolism or detoxification of dimethoate accounted for the synergistic activity in the mouse in the guinea pig.

In a study on the degradation of dimethoate by the human liver, Uchida and O'Brien (16) noted that mammalian amidase is very sensitive to EPN in vivo and that its inhibition should lead to synergistic toxicity in man.

The 1969 Report of the Secretary's Commission on Pesticides and Their Relationship to Environmental Health (Mrak Report) (50) discussed the synergistic activity of EPN on dimethoate and recommended that "[a]dditional studies should be conducted to evaluate the significance of aliesterase inhibition in man and especially liver aliesterase; and to study the relation between aliesterases and amidases." The report also stated, "In light of present knowledge, studies on the inhibition of plasma and liver aliesterase should be required on all anticholinesterase pesticides."

Although there are no registered products which contain both EPN and dimethoate, these chemicals do have certain use patterns in common. These include use on apples, beans, cotton, grapes, pears, pecans, and tomatoes. The Working Group does not know if it is common practice to mix dimethoate with EPN or to apply them together. The Agency is not now presuming against dimethoate on the basis of these studies but requests registrants and any other interested party possessing information relevant to the use of EPN with dimethoate, or to the synergism of dimethoate by EPN or any other pesticide to submit such data to the Agency.

DIMETHOATE: POSITION DOCUMENT 1

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**** PRODUCT SEARCH LISTING ****

06/28/77      APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING DIMETHOATE

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*REGISTRANT*       *NAME AND ADDRESS*

* 000148           THOMPSON-HAYWARD CHEMICAL COMPANY
                   BOX 2383
                   KANSAS CITY KS 66110

     **************** PRODUCT NAME ****************

  **05207*  DE-FEND 8 DUST

  **07496*  DE-FEND E-267 SYSTEMIC INSECTICIDE

  **07497*  DE-FEND E-267 SYSTEMIC INSECTICIDE

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*REGISTRANT*       *NAME AND ADDRESS*

* 000239           CHEVRON CHEMICAL COMPANY
                   ORTHO DIVISION 940 HENSLEY WAY
                   RICHMOND CA 94801

     **************** PRODUCT NAME ****************

  **04163*  CYGON 267

  **04165*  ORTHO CYGON 267

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*REGISTRANT*       *NAME AND ADDRESS*

* 000241           AMERICAN CYANAMID COMPANY
                   BOX 400
                   PRINCETON NJ 08540

     **************** PRODUCT NAME ****************

  **03825*  CYGON 2E SYSTEMIC INSECTICIDE

  **03883*  CYGON 267 SYSTEMIC INSECTICIDE

1
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**** PRODUCT SEARCH LISTING ****

06/28/77      APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING DIMETHOATE

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*REGISTRANT*       *NAME AND ADDRESS*

* 000829           SOUTHERN AGRI INSECT INC
                   PO BOX 218
                   PALMETTO FL 33561

     **************** PRODUCT NAME ****************

  **06759*  SA-50 BRAND DIMETHOATE INSECTICIDE

*******************************************************************************

*REGISTRANT*       *NAME AND ADDRESS*

* 003468           SCHALL CHEMICAL INC
                   BOX 862
                   MONTEVISTA CO 81144

     **************** PRODUCT NAME ****************

  **04561*  DIMETHOATE -SUFLUR WITH ZINC CARRIER

  **04562*  DIMETHOATE-SULFUR

  **04563*  DIMETHOATE-MANEB-SULFUR

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*REGISTRANT*       *NAME AND ADDRESS*

* 005481           AMVAC CHEMICAL CORP
                   4100 EAST WASHINGTON BLVD
                   LOS ANGELES, CA 90023

     **************** PRODUCT NAME ****************

  **03837*  DURAGON 8 DUST

  **07504*  DURHAM DURAGON 2.67 SYSTEMIC INSECTICIDE

  **07507*  DURHAM DURAGON 25 WP SYSTEMIC INSECTICIDE
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**** PRODUCT SEARCH LISTING ****

06/28/77

**CONTINUE REGISTRANT 007481

**07511* DURHAM DURAGON 2.67 SYSTEMIC INSECTICIDE

****

REGISTRANT *NAME AND ADDRESS*

* 005905 HELENA CHEMICAL CO.
CLARK TOWER, 5100 POPLAR AVE, SUITE 2904
MEMPHIS TN 38137

**************** PRODUCT NAME ****************

**03086* DIMETHOATE 267 EC

**07663* DIMETHOATE 267 EC

**07947* HOOPER DUST

****

REGISTRANT *NAME AND ADDRESS*

* 007478 CHEM FAK COMPANY
10402 S. W. 185TH TERRACE
SOUTH MAIMI FL 33157

**************** PRODUCT NAME ****************

**08027* CYGON 2E

****

REGISTRANT *NAME AND ADDRESS*

* 005319 CUSTOM CHEMICALS, INC
476 HESTER STREET
SAN LEANDRO, CA 94577

**************** PRODUCT NAME ****************

3

**** PRODUCT SEARCH LISTING ****

06/28/77

**CONTINUE REGISTRANT 009019

**04534* DIMATE 2E

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REGISTRANT *NAME AND ADDRESS*

* 010565 CALIFORNIA DEPT OF AGRICULTURE
WEED & VERTEBRATE PEST CONTROL 1220 N ST
SACRAMENTO CA 95814

**************** PRODUCT NAME ****************

**10039* ANY APPROPRIATE PRODUCT

**10040* ANY APPROPRIATE PRODUCT

**10041* ANY APPROPRIATE PRODUCT

**10042* ANY APPROPRIATE PRODUCT

**10043* ANY APPROPRIATE PRODUCT

****

REGISTRANT *NAME AND ADDRESS*

* 011365 BAKERSFIELD AG CHEM INC
PO BOX 5062
OILDALE CA 93308

**************** PRODUCT NAME ****************

**00758* BAC CYMATE 267

**00774* BAC CYMATE 25W

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**** PRODUCT SEARCH LISTING ****

06/28/77     APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING DIMETHOATE

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*REGISTRANT*      *NAME AND ADDRESS*

*  011656         WESTERN FARM SERVICE INC SHELL CHEM COMPANY
                  1025 CONNECTICUT AVE-STE 200
                  WASH DC 20036

   **************** PRODUCT NAME ****************

 **05906*  DIMETHOATE TOXAPHENE .5-3 EC

*****************************************************************************

*REGISTRANT*      *NAME AND ADDRESS*

*  021275         SPALDING INC
                  1921 5TH AVE S.
                  ST PETERSBURG FL 33733

   **************** PRODUCT NAME ****************

 **05540*  X-CEL CYGON 2E

*****************************************************************************

*REGISTRANT*      *NAME AND ADDRESS*

*  035222         SOUTHERN CHEMICALS, INC.
                  204 N. ELM AVE, BOX 1480
                  SANFORD, FL 32771

   **************** PRODUCT NAME ****************

 **07121*  DIMETHOGEN 267 EC

5
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**** PRODUCT SEARCH LISTING ****

06/28/77     APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING DIMETHOATE

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*REGISTRANT*      *NAME AND ADDRESS*

*  037843         UNIVERSITY OF HAWAII-CO-OP
                  EXTENSION SERV-ENTOMOLOGY BRANCH
                  HONOLULU, HI 96822

   **************** PRODUCT NAME ****************

 **08582*  DIMETHOATE (L)

*****************************************************************************

*REGISTRANT*      *NAME AND ADDRESS*

*  038655         N.Y.S. COLLEGE OF AGRICULTURE
                  & LIFE SCIENCES CORNELL UNIV.
                  ITHACA, NY 14853

   **************** PRODUCT NAME ****************

 **10423*  NYS-DEWEY-DIMETHOATE (CYGON)

 **10437*  NYS-DEWEY-DIMETHOATE-II

 **10465*  NYS-DEWEY-DIMETHOATE
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**** PRODUCT SEARCH LISTING ****

06/28/77 FEDERALLY REGISTERED PRODUCTS CONTAINING DIMETHOATE

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REGISTRANT *NAME AND ADDRESS*

* 000070 RIGO COMPANY, INC.
1200 FORT WAYNE NAT'L BANK BLDG.
FORT WAYNE, IN 46802

**************** PRODUCT NAME ****************

**00113* KILL-KO CYGON 2-E SYSTEMIC INSECTICIDE

****

REGISTRANT *NAME AND ADDRESS*

* 000134 HESS AND CLARK DIV OF RHODIA INC
ASHLAND OH 44805
ASHLAND, OH 44805

**************** PRODUCT NAME ****************

**00057* HESS & CLARK RESIDUAL FLY SPRAY 2 EG

****

REGISTRANT *NAME AND ADDRESS*

* 000145 THOMPSON-HAYWARD CHEMICAL COMPANY
BOX 2383
KANSAS CITY KS 66110

**************** PRODUCT NAME ****************

**00565* DE-FEND E-267 DIMETHOATE SYSTEMIC INSECTICIDE

**00670* DIMETHOATE TECHNICAL

**00877* DE FEND E-200 DIMETHOATE SYSTEMIC INSECTICIDE

**00883* DE-FEND W-25 INSECTICIDE

**01131* DE-FEND-TOX

7

**** PRODUCT SEARCH LISTING ****

06/28/77

**CONTINUE REGISTRANT 000148

**01222* DE-FEND TECHNICAL

****

REGISTRANT *NAME AND ADDRESS*

* 000239 CHEVRON CHEMICAL COMPANY
ORTHO DIVISION 940 HENSLEY WAY
RICHMOND CA 94801

**************** PRODUCT NAME ****************

**02325* ORTHO CYGON 267 SYSTEMIC INSECTICIDE,

****

REGISTRANT *NAME AND ADDRESS*

* 000241 AMERICAN CYANAMID COMPANY
BOX 400
PRINCETON NJ 08540

**************** PRODUCT NAME ****************

**00075* CYGON* TECHNICAL INSECTICIDE (FOR MANUFACTURING PURPOSE ONLY)

**00092* CYGON 2-E INSECTICIDE

**00094* CYGON 267 SYSTEMIC INSECTICIDE

**00175* CYGON SYSTEMIC 25 INSECTICIDE

**00210* CYGON V FLY SPRAY

**00218* CYGON SC-9 SYSTEMIC INSECTICIDE

**00231* CYGON CONCENTRATE SYSTEMIC INSECTICIDE FOR FORMULATION OF CYGON

**00233* CYGON 400 SYSTEMIC INSECTICIDE

8

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**** PRODUCT SEARCH LISTING ****

06/28/77          FEDERALLY REGISTERED PRODUCTS CONTAINING DIMETHOATE

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 *REGISTRANT*      *NAME AND ADDRESS*

 *  000279         FMC CORP.
                   AGRICULTURAL CHEM DIV.
                   100 NIAGARA ST.
                   MIDDLE PORT NY 14105

    **************** PRODUCT NAME ****************

  **02821*  NIAGARA DIMETHOATE 267 SYSTEMIC INSECTICIDE

****************************************************************************

 *REGISTRANT*      *NAME AND ADDRESS*

 *  000523         ROBERT'S LAB DIV HOPKINS AGR CHEM
                   4335 N MAIN ST
                   ROCKFORD IL 61101

    **************** PRODUCT NAME ****************

  **00054*  CYGON 2-E SYSTEMIC INSECTICIDE

  **00079*  FLYGON 2-E SYSTEMIC INSECTICIDE

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 *REGISTRANT*      *NAME AND ADDRESS*

 *  000538         SCOTT C M & SONS COMPANY
                   MARYSVILLE OH 43040

    **************** PRODUCT NAME ****************

  **00135*  STOP INSECTS BEFORE THEY START
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**** PRODUCT SEARCH LISTING ****

06/28/77          FEDERALLY REGISTERED PRODUCTS CONTAINING DIMETHOATE

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 *REGISTRANT*      *NAME AND ADDRESS*

 *  000572         ROCKLAND CHEMICAL CO. INC.
                   P.O. BOX 809
                   CALDWELL, NJ 07006

    **************** PRODUCT NAME ****************

  **00224*  I.B.A. RESIDUAL FLY SPRAY 8

****************************************************************************

 *REGISTRANT*      *NAME AND ADDRESS*

 *  000602         RALSTON PURINA COMPANY
                   CHECKERBOARD SQUARE
                   ST LOUIS MO 63188

    **************** PRODUCT NAME ****************

  **00107*  CYGON PURINA 2-E SYSTEMIC INSECTICIDE

****************************************************************************

 *REGISTRANT*      *NAME AND ADDRESS*

 *  000635         E-Z FLO CHEMICAL CO.
                   DIV. OF GROWER SERVICE CORP.
                   P.O. BOX 808
                   LANSING, MI 48901

    **************** PRODUCT NAME ****************

  **00666*  E-Z FLO DIMETHOATE EC
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**** PRODUCT SEARCH LISTING ****

05/28/77 FEDERALLY REGISTERED PRODUCTS CONTAINING DIMETHOATE

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REGISTRANT *NAME AND ADDRESS*

* 000655 PRENTISS DRUG & CHEMICAL COMPANY INC
363 7TH AVE
NEW YORK NY 10001

**************** PRODUCT NAME ****************

**00445* FRENTOX DIMETHOATE TECHNICAL

****

REGISTRANT *NAME AND ADDRESS*

* 000904 PRATT B G
DIV GABRIEL CHEM LTD 204 21ST AVE
PATERSON NJ 07905

**************** PRODUCT NAME ****************

**00179* PRATT CYGON 2-E SYSTEMIC INSECTICIDE

****

REGISTRANT *NAME AND ADDRESS*

* 001029 AIDEX CORPORATION
P.O. BOX 7348
OMAHA, NB 68107

**************** PRODUCT NAME ****************

**00094* VAP-O-ATE

**00108* DIMEX 267 SYSTEMIC INSECTICIDE

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**** PRODUCT SEARCH LISTING ****

06/28/77 FEDERALLY REGISTERED PRODUCTS CONTAINING DIMETHOATE

****

REGISTRANT *NAME AND ADDRESS*

* 001386 UNIVERSAL COOPERATIVES INC
PO BOX 836
ALLIANCE OH 44601

**************** PRODUCT NAME ****************

**00449* CYGON 2-E

**00585* UNICO CYGONA FLY SPRAY

****

REGISTRANT *NAME AND ADDRESS*

* 002217 PBI-GORDON CORPORATION
300 SO 3RD ST
KANSAS CITY KS 66118

**************** PRODUCT NAME ****************

**00495* CYGON 2-E FLY SPRAY SYSTEMIC INSECTICIDE

****

REGISTRANT *NAME AND ADDRESS*

* 002342 KERR-MCGEE CHEMICAL CORP
MGR PKG & LABELING
KERR-MCGEE CENTER
OKLAHOMA CITY OK 73102

**************** PRODUCT NAME ****************

**00758* GRO-TONE CYGON

12

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**** PRODUCT SEARCH LISTING ****

06/28/77          FEDERALLY REGISTERED PRODUCTS CONTAINING DIMETHOATE

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 *REGISTRANT*       *NAME AND ADDRESS*

 * 002724           ZOECON INDUSTRIES, INC.
                    12200 DENTON DRIVE
                    DALLAS, TX 75234

   **************** PRODUCT NAME ****************

 **00138*  STARBAR DIMOX EMULSIFIABLE CONCENTRATE

 **00140*  STARBAR GOLDEN MALRIN LIQUID EMULSIFIABLE CONC.

**************************************************************************

 *REGISTRANT*       *NAME AND ADDRESS*

 * 002749           ACETO CHEMICAL COMPANY INC
                    126-02 NORTHERN BLVD
                    FLUSHING NY 11368

   **************** PRODUCT NAME ****************

 **00041*  DIMETHOGEN 267 EC

 **00042*  DIMETHOGEN 2E

 **00046*  DIMETHOATE TECHNICAL

 **00134*  DIMETHOGEN 25% WETTABLE POWDER SYSTEMIC INSECTICIDE

**************************************************************************

 *REGISTRANT*       *NAME AND ADDRESS*

 * 002935           WILBUR ELLIS CO.
                    P. O. BOX 1286
                    FRESNO, CA 93715

   **************** PRODUCT NAME ****************

 **00390*  RED-TOP DIMETHOATE 2.67 SPRAY

13
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**** PRODUCT SEARCH LISTING ****

06/28/77          FEDERALLY REGISTERED PRODUCTS CONTAINING DIMETHOATE

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 *REGISTRANT*       *NAME AND ADDRESS*

 * 004551           PHILLIPS ROXANE INC
                    2621 N BELT HIGHWAY
                    ST JOSEPH MO 64502

   **************** PRODUCT NAME ****************

 **00090*  DIMETHOATE BARN & PREMISE SPRAY

**************************************************************************

 *REGISTRANT*       *NAME AND ADDRESS*

 * 005481           AMVAC CHEMICAL CORP
                    4100 EAST WASHINGTON BLVD
                    LOS ANGELES, CA 90023

   **************** PRODUCT NAME ****************

 **00054*  ALCO CYGON 2 E

 **00102*  DURHAM DURAGON 2.67 SYSTEMIC INSECTICIDE

 **00133*  DURHAM DURAGON 25 WP SYSTEMIC INSECTICIDE

**************************************************************************

 *REGISTRANT*       *NAME AND ADDRESS*

 * 005602           HUB STATES CORPORATION
                    2002 NORTH ILLINOIS STREET
                    INDIANAPOLIS IN 46202

   **************** PRODUCT NAME ****************

 **00061*  HUB STATES CYGON 2E

14
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**** PROCUCT SEARCH LISTING ****

06/28/77 FECERALLY REGISTERED PRODUCTS CONTAINING CIMETHCATE

****

REGISTRANT *NAME AND ADDRESS*

* CO5905 HELENA CHEMICAL CC
CLARK TOWER, 5100 POPLAR AVE, SUITE 2904
MEMPHIS TN 38137

**************** PRCCUCT NAME ****************

**00207* CYBROM - E.C.

**00212* HELENA ANIMAL HEALTH CYGON 2-E SYSTEMIC INSECTICIDE

****

REGISTRANT *NAME AND ADDRESS*

* CC7C01 OCCIDENTAL CHEMICAL CC
P C BOX 198
LATHROP, CA 95330

**************** PRCCUCT NAME ****************

**00187* CIMETHOATE 2.67 EC

****

REGISTRANT *NAME AND ADDRESS*

* CC7173 CHEMPAR CHEMICAL COMPANY INC
260 MADISON AVE
NEW YORK NY 10016

**************** PRODUCT NAME ****************

**00087* CHEMPAR CIMETHOATE TECHNICAL (FORM MANUFACTURING PURPOSES ONLY)

**00115* CHEMPAR CIMETHCATE 2.67 EC

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**** PROCUCT SEARCH LISTING ****

06/28/77 FECERALLY REGISTERED PROCUCTS CONTAINING CIMETHCATE

****

REGISTRANT *NAME AND ADDRESS*

* CO7273 CROWN CHEMICAL INCORPORATED
4995 NORTH MAIN STREET
ROCKFORE IL 51101

**************** PRCCUCT NAME ****************

**C0055* CROWN CYGCN 2-E SYSTEMIC INSECTICICE

**C0140* FLYBAN 2-E

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REGISTRANT *NAME AND ADDRESS*

* CC7401 VCLUNTARY PURCHASING GRCUP INC
PO BOX 460
BONHAM TX 75418

**************** PRODUCT NAME ****************

**00097* FERTI-LOME SYSTEMIC EVERGREEN SPRAY

**CC1C6* FERTI-LOME SPIDER MITE SPRAY

****

REGISTRANT *NAME AND ADDRESS*

* OC7565 BASF WYANCOTTE CORPORATION
PO BOX 181 100 CHERRY HILL RC
PARSIPPANY NJ 07054

**************** PRCCUCT NAME ****************

**C0030* REBELATE SYSTEMIC INSECTICIDE

**00032* PERFEKTHION MANUFACTURERS' CONCENTRATE

**0CC38* REBELATE 2E CIMETHCATE SYSTEMIC INSECTICICE

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**** PRODUCT SEARCH LISTING ****

06/28/77 FEDERALLY REGISTERED PRODUCTS CONTAINING DIMETHOATE

****

REGISTRANT *NAME AND ADDRESS*

* 008590 AGWAY INC
CHEMICAL DIV BOX 1333
SYRACUSE NY 13201

**************** PRODUCT NAME ****************

**00200* CYGON 2-E SYSTEMIC INSECTICIDE

****

REGISTRANT *NAME AND ADDRESS*

* 009319 CLSTCM CHEMICALS, INC
476 HESTER STREET
SAN LEANDRO, CA 94577

**************** PRODUCT NAME ****************

**00010* DIMATE 267 DIMETHOATE SYSTEMIC INSECTICIDE

****

REGISTRANT *NAME AND ADDRESS*

* 009779 RIVERSIDE CHEM COMPANY
P.O. BOX 171199 855 RIDGE LAKE BLVD
MEMPHIS TN 38117

**************** PRODUCT NAME ****************

**00206* RIVERSIDE DIMATE 2.67

17

**** PRODUCT SEARCH LISTING ****

06/28/77 FEDERALLY REGISTERED PRODUCTS CONTAINING DIMETHOATE

****

REGISTRANT *NAME AND ADDRESS*

* 010163 GOWAN COMPANY
P.O. BOX 5696
YUMA, AZ 85364

**************** PRODUCT NAME ****************

**00055* PROKIL METHOATE W-25 INSECTICIDE

**00056* PROKIL DIMETHOATE E-267

****

REGISTRANT *NAME AND ADDRESS*

* 011885 CENTRAL SOYA COMPANY INC
1300 FORT WAYNE BANK BLDG
FT WAYNE IN 46802

**************** PRODUCT NAME ****************

**00002* MASTER MIX CYGON 2-E

****

REGISTRANT *NAME AND ADDRESS*

* 013801 REGISTRATION CONSULTING ASSOC.
C/O CHARLES C. YEAGER
9 WEST KNOLL ROAD
ANDOVER, MA 01910

**************** PRODUCT NAME ****************

**00001* DIMETHOATE TECHNICAL

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**** PRODUCT SEARCH LISTING ****

05/28/77 FECERALLY REGISTERED PRODUCTS CCNTAINING DIMETHCATE

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REGISTRANT *NAME AND ADDRESS*

* 033660 I PI CI S P A
VIA FRATTELLI BELTRAMI 11
NOVATE MILANESE, ITALY 00000

**************** PRODUCT NAME ****************

**00012* DIMETHOATE TECHNICAL

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REGISTRANT *NAME AND ADDRESS*

* 036780 UNITED FARMERS BUYING SERVICE, INC.
ROUTE 1
DEFCREST, WI 53532

**************** PRCDUCT NAME ****************

**00004* CIMETHOATE 267 E.C. SYSTEMIC INSECTICIDE

[FR Doc.77-26195 Filed 9-9-77;8:45 am]

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federal register

MONDAY, SEPTEMBER 12, 1977
PART VII

OFFICE OF MANAGEMENT AND BUDGET

■

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

OFFICE OF MANAGEMENT AND BUDGET

[Circular No. A-102 Revised]

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

AUGUST 24, 1977

1. *Purpose.* This Circular promulgates standards for establishing consistency and uniformity among Federal agencies in the administration of grants to State, local, and federally recognized Indian tribal governments. Also included in the Circular are standards to insure the consistent implementation of sections 202, 203, and 204 of the Intergrovemental Cooperation Act of 1968 (82 Stat. 1101).

2. *Supersession.* The President by Executive Order 11717 transferred the functions covered by OMB Circular No. A-102 dated October 19, 1971, from the Office of Management and Budget to the General Services Administration. OMB Circular No. A-102 was revised and issued as Federal Management Circular 74-7 dated September 13, 1974. On December 31, 1975, the President superseded this order by Executive Order 11893 and transferred the functions covered by this Circular back to the Office of Management and Budget. FMC 74-7 is revised and reissued under its original designation of OMB Circular No. A-102.

3. *Summary of significant changes.* The revised Circular contains changes that bring it into general agreement with the more recent Circular A-110 which covers grants to universities, hospitals, and nonprofit organizations.

The more significant changes include:

(a) An amendment to the basic Circular to make it clear that the provisions of the attachments shall be applied to subgrantees except where they are specifically excluded.

(b) A provision that Federal agencies may accept the bonding policies and requirements of the grantee for construction contracts over $100,000 provided that the Government's interest is adequately protected.

(c) A revision to the criterion for the valuation of donated real and personal property to provide that the value of such property shall be based on fair market value. The original Circular provided that property should be based on the cost of the property less depreciation or fair market value, whichever was less.

(d) A provision that grantee audits should be made in accordance with generally accepted auditing standards, including Standards for Audit of Governmental Organizations, Programs, Activities and Functions, published by the General Accounting Office.

(e) A provision to require Federal agencies to pay within 30 days after the receipt of billing when the reimbursement method is used.

(f) A revision to the criterion for issuance of a letter of credit from $250,000 to $120,000.

(g) Deletion of the requirements for grantees to obtain prior approvals for budget revisions to grants under $100,000.

(h) Provision that title to real property funded partly or wholly by the Federal Government shall vest in the recipient.

(i) A revision to the criteria governing when a grantee may keep nonexpendable property without reimbursement to the Federal Government when it is no longer needed for any Federal program.

4. *Background.* The standards included in the attachments to this Circular replace the multitude of varying and oftentimes conflicting requirements in the same subject matter which have been burdensome to the State and local governments. Inherent in this standardization process is the concept of placing greater reliance on State and local governments. In addition, the Intergovernmental Cooperation Act of 1968 was passed, in part, for the purposes of (a) Achieving the fullest cooperation and coordination of activities among levels of government, (b) improving the administration of grants-in-aid to the States, and (c) establishing coordinated intergovernmental policy and administration of Federal assistance program. This Act provided certain basic policies pertaining to administrative requirements to be imposed upon the States as a condition to receiving Federal grants. The implementing instructions of these policies were initially issued in Circular A-96. These instructions are modified herein in the interest of achieving further consistency in implementing that Act.

5. *Applicable provisions of the Intergovernmental Cooperation Act of 1968.* Federal agencies shall continue to follow the provisions of the Act, quoted below:

DEPOSIT OF GRANTS-IN-AID

SEC. 202. No grant-in-aid to a State shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State. All Federal grant-in-aid funds made available to the States shall be properly accounted for as Federal funds in the accounts of the State. In each case the State agency concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the grant-in-aid received by the States.

SCHEDULING OF FEDERAL TRANSFERS TO THE STATES

SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by a State, whether such disbursement occurs prior to or subsequent to such transfer of funds, or subsequent to such transfer of funds (Sic). States shall not be held accountable for interest earned on grant-in-aid funds pending their disbursement for program purposes.

ELIGIBLE STATE AGENCY

SEC. 204. Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid program, the head of any Federal department or agency administering such program may upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision upon adequate showing that such provision prevents the establishment of the most effective and efficient organizational arrangements within the State government and approve other State administrative structure or arrangements: *Provided*, That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements.

Some of the above provisions require implementing instructions and they are provided in several of the attachments to this Circular which deal with the specific subject matter.

6. *Applicability and scope.* The standards promulgated by this Circular apply to all Federal agencies responsible for administering programs that involve grants to State and local governments and federally recognized Indian tribal governments. However, agencies are encouraged to apply the standards to loan and loan guarantee programs to the extent practicable. If the enabling legislation for a specific grant program prescribes policies or requirements that differ from the standards provided herein, the provisions of the enabling legislation shall govern. Except where they are specifically excluded, the provisions of the attachments of this Circular shall be applied to subgrantees performing substantive work under grants that are passed through or awarded by the primary grantee if such subgrantees are States, local governments or federally recognized Indian tribal governments as defined in paragraph 7.

7. *Definitions.* For the purposes of this Circular:

(a) The term "grant" or "grant-in-aid" means money, or property in lieu of money, paid or furnished by the Federal Government to a State, local, or federally recognized Indian tribal government under programs that provide financial assistance through grant or contractual arrangements. The term does not include technical assistance programs which provide services instead of money or other assistance in the form of general revenue sharing, loans, loan guarantees, insurance, or contracts which are entered into and administered under procurement laws and regulations.

(b) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or

possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of higher education and hospitals.

(c) The term "local government" means a local unit of government including specifically a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments, sponsor group representative organization (as defined in 7 CFR 620.2, 40 FR 12472, March 19, 1975) and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

(d) The term "federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided by him through the Bureau of Indian Affairs.

8. *Attachments.* The standards promulgated by this Circular are set forth in the attachments, which are:

Attachment A—Cash depositories.
Attachment B—Bonding and insurance.
Attachment C—Retention and custodial requirements for records.
Attachment D—Waiver of "single" State agency requirements.
Attachment E—Program income.
Attachment F—Matching share.
Attachment G—Standards for grantee financial management systems.
Attachment H—Financial reporting requirements.
Attachment I—Monitoring and reporting program performance.
Attachment J—Grant payment requirements.
Attachment K—Budget revision procedures.
Attachment L—Grant closeout procedures.
Attachment M—Standard forms for applying for Federal assistance.
Attachment N—Property management standards.
Attachment O—Procurement standards.

9. *Requests for exceptions.* The Office Management and Budget may grant exceptions from the requirements of this Circular when permissible under existing laws. However, in the interest of keeping uniformity to the maximum extent, deviations from the requirements of this Circular will be permitted only in exceptional cases.

10. *Exceptions for certain recipients.* Notwithstanding the provisions of paragraph 9 if an applicant/recipient has a history of poor performance, is not financially stable, or its management system does not meet the standards prescribed in the Circular, Federal agencies may impose additional requirements as needed provided that such applicant/recipient is notified in writing as to:

(a) Why the additional standards are being imposed;

(b) What corrective action is needed. Copies of such notifications shall be sent to the Office of Management and Budget and other agencies funding that recipient at the same time the recipient is notified.

11. *Responsibilities.* Agencies responsible for administering programs that involve grants to State and local governments shall issue the appropriate regulations necessary to implement the provisions of this Circular. All portions of such regulations that involve recordkeeping and/or reporting requirements subject to the provisions of the Federal Reports Act and OMB Circular A-40 must be submitted to OMB for clearance before being used. Upon request all regulations and instructions implementing this Circular shall be furnished to the Office of Management and Budget. Agencies shall also designate an official to serve as the agency representative on matters relating to the implementation of this Circular. If the name and title were previously transmitted, notification to the Office of Management and Budget is required only when there is a change in the designated representative.

12. *Inquiries.* Further information concerning this Circular may be obtained by contacting the Financial Management Branch, Budget Review Division, Office of Management and Budget, Washington, D.C. 20503, telephone 395-4773.

BERT LANCE,
Director.

ATTACHMENT A—CIRCULAR NO. A-102

CASH DEPOSITORIES

1. This attachment sets forth standards governing the use of banks and other institutions as depositories of funds advanced under grants.

2. Except for situations described in paragraphs 3, 4, and 5, no grantor agency shall:

(a) Require physical segregation of cash depositories for funds which are provided to a grantee.

(b) Establish any eligibility requirements for cash depositories for funds which are provided to a grantee.

3. A separate bank account shall be required when applicable letter-of-credit agreements provide that drawdowns will be made when the grantee's checks are presented to the bank for payment.

4. Any moneys advanced to a grantee which are subject to the control or regulation of the United States or any of its officers, agents or employees (public moneys as defined in Treasury Circular No. 176, as amended) must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage and the balance exceeding the FDIC coverage must be collaterally secured.

5. Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees and subgrantees shall be encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). A list of minority owned banks can be obtained from the Office of Minority Business Enterprise, Department of Commerce, Washington, D.C. 20230.

ATTACHMENT B—CIRCULAR NO. A-102

BONDING AND INSURANCE

1. This attachment sets forth bonding and insurance requirements for grants. No other bonding and insurance requirements shall be imposed other than those normally required by the grantee.

2. Except as otherwise required by law, a grant that requires the contracting (or subcontracting) for construction or facility improvements shall provide for the grantee to follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds $100,000. For those contracts or subcontracts exceeding $100,000, the Federal agency may accept the bonding policy and requirements of the grantee provided the Federal agency has made a determination that the Government's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(a) *A bid guarantee from each bidder equivalent to five percent of the bid price.* The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(b) *A performance bond on the part of the contractor for 100 percent of the contract price.* A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(c) *A payment bond on the part of the contractor for 100 percent of the contract price.* A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

3. Where the Federal Government guarantees or insures the repayment of money borrowed by the grantee, the Federal agency, as its discretion, may require adequate bonding and insurance if the bonding and insurance requirements of the grantee are not deemed adequate to protect the interest of the Federal Government.

4. Where bonds are required in the situations described above, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR 223).

ATTACHMENT C—CIRCULAR NO. A-102

RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS

1. This attachment sets forth record retention requirements for grants. Federal grantor agencies shall not impose any record retention requirements upon grantees other than those described below.

2. Financial records, supporting documents, statistical records, and all other records pertinent to a grant shall be re-

tained for a period of three years, with the following qualifications:

a. If any litigation, claim or audit is started before the expiration of the 3-year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved.

b. Records for nonexpendable property acquired with Federal funds shall be retained for 3 years after its final disposition.

c. When records are transferred to or maintained by the Federal sponsoring agency, the 3-year retention requirement is not applicable to the grantee.

3. The retention period starts from the date of the submission of the final expenditure report or, for grants that are renewed annually, from the date of the submission of the annual financial status report.

4. Grantees should be authorized by the Federal grantor agency, if they so desire, to substitute microfilm copies in lieu of original records.

5. The Federal grantor agency shall request transfer of certain records to its custody from grantees when it determines that the records posses long-term retention value. However, in order to avoid duplicate recordkeeping, a Federal grantor agency may make arrangements with grantees to retain any records that are continuously needed for joint use.

6. The head of the Federal grantor agency and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of grantees and subgrantees to make audits, examinations, excerpts and transcripts.

7. Unless otherwise required by law, no Federal grantor agency shall place restrictions on grantees that will limit public access to the records of grantees that are pertinent to a grant except when the agency can demonstrate that such records must be kept confidential and would have been excepted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to the grantor agency.

Attachment D—Circular No. A-102

WAIVER OF "SINGLE" STATE AGENCY REQUIREMENTS

1. Requests to Federal grantor agencies from the Governors, or other duly constituted State authorities, for waiver of the "single" State agency requirements in accordance with section 204 of the Intergovernmental Cooperation Act of 1968 should be given expeditious handling and, whenever possible, an affirmative response should be made to such requests.

2. When it is necessary to refuse a request for waiver of the "single" State agency requirements under section 204, the Federal grantor agency handling such request will so advise the Office of Management and Budget prior to informing the State that the request cannot be granted. Such advice should indicate the reasons for the denial of the request.

3. Future legislative proposals embracing grant-in-aid programs should avoid inclusion of proposals for "single" State agencies in the absence of compelling reasons to do otherwise. In addition, existing "single" State agency requirements in present grant-in-aid programs should be reviewed and legislative proposals should be developed for the removal of these restrictive provisions.

Attachment E—Circular No. A-102

PROGRAM INCOME

1. Federal grantor agencies shall apply the standards set forth in this Attachment in requiring grantees to account for program income related to projects financed in whole or in part with Federal grant funds. Program income means gross income earned by the grantee from grant-supported activities. Such earnings exclude interest earned on advances and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, and royalties on patents and copyrights.

2. Interest earned on advances of Federal funds shall be remitted to the Federal agency except for interest earned on advances to States or instrumentalities of a State as provided by the Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577) and advances made to tribal organizations pursuant to section 102, 103, or 104 of the Indian Self Determination Act (Pub. L. 93-638).

3. Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with Attachment N to this Circular pertaining to Property Management.

4. Unless the grant agrement provides otherwise, grantees shall have no obligation to the Federal Government with respect to royalties received as a result of copyrights or patents produced under the grant or other agreement. (See paragraph 7, Attachment N.)

5. All other program income earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be:

(a) Added to funds committed to the project by the grantor and grantee and be used to further eligible program objectives.

(b) Used to finance the non-Federal share of the project when approved by the Federal Sponsoring agency; or

(c) Deducted from the total project costs for the purpose of determining the net costs on which the Federal share of costs will be based.

6. Federal grantor agencies shall require the grantees to record the receipt and expenditure of revenues (such as taxes, special assessments, levies, fines, etc.) as a part of grant project transactions when such revenues are specifically earmarked for a grant project in accordance with grant agreements.

Attachment F—Circular No. A-102

MATCHING SHARE

1. This Attachment sets forth criteria and procedures for the allowability of cash and in-kind contributions made by grantees, subgrantees or third parties in satisfying cost sharing and matching requirements of Federal grantor agencies.

2. The following definitions apply for the purpose of this Attachment:

(a) *Project costs*. Project costs are all allowable costs as set forth in Federal Management Circular No. 74-4 incurred by a grantee and the value of the in-kind contribution made by the grantee or third parties in accomplishing the objectives of the grant during the project or program period.

(b) *Cost sharing and matching*. In general, cost sharing and matching represents that portion of project costs not borne by the Federal Government. Usally, a minimum percentage for matching share is prescribed by program legislation, and matching share requirements are included in the grant agreements.

(c) *Cash contributions*. Cash contributions represent the grantee's cash outlay, including the outlay of money contributed to the grantee by other public agencies and institutions, and private organizations and individuals. When authorized by Federal legislation, Federal funds received from other grants may be considered as grantees' cash contributions.

(d) *In-kind contributions*. In-kind contributions represent the value of noncash contributions provided by the grantee, and non-Federal parties. Only when authorized by Federal legislation may property purchased with Federal funds be considered as the grantee's in-kind contributions. In-kind contributions may be in the form of charges for real property and nonexpendable personal property and the value of goods and services directly benefiting and specifically identifiable to the project or program.

3. General guidelines for computing cost sharing or matching are as follows:

(a) Cost sharing or matching share may consist of:

(1) Charges incurred by the grantee as project costs. (Not all charges require cash outlays during the grant period by the grantee; examples are depreciation and use charges for buildings and equipment.)

(2) Project costs financed with cash contributed or donated to the grantee by other non-Federal public agencies and institutions, and private organizations and individuals.

(3) Project costs represented by services and real or personal property, or use thereof, donated by other public agencies and institutions, and private organizations and individuals.

(b) All contributions, both cash and in-kind, shall be accepted as part of the grantee's matching share when such contributions meet all of the following criteria:

(1) Are verifiable from the grantee's records;

(2) Are not included as contributions for any other federally-assisted program;

(3) Are necessary and reasonable for proper and efficient accomplishment of project objectives;

(4) Are types of charges that would be allowable under FMC 74-4.

(5) Are not paid by the Federal Government under another assistance agreement unless authorized under the other agreement and the laws and regulations it is subject to.

(6) Are provided for in the approved budget when required by the Federal agency; and

(7) Conform to other provisions of this Attachment.

4. Values for grantee in-kind contributions will be established at the grantee's actual cost in accordance with FMC 74-4.

5. Specific procedures for the grantees in establishing the value of in-kind contributions from non-Federal third parties are set forth below:

(a) *Valuation of volunteer services.* Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Volunteered service may be counted as cost sharing or matching if the service is an integral and necessary part of an approved program.

(1) *Rates for volunteer services.* Rates for volunteers should be consistent with those paid for similar work in other activities of the State or local government. In those instances in which the required skills are not found in the grantee organization, rates should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved.

(2) *Volunteers employed by other organizations.* When an employer other than the grantee furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.

(b) *Valuation of donated expendable personal property.* Donated expendable personal property includes such items as expendable equipment, office supplies, laboratory supplies, or workshop and classroom supplies. Values assessed to expendable personal property included in the cost or matching share should be reasonable and should not exceed the fair market value of the property at the time of the donation.

(c) *Valuation of donated nonexpendable personal property, buildings and land or use thereof.*

(1) The method used for charging matching share for donated nonexpendable personal property, buildings, and land may differ depending upon the purpose of the grant as follows:

(a) If the purpose of the grant is to furnish equipment, buildings, or land to the grantee or otherwise provided a facility, the total value of the donated property may be claimed as a matching share.

(b) If the purpose of the grant is to support activities that require the use of equipment, buildings, or land on a temporary or part-time basis, depreciation or use charges for equipment and buildings may be made. The full value of equipment or other capital assets and fair rental charges for land may be made provided that the grantor agency has approved the charges.

(2) The value of donated property will be determined in accordance with the usual accounting policies of the grantee with the following qualifications:

(a) *Land and buildings.* The value of donated land and buildings may not exceed its fair market value, at the time of donation to the grantee as establised by an independent appraiser (e.g., certified real property appraiser or GSA representatives) and certified by a responsible official of the grantee.

(b) *Nonexpendable personal property.* The value of donated nonexpendable personal property shall not exceed the fair market value of equipment and property of the same age and condition at the time of donation.

(c) *Use of space.* The value of donated space shall not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately owned building in the same locality.

(d) *Loaned equipment.* The value of loaned equipment shall not exceed its fair rental value.

6. The following requirements pertain to the grantee's supporting records for in-kind contributions from non-Federal third parties.

(a) Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the grantee for its employees.

(b) The basis for determining the valuation for personal services, material, equipment, buildings, and land must be documented.

ATTACHMENT G—CIRCULAR No. A-102

STANDARDS FOR GRANTEE FINANCIAL MANAGEMENT SYSTEMS

1. This Attachment prescribes standards for financial management systems of grant-supported activities of State, local, and federally recognized Indian tribal governments. Federal grantor agencies shall not impose additional standards on grantees unless specifically provided for in other Attachments to this Circular. However, grantor agencies are encouraged to make suggestions and assist the grantees in establishing or improving financial management systems when such assistance is needed or requested.

2. Grantee financial management systems shall provide for:

(a) Accurate, current, and complete disclosure of the financial results of each grant program in accordance with reporting requirements set forth in Attachment H to this Circular. When a Federal grantor agency requires reporting on an accrual basis, the grantee shall not be required to establish an accrual accounting system but shall develop such accrual data on its reports on the basis of an analysis of the documentation on hand.

(b) Records that identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to Federal awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Comparison of actual outlays with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the grantor agency.

(e) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury as close as possible to the time of making the disbursements. Advances made by primary recipient organizations (those which receive payments directly from the Federal Government) to secondary recipients shall conform substantially to the same standards of timing and amount as apply to advances by Federal agencies to primary recipient organizations.

(f) Procedures for determining reasonableness, allowability and allocability of costs in accordance with the provisions of Federal Maangement Circular 74-4.

(g) Accounting records that are supported by source documentation.

(h) Examinations in the form of audits or internal audits. Such audits shall be made by qualified individuals who are sufficiently independent of those who authorize the expenditure of Federal funds, to produce unbiased opinions, conclusions, or judgments. These examinations are intended to ascertain the effectiveness of the financial management systems and internal procedures that have been established to meet the terms and conditions of the grant. They should be made in accordance with generally accepted auditing standards including the standards published by the General Accounting Office, Standards for Audit of Governmental Organizations, Programs, Activities, and Functions. It is not intended that each grant awarded to the recipient be examined. Generally, examinations should be conducted on an organization-wide basis to test the fiscal integrity of financial transactions, as well as compliance with the terms and conditions of the Federal grants. Such tests would include an appropriate sampling of Federal grants. Examinations will be conducted with reasonable frequency, on a continuing basis or at scheduled intervals, usually annually, but not less frequently than every two years. The frequency of these examinations shall depend upon the na-

ture, size, and the complexity of the activity. These examinations do not relieve Federal agencies of their audit responsibilities, but may affect the frequency and scope of such audits.

(i) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

3. Primary grantees shall require subgrantees to adopt the standards in paragraph 2, above, except for the requirement in subparagraph 2(a), regarding reporting forms and frequencies prescribed in Attachment H to this Circular.

ATTACHMENT H—CIRCULAR NO. A-102

FINANCIAL REPORTING REQUIREMENTS

1. This Attachment prescribes uniform reporting procedures for grantees to: summarize expenditures made and Federal funds unexpended for each award, report the status of Federal cash advanced, request advances and reimbursement when the letter-of-credit method is not used; and promulgates standard forms incident thereto. Grantees when obtaining financial information required by Federal agencies from subgrantees are not required to use the forms contained in this Attachment.

2. The following definitions apply for purposes of this Attachment:

(a) *Accrued expenditures*. Accrued expenditures are the charges incurred by the grantee during a given period requiring the provision of funds for: (1) goods and other tangible property received; (2) services performed by employees, contractors, subgrantees, and other payees; and (3) other amounts becoming owed under programs for which no current services or performance is required such as annuities, insurance claims, and other benefit payments.

(b) *Accrued income*. Accrued income is the sum of (1) earnings during a given period from (i) services performed by the grantee; and (ii) goods and other tangible property delivered to purchasers; and (2) amounts becoming owed to the grantee for which no current services or performance is required by the grantee.

(c) *Federal funds authorized*. Federal funds authorized are the total amount of Federal funds obligated by the Federal Government for use by the grantee. This amount may include any authorized carryover of unobligated funds from prior fiscal years when permitted by law or agency regulation.

(d) *In-kind contributions*. In-kind contributions are defined in Attachment F to this Circular.

(e) *Obligations*. Obligations are the amounts of orders placed, contracts and grants awarded, services received, and similar transactions during a given period that will require payment by the grantee during the same or a future period.

(f) *Outlays*. Outlays or expenditures represent charges made to the project or program. They may be reported on a cash or accrual basis. For reports prepared on a cash basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subgrantees. For reports prepared on an accrual basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the grantee for goods and other property received, for services performed by employees, contractors, subgrantees and other payees and other amounts becoming owed under programs for which no current services or performance are required such as annuities, insurance claims, and other benefit payments.

(g) *Program income*. Program income is defined in Attachment E of this Circular. It may be reported on a cash or accrual basis, whichever is used for reporting outlays.

(h) *Unobligated balance*. The unobligated balance is the portion of the funds authorized by the Federal agency that has not been obligated by the grantee and is determined by deducting the cumulative obligations from the cumulative funds authorized.

(i) *Unliquidated obligations*. For reports prepared on a cash basis, unliquidated obligations represent the amount of obligations incurred by the grantee that has not been paid. For reports prepared on an accrued expenditure basis, they represent the amount of obligations incurred by the grantee for which an outlay has not been recorded.

3. Only the following forms will be authorized for obtaining financial information from grantees.

(a) *Financial Status Report (Exhibit 1)*. (1) Each Federal agency shall require grantees to use the standardized Financial Status Report to report the status of funds for all nonconstruction projects or programs. The Federal agencies may, however, have the option of not requiring the Financial Status Report when the Request for Advance or Reimbursement (paragraph 4(a)) or Report of Federal Cash Transactions (paragraph 3(b)) is determined to provide adequate information to meet their needs, except that a final Financial Status Report shall be required at the completion of the project when the Request for Advance or Reimbursement form is used only for advances.

(2) The Federal agency shall prescribe whether the report shall be on a cash or accrual basis. If the Federal agency requires accrual information and the grantee's accounting records are not normally kept on the accrual basis, the grantee shall not be required to convert its accounting system, but shall develop such accrual information through an analysis of the documentation on hand.

(3) The Federal agency shall determine the frequency of the Financial Status Report for each project or program considering the size and complexity of the particular project or program. However, the report shall not be required more frequently than quarterly or less

frequently than annually except as provided in subparagraph 3(a)(1) above. A final report shall be required at the completion of the grant.

(4) Federal agencies shall require grantees to submit the Financial Status Report (original and no more than two copies) no later than 30 days after the end of each specified reporting period for quarterly and semi-annual reports, and 90 days for annual and final reports. Extensions to reporting due dates may be granted upon request of the recipient.

(b) *Report of Federal Cash Transactions (Exhibit 2)*. (1) When funds are advanced to grantees through letters of credit or with direct Treasury checks, the Federal agencies shall require each grantee to submit a Report of Federal Cash Transactions. The Federal agencies shall use this report to assist them in monitoring advances to grantees and to obtain disbursement information for each agreement from the grantee. Grantees under the Regional Disbursing Office (RDO) system shall not be required to submit a Report of Federal Cash Transactions. For these grantees Federal agencies shall use information contained in the Request for Payment to monitor grantee cash balances and to get disbursement information.

(2) Federal agencies may require forecasts of Federal cash requirements in the "Remarks" section of the report.

(3) When practical and deemed necessary, the Federal agencies may require grantees to report in the "Remarks" section the amount of excess cash advances in the hands of subgrantees and to provide short narrative explanations of actions taken by the grantees to reduce the excess balances.

(4) Grantees shall be required to submit not more than the original and two copies of the Report of Federal Cash Transactions 15 working days following the end of each quarter. The Federal agencies may require a monthly report from those grantees receiving advances totaling $1 million or more per year.

(5) Federal agencies may waive the requirement for submission of the Report of Federal Cash Transactions when monthly advances do not exceed $10,000 per grantee, provided that such advances are monitored through other forms contained in this Attachment, or if, in the Federal agency's opinion, the grantee's accounting controls are adequate to minimize excessive Federal advances.

4. Except as noted below, only the following forms will be authorized for grantees in requesting advances and reimbursements.

(a) *Request for Advance or Reimbursement (Exhibit 3)*. (1) Each Federal agency shall adopt the Request for Advance or Reimbursement as a standardized form for all nonconstruction programs when letters-of-credit or predetermined advance methods are not used. Federal agencies, however, have the option of using this form for construction programs in lieu of the Outlay Report and Request for Reimbursement for Construction Programs (subparagraph 4(b)).

(2) Grantees shall be authorized to submit requests for advances and reimbursements at least monthly when letters-of-credit are not used. Federal agencies shall not require the submission of more than the original and two copies of the Request for Advance or Reimbursement.

(b) *Outlay report and request for reimbursement for construction programs (Exhibit 4)*. (1) Each Federal agency shall adopt the Outlay Report and Request for Reimbursement for Construction Programs as the standardized format to be used for requesting reimbursement for construction programs. The Federal agencies may, however, have the option of substituting the Request for Advance or Reimbursement Form (subparagraph 4(a)) when the Federal agencies determine that it provides adequate information to meet their needs.

(2) Grantees shall be authorized to submit requests for reimbursement at least monthly when letters-of-credit are not used Federal agencies shall not require more than the original and two copies of the Outlay Report and Request for Reimbursement for Construction Programs.

5. When the Federal agencies need additional information in using these forms or more frequent reports, the following shall be observed:

(a) When additional information is needed to comply with legislative requirements, Federal agencies shall issue instructions to require grantees to submit such information under the "Remarks" section of the reports.

(b) When a Federal agency has determined that a grantee's accounting system does not meet the standards for financial management contained in Attachment G to this Circular, additional pertinent information to further monitor grants and other agreements may be obtained upon written notice to the grantee until such time as the system is brought up to standard.

(c) The Federal agency, in obtaining information as in paragraphs a and b above, must comply with reports clearance requirements of the Office of Management and Budget Circular No. A-40, as revised.

6. Federal agencies have the option of shading out any line item on any report that is unnecessary for decision-making purposes.

7. Federal agencies should accept the identical information from the grantees in machine usable format or computer printouts in lieu of prescribed formats.

8. Federal agencies may provide computer outputs to grantees when it will expedite or contribute to the accuracy of reporting.

9. The standard forms can be obtained from the General Services Administration.

FINANCIAL STATUS REPORT

(Follow instructions on the back)

1. FEDERAL AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH REPORT IS SUBMITTED	2. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER	OMB Approved No. 80-RO180	PAGE OF PAGES

3. RECIPIENT ORGANIZATION (Name and complete address, including ZIP code)	4. EMPLOYER IDENTIFICATION NUMBER	5. RECIPIENT ACCOUNT NUMBER OR IDENTIFYING NUMBER	6. FINAL REPORT ☐ YES ☐ NO	7. BASIS ☐ CASH ☐ ACCRUAL
	8. PROJECT/GRANT PERIOD (See instructions) FROM (Month, day, year)	TO (Month, day, year)	9. PERIOD COVERED BY THIS REPORT FROM (Month, day, year)	TO (Month, day, year)

10. STATUS OF FUNDS

PROGRAMS/FUNCTIONS/ACTIVITIES ►	(a)	(b)	(c)	(d)	(e)	(f)	TOTAL (g)
a. Net outlays previously reported	$	$	$	$	$	$	$
b. Total outlays this report period							
c. *Less:* Program income credits							
d. Net outlays this report period *(Line b minus line c)*							
e. Net outlays to date *(Line a plus line d)*							
f. *Less:* Non-Federal share of outlays							
g. Total Federal share of outlays *(Line e minus line f)*							
h. Total unliquidated obligations							
i. *Less:* Non-Federal share of unliquidated obligations shown on line h							
j. Federal share of unliquidated obligations							
k. Total Federal share of outlays and unliquidated obligations							
l. Total cumulative amount of Federal funds authorized							
m. Unobligated balance of Federal funds							

11. INDIRECT EXPENSE	a. TYPE OF RATE *(Place "X" in appropriate box)* ☐ PROVISIONAL ☐ PREDETERMINED ☐ FINAL ☐ FIXED			
	b. RATE	c. BASE	d. TOTAL AMOUNT	e. FEDERAL SHARE

12. REMARKS: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.

13. CERTIFICATION

I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE REPORT SUBMITTED
TYPED OR PRINTED NAME AND TITLE	TELEPHONE *(Area code, number and extension)*

269-101 EXHIBIT 1

STANDARD FORM 269 (7-76)
Prescribed by Office of Management and Budget

Circulars No. A-102 and A-110

INSTRUCTIONS

Please type or print legibly. Items 1, 2, 3, 6, 7, 9, 10d, 10e, 10g, 10i, 10l, 11a, and 12 are self-explanatory, specific instructions for other items are as follows:

Item	*Entry*
4	Enter the employer identification number assigned by the U.S. Internal Revenue Service or FICE (institution) code, if required by the Federal sponsoring agency.
5	This space is reserved for an account number or other identifying numbers that may be assigned by the recipient.
8	Enter the month, day, and year of the beginning and ending of this project period. For formula grants that are not awarded on a project basis, show the grant period.
10	The purpose of vertical columns (a) through (f) is to provide financial data for each program, function, and activity in the budget as approved by the Federal sponsoring agency. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the totals of all programs, functions or activities should be shown in column (g) of the first page. For agreements pertaining to several Catalog of Federal Domestic Assistance programs that do not require a further functional or activity classification breakdown, enter under columns (a) through (f) the title of the program. For grants or other assistance agreements containing multiple programs where one or more programs require a further breakdown by function or activity, use a separate form for each program showing the applicable functions or activities in the separate columns. For grants or other assistance agreements containing several functions or activities which are funded from several programs, prepare a separate form for each activity or function when requested by the Federal sponsoring agency.
10a	Enter the net outlay. This amount should be the same as the amount reported in Line 10e of the last report. If there has been an adjustment to the amount shown previously, please attach explanation. Show zero if this is the initial report.
10b	Enter the total gross program outlays (less rebates, refunds, and other discounts) for this report period, including disbursements of cash realized as program income. For reports that are prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to contractors and subgrantees. For reports prepared on an accrued expenditure basis, outlays are the sum of actual cash disbursements, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contractors, subgrantees, and other payees.

Item	*Entry*
10c	Enter the amount of all program income realized in this period that is required by the terms and conditions of the Federal award to be deducted from total project costs. For reports prepared on a cash basis, enter the amount of cash income received during the reporting period. For reports prepared on an accrual basis, enter the amount of income earned since the beginning of the reporting period. When the terms or conditions allow program income to be added to the total award, explain in remarks, the source, amount and disposition of the income.
10f	Enter amount pertaining to the non-Federal share of program outlays included in the amount on line e.
10h	Enter total amount of unliquidated obligations for this project or program, including unliquidated obligations to subgrantees and contractors. Unliquidated obligations are: Cash basis—obligations incurred but not paid; Accrued expenditure basis—obligations incurred but for which an outlay has not been recorded. Do not include any amounts that have been included on lines a through g. On the final report, line h should have a zero balance.
10j	Enter the Federal share of unliquidated obligations shown on line h. The amount shown on this line should be the difference between the amounts on lines h and i.
10k	Enter the sum of the amounts shown on lines g and j. If the report is final the report should not contain any unliquidated obligations.
10m	Enter the unobligated balance of Federal funds. This amount should be the difference between lines k and l.
11b	Enter rate in effect during the reporting period.
11c	Enter amount of the base to which the rate was applied.
11d	Enter total amount of indirect cost charged during the report period.
11e	Enter amount of the Federal share charged during the report period. If more than one rate was applied during the project period, include a separate schedule showing bases against which the indirect cost rates were applied, the respective indirect rates the month, day, and year the indirect rates were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date.

Approved by Office of Management and Budget, No. 80-RO182

FEDERAL CASH TRANSACTIONS REPORT

(See instructions on the back. If report is for more than one grant or assistance agreement, attach completed Standard Form 272-A.)

1. Federal sponsoring agency and organizational element to which this report is submitted

2. RECIPIENT ORGANIZATION

Name

Number and Street

City, State and ZIP Code:

3. FEDERAL EMPLOYER IDENTIFICATION NO. ▶

4. Federal grant or other identification number	5. Recipient's account number or identifying number
6. Letter of credit number	7. Last payment voucher number
Give total number for this period	
8. Payment Vouchers credited to your account	9. Treasury checks received (*whether or not deposited*)
10. PERIOD COVERED BY THIS REPORT	
FROM (*month, day, year*)	TO (*month, day year*)

11. STATUS OF FEDERAL CASH (*See specific instructions on the back*)		
	a. Cash on hand beginning of reporting period	$
	b. Letter of credit withdrawals	
	c. Treasury check payments	
	d. Total receipts (*Sum of lines b and c*)	
	e. Total cash available (*Sum of lines a and d*)	
	f. Gross disbursements	
	g. Federal share of program income	
	h. Net disbursements (*Line f minus line g*)	
	i. Adjustments of prior periods	
	j. Cash on hand end of period	$
12. THE AMOUNT SHOWN ON LINE 11J, ABOVE, REPRESENTS CASH REQUIREMENTS FOR THE ENSUING *Days*	13. OTHER INFORMATION	
	a. Interest income	$
	b. Advances to subgrantees or subcontractors	$

14. REMARKS (*Attach additional sheets of plain paper, if more space is required*)

15. CERTIFICATION			
I certify to the best of my knowledge and belief that this report is true in all respects and that all disbursements have been made for the purpose and conditions of the grant or agreement	AUTHORIZED CERTIFYING OFFICIAL	SIGNATURE	DATE REPORT SUBMITTED
		TYPED OR PRINTED NAME AND TITLE	
		TELEPHONE (*Area Code*) (*Number*)	(*Extension*)

THIS SPACE FOR AGENCY USE

272-101 *EXHIBIT 2*

STANDARD FORM 272 (7-76)
Prescribed by Office of Management and Budget

Circulars No. A-102 and
A-110

INSTRUCTIONS

Please type or print legibly. Items 1, 2, 8, 9, 10, 11d, 11e, 11h, and 15 are self explanatory, specific instructions for other items are as follows:

Item	*Entry*
3	Enter employer identification number assigned by the U.S. Internal Revenue Service or the FICE (institution) code.
	If this report covers more than one grant or other agreement, leave items 4 and 5 blank and provide the information on Standard Form 272–A, Report of Federal Cash Transactions—Continued; otherwise;
4	Enter Federal grant number, agreement number, or other identifying numbers if requested by sponsoring agency.
5	This space reserved for an account number or other identifying number that may be assigned by the recipient.
6	Enter the letter of credit number that applies to this report. If all advances were made by Treasury check, enter "NA" for not applicable and leave items 7 and 8 blank.
7	Enter the voucher number of the last letter-of-credit payment voucher (Form TUS 5401) that was credited to your account.
11a	Enter the total amount of Federal cash on hand at the beginning of the reporting period including all of the Federal funds on deposit, imprest funds, and undeposited Treasury checks.
11b	Enter total amount of Federal funds received through payment vouchers (Form TUS 5401) that were credited to your account during the reporting period.
11c	Enter the total amount of all Federal funds received during the reporting period through Treasury checks, whether or not deposited.
11f	Enter the total Federal cash disbursements, made during the reporting period, including cash received as program income. Disbursements as used here also include the amount of advances and payments less refunds to subgrantees or contractors, the gross amount of direct salaries and wages, including the employee's share of benefits if treated as a direct cost, interdepartmental charges for supplies and services, and the amount to which the recipient is entitled for indirect costs.
11g	Enter the Federal share of program income that was required to be used on the project or program by the terms of the grant or agreement.
11i	Enter the amount of all adjustments pertaining to prior periods affecting the ending balance that have not been included in any lines above. Identify each grant or agreement for which adjustment was made, and enter an explanation for each adjustment under "Remarks." Use plain sheets of paper if additional space is required.
11j	Enter the total amount of Federal cash on hand at the end of the reporting period. This amount should include all funds on deposit, imprest funds, and undeposited funds (line e, less line h, plus or minus line i).
12	Enter the estimated number of days until the cash on hand, shown on line 11j, will be expended. If more than three days cash reqirements are on hand, provide an explanation under "Remarks" as to why the drawdown was made prematurely, or other reasons for the excess cash. The requirement for the explanation does not apply to prescheduled or automatic advances.
13a	Enter the amount of interest earned on advances of Federal funds but not remitted to the Federal agency. If this includes any amount earned and not remitted to the Federal sponsoring agency for over 60 days, explain under "Remarks." Do not report interest earned on advances to States.
13b	Enter amount of advance to secondary recipients included in item 11h.
14	In addition to providing explanations as required above, give additional explanation deemed necessary by the recipient and for information required by the Federal sponsoring agency in compliance with governing legislation. Use plain sheets of paper if additional space is required.

STANDARD FORM 272 (BACK) (7-76)

FEDERAL CASH TRANSACTIONS REPORT CONTINUATION *(This form is completed and attached to Standard Form 272 only when reporting more than one grant or assistance agreement.)*		Approved by Office of Management and Budget, No. 80-RO182 1. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED	
2. RECIPIENT ORGANIZATION *(Give name only as shown in item 2, SF 272)*		3. PERIOD COVERED BY THIS REPORT *(As shown on SF 272)* FROM *(Month, day, year)*	TO *(Month, day, year)*
4. List information below for each grant or other agreement covered by this report. Use additional forms if more space is required.			
FEDERAL GRANT OR OTHER IDENTIFICATION *(Show a subdivision by other identifying numbers if required by the Federal Sponsoring Agency)*	RECIPIENT ACCOUNT NUMBER OR OTHER IDENTIFYING NUMBER	FEDERAL SHARE OF NET DISBURSEMENTS	
		NET DISBURSEMENTS *(Gross disbursements less program income received)* FOR REPORTING PERIOD	CUMULATIVE NET DISBURSEMENTS
(a)	(b)	(c)	(d)
		$	$
5. TOTALS *(Should correspond with amounts shown on SF 272 as follows: column (c) the same as line 11h; column (d) the sum of lines 11h and 11i, of this SF 272 and cumulative disbursements shown on last report. Attach explanation of any differences.)*		$	$

272-201

STANDARD FORM 272-A (7-76)
Prescribed by Office of Management and Budget
Circulars No. A-102 and A-110

REQUEST FOR ADVANCE OR REIMBURSEMENT

(See instructions on back)

Approved by Office of Management and Budget, No. 80–RO183

PAGE OF PAGES

1. TYPE OF PAYMENT REQUESTED — a. "X" one, or both boxes: ☐ ADVANCE ☐ REIMBURSEMENT; b. "X" the applicable box: ☐ FINAL ☐ PARTIAL

2. BASIS OF REQUEST: ☐ CASH ☐ ACCRUAL

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY

5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST

6. EMPLOYER IDENTIFICATION NUMBER

7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER

8. PERIOD COVERED BY THIS REQUEST — FROM (month, day, year) TO (month, day, year)

9. RECIPIENT ORGANIZATION
Name :
Number and Street :
City, State and ZIP Code :

10. PAYEE (Where check is to be sent is different than item 9)
Name :
Number and Street :
City, State and ZIP Code :

11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED

PROGRAMS/FUNCTIONS/ACTIVITIES ►	(a)	(b)	(c)	TOTAL
a. Total program outlays to date (As of date)	$	$	$	$
b. Less: Cumulative program income				
c. Net program outlays (Line a minus line b)				
d. Estimated net cash outlays for advance period				
e. Total (Sum of lines c & d)				
f. Non-Federal share of amount on line e				
g. Federal share of amount on line e				
h. Federal payments previously requested				
i. Federal share now requested (Line g minus line h)				
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances — 1st month				
2nd month				
3rd month				

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY

a. Estimated Federal cash outlays that will be made during period covered by the advance	$
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period	
c. Amount requested (Line a minus line b) .	$

13. CERTIFICATION

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

DATE REQUEST SUBMITTED

TYPED OR PRINTED NAME AND TITLE

TELEPHONE — Area Code | Number | Extension

This space for agency use

270-101 EXHIBIT 3

STANDARD FORM 270 (7-76)
Prescribed by Office of Management and Budget

Circulars No. A-102 and A-110

INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11c, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory; specific instructions for other items are as follows:

Item	*Entry*
2	Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis.
4	Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement.
6	Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency.
7	This space is reserved for an account number or other identifying number that may be assigned by the recipient.
8	Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested.
Note:	The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports.
11	The purpose of the vertical columns (a), (b), and (c), is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page.
11a	Enter in "as of date", the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees.
11b	Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement.
11d	Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance.
13	Complete the certification before submitting this request.

OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS

(See instructions on back)

Approved by Office of Management and Budget, No. 80–R0181

PAGE OF PAGES

1. TYPE OF REQUEST ☐ FINAL ☐ PARTIAL

2. BASIS OF REQUEST ☐ CASH ☐ ACCRUAL

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY

5. PARTIAL PAYMENT REQUEST NO.

6. EMPLOYER IDENTIFICATION NUMBER

7. RECIPIENT ACCOUNT OR OTHER IDENTIFYING NUMBER

8. PERIOD COVERED BY THIS REPORT

FROM (Month, day, year) | TO (Month, day, year)

9. RECIPIENT ORGANIZATION

Name :

No. and Street :

City, State and ZIP Code :

10. PAYEE (*Where check should be sent if different than item 9*)

Name :

No. and Street :

City, State and ZIP Code :

11. STATUS OF FUNDS

CLASSIFICATION	PROGRAMS—FUNCTIONS—ACTIVITIES (a)	(b)	(c)	TOTAL
a. Administrative expense	$	$	$	$
b. Preliminary expense				
c. Land, structures, right-of-way				
d. Architectural engineering basic fees				
e. Other architectural engineering fees				
f. Project inspection fees				
g. Land development				
h. Relocation expense				
i. Relocation payments to individuals and businesses				
j. Demolition and removal				
k. Construction and project improvement cost				
l. Equipment				
m. Miscellaneous cost				
n. Total cumulative to date (sum of lines a thru m)				
o. Deductions for program income				
p. Net cumulative to date (Line n minus line o)				
q. Federal share to date				
r. Rehabilitation grants (100% reimbursement)				
s. Total Federal share (sum of lines q and r)				
t. Federal payments previously requested				
u. Amount requested for reimbursement	$	$	$	$
v. Percentage of physical completion of project	%	%	%	%

12. CERTIFICATION

I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the award.

a. RECIPIENT	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE REPORT SUBMITTED
	TYPED OR PRINTED NAME AND TITLE	TELEPHONE (Area code, number and extension)
b. Representative certifying to line 11v.	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE SIGNED
	TYPED OR PRINTED NAME AND TITLE	TELEPHONE (Area code number and extension)

271-101 *EXHIBIT 4*

STANDARD FORM 271 (7-76)
Prescribed by Office of Management and Budget
Circulars No. A-102 and A-110

INSTRUCTIONS

Please type or print legibly. Items 3, 4, 5, 8, 9, 10, 11s, and 11v are self-explanatory; specific instructions for other items are as follows:

Item	*Entry*
1	Mark the appropriate box. If the request is final, the amounts billed should represent the final cost of the project.
2	Show whether amounts are computed on an accrued expenditure or cash disbursement basis.
6	Enter the employer identification number assigned by the U.S. Internal Revenue Service [or FICE (institution) code if requested by the Federal agency].
7	This space is reserved for an account number or other identifying number that may be assigned by the recipient.
11	The purpose of vertical columns (a) through (c) is to provide space for separate cost breakdowns when a large project has been planned and budgeted by program, function or activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page. All amounts are reported on a cumulative basis.
11a	Enter amounts expended for such items as travel, legal fees, rental, of vehicles and any other administrative expenses. Include the amount of interest expense when authorized by program legislation. Also show the amount of interest expense on a separate sheet.
11b	Enter amounts pertaining to the work of locating and designing, making surveys and maps, sinking test holes, and all other work required prior to actual construction.
11c	Enter all amounts directly associated with the acquisition of land, existing structures and related right-of-way.
11d	Ener basic fees for services of architectural engineers.
11e	Enter other architectural engineering services. Do not include any amounts shown on line d.
11f	Enter inspection and audit fees of construction and related programs.
11g	Enter all amounts associated with the development of land where the primary purpose of the grant is land improvement. The amount pertaining to land development normally associated with major construction should be excluded from this category and entered on line k.
11h	Enter the dollar amounts used to provide relocation advisory assistance and net costs of replacement housing (last resort). Do not include amounts needed for relocation administrative expenses; these amounts should be included in amounts shown on line a.
11i	Enter the amount of relocation payments made by the recipient to displaced persons, farms, business concerns, and nonprofit organizations.
11j	Enter gross salaries and wages of employees of the recipient and payments to third party contractors directly engaged in performing demolition or removal of structures from developed land. All proceeds from the sale of salvage or the removal of structures should be credited to this account; thereby reflecting net amounts if required by the Federal agency.
11k	Enter those amounts associated with the actual construction of, addition to, or restoration of a facility. Also, include in this category, the amounts for project improvements such as sewers, streets, landscaping, and lighting.
11l	Enter amounts for all equipment, both fixed and movable, exclusive of equipment used for construction. For example, permanently attached laboratory tables, built-in audio visual systems, movable desks, chairs, and laboratory equipment.
11m	Enter the amounts for all items not specifically mentioned above.
11n	Enter the total cumulative amount to date which should be the sum of lines a through m.
11o	Enter the total amount of program income applied to the grant or contract agreement except income included on line j. Identify on a separate sheet of paper the sources and types of the income.
11p	Enter the net cumulative amount to date which should be the amount shown on line n minus the amount on line o.
11q	Enter the Federal share of the amount shown on line p.
11r	Enter the amount of rehabilitation grant payments made to individuals when program legislation provides 100 percent payment by the Federal agency.
11t	Enter the total amount of Federal payments previously requested, if this form is used for requesting reimbursement.
11u	Enter the amount now being requested for reimbursement. This amount should be the difference between the amounts shown on lines s and t. If different, explain on a separate sheet.
12a	To be completed by the recipient official who is responsible for the operation of the program. The date should be the actual date the form is submitted to the Federal agency.
12b	To be completed by the official representative who is certifying to the percent of project completion as provided for in the terms of the grant or agreement.

ATTACHMENT I—CIRCULAR No. A-102

MONITORING AND REPORTING OF PROGRAM PERFORMANCE

1. This Attachment sets forth the procedures for monitoring and reporting program performance under Federal grants. These procedures are designed to place greater reliance on grantees to manage the day-to-day operations of the grant-supported activities.

2. Grantees shall constantly monitor the performance under grant-supported activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. This review shall be made for each program, function, or activity of each grant as set forth in the approved grant application or award document.

3. Grantees shall submit a performance report for each grant which briefly presents the following for each program, function, or activity involved as prescribed by the Federal agency:

(a) A comparison of actual accomplishments to the goals established for the period. Where the output of grant programs can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(b) Reasons why established goals were not met.

(c) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

4. Except as provided in a and b below, and in subparagraph 3a(1), of Attachment H, grantees shall submit the performance or technical reports to Federal agencies and the Financial Status Reports covering the same period in the frequency established by Attachment H of this Circular and, where appropriate, a final technical or performance report after completion of the project on a date specified by the Federal agency. The Federal agency shall prescribe the frequency with which the performance reports will be submitted with the request for advance or reimbursement when that form is used in lieu of the Financial Status Report. Except as provided for in paragraph 5 below, performance reports shall not be required more frequently than quarterly or less frequently than annually. Federal agencies may waive the requirement for grantees to submit performance reports with the financial reports under the following circumstances:

(a) When the grantee is required to submit a performance report with a continuation or renewal application.

(b) When the Federal agency determines that on-site technical inspections and certified completion data will be sufficient to evaluate construction projects.

(c) When the Federal agency requests annual financial reports on a fiscal year basis but it is necessary to get annual progress reports on a calendar year basis.

5. Between the required performance reporting dates, events may occur which have significant impact upon the project or program. In such cases, the grantee shall inform the grantor agency as soon as the following types of conditions become known:

(a) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(b) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

6. If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with the criteria established in Attachment K to this Circular, the grantee shall submit a request for budget revision.

7. The grantor agency shall make site visits as frequently as practicable to:

(a) Review program accomplishments and management control systems.

(b) Provide such technical assistance as may be required.

8. Federal agencies shall submit proposed technical and performance reports to the Office of Management and Budget for approval in accordance with the report clearance requirements of OMB Circular No. A-40 as revised.

ATTACHMENT J—CIRCULAR No. A-102

GRANT PAYMENT REQUIREMENTS

1. This Attachment establishes required methods of making payments to grantees. These methods will minimize the time elapsing between the disbursement by a grantee and the transfer of funds from the United States Treasury to the grantee, whether such disbursement occurs prior to or subsequent to the transfer of funds.

2. Grant payments are made to grantees through a letter of credit, an advance by Treasury check, or a reimbursement by Treasury check. The following definitions apply for the purpose of this Attachment:

(a) *Letter of credit.* A letter of credit is an instrument certified by an authorized official of a grantor agency which authorizes a grantee to draw funds needed for immediate disbursement in accordance with the provisions of Treasury Circular No. 1075.

(b) *Advance by Treasury check.* An advance by Treasury check is a payment made by a Treasury check to a grantee upon its request before cash outlays are made by the recipient or through the use of predetermined payment schedules before payments are made by the grantee.

(c) *Reimbursement by Treasury check.* A reimbursement by Treasury check is a payment made to a grantee with a Treasury check upon request for reimbursement from the grantee.

3. Except for construction grants for which optional payment methods are authorized, the letter-of-credit funding method shall be used by grantor agencies where all of the following conditions exist:

(a) When there is or will be a continuing relationship between a grantee and a Federal grantor agency for at least a 12-month period and the total amount of advances to be received within that period from the grantor agency is $120,000 or more.

(b) When the grantee has established or demonstrated to the grantor the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the grantee.

(c) When the grantee's financial management system meets the standards for fund control and accountability prescribed in Attachment G to this Circular, "Standards for Grantee Financial Management Systems."

4. The method of advancing funds by Treasury check shall be used, in accordance with the provisions of Treasury Circular No. 1075, when the grantee meets all of the requirements specified in paragraph 3 above except those in 3.a.

5. The reimbursement by Treasury check method shall be the preferred method when the grantee does not meet the requirements specified in either or both of paragraphs 3.b. and 3.c. This method may also be used when the major portion of the program is accomplished through private market financing or Federal loans, and when the Federal grant assistance constitutes a minor portion of the program. When the reimbursement method is used the Federal agencies shall make payment within thirty days after receipt of the billing unless the billing is improper.

6. When the letter-of-credit procedure is used, the grantee shall be issued one consolidated letter-of-credit whenever possible to cover anticipated cash needs for all grants awarded by the Federal agency. Likewise, to the extent possible, when the advance by Treasury check method is used, advances should be consolidated (pooled) for all grants made by the Federal agency to the grantee.

7. Unless otherwise required by law, grantor agencies shall not withhold payments for proper charges made by State and local governments at any time during the grant period unless (a) a grantee has failed to comply with the program objectives, grant award conditions, or Federal reporting requirements, or (b) the grantee is indebted to the United States and collection of the indebtedness will not impair accomplishment of the objectives of any grant program sponsored by the United States. Under such conditions, the grantor may, upon reasonable notice, inform the grantee that payments will not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal government is liquidated.

8. Attachment H of this Circular, "Financial Reporting," provides for the procedures and forms for requesting advances or reimbursements.

ATTACHMENT K—CIRCULAR NO. A-102

BUDGET REVISION PROCEDURES

1. This Attachment sets forth criteria and procedures to be followed by Federal grantor agencies in requiring grantees to report deviations from grant budgets and to request approvals for budget revisions.

2. The grant budget as used in this Attachment means the approved financial plan for both the Federal and non-Federal shares to carry out the purpose of the grant. This plan is the financial expression of the project or program as approved during the grant application and award process. It should be related to performance for program evaluation purposes whenever appropriate and required by the grantor agency.

3. For nonconstruction grants, grantees shall request prior approvals promptly from grantor agencies when there is reason to believe that a revision will be necessary for the following reasons:

(a) Changes in the scope or the objective of the grant-supported project or program.

(b) The need for additional Federal funding.

(c) The revisions involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs if approval is required by the Federal agency.

(d) The revisions pertain to the addition of items requiring approval in accordance with the provisions of Federal Management Circular 74-4.

(e) Recipients plan to transfer funds allotted for training allowances (direct payments to trainees) to other categories of expense.

4. For nonconstruction grants the Federal agency may also, at its option, restrict transfers of funds among direct cost categories for awards in which the Federal share exceeds $100,000 when the cumulative amount of such transfers exceeds or is expected to exceed five percent of the total budget. The same criteria shall apply to the cumulative amount of transfers among programs, functions, and activities when budgeted separately for an award, except that the Federal agency shall permit no transfer that would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended.

5. All other changes to nonconstruction grant budgets, except for the changes described in paragraph 7, do not require approval. These changes include (a) the use of grantee funds in furtherance of program objectives over and above the grantee minimum share included in the approved grant budget, and (b) the transfer of amounts budgeted for direct costs to absorb authorized increases in indirect costs.

6. For construction grants, grantees shall request prior approvals promptly from grantor agencies for budget revisions whenever:

(a) The revision results from changes in the scope or the objective of the project or program.

(b) The revision increases the budgeted amounts of Federal funds needed to complete the project.

7. When a grantor agency awards a grant which provides support for both construction and nonconstruction work, the grantor agency may require the grantee to request prior approval from the grantor agency before making any fund or budget transfers between the two types of work supported.

8. For both construction and nonconstruction grants, grantor agencies shall require State and local governments to notify the grantor agency promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the grantee by more than $5,000 or 5 percent of the Federal grant, whichever is greater. This notification will not be required when applications for additional funding are submitted for continuing grants.

9. When requesting approval for budget revisions, grantees shall use the budget forms which were used in the grant application. However, grantees may request by letter the approval required by the provisions of Federal Management Circular 74-4.

10. Within 30 days from the date of receipt of the request for budget revisions, grantor agencies shall review the request and notify the grantee whether or not the budget revisions have been approved. If the revision is still under consideration at the end of 30 days, the grantor shall inform the grantee in writing as to when the grantee may expect the decision.

ATTACHMENT L—CIRCULAR NO. A-102

GRANT CLOSEOUT PROCEDURES

1. This Attachment prescribes uniform closeout procedures for grantees.

2. The following definitions shall apply for the purpose of this Attachment:

(a) *Grant closeout.* The closeout of a grant is the process by which a Federal grantor agency determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the grantor.

(b) *Date of completion.* The date when all work under a grant is completed or the date in the grant award document, or any supplement or amendment thereto, on which Federal assistance ends.

(c) *Termination.* The termination of a grant means the cancellation of Federal assistance, in whole or in part, under a grant at any time prior to the date of completion.

(d) *Suspension.* The suspension of a grant is an action by a Federal grantor agency which temporarily suspends Federal assistance under the grant pending corrective action by the grantee or pending a decision to terminate the grant by the grantor agency.

(e) *Disallowed costs.* Disallowed costs are those charges to a grant which the grantor agency or its representative determines to be unallowable. (See Federal Managerment Circular No. 74-4.)

3. All Federal grantor agencies shall establish grant closeout procedures which include the following requirements:

(a) Upon request, the Federal grantor agency shall make prompt payments to a grantee for allowable reimbursable costs under the grant being closed out.

(b) The grantee shall immediately refund to the grantor agency any balance of unobligated (unencumbered) cash advanced to the grantee that is not authorized to be retained by the grantee for use on other grants.

(c) The grantor agency shall obtain from the grantee within 90 days after the date of completion of the grant all financial, performance, and other reports required as a condition of the grant. The agency may grant extensions when requested by the grantee.

(d) When authorized by the grant the grantor agency shall make a settlement for any upward or downward adjustments for any upward or downward adjustments to the Federal share of costs after these reports are received.

(e) The grantee shall account for any property acquired with grant funds, or received from the Government in accordance with the provisions of Attachment N to this Circular.

(f) In the event a final audit has not been performed prior to the closeout of the grant, the grantor agency shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

4. All Federal grantor agencies shall provide procedures to be followed when a grantee has failed to comply with the grant award stipulations, standards, or conditions. When that occurs, the grantor agency may, on reasonable notice to the grantee, suspend the grant, and withhold further payments, or prohibit the grantee from incurring additional obligations of grant funds, pending corrective action by the grantee or a decision to terminate in accordance with paragraph 5.a. The grantor agency shall allow all necessary and proper costs which the grantee could not reasonably avoid during the period of suspension provided that they meet the provisions of Federal Management Circular No. 74-4.

5. Subject to the provisions of paragraph 5 of the basic Circular, of which this Attachment is a part, all Federal grantor agencies shall provide for the systematic settlement of terminated grants including the following:

(a) *Termination for cause.* The grantor agency may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The grantor agency shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the grantor agencies under grants terminated for cause shall be in accord with the legal rights and liabilities of the parties.

b. *Termination for convenience.* The grantor agency or grantee may terminate grants in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Federal agency shall allow full credit to the grantee for the Federal share of the noncancelable obligations, properly incurred by the grantee prior to termination.

ATTACHMENT M—CIRCULAR NO. A-102

STANDARD FORMS FOR APPLYING FOR FEDERAL ASSISTANCE

1. This Attachment promulgates standard forms to be used by State, local, and federally recognized Indian tribal governments in applying for all Federal grants except those Federal formula grant programs which do not require grantees to apply for Federal funds on a project basis. When applying for joint funded projects see OMB Circular No. A-111. The use of the standard forms by grantees in obtaining necessary information from subgrantees is optional.

2. The standard forms and their purposes are briefly described in the following paragraphs:

(a) *Preapplication for Federal Assistance (Exhibit 1).* Preapplication for Federal Assistance is used to: (1) Establish communication between the Federal grantor agency and the applicant; (2) determine the applicant's eligibility; (3) determine how well the project can compete with similar applications from others; and (4) eliminate any proposals which have little or no chance for Federal funding before applicants incur significant expenditures for preparing an application. Preapplication forms shall be required for all construction, land acquisitionn and land development projects or programs for which the need for Federal funding exceeds $100,000. The Federal grantor agency may require the use of the preapplication form for other types of grant programs or for those for which the Federal fund request is for $100,000 or less. In addition, Federal agencies shall establish procedures allowing State and local government applicants to submit, if they so desire, the preapplication form when mandatory requirements for preapplication do not exist.

(b) *Notice of Review Action (Exhibit 2).* The purpose of the Notice of Review Action is to inform the applicant of the results of the review of the preapplication forms which were submitted to Federal grantor agencies. The Federal grantor agency shall send a notice to the applicant within 45 days of the receipt of the preapplication form. When the review cannot be made within 45 days, the applicant shall be informed by letter as to when the review will be completed.

(c) *Federal Assistance Application for Nonconstruction Programs (Exhibit 3).* The Federal Assistance Application for Nonconstruction Programs form is designed to accommodate several programs and shall be used by the applicant for all actions covered by this Attachment except where the major purpose of the grant involves construction, land acquisition, or development or single-purpose and one-time grant applications for less than $10,000 which do not require clearinghouse approval, an environmental impact statement, or the relocation of persons, businesses, or farms.

(d) *Federal Assistance Application for Construction Programs (Exhibit 4).* The Federal Assistance Application for Construction Programs form shall be used for all grants where the major purpose of the program involves construction, land acquisition, and land development, except when the Application for Federal Assistance-Short Form (paragraph 2e) is used.

(e) *Application for Federal Assistance—Short Form (Exhibit 5).* The Application for Federal Assistance-Short Form shall be used for all grants for single-purpose and one-time grant applications for less than $10,000 not requiring clearinghouse approval, an environmental impact statement, or the relocation of persons, businesses, or farms. Federal grantor agencies may, at their discretion, authorize the use of this form for applications for larger amounts.

3. For all forms described herein all requests by grantees for changes, continuations, and supplementals to approved grants shall be submitted on the same form as the original application. For these purposes, only the required pages of the forms should be submitted.

4. Federal agencies may specify and describe the programs, functions, or activities which will be used to plan, budget, and evaluate the work under the grant programs.

5. When additional information is needed to comply with legislative requirements or to meet specific program needs Federal agencies must comply with the reports clearance requirements of Office and Management Budget Circular No. A-40 as revised.

6. Additional assurances shall not be added to the standard assurances contained in the Circular unless specifically required by law.

7. Federal agencies have the option of shading out any line item on any form that is unnecessary for decisionmaking purposes or for meeting the requirements of other circulars or laws except for the Standard Form 424. This form should not be altered. If an item is not applicable, write or overprint "NA" in the space provided for each item.

8. Grantees shall submit the original and two copies of the application.

9. Federal grantor agencies are authorized to reproduce these forms. The forms for reproduction purposes can be obtained from the Office of Management and Budget. The Standard Form 424 can be obtained from the General Services Administration.

Attachment M

OMB Approval No. 80–R0190

FEDERAL ASSISTANCE

1. TYPE OF ACTION (*Mark appropriate box*)
- ☐ PREAPPLICATION
- ☐ APPLICATION
- ☐ NOTIFICATION OF INTENT (Opt.)
- ☐ REPORT OF FEDERAL ACTION

2. APPLICANT'S APPLICATION — a. NUMBER; b. DATE *Year month day* 19

Leave Blank

3. STATE APPLICATION IDENTIFIER — a. NUMBER; b. DATE ASSIGNED *Year month day* 19

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
- a. Applicant Name :
- b. Organization Unit :
- c. Street/P.O. Box :
- d. City : e. County :
- f. State : g. ZIP Code:
- h. Contact Person (*Name & telephone No.*) :

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PROGRAM (*From Federal Catalog*) — a. NUMBER ☐☐•☐☐☐; b. TITLE

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

8. TYPE OF APPLICANT/RECIPIENT
- A–State
- B–Interstate
- C–Substate District
- D–County
- E–City
- F–School District
- G–Special Purpose District
- H–Community Action Agency
- I–Higher Educational Institution
- J–Indian Tribe
- K–Other (*Specify*):

Enter appropriate letter ☐

9. TYPE OF ASSISTANCE
- A–Basic Grant
- B–Supplemental Grant
- C–Loan
- D–Insurance
- E–Other

Enter appropriate letter(s) ☐☐

10. AREA OF PROJECT IMPACT (*Names of cities, counties, States, etc.*)

11. ESTIMATED NUMBER OF PERSONS BENEFITING

12. TYPE OF APPLICATION
- A–New
- B–Renewal
- C–Revision
- D–Continuation
- E–Augmentation

Enter appropriate letter ☐

13. PROPOSED FUNDING

13. PROPOSED FUNDING	
a. FEDERAL	$ .00
b. APPLICANT	.00
c. STATE	.00
d. LOCAL	.00
e. OTHER	.00
f. TOTAL	$ .00

14. CONGRESSIONAL DISTRICTS OF: a. APPLICANT; b. PROJECT

15. TYPE OF CHANGE (*For 18c or 18e*)
- A–Increase Dollars
- B–Decrease Dollars
- C–Increase Duration
- D–Decrease Duration
- E–Cancellation
- F–Other (*Specify*):

Enter appropriate letter(s) ☐☐☐

16. PROJECT START DATE *Year month day* 19

17. PROJECT DURATION *Months*

18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY ▶ *Year month day* 19

19. EXISTING FEDERAL IDENTIFICATION NUMBER

20. FEDERAL AGENCY TO RECEIVE REQUEST (*Name, City, State, ZIP code*)

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶

a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

b. If required by OMB Circular A–95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:

	No response	*Response attached*
(1)	☐	☐
(2)	☐	☐
(3)	☐	☐

23. CERTIFYING REPRESENTATIVE — a. TYPED NAME AND TITLE; b. SIGNATURE; c. DATE SIGNED *Year month day* 19

SECTION III—FEDERAL AGENCY ACTION

24. AGENCY NAME

25. APPLICATION RECEIVED *Year month day* 19

26. ORGANIZATIONAL UNIT

27. ADMINISTRATIVE OFFICE

28. FEDERAL APPLICATION IDENTIFICATION

29. ADDRESS

30. FEDERAL GRANT IDENTIFICATION

31. ACTION TAKEN
- ☐ a. AWARDED
- ☐ b. REJECTED
- ☐ c. RETURNED FOR AMENDMENT
- ☐ d. DEFERRED
- ☐ e. WITHDRAWN

32. FUNDING	
a. FEDERAL	$ .00
b. APPLICANT	.00
c. STATE	.00
d. LOCAL	.00
e. OTHER	.00
f. TOTAL	$ .00

33. ACTION DATE ▶ *Year month day* 19

34. STARTING DATE *Year month day* 19

35. CONTACT FOR ADDITIONAL INFORMATION (*Name and telephone number*)

36. ENDING DATE *Year month day* 19

37. REMARKS ADDED ☐ Yes ☐ No

38. FEDERAL AGENCY A–95 ACTION

a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A–95, it has been or is being made.

b. FEDERAL AGENCY A–95 OFFICIAL (*Name and telephone no.*)

Prescribed by OMB Circular A-102

Exhibit M-1. Preapplication for Federal Assistance (page 1 of 6)

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Attachment M

SECTION IV–REMARKS *(Please reference the proper item number from Sections I, II or III, if applicable)*

STANDARD FORM 424 PAGE 2 (10–75)

Exhibit M-1. Preapplication for Federal Assistance (page 2 of 6)

Attachment M

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with OMB Circular A-102. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

Item	
1.	Mark appropriate box Pre-application and application guidance is in OMB Circular A-102 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.
2a.	Applicant's own control number, if desired.
2b.	Date Section I is prepared.
3a.	Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies *must* contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.
3b.	Date applicant notified of clearinghouse identifier.
4a-4h.	Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.
5.	Employer identification number of applicant as assigned by Internal Revenue Service.
6a.	Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.
6b.	Program title from Federal Catalog. Abbreviate if necessary.
7.	Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.
8.	Mostly self-explanatory. "City" includes town, township or other municipality.
9.	Check the type(s) of assistance requested. The definitions of the terms are: A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant. B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share). C. Loan. Self explanatory. D. Insurance. Self explanatory. E. Other. Explain on remarks page.
10.	Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.
11.	Estimated number of persons directly benefiting from project.
12.	Use appropriate code letter. Definitions are: A. New. A submittal for the first time for a new project. B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year. C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease). D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years. E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.
13.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.
14a.	Self explanatory.
14b.	The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."
15.	Complete only for revisions (item 12c), or augmentations (item 12e).

STANDARD FORM 424 PAGE 3 (10-75)

Exhibit M-1. Preapplication for Federal Assistance (page 3 of 6)

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Attachment M

Item	
16.	Approximate date project expected to begin (usually associated with estimated date of availability of funding).
17.	Estimated number of months to complete project after Federal funds are available.
18.	Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.
19.	Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
20.	Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
21.	Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

Item	
22b.	List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.
23a.	Name and title of authorized representative of legal applicant.
23b.	Self explanatory.
23c.	Self explanatory.
Note:	Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	
24.	Executive department or independent agency having program administration responsibility.
25.	Self explanatory.
26.	Primary organizational unit below department level having direct program management responsibility.
27.	Office directly monitoring the program.
28.	Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.
29.	Complete address of administering office shown in item 26.
30.	Use to identify award actions where different from Federal application identifier in item 28.
31.	Self explanatory. Use remarks section to amplify where appropriate.
32.	Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.
33.	Date action was taken on this request.
34.	Date funds will become available.
35.	Name and telephone no. of agency person who can provide more information regarding this assistance.
36.	Date after which funds will no longer be available.
37.	Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.
38.	For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA".

Federal Agency Procedures—special considerations

A. *Treasury Circular 1082 compliance.* Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.

B. *OMB Circular A-95 compliance.* Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.

C. *Special note.* In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

STANDARD FORM 424 PAGE 4 (10-75)

Exhibit M-1. Preapplication for Federal Assistance (page 4 of 6)

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Attachment M

OMB Approval No. 80-R0187

PREAPPLICATION FOR FEDERAL ASSISTANCE

PART II

1. Does this assistance request require State, local, regional or other priority rating? ______ Yes ______ No
2. Does this assistance require State or local advisory, educational or health clearance? ______ Yes ______ No
3. Does this assistance request require Clearinghouse review? ______ Yes ______ No
4. Does this assistance request require State, local, regional or other planning approval? ______ Yes ______ No
5. Is the proposed project covered by an approved comprehensive plan? ______ Yes ______ No
6. Will the assistance requested serve a Federal installation? ______ Yes ______ No
7. Will the assistance requested be on Federal land or installation? ______ Yes ______ No
8. Will the assistance requested have an effect on the environment? ______ Yes ______ No
9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms? ______ Yes ______ No
10. Is there other related assistance for this project previous, pending, or anticipated? ______ Yes ______ No
11. Is the project in a designated flood hazard area? ______ Yes ______ No

PART III – PROJECT BUDGET

FEDERAL CATALOG NUMBER (a)	TYPE OF ASSISTANCE LOAN, GRANT, ETC. (b)	FIRST BUDGET PERIOD (c)	BALANCE OF PROJECT (d)	TOTAL (e)
1.				
2.				
3.				
4.				
5.				
6. Total Federal Contribution		$	$	$
7. State Contribution				
8. Applicant Contribution				
9. Other Contributions				
10. Totals		$	$	$

PART IV – PROGRAM NARRATIVE STATEMENT

(Attach per instruction)

Exhibit M-1. Preapplication for Federal Assistance (Page 5 of 6)

Attachment M

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions:

Item 1 – Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 – Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 – Attach the clearinghouse comments for the application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95. If comments were submitted previously with a preapplication, do not submit them again but any additional comments received from the clearinghouse should be submitted with this application.

Item 4 – Furnish the name of the approving agency and the approval date.

Item 5 – Show whether the approved comprehensive plan is State, local or regional, or if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 – Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 – Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 – Describe briefly the possible beneficial and harmful impact on the environment of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 – State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 – Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and the amount of each project where there is related previous, pending or anticipated assistance. Use additional sheets, if needed.

Item 11 – Contact the Federal agency concerning the provisions of the Flood Disaster protection Act of 1973 (P.L. 93–234).

PART III

Complete: Lines 1-5 – Columns (a)-(e). Enter the catalog numbers shown in the Catalog of Federal Domestic Assistance in Column (a) and the type of assistance in Column (b). For each line entry in Columns (a) and (b), enter in Columns (c), (d), and (e), the estimated amounts of Federal funds needed to support the project. Columns (c) and (d) may be left blank, if not applicable.

Line 6 – Show the totals for Lines 1-5 for Columns (c), (d), and (e).

Line 7 – Enter the estimated amounts of State assistance, if any, including the value of in-kind contributions, in Columns (c), (d), and (e). Applicants which are States or State agencies should leave Line 7 blank.

Line 8 – Enter the estimated amounts of funds and value of in-kind contributions the applicant will provide to the program or project in Columns (c), (d), and (e).

Line 9 – Enter the amount of assistance including the value of in-kind contributions, expected from all other contributors in Columns (c), (d), and (e).

Line 10 – Enter the totals of Columns (c), (d), and (e).

PART IV

The program narrative statement should be brief and describe the need, objectives, method of accomplishment, the geographical location of the project, and the benefits expected to be obtained from the assistance. The statement should be typed on a separate sheet of paper and submitted with the preapplication. Also attach any data that may be needed by the grantor agency to establish the applicant's eligibility for receiving assistance under the Federal program(s).

Exhibit M-1. Preapplication for Federal Assistance

(Page 6 of 6)

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Attachment M

NOTICE OF PREAPPLICATION REVIEW ACTION

From: ______________________________
(Department, bureau, or establishment)

Agency Number

____

To:

Reference Your Preapplication

Number ______________

Dated: ______________

1. We have reviewed your preapplication for Federal assistance under ______________ and have determined that your proposal is:

   ________ eligible for funding by this agency and can compete with similar applications from other grantees.
   ________ eligible but does not have the priority necessary for further consideration at this time.
   ________ not eligible for funding by this agency.

2. Therefore, we suggest that you:
   ________ file a formal application with us by (date) ______________ .
   ________ file an application with ______________ (Suggested Federal agency).
   ________ find other means of funding this project.

3. Based upon the funds available for this program over the last two fiscal years and the number of applications reviewed, or pending, we anticipate that funds for which you are competing will be available after (month, year) ______________ .

4. You requested $ ______________ Federal funding in your preapplication form, and we:
   ________ are agreeable to consideration of approximately this amount in the formal application.
   ________ will need to analyze the amount requested in more detail.

5. A preapplication conference will be ______ necessary ______ not necessary. We are recommending that it be held at ______________ , on ______________ , at ______________ a.m./p.m. Please contact the undersigned for confirmation.

6. Enclosures: ________ Forms ________ Instructions ________ Other (Specify) ______________

7. Other Remarks:

Signature	Title	Date
Organizational Unit	Administrative Office	Telephone Number
Address		

NOTE: This form will be used by Federal agencies to inform applicants of the results of a review of their preapplication request for Federal assistance. When the review cannot be performed within 45 days, the applicant shall be informed by letter as to when the review will be completed. When Federal agencies determine that the proposal is not eligible for Federal assistance, specific reasons should be provided in Item 7 Other Remarks.

Exhibit M-2. Notice of Preapplication Review Action

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Attachment M

OMB Approval No. 80-R0190

FEDERAL ASSISTANCE

SECTION I—APPLICANT/RECIPIENT DATA

1. TYPE OF ACTION (Mark appropriate box)
- ☐ PREAPPLICATION
- ☐ APPLICATION
- ☐ NOTIFICATION OF INTENT (Opt.)
- ☐ REPORT OF FEDERAL ACTION

2. APPLICANT'S APPLICATION — a. NUMBER; b. DATE Year month day 19

3. STATE APPLICATION IDENTIFIER — a. NUMBER; b. DATE ASSIGNED Year month day 19

Leave Blank

4. LEGAL APPLICANT/RECIPIENT
- a. Applicant Name :
- b. Organization Unit :
- c. Street/P.O. Box :
- d. City :
- e. County :
- f. State :
- g. ZIP Code:
- h. Contact Person (Name & telephone No.) :

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PROGRAM (From Federal Catalog) — a. NUMBER ☐☐.☐☐☐; b. TITLE

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

8. TYPE OF APPLICANT/RECIPIENT
- A-State
- B-Interstate
- C-Substate District
- D-County
- E-City
- F-School District
- G-Special Purpose District
- H-Community Action Agency
- I- Higher Educational Institution
- J- Indian Tribe
- K-Other (Specify):

Enter appropriate letter ☐

9. TYPE OF ASSISTANCE
- A-Basic Grant
- B-Supplemental Grant
- C-Loan
- D-Insurance
- E-Other

Enter appropriate letter(s) ☐☐

10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)

11. ESTIMATED NUMBER OF PERSONS BENEFITING

12. TYPE OF APPLICATION
- A-New
- B-Renewal
- C-Revision
- D-Continuation
- E-Augmentation

Enter appropriate letter ☐

13. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

14. CONGRESSIONAL DISTRICTS OF: a. APPLICANT; b. PROJECT

15. TYPE OF CHANGE (For 12c or 12e)
- A-Increase Dollars
- B-Decrease Dollars
- C-Increase Duration
- D-Decrease Duration
- E-Cancellation
- F-Other (Specify):

Enter appropriate letter(s) ☐☐

16. PROJECT START DATE Year month day 19

17. PROJECT DURATION Months

18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY ▶ Year month day 19

19. EXISTING FEDERAL IDENTIFICATION NUMBER

20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶

a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:

	No response	Response attached
(1)	☐	☐
(2)	☐	☐
(3)	☐	☐

23. CERTIFYING REPRESENTATIVE — a. TYPED NAME AND TITLE; b. SIGNATURE; c. DATE SIGNED Year month day 19

SECTION III—FEDERAL AGENCY ACTION

24. AGENCY NAME

25. APPLICATION RECEIVED Year month day 19

26. ORGANIZATIONAL UNIT

27. ADMINISTRATIVE OFFICE

28. FEDERAL APPLICATION IDENTIFICATION

29. ADDRESS

30. FEDERAL GRANT IDENTIFICATION

31. ACTION TAKEN
- ☐ a. AWARDED
- ☐ b. REJECTED
- ☐ c. RETURNED FOR AMENDMENT
- ☐ d. DEFERRED
- ☐ e. WITHDRAWN

32. FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

33. ACTION DATE ▶ Year month day 19

34. STARTING DATE Year month day 19

35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

36. ENDING DATE Year month day 19

37. REMARKS ADDED ☐ Yes ☐ No

38. FEDERAL AGENCY A-95 ACTION

a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.

b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)

Prescribed by OMB Circular A-102

Exhibit M-3. Application for Federal Assistance
(Nonconstruction Programs)
(Page 1 of 13)

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Attachment M

SECTION IV—REMARKS *(Please reference the proper item number from Sections I, II or III, if applicable)*

STANDARD FORM 424 PAGE 2 (10–75)

Exhibit M-3. Application for Federal Assistance (Nonconstruction Programs)
(Page 2 of 13)

Attachment M

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with OMB Circular A–102. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

Item

1. Mark appropriate box Pre–application and application guidance is in OMB Circular A–102 and Federal agency program instructions. Notification of intent guidance is in Circular A–95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.

3b. Date applicant notified of clearinghouse identifier.

4a–4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

5. Employer identification number of applicant as assigned by Internal Revenue Service.

6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.

6b. Program title from Federal Catalog. Abbreviate if necessary.

7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.

8. Mostly self-explanatory. "City" includes town, township or other municipality.

9. Check the type(s) of assistance requested. The definitions of the terms are:

   A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.

   B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).

   C. Loan. Self explanatory.

Item

   D. Insurance. Self explanatory.

   E. Other. Explain on remarks page.

10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.

11. Estimated number of persons directly benefiting from project.

12. Use appropriate code letter. Definitions are:

   A. New. A submittal for the first time for a new project.

   B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.

   C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).

   D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.

   E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.

14a. Self explanatory.

14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."

15. Complete only for revisions (item 12c), or augmentations (item 12e).

STANDARD FORM 424 PAGE 3 (10–75)

Exhibit M-3. Application for Federal Assistance (Nonstruction Programs)
(Page 3 of 13)

Attachment M

Item	
16.	Approximate date project expected to begin (usually associated with estimated date of availability of funding).
17.	Estimated number of months to complete project after Federal funds are available.
18.	Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.
19.	Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
20.	Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
21.	Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

Item	
22b.	List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.
23a.	Name and title of authorized representative of legal applicant.
23b.	Self explanatory.
23c.	Self explanatory.
Note:	Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	
24.	Executive department or independent agency having program administration responsibility.
25.	Self explanatory.
26.	Primary organizational unit below department level having direct program management responsibility.
27.	Office directly monitoring the program.
28.	Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.
29.	Complete address of administering office shown in item 26.
30.	Use to identify award actions where different from Federal application identifier in item 28.
31.	Self explanatory. Use remarks section to amplify where appropriate.
32.	Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.
33.	Date action was taken on this request.
34.	Date funds will become available.
35.	Name and telephone no. of agency person who can provide more information regarding this assistance.
36.	Date after which funds will no longer be available.
37.	Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.
38.	For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA".

Federal Agency Procedures—special considerations

A. *Treasury Circular 1082 compliance.* Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.

B. *OMB Circular A-95 compliance.* Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.

C. *Special note.* In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 *award* notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

STANDARD FORM 424 PAGE 4 (10-75)

470-18-83400-1 GPO

Exhibit M-3. Application for Federal Assistance (Nonconstruction Programs)
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Attachment M

OMB Approval No. 80-R0186

PART II

PROJECT APPROVAL INFORMATION

Item 1. Does this assistance request require State, local, regional, or other priority rating? _____ Yes _____ No	Name of Governing Body _____ Priority Rating _____
Item 2. Does this assistance request require State, or local advisory, educational or health clearances? _____ Yes _____ No	Name of Agency or Board _____ (Attach Documentation)
Item 3. Does this assistance request require clearinghouse review in accordance with OMB Circular A-95? _____ Yes _____ No	(Attach Comments)
Item 4. Does this assistance request require State, local, regional or other planning approval? _____ Yes _____ No	Name of Approving Agency _____ Date _____
Item 5. Is the proposed project covered by an approved comprehensive plan? _____ Yes _____ No	Check one: State ☐ Local ☐ Regional ☐ Location of Plan _____
Item 6. Will the assistance requested serve a Federal installation? _____ Yes _____ No	Name of Federal Installation _____ Federal Population benefiting from Project _____
Item 7. Will the assistance requested be on Federal land or installation? _____ Yes _____ No	Name of Federal Installation _____ Location of Federal Land _____ Percent of Project _____
Item 8. Will the assistance requested have an impact or effect on the environment? _____ Yes _____ No	See instructions for additional information to be provided.
Item 9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms? _____ Yes _____ No	Number of: Individuals _____ Families _____ Businesses _____ Farms _____
Item 10. Is there other related assistance on this project previous, pending, or anticipated? _____ Yes _____ No	See instructions for additional information to be provided.
Item 11. Is the project in a designated flood hazard area? _____ Yes _____ No	See instructions for additional information to be provided.

Exhibit M-3. Application for Federal Assistance (Nonconstruction Programs)
(Page 5 of 13)

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Attachment M

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions:

Item 1 – Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 – Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 – Attach the clearinghouse comments for the application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95. If comments were submitted previously with a preapplication, do not submit them again but any additional comments received from the clearinghouse should be submitted with this application.

Item 4 – Furnish the name of the approving agency and the approval date.

Item 5 – Show whether the approved comprehensive plan is State, local or regional, or if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 – Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 – Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 – Describe briefly the possible beneficial and harmful impact on the environment of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 – State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 – Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and the amount of each project where there is related previous, pending or anticipated assistance. Use additional sheets, if needed.

Exhibit M-3. Application for Federal Assistance (Nonconstruction Programs)
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Attachment M

OMB Approval No. 80-R0186

PART III – BUDGET INFORMATION

SECTION A – BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds: Federal (c)	Estimated Unobligated Funds: Non-Federal (d)	New or Revised Budget: Federal (e)	New or Revised Budget: Non-Federal (f)	New or Revised Budget: Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6. Object Class Categories	Grant Program, Function or Activity (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	$	$	$	$	$
7. Program Income	$	$	$	$	$

Exhibit M-3. Application for Federal Assistance (Nonconstruction Programs)

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Attachment M

INSTRUCTIONS

PART III

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may not require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b).

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to *multiple* programs where *none* of the programs *require* a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g).

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period *only* if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should *not* equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets were prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-h — Show the estimated amount for each direct cost budget (object class) category for each column with program, function or activity heading.

Line 6i — Show the totals of Lines 6a to 6h in each column.

Line 6j — Show the amount of indirect cost. Refer to FMC 74-4.

Line 6k — Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5. When additional sheets were prepared, the last two sentences apply only to the first page with summary totals.

Line 7 — Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Exhibit M-3. Application for Federal Assistance (Nonconstruction Programs)
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Attachment M

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SECTION C – NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS	$	$	$	$

SECTION D – FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL	$	$	$	$	$

SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS	$	$	$	$

SECTION F – OTHER BUDGET INFORMATION

(Attach additional Sheets If Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

PART IV PROGRAM NARRATIVE (Attach per instruction)

Exhibit M-3. Application for Federal Assistance (Nonconstruction Programs)

(Page 9 of 13)

Attachment M

INSTRUCTIONS

PART III (continued)

Section C. Source of Non-Federal Resources

Line 8-11 – Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet. (See Attachment F, Circular A–102.

Column (a) – Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) – Enter the amount of cash and in-kind contributions to be made by the applicant as shown in Section A. (See also Attachment F, Circular A–102.

Column (c) – Enter the State contribution if the applicant is *not* a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) – Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) – Enter totals of Columns (b), (c), and (d).

Line 12 – Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 – Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 – Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 – Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 – Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuing grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This Section need not be completed for amendments, changes, or supplements to funds for the current year of existing grants.

If more than four lines are needed to list the program titles submit additional schedules as necessary.

Line 20 – Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F – Other Budget Information.

Line 21 – Use this space to explain amounts for individual direct object cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 – Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 – Provide any other explanations required herein or any other comments deemed necessary.

Exhibit M-3. Application for Federal Assistance (Nonconstruction Programs)
(Page 10 of 13)

Attachment M

INSTRUCTIONS

PART IV
PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new assistance programs. Requests for continuation or refunding and changes on an approved project should respond to item 5b only. Requests for supplemental assistance should respond to question 5c only.

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, when applying for an award to establish a neighborhood health center provide a description of who will occupy the facility, how the facility will be used, and how the facility will benefit the general public.

3. APPROACH.

a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for assistance program, function or activity provided in the budget. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

b. Provide for each assistance program, function or activity, quantitative monthly or quarterly projections of the accomplishments to be achieved in such terms as the number of jobs created; the number of people served; and the number of patients treated. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

c. Identify the kinds of data to be collected and maintained and discuss the criteria to be used to evaluate the results and successes of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item 2 are being achieved.

d. List organizations, cooperators, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION.

Give a precise location of the project or area to be served by the proposed project. Maps or other graphic aids may be attached.

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

a. For research or demonstration assistance requests, present a biographical sketch of the program director with the following information; name, address, phone number, background, and other qualifying experience for the project. Also, list the name, training and background for other key personnel engaged in the project.

b. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location approach, or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded, or if individual budget items have changed more than the prescribed limits contained in Attachment K to Circular A–102, explain and justify the need for additional funding.

c. For supplemental assistance requests, explain the reason for the request and justify the need for additional funding.

Exhibit M-3. Application for Federal Assistance (Nonconstruction Programs)
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Attachment M

PART V

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines and requirements, including OMB Circulars No. A–95, A–102 and FMC 74–4, as they relate to the application, acceptance and use of Federal funds for this federally–assisted project. Also the Applicant assures and certifies to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground 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 receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

Exhibit M-3. Application for Federal Assistance (Nonconstruction Programs)

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Attachment M

PART V (Continued)

The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

12. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

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Exhibit M-3. Application for Federal Assistance (Nonconstruction Programs)

Attachment M

OMB Approval No. 80-R0190

FEDERAL ASSISTANCE

1. TYPE OF ACTION (Mark appropriate box)
   - ☐ PREAPPLICATION
   - ☐ APPLICATION
   - ☐ NOTIFICATION OF INTENT (Opt.)
   - ☐ REPORT OF FEDERAL ACTION

2. APPLICANT'S APPLICATION
   - a. NUMBER
   - b. DATE Year month day 19

Leave Blank

3. STATE APPLICATION IDENTIFIER
   - a. NUMBER
   - b. DATE ASSIGNED Year month day 19

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
   - a. Applicant Name :
   - b. Organization Unit :
   - c. Street/P.O. Box :
   - d. City :
   - e. County :
   - f. State :
   - g. ZIP Code:
   - h. Contact Person (Name & telephone No.) :

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PROGRAM (From Federal Catalog)
   - a. NUMBER ☐☐ • ☐☐☐
   - b. TITLE

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

8. TYPE OF APPLICANT/RECIPIENT
   - A–State
   - B–Interstate
   - C–Substate District
   - D–County
   - E–City
   - F–School District
   - G–Special Purpose District
   - H–Community Action Agency
   - I–Higher Educational Institution
   - J–Indian Tribe
   - K–Other (Specify):

   Enter appropriate letter ☐

9. TYPE OF ASSISTANCE
   - A–Basic Grant
   - B–Supplemental Grant
   - C–Loan
   - D–Insurance
   - E–Other

   Enter appropriate letter(s) ☐☐

10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)

11. ESTIMATED NUMBER OF PERSONS BENEFITING

12. TYPE OF APPLICATION
    - A–New
    - B–Renewal
    - C–Revision
    - D–Continuation
    - E–Augmentation

    Enter appropriate letter ☐

13. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

14. CONGRESSIONAL DISTRICTS OF:
    - a. APPLICANT
    - b. PROJECT

15. TYPE OF CHANGE (For 12c or 12e)
    - A–Increase Dollars
    - B–Decrease Dollars
    - C–Increase Duration
    - D–Decrease Duration
    - E–Cancellation
    - F–Other (Specify):

    Enter appropriate letter(s) ☐☐☐

16. PROJECT START DATE Year month day 19

17. PROJECT DURATION Months

18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY ▶ Year month day 19

19. EXISTING FEDERAL IDENTIFICATION NUMBER

20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶
    - a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.
    - b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:

	No response	Responses attached
(1)	☐	☐
(2)	☐	☐
(3)	☐	☐

23. CERTIFYING REPRESENTATIVE
    - a. TYPED NAME AND TITLE
    - b. SIGNATURE
    - c. DATE SIGNED Year month day 19

SECTION III—FEDERAL AGENCY ACTION

24. AGENCY NAME

25. APPLICATION RECEIVED Year month day 19

26. ORGANIZATIONAL UNIT

27. ADMINISTRATIVE OFFICE

28. FEDERAL APPLICATION IDENTIFICATION

29. ADDRESS

30. FEDERAL GRANT IDENTIFICATION

31. ACTION TAKEN
    - ☐ a. AWARDED
    - ☐ b. REJECTED
    - ☐ c. RETURNED FOR AMENDMENT
    - ☐ d. DEFERRED
    - ☐ e. WITHDRAWN

32. FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

33. ACTION DATE ▶ Year month day 19

34. STARTING DATE Year month day 19

35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

36. ENDING DATE Year month day 19

37. REMARKS ADDED ☐ Yes ☐ No

38. FEDERAL AGENCY A-95 ACTION
    - a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.
    - b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)

Prescribed by OMB Circular A-102

Exhibit M-4. Application for Federal Assistance (For Construction Programs)
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Attachment M

SECTION IV–REMARKS *(Please reference the proper item number from Sections I, II or III, if applicable)*

STANDARD FORM 424 PAGE 2 (10–75)

Exhibit M-4. Application for Federal Assistance (For Construction Programs)
(Page 2 of 14)

Attachment M

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with OMB Circular A-102. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

Item

1. Mark appropriate box Pre-application and application guidance is in OMB Circular A-102 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.

3b. Date applicant notified of clearinghouse identifier.

4a-4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

5. Employer identification number of applicant as assigned by Internal Revenue Service.

6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.

6b. Program title from Federal Catalog. Abbreviate if necessary.

7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.

8. Mostly self-explanatory. "City" includes town, township or other municipality.

9. Check the type(s) of assistance requested. The definitions of the terms are:

   A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.

   B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).

   C. Loan. Self explanatory.

Item

   D. Insurance. Self explanatory.

   E. Other. Explain on remarks page.

10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.

11. Estimated number of persons directly benefiting from project.

12. Use appropriate code letter. Definitions are:

   A. New. A submittal for the first time for a new project.

   B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.

   C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).

   D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.

   E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.

14a. Self explanatory.

14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."

15. Complete only for revisions (item 12c), or augmentations (item 12e).

STANDARD FORM 424 PAGE 3 (10-75)

Exhibit M-4. Application for Federal Assistance (For Construction Programs)
(Page 3 of 14)

Attachment M

Item	
16.	Approximate date project expected to begin (usually associated with estimated date of availability of funding).
17.	Estimated number of months to complete project after Federal funds are available.
18.	Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.
19.	Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
20.	Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
21.	Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

Item	
22b.	List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.
23a.	Name and title of authorized representative of legal applicant.
23b.	Self explanatory.
23c.	Self explanatory.
Note:	Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	
24.	Executive department or independent agency having program administration responsibility.
25.	Self explanatory.
26.	Primary organizational unit below department level having direct program management responsibility.
27.	Office directly monitoring the program.
28.	Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.
29.	Complete address of administering office shown in item 26.
30.	Use to identify award actions where different from Federal application identifier in item 28.
31.	Self explanatory. Use remarks section to amplify where appropriate.
32.	Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.
33.	Date action was taken on this request.
34.	Date funds will become available.
35.	Name and telephone no. of agency person who can provide more information regarding this assistance.
36.	Date after which funds will no longer be available.
37.	Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.
38.	For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—if same as person shown in item 35, write "same". If not applicable, write "NA".

Federal Agency Procedures—special considerations

A. *Treasury Circular 1082 compliance.* Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.

B. *OMB Circular A-95 compliance.* Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.

C. *Special note.* In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 *award* notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

STANDARD FORM 424 PAGE 4 (10-75)

Exhibit M-4. Application for Federal Assistance (For Construction Programs)
(Page 4 of 14)

Attachment M

OMB Approval No. 80-R0184

PART II

PROJECT APPROVAL INFORMATION
SECTION A

Item 1. Does this assistance request require State, local, regional, or other priority rating? _____ Yes _____ No	Name of Governing Body _____ Priority Rating _____
Item 2. Does this assistance request require State, or local advisory, educational or health clearances? _____ Yes _____ No	Name of Agency or Board _____ (Attach Documentation)
Item 3. Does this assistance request require clearinghouse review in accordance with OMB Circular A-95? _____ Yes _____ No	(Attach Comments)
Item 4. Does this assistance request require State, local, regional or other planning approval? _____ Yes _____ No	Name of Approving Agency _____ Date _____
Item 5. Is the proposed project covered by an approved comprehensive plan? _____ Yes _____ No	Check one: State ☐ Local ☐ Regional ☐ Location of Plan _____
Item 6. Will the assistance requested serve a Federal installation? _____ Yes _____ No	Name of Federal Installation _____ Federal Population benefiting from Project _____
Item 7. Will the assistance requested be on Federal land or installation? _____ Yes _____ No	Name of Federal Installation _____ Location of Federal Land _____ Percent of Project _____
Item 8. Will the assistance requested have an impact or effect on the environment? _____ Yes _____ No	See instructions for additional information to be provided.
Item 9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms? _____ Yes _____ No	Number of: Individuals _____ Families _____ Businesses _____ Farms _____
Item 10. Is there other related assistance on this project previous, pending, or anticipated? _____ Yes _____ No	See instructions for additional information to be provided.
Item 11. Is the project in a designated flood hazard area? _____ Yes _____ No	See instructions for additional information to be provided.

Exhibit M-4. Application for Federal Assistance (for Construction Programs)

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Attachment M

INSTRUCTIONS

PART II – SECTION A

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions.

Item 1 – Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 – Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 – Attach the clearinghouse comments for the application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95. If comments were submitted previously with a preapplication, do not submit them again but any additional comments received from the clearinghouse should be submitted with this application.

Item 4 – Furnish the name of the approving agency and the approval date.

Item 5 – Show whether the approved comprehensive plan is State, local or regional, or if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 – Show the Federal population residing or working on the federal installation who will benefit from this project.

Item 7 – Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 – Briefly describe the possible beneficial and/or harmful impact on the environment because of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 – State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 – Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and amount of each project where there is related previous, pending, or anticipated assistance. Use additional sheets, if needed.

Exhibit M-4. Application for Federal Assistance (for Construction Programs)

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INSTRUCTION

PART II – SECTION B

11. SITES AND IMPROVEMENTS: ________ Not required, ________ Attached as exhibits Applicant intends to acquire the site through: ________ Eminent domain, ________ Negotiated purchase, ________ Other means (specify)
12. TITLE OR OTHER INTEREST IN THE SITE IS OR WILL BE VESTED IN: ________ Applicant, ________ Agency or institution operating the facility, ________ Other (specify)
13. INDICATE WHETHER APPLICANT/OPERATOR HAS: ________ Fee simple title, ________ Leasehold interest, ________ Other (specify)
14. IF APPLICANT/OPERATOR HAS LEASEHOLD INTEREST, GIVE THE FOLLOWING INFORMATION: a. Length of lease or other estate interest ________, and number of years to run ________ b. Is lease renewable? ________ Yes ________ No c. Current appraised value of land $ ________ d. Annual rental rate $ ________
15. ATTACH AN OPINION FROM ACCEPTABLE TITLE COUNSEL DESCRIBING THE INTEREST APPLICANT/OPERATOR HAS IN THE SITE AND CERTIFYING THAT THE ESTATE OR INTEREST IS LEGAL AND VALID.
16. WHERE APPLICABLE, ATTACH SITE SURVEY, SOIL INVESTIGATION REPORTS AND COPIES OF LAND APPRAISALS.
17. WHERE APPLICABLE, ATTACH CERTIFICATION FROM ARCHITECT ON THE FEASIBILITY OF IMPROVING EXISTING SITE TOPOGRAPHY.
18. ATTACH PLOT PLAN.
19. CONSTRUCTION SCHEDULE ESTIMATES: ________ Not required, ________ Being prepared, ________ Attached as exhibits Percentage of completion of drawings and specifications at application date: Schematics ________ % Preliminary ________ %. Final ________ %
20. TARGET DATES FOR: Bid Advertisement ________ Contract Award ________ Construction Completion ________ Occupancy ________
21. DESCRIPTION OF FACILITY: ________ Not required ________ Attached as exhibits Drawings – Attach any drawings which will assist in describing the project. Specifications – Attach copies of completed outline specifications. (If drawings and specifications have not been fully completed, please attach copies or working drawings that have been completed.)

NOTE: ITEMS ON THIS SHEET ARE SELF-EXPLANATORY; THEREFORE, NO INSTRUCTIONS ARE PROVIDED.

Exhibit M-4. Application for Federal Assistance (for Construction Programs)
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Attachment M

OMB Approval No. 80-R0184

PART III – BUDGET INFORMATION – CONSTRUCTION

SECTION A – GENERAL

1. Federal Domestic Assistance Catalog No. . . . . ____________

2. Functional or Other Breakout . . . . ____________

SECTION B – CALCULATION OF FEDERAL GRANT

Cost Classification	Use only for revisions: Latest Approved Amount	Use only for revisions: Adjustment + or (-)	Total Amount Required
1. Administration expense	$	$	$
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			
5. Other architectural engineering fees			
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			
20. Federal Share requested of Line 19			
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (Lines 20 & 21)			
23. Grantee share			
24. Other shares			
25. Total project (Lines 22, 23 & 24)	$	$	$

Exhibit M-4. Application for Federal Assistance (for Construction Programs)
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Attachment M

INSTRUCTIONS

PART III

Section A. General

1. Show the Federal Domestic Assistance Catalog Number from which the assistance is requested. When more than one program or Catalog Number is involved and the amount cannot be distributed to the Federal grant program or catalog number on an overall percentage basis, prepare a separate set of Part III forms for each program or Catalog Number. However, show the total amounts for all programs in Section B of the *basic* application form.
2. Show the functional or other categorical breakouts, if required by the Federal grantor agency. Prepare a separate set of Part III forms for each category.

Section B. Calculation of Federal Grant

When applying for a new grant, use the Total Amount Column only. When requesting revisions of previously awarded amounts, use all columns.

Line 1 – Enter amounts needed for administration expenses including such items as travel, legal fees, rental of vehicles and any other expense items expected to be incurred to administer the grant. Include the amount of interest expense when authorized by program legislation and also show this amount under Section E Remarks.

Line 2 – Enter amounts pertaining to the work of locating and designing, making surveys and maps, sinking test holes, and all other work required prior to actual construction.

Line 3 – Enter amounts directly associated with the acquisition of land, existing structures, and related right-of-way.

Line 4 – Enter basic fees for architectural engineering services.

Line 5 – Enter amounts for other architectural engineering services, such as surveys, tests, and borings.

Line 6 – Enter fees for inspection and audit of construction and related programs.

Line 7 – Enter amounts associated with the development of land where the primary purpose of the grant is land improvement. Site work normally associated with major construction should be excluded from this category and shown on Line 11.

Line 8 – Enter the dollar amounts needed to provide relocation advisory assistance, and the net amounts for replacement (last resort) housing. Do not include relocation administration expenses on this Line; include them on Line 1.

Line 9 – Enter the estimated amount of relocation payments to be made to displaced persons, business concerns and non-profit organizations for moving expenses and replacement housing.

Line 10 – Enter the gross salaries and wages of employees of the grantee who will be directly engaged in performing demolition or removal of structures from developed land. This line should show also the cost of demolition or removal of improvements on developed land under a third party contract. Reduce the costs on this line by the amount of expected proceeds from the sale of salvage, if so instructed by the Federal grantor agency. Otherwise, show the proceeds on Line 15.

Line 11 – Enter amounts for the actual construction of, addition to, or restoration of a facility. Also include in this category the amounts of project improvements such as sewers, streets, landscaping and lighting.

Line 12 – Enter amounts for equipment both fixed and movable exclusive of equipment used for construction. For example, include amounts for permanently attached laboratory tables, built-in audio visual systems, movable desks, chairs, and laboratory equipment.

Line 13 – Enter amounts for items not specifically mentioned above.

Line 14 – Enter the sum of Lines 1-13.

Line 15 – Enter the estimated amount of program income that will be earned during the grant period and applied to the program.

Line 16 – Enter the difference between the amount on Line 14 and the estimated income shown on Line 15.

Line 17 – Enter amounts for those items which are part of the project but not subject to Federal participation (See Section C, Line 26g, Column (1)).

Line 18 – Enter the estimated amount for contingencies. Compute this amount as follows. Subtract from the net project amount shown on Line 16 the ineligible project exclusions shown on Line 17 and the amount which is excluded from the contingency provisions shown in Section C, Line 26g, Column (2). Multiply the computed amount by the percentage factor allowed by the grantor agency in accordance with the Federal program guidance. For those grants which provide for a fixed dollar allowance in lieu of a percentage allowance, enter the dollar amount of this allowance.

Line 19 – Show the total amount of Lines 16, 17, and 18. (This is the amount to which the matching share ratio prescribed in program legislation is applied.)

Line 20 – Show the amount of Federal funds requested exclusive of funds for rehabilitation purposes.

Line 21 – Enter the estimated amounts needed for rehabilitation expense if rehabilitation grants to individuals are made for which grantees are reimbursed 100 percent by the Federal grantor agency in accordance with program legislation. If the grantee shares in part of this expense show the total amount on Line 13 instead of on Line 21 and explain in Section E.

Line 22 – Show the total amount of the Federal grant requested.

Line 23 – Show the amount from Section D, Line 27h.

Line 24 – Show the amount from Section D, Line 28c.

Line 25 – Self-explanatory.

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SECTION C – EXCLUSIONS

26 Classification	Ineligible for Participation (1)	Excluded from Contingency Provision (2)
a.	$	$
b.		
c.		
d.		
e.		
f.		
g. Totals	$	$

SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

27. Grantee Share	$
a. Securities	
b. Mortgages	
c. Appropriations (By Applicant)	
d. Bonds	
e. Tax Levies	
f. Non Cash	
g. Other (Explain)	
h. TOTAL – Grantee share	
28. Other Shares	
a. State	
b. Other	
c. Total Other Shares	
29. TOTAL	$

SECTION E – REMARKS

PART IV PROGRAM NARRATIVE (Attach – See Instructions)

Exhibit M-4. Application for Federal Assistance (for Construction Programs)

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Attachment M

INSTRUCTIONS

PART III

Section C. Exclusions

Line 26 a-g — Identify and list those costs in Column (1) which are part of the project cost but are not subject to Federal participation because of program legislation or Federal grantor agency instructions. The total amount on Line g should agree with the amount shown on Line 17 of Section B. Show in Column (2) those project costs that are subject to Federal participation but are not eligible for inclusion in the amount used to compute contingency amounts as provided in the Federal grantor agency instructions.

Section D. Proposed Method of Financing Non-Federal Share

Line 27 a-g — Show the source of the grantee's share. If cash is not immediately available, specify the actions completed to date and those actions remaining to make cash available under Section E Remarks. Indicate also the period of time that will be required after execution of the grant agreement to obtain the funds. If there is a noncash contribution, explain what this contribution will consist of.

Line 27 h — Show the total of Lines 27 a-g. This amount must equal the amount shown in Section B, Line 23.

Line 28 a — Show the amount that will be contributed by a State or state agency, *only* if the applicant is *not* a State or state agency. If there is a noncash contribution, explain what the contribution will consist of under Section E Remarks.

Line 28 b — Show the amount that will be contributed from other sources. If there is a noncash contribution, explain what this contribution will consist of under Section E Remarks.

Line 28 c — Show the total of Lines 28a and 28b. This amount must be the same as the amount shown in Section B, line 24.

Line 29 — Enter the totals of Line 27h and Line 28c.

Section E. Other Remarks

Make any remarks pertinent to the project and provide any other information required by these instructions or the grantor agency. Attach additional sheets, if necessary.

Exhibit M-4. Application for Federal Assistance (for Construction Programs)

PART IV

PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for supplemental assistance should be responsive to Item 5b only. Requests for continuation or refunding or other changes of an approved project should be responsive to Item 5c only.

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, include a description of who will occupy the facility and show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.

3. APPROACH.

a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each assistance program. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements.

b. Provide for each assistance program monthly or quarterly quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, list the activities in chronological order to show the schedule of accomplishments and their target dates.

c. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in Item 2 are being achieved.

d. List each organization, cooperator, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION.

Give a precise location of the project and area to be served by the proposed project. Maps or other graphic aids may be attached.

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

a. Describe the relationship between this project and other work planned, anticipated, or underway under the Federal Assistance listed under Part II, Section A, Item 10.

b. Explain the reason for all requests for supplemental assistance and justify the need for additional funding.

c. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location, approach or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded or if individual budget items have changed more than the prescribed limits contained in Attachment K, OMB Circular A–102, explain and justify the change and its effect on the project.

Exhibit M-4. Application for Federal Assistance (for Construction Programs)

Attachment M

PART V

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines and requirements, including OMB Circulars No. A-95, A-102 and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this federally-assisted project. Also, the Applicant gives assurance and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with the provisions of: Executive Order 11296, relating to evaluation of flood hazards, and Executive Order 11288, relating to the prevention, control, and abatement of water pollution.

3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

4. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may require.

6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.

7. It will give the sponsoring agency and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant.

8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17.703). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.

10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.

11. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground 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 receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.

14. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Circular A-102.

15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.

16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

Exhibit M-4. Application for Federal Assistance (for Construction Programs)

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Attachment M

PART V

ASSURANCES CONTINUED

17. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA.

18. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

19. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

Exhibit M-4. Application for Federal Assistance (for Construction Programs)

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Attachment M

OMB Approval No. 80–R0190

FEDERAL ASSISTANCE

1. TYPE OF ACTION *(Mark appropriate box)*
- ☐ PREAPPLICATION
- ☐ APPLICATION
- ☐ NOTIFICATION OF INTENT (Opt.)
- ☐ REPORT OF FEDERAL ACTION

2. APPLICANT'S APPLICATION
- a. NUMBER
- b. DATE *Year month day* 19

Leave Blank

3. STATE APPLICATION IDENTIFIER
- a. NUMBER
- b. DATE ASSIGNED 19 *Year month day*

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
- a. Applicant Name :
- b. Organization Unit :
- c. Street/P.O. Box :
- d. City : e. County :
- f. State : g. ZIP Code:
- h. Contact Person *(Name & telephone No.)* :

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PROGRAM *(From Federal Catalog)*
- a. NUMBER ☐☐•☐☐☐
- b. TITLE

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

8. TYPE OF APPLICANT/RECIPIENT
- A–State
- B–Interstate
- C–Substate District
- D–County
- E–City
- F–School District
- G–Special Purpose District
- H–Community Action Agency
- I– Higher Educational Institution
- J– Indian Tribe
- K–Other *(Specify)*:

Enter appropriate letter ☐

9. TYPE OF ASSISTANCE
- A–Basic Grant
- B–Supplemental Grant
- C–Loan
- D–Insurance
- E–Other

Enter appropriate letter(s) ☐☐

10. AREA OF PROJECT IMPACT *(Names of cities, counties, States, etc.)*

11. ESTIMATED NUMBER OF PERSONS BENEFITING

12. TYPE OF APPLICATION
- A–New
- B–Renewal
- C–Revision
- D–Continuation
- E–Augmentation

Enter appropriate letter ☐

13. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

14. CONGRESSIONAL DISTRICTS OF:
- a. APPLICANT
- b. PROJECT

15. TYPE OF CHANGE *(For 12c or 12e)*
- A–Increase Dollars
- B–Decrease Dollars
- C–Increase Duration
- D–Decrease Duration
- E–Cancellation
- F–Other *(Specify)*:

Enter appropriate letter(s) ☐☐☐

16. PROJECT START DATE *Year month day* 19

17. PROJECT DURATION *Months*

18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY ▶ *Year month day* 19

19. EXISTING FEDERAL IDENTIFICATION NUMBER

20. FEDERAL AGENCY TO RECEIVE REQUEST *(Name, City, State, ZIP code)*

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶

a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:

	No response	*Response attached*
(1)	☐	☐
(2)	☐	☐
(3)	☐	☐

23. CERTIFYING REPRESENTATIVE
- a. TYPED NAME AND TITLE
- b. SIGNATURE
- c. DATE SIGNED *Year month day* 19

SECTION III—FEDERAL AGENCY ACTION

24. AGENCY NAME

25. APPLICATION RECEIVED 19 *Year month day*

26. ORGANIZATIONAL UNIT

27. ADMINISTRATIVE OFFICE

28. FEDERAL APPLICATION IDENTIFICATION

29. ADDRESS

30. FEDERAL GRANT IDENTIFICATION

31. ACTION TAKEN
- ☐ a. AWARDED
- ☐ b. REJECTED
- ☐ c. RETURNED FOR AMENDMENT
- ☐ d. DEFERRED
- ☐ e. WITHDRAWN

32. FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

33. ACTION DATE ▶ 19 *Year month day*

34. STARTING DATE 19 *Year month day*

35. CONTACT FOR ADDITIONAL INFORMATION *(Name and telephone number)*

36. ENDING DATE 19 *Year month day*

37. REMARKS ADDED ☐ Yes ☐ No

38. FEDERAL AGENCY A-95 ACTION

a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.

b. FEDERAL AGENCY A-95 OFFICIAL *(Name and telephone no.)*

Prescribed by OMB Circular A-102

Exhibit M-5. Application for Federal Assistance (Short Form) (Page 1 of 8)

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Attachment M

SECTION IV—REMARKS *(Please reference the proper item number from Sections I, II or III, if applicable)*

STANDARD FORM 424 PAGE 2 (10–75)

Exhibit M-5. Application for Federal Assistance (Short Form)
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Attachment M

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with OMB Circular A–102. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A–95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

Item

1. Mark appropriate box Pre-application and application guidance is in OMB Circular A–102 and Federal agency program instructions. Notification of intent guidance is in Circular A–95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A–95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.

3b. Date applicant notified of clearinghouse identifier.

4a–4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

5. Employer identification number of applicant as assigned by Internal Revenue Service.

6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.

6b. Program title from Federal Catalog. Abbreviate if necessary.

7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.

8. Mostly self-explanatory. "City" includes town, township or other municipality.

9. Check the type(s) of assistance requested. The definitions of the terms are:

   A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.

   B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).

   C. Loan. Self explanatory.

Item

   D. Insurance. Self explanatory.

   E. Other. Explain on remarks page.

10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.

11. Estimated number of persons directly benefiting from project.

12. Use appropriate code letter. Definitions are:

   A. New. A submittal for the first time for a new project.

   B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.

   C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).

   D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.

   E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.

14a. Self explanatory.

14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."

15. Complete only for revisions (item 12c), or augmentations (item 12e).

STANDARD FORM 424 PAGE 3 (10–75)

Exhibit M-5. Application for Federal Assistance (Short Form) (Page 3 of 8)

Attachment M

Item	
16.	Approximate date project expected to begin (usually associated with estimated date of availability of funding).
17.	Estimated number of months to complete project after Federal funds are available.
18.	Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.
19.	Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
20.	Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
21.	Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

Item	
22b.	List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.
23a.	Name and title of authorized representative of legal applicant.
23b.	Self explanatory.
23c.	Self explanatory.
Note:	Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	
24.	Executive department or independent agency having program administration responsibility.
25.	Self explanatory.
26.	Primary organizational unit below department level having direct program management responsibility.
27.	Office directly monitoring the program.
28.	Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.
29.	Complete address of administering office shown in item 26.
30.	Use to identify award actions where different from Federal application identifier in item 28.
31.	Self explanatory. Use remarks section to amplify where appropriate.
32.	Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.
33.	Date action was taken on this request.
34.	Date funds will become available.
35.	Name and telephone no. of agency person who can provide more information regarding this assistance.
36.	Date after which funds will no longer be available.
37.	Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.
38.	For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA".

Federal Agency Procedures—special considerations

A. *Treasury Circular 1082 compliance.* Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.

B. *OMB Circular A-95 compliance.* Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.

C. *Special note.* In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 *award* notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

STANDARD FORM 424 PAGE 4 (10-75)

470-18-83400-1 GPO

Exhibit M-5. Application for Federal Assistance (Short Form) (Page 4 of 8)

Attachment M

OMB Approval No. 80-R0185

APPLICATION FOR FEDERAL ASSISTANCE (Short Form)

PART II – BUDGET DATA

Object Class Categories	Current Approved Budget (a)	Change Requested (b)	New or Revised Budget (c)
1. Personnel			
2. Fringe Benefits			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Construction			
8. Other			
9. Total Direct Charges			
10. Indirect Charges			
11. TOTAL			
12. Federal Share			
13. Non-Federal Share			
14. Program Income			

15. Detail on Indirect Costs:

Type of Rate (Mark one box) ☐ Provisional ☐ Predetermined

☐ Final ☐ Fixed

Rate ________ % Base $ ________ Total Amount $ ________

PART III

Program Narrative Statement

(Attach additional sheets, if necessary)

Exhibit M-5. Application for Federal Assistance (Short Form)
(Page 5 of 8)

Attachment M

INSTRUCTIONS

PART II

Items 1-11 – Enter on Lines 1-11 in Column (c) the total amounts needed for the project. If this is an application for *new grants*, leave Columns (a) and (b) blank. If this is an application for amendments, changes or supplements, show the current approved budget in Column (a); enter in Column (b) on the appropriate line(s) the amount of the change, amendment or supplement; add each line entry in Column (a) to the line entries in Column (b); and enter the total for each line in Column (c). The amounts shown in Column (c) represent the amount of the new or revised grant budget.

Item 12 – Enter the Federal share of the amount on Line 11.

Line 13 – Enter the non-Federal share of the amount on Line 11.

Item 14 – Enter the amount of estimated income, if any, which will be applied to the grant. Do not add or subtract this amount from the total project amount. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant award.

Item 15 – Enter the type of indirect cost rate (provisional, predetermined, final or fixed), the rate that will be in effect during the funding period, and the amount of the base to which the rate is applied.

INSTRUCTIONS

PART III

The program narrative statement should be brief, preferably one or two paragraphs which show the need, objectives, approach, the geographical location of the project and the benefits expected to be obtained from the assistance. Also attach any data that may be needed to establish the applicant's eligibility for receiving assistance under the Federal program.

Exhibit M-5. Application for Federal Assistance (Short Form) (Page 6 of 8)

Attachment M

PART V

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements including OMB Circulars No. A–95, A–102 and FMC 74–4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the Applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground 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 receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will comply with requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the grantor agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with FMC A–102.
10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

Exhibit M-5. Application for Federal Assistance (Short Form) (Page 7 of 8)

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Attachment M

PART V (Continued)

The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

12. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.0) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

(Page 8 of 8)

Exhibit M-5. Application for Federal Assistance (Short Form)

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ATTACHMENT N—CIRCULAR NO. A-102

PROPERTY MANAGEMENT STANDARDS

1. This Attachment prescribes uniform standards governing the utilization and disposition of property furnished by the Federal Government or acquired in whole or in part with Federal funds or whose cost was charged to a project supported by a Federal grant. Federal grantor agencies shall require grantees to observe these standards under grants from the Federal Government and shall not impose additional requirements unless specifically required by Federal law. The grantees shall be authorized to use their own property management standards and procedures as long as the provisions of this Attachment are included.

2. The following definitions apply for the purpose of this Attachment:

(a) *Real property*. Real property means land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

(b) *Personal property*. Personal property of any kind except real property. It may be tangible—having physical existance, or intangible—having no physical existence, such as patents, inventions, and copyrights.

(c) *Nonexpendable personal property*. Nonexpendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above.

(d) *Expendable personal property*. Expendable personal property refers to all tangible personal property other than nonexpendable property.

(e) *Excess property*. Excess property means property under the control of any Federal agency which, as determined by the head thereof, is no longer required for its needs or discharge of its responsibilities.

(f) *Acquisition cost of purchased nonexpendable personal property*. Acquisition cost of an item of purchased nonexpendable personal property means the net invoice unit price of the property including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty, or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the grantee's regular accounting practices.

(g) *Exempt property*. Exempt property means tangible personal property acquired in whole or in part with Federal funds, and title to which is vested in the recipient without further obligation to the Federal Government except as provided in subparagraph 6a below. Such unconditional vesting of title will be pursuant to any Federal legislation that provides the Federal sponsoring agency with adequate authority.

3. *Real property*. Each Federal grantor agency shall prescribe requirements for grantees concerning the use and disposition of real property funded partly or wholly by the Federal Government. Unless otherwise provided by statute, such requirements, as a minimum, shall contain the following:

(a) Title to real property shall vest in the recipient subject to the condition that the grantee shall use the real property for the authorized purpose of the original grant as long as needed.

(b) The grantee shall obtain approval by the grantor agency for the use of the real property in other projects when the grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs, or programs that have purposes consistent with those authorized for support by the grantor.

(c) When the real property is no longer needed as provided in a and b above, the grantee shall request disposition instructions from the Federal agency or its successor Federal agency. The Federal agency shall observe the following rules in the disposition instructions:

(1) The grantee may be permitted to retain title after it compensates the Federal Government in an amount computed by applying the Federal percentage of participation in the cost of the original project to the fair market value of the property.

(2) The grantee may be directed to sell the property under guidelines provided by the Federal agency and pay the Federal Government an amount computed by applying the Federal percentage of participation in the cost of the original project to the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). When the grantee is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return.

(3) The grantee may be directed to transfer title to the property to the Federal Government provided that in such cases the grantee shall be entitled to compensation computed by applying the grantee's percentage of participation in the cost of the program or project to the current fair market value of the property.

4. *Federally owned nonexpendable personal property*. Title to federally owned property remains vested in the Federal Government. Recipients shall submit annually an inventory listing of federally owned property in their custody to the Federal agency. Upon completion of the agreement or when the property is no longer needed; the grantee shall report the property to the Federal agency for further agency utilization.

If the Federal agency has no further need for the property, it shall be declared excess and reported to the General Services Administration. Appropriate disposition instructions will be issued to the recipient after completion of the Federal agency review.

5. *Exempt property*. When statutory authority exists title to nonexpendable personal property acquired with project funds shall be vested in the recipient upon acquisition unless it is determined that to do so is not in the furtherance of the objectives of the Federal sponsoring agency. When title is vested in the recipient the recipient shall have no other obligation or accountability to the Federal Government for its use or disposition except as provided in 6a below.

6. *Other nonexpendable property*. When other nonexpendable tangible property is acquired by a grantee with project funds title shall not be taken by the Federal Government but shall vest in the grantee subject to the following conditions:

(a) *Right to transfer title*. For items of nonexpendable personal property having a unit acquisition cost of $1,000 or more, the Federal agency may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such reservation shall be subject to the following standards:

(1) The property shall be appropriately identified in the grant or otherwise made known to the grantee in writing.

(2) The Federal agency shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal agency fails to issue disposition instructions within the 120 calendar-day period, the grantee shall apply the standards of subparagraph 6(b) and 6(c) as appropriate.

(3) When the Federal agency exercises its right to take title, the personal property shall be subject to the provisions for federally-owned nonexpendable property discussed in paragraph 4, above.

(4) When title is transferred either to the Federal Government or to a third party, the provisions of subparagraph 6(c) (2) (b) should be followed.

(b) *Use of other tangible nonexpendable property for which the grantee has title*.

(1) The grantee shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original project or program, the grantee shall use the property in connection with its other federally sponsored activities, in the following order of priority:

(a) Activities sponsored by the same Federal agency.

(b) Activities sponsored by other Federal agencies.

(2) *Shared use*. During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the grantee shall

make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the property was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by the Federal agency that financed the property; second preference shall be given to projects or programs sponsored by other Federal agencies. If the property is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by the Federal agency. User charges should be considered if appropriate.

(c) *Disposition of other nonexpendable property.* When the grantee no longer needs the property as provided in 6b above, the property may be used for other activities in accordance with the following standards:

(1) Nonexpendable property with a unit acquisition cost of less than $1,000. The grantee may use the property for other activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(2) Nonexpendable personal property with a unit acquisition cost of $1,000 or more. The grantee may retain the property for other uses provided that compensation is made to the original Federal agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the grantee has no need for the property and the property has further use value, the grantee shall request disposition instructions from the original grantor agency.

The Federal agency shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the property shall be reported, in accordance with the guidelines of the Federal Property Management Regulations (FPMR), to the General Services Administration by the Federal agency to determine whether a requirement for the property exists in other Federal agencies. The Federal agency shall issue instructions to the grantee no later than 120 days after the grantee request and the following procedures shall govern:

(a) If so instructed or if disposition instructions are not issued within 120 calendar days after the grantee's request, the grantee shall sell the property and reimburse the Federal agency an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the grantee shall be permitted to deduct and retain from the Federal share $100 or ten percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

(b) If the grantee is instructed to ship the property elsewhere the grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the grantee participation in the cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(c) If the grantee is instructed to otherwise dispose of the property, the grantee shall be reimbursed by the Federal agency for such costs incurred in its disposition.

(d) *Property management standards for nonexpendable property.* The grantee's property management standards for nonexpendable personal property shall include the following procedural requirements:

(1) Property records shall be maintained accurately and shall include:

(a) A description of the property.

(b) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(c) Source of the property including grant or other agreement number.

(d) Whether title vests in the grantee or the Federal Government.

(e) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost.

(f) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired. (Not applicable to property furnished by the Federal Government.)

(g) Location, use, and condition of the property and the date the information was reported.

(h) Unit acquisition cost.

(i) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a grantee compensates the Federal agency for its share.

(2) Property owned by the Federal Government must be marked to indicate Federal ownership.

(3) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The grantee shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(4) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the grantee shall promptly notify the Federal agency.

(5) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(6) Where the grantee is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

7. *Expendable personal property.* Title to expendable personal property shall vest in the grantee upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value, upon termination or completion of the grant and if the property is not needed for any other federally sponsored project or program, the grantee shall retain the property for use on nonfederally sponsored activities, or sell it, but must in either case, compensate the Federal Government for its share. The amount of compensation shall be computed in the same manner as nonexpendable personal property.

8. *Intangible property.*

(a) *Inventions and patents.* If any program produces patentable items, patent rights, processes, or inventions, in the course of work sponsored by the Federal Government, such fact shall be promptly and fully reported to the Federal agency. Unless there is a prior agreement between the grantee and the Federal agency on disposition of such items, the Federal agency shall determine whether protection on the invention or discovery shall be sought. The Federal agency will also determine how the rights in the invention or discovery, including rights under any patent issued thereon, shall be allocated and administrated in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and statement of Government Patent Policy as printed in 36 FR 16889).

(b) *Copyrights.* Except as otherwise provided in the terms and conditions of the agreement the author or the grantee organization is free to copyright any books, publications, or other copyrightable materials developed in the course of or under a Federal agreement, but the Federal agency shall reserve a royalty-free nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes.

9. *Excess personal property.* When title to excess property is vested in grantees such property shall be accounted for and disposed of in accordance with paragraphs 6(c) and 6(d) of this attachment.

ATTACHMENT O—CIRCULAR NO. A-102

PROCUREMENT STANDARDS

1. This Attachment provides standards for use by grantees in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal grant funds. These standards are furnished to insure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive orders. No additional requirements shall be imposed by the Federal agencies upon the grantees unless specifically required by Federal law or Executive orders.

2. The Standards contained in this Attachment do not relieve the grantee of the contractual responsibilities arising

under its contracts. The grantee is the responsible authority, without recourse to the grantor agency regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant. This includes but is not limited to: disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

3. Grantees may use their own procurement regulations which reflect applicable State and local law, rules and regulations provided that procurements made with Federal grant funds adhere to the standards set forth as follows:

(a) The grantee shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Federal grant funds. Grantee's officers, employees, or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by State or local law, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the grantee officers, employees, or agents, or by contractors or their agents.

(b) All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(c) The grantee shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(1) Proposed procurement actions shall be reviewed by grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by offerors should be clearly specified.

(3) Positive efforts shall be made by the grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Federal grant funds.

(4) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the best interest of the grant program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(5) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (6) below is necessary to accomplish sound procurement. However, procurements of $10,000 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered. (Factors such as discounts, transportation costs, taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the grantee. Any or all bids may be rejected when it is in the grantee's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(6) Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the grantee if:

(a) The public exigency will not permit the delay incident to advertising;

(b) The material or service to be procured is available from only one person or firm; (All contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the grantor agency for prior approval.)

(c) The aggregate amount involved does not exceed $10,000;

(d) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institutions;

(e) The material or services are to be procured and used outside the limits of the United States and its possessions;

(f) No acceptable bids have been received after formal advertising;

(g) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture;

(h) Otherwise authorized by law, rules, or regulations.

Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

(7) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(8) Procurement records or files for purchases in amounts in excess of $10,000 shall provide at least the following pertinent information: justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

(9) A system for contract administration shall be maintained to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

4. The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts and subgrants:

(a) Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(b) All contracts, amounts for which are in excess of $10,000, shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(c) All contracts awarded by grantees and their contractors or subgrantees having a value of more than $10,000 shall contain a provision requiring compliance with Executive Order 11246, entitled, "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

(d) All contracts and subgrants for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the grantor agency.

(e) When required by the Federal grant program legislation, all construction contracts awarded by grantees and subgrantees in excess of $2,000 shall include a provision for compliance with

the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The grantee shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The grantee shall report all suspected or reported violations to the grantor agency.

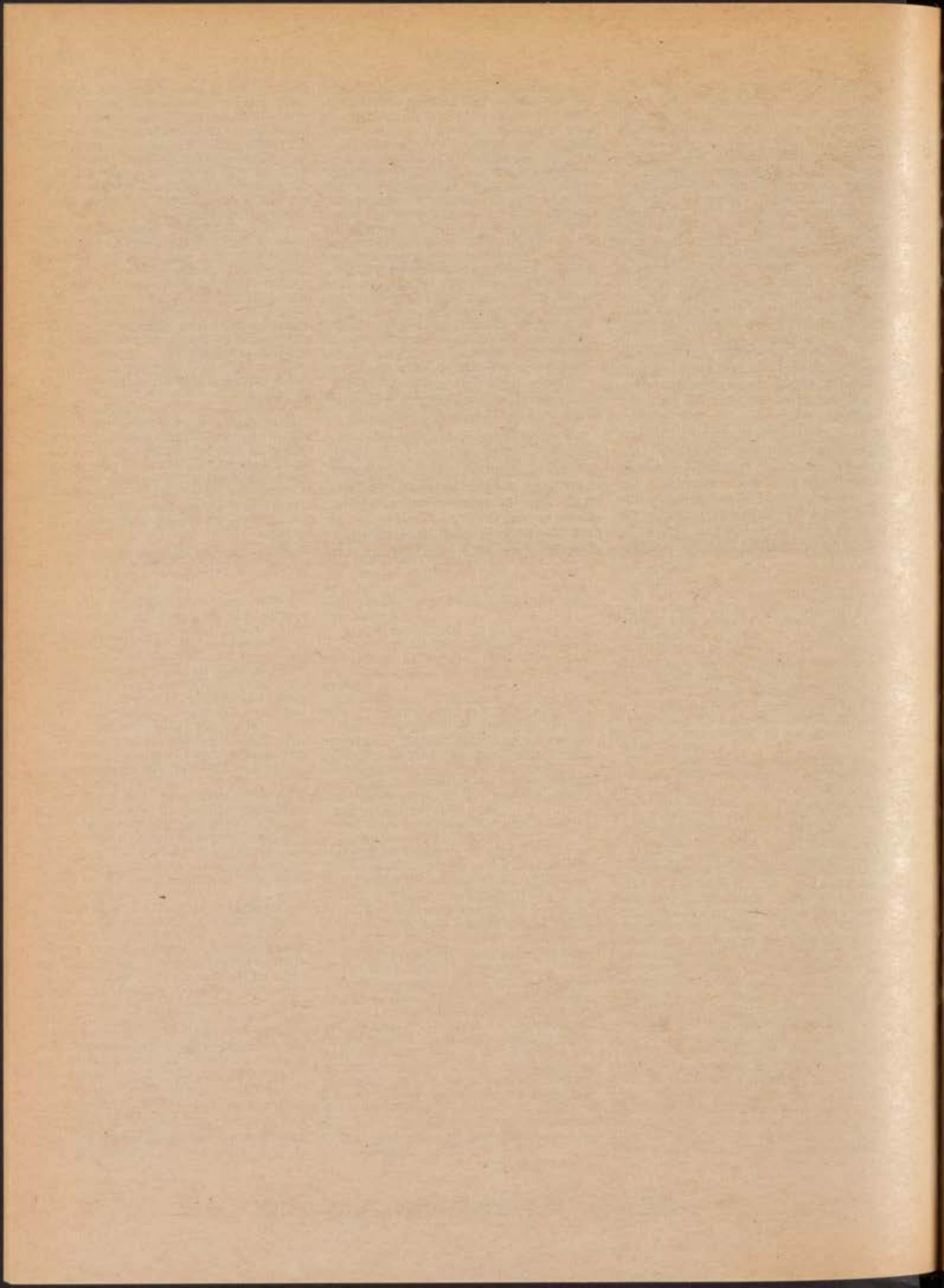
(f) Where applicable, all contracts awarded by grantees and subgrantees in excess of $2,000 for construction contracts and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

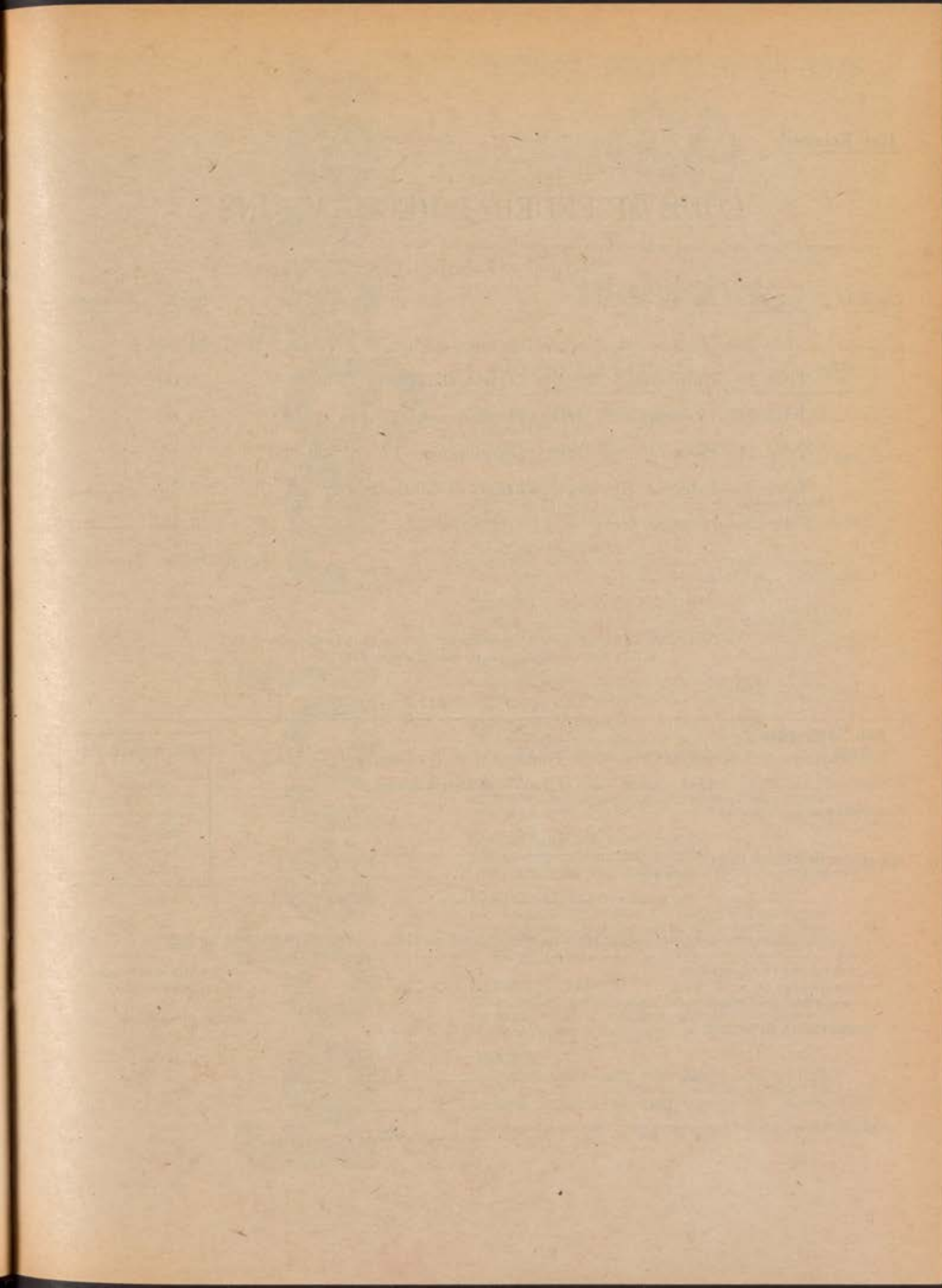
(g) Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Federal grantor agency and the grantee. The contractor shall be advised as to the source of additional information regarding these matters.

(h) All negotiated contracts (except those of $10,000 or less) awarded by grantees shall include a provision to the effect that the grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

(i) Contracts and subgrants of amounts in excess of $100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the grantor agency and the Regional Office of the Environmental Protection Agency.

[FR Doc.77-25944 Filed 9-9-77;8:45 am]





Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1977)

Quantity	Volume	Price	Amount
______	Title 18—Power and Water Resources (Part 150–end)	$4.00	$______
______	Title 20—Employees' Benefits (Parts 400–499)	5.00	______
______	Title 24—Housing and Urban Development (Parts 0–499)	5.00	______
______	Title 24—Housing and Urban Development (Part 500–end)	5.25	______
______	Title 26—Internal Revenue (Part 1, §§ 1.301–1.400)	3.75	______
______	Title 26—Internal Revenue (Parts 30–39)	3.75	______
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[*A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 1*]

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