§ 401.35 Classification of projects for review under section 3.8 of the Compact.

* * * * *

(d) Except as otherwise provided by § 401.40 the sponsor shall submit an application for review and approval of a project included under paragraph (b) of this section through the appropriate agency of a signatory party. Such agency will transmit the application or a summary thereof to the Executive Director, pursuant to Administrative Agreement, together with available supporting materials filed in accordance with the practice of the agency of the signatory party. The Executive Director will thereupon determine for the Commission whether or not the proposed project could have a substantial effect upon the water resources of the basin within the meaning of the Compact and the Rules of Practice and Procedure. In making such determination the Executive Director shall be guided by his findings as to the following factors:

(1) The impact of the project on environmentally sensitive land areas or species of plant or animal life.

(2) The potential of the project and its distribution or collection systems to induce significant changes in numbers, distribution or character of population or economic activity.

(3) The magnitude of proposed water withdrawal or waste discharge in relation to minimum streamflow, aquifer yield or water quality.

(4) The size of the project and distribution or collection system and areal extent and duration of its environmental impact.

(5) The effect of the project on public health, safety or general welfare, and historic and cultural properties.

(6) The effect of the project on surface or groundwaters in another state.

(7) The effect of the project on transfers of water into or out of the basin or from one sub-basin to another.

(8) The cost of the project and nature and magnitude of resources required for its implementation.

(9) The effect of the project on flood flows and storm water runoff.

(10) Any other facts which in a particular case may be relevant to the protection of the integrity of the Comprehensive Plan.

(11) The impact of the project on aquatic life including fisheries.

(e) Projects determined by the Executive Director to have a substantial effect will be subject to approval by the Commission pursuant to Section 3.8 and Article 11 of the Compact (to the extent applicable). Projects determined by the Executive Director not to have a substantial effect on the water resources of the basin will not be subject to further review or action by the Commission. The Executive Director shall notify the sponsor of the project, the agency of the signatory party reviewing the project, and the governing body of the municipality, and the planning board of the county in which the project is located of his initial determination on the question of substantial effect. Notice to such interested parties shall be given by certified mail, return receipt requested. The Executive Director shall also notify by regular mail all members of the Commission and of the Federal Field Committee. He shall also cause to be published in a newspaper of general circulation in that municipality, at least once, a notice of such determination. If no objection is made to the Executive Director's initial determination, it shall become final ten days after publication as above. Any interested party objecting to the determination may, within ten days of the newspaper publication, object to such determination and appeal to the Executive Director by letter for reconsideration. Following such reconsideration, if requested, the Executive Director shall serve notice upon the agency of the signatory party, the applicant and each such objector of his final determination. Any such party may appeal such final determination to the Commission by notice in writing served upon the Executive Director within 14 days after the service of the Executive Director's decision upon reconsideration. The Commission will determine such appeal at a regular meeting thereafter.

2. Section 401.41 is amended by revising paragraph (b) and adding new paragraph (c) to read as follows:

§ 401.41 Preliminary action; informal conference; emergencies.

* * * * *

(b) The appropriate agency of a signatory party shall perform a technical review for the Commission, in accordance with Administrative Agreement, of each project finally determined to have a substantial effect on the water resources of the basin; except that the Commission staff will perform the technical review: (1) whenever the agency of the signatory party is itself the sponsor, or (2) whenever the agency of the signatory party does not have the necessary regulatory jurisdiction, or (3) upon request of the agency of the signatory party; and (4) as to those projects which are subject to an environmental assessment or environmental impact statement under these Rules of Practice and Procedure and the National Environmental Policy Act.

(c) Upon completion of its technical review, the agency of the signatory party shall, in accordance with Administrative Agreement, prepare and file with the Executive Director an action report with respect to the project. The Executive Director shall prepare a memorandum of comment stating his concurrence or nonconcurrence with the findings and recommendations of the action report. The report, memorandum, and a proposed docket decision with reference thereto shall be placed before the Commission by the Executive Director at its next regular meeting. Whenever time permits, a copy of the proposed docket decision shall be furnished to the applicant, and the applicant shall be given an opportunity to comment thereon and to consent to the conditions stated therein, before action by the Commission. The Commission will act upon the project in accordance with Section 3.8 and Article 11 of the Compact (to the extent applicable).

§ 401.41 [Amended]

3. Section 401.41 is amended by redesignating paragraph (c) as paragraph (d).

4. Section 401.35(b) is amended by the addition thereto of two new subparagraphs as follows:

§ 401.35 Classification of projects for review under section 3.8 of the Compact.

* * * * *

(b) * * *

(14) Regional wastewater treatment plans developed pursuant to the Federal Water Pollution Control Act.

(15) State and local standards of flood plain regulation.

* * * * *

§ 401.46 [Deleted]

5. Subpart C is amended by the deletion of Section 401.46 thereof in its entirety.

W. BRINTON WHITALL,
Secretary.

[FR Doc.77-8332 Filed 3-18-77;8:45 am]

Title 20—Employees' Benefits

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 200—PROCEDURES AND FORMS

Implementation of Government in the Sunshine Act

On February 14, 1977, the Railroad Retirement Board published in the FEDERAL REGISTER (42 FR 9034) its notice of proposed rulemaking to implement the Government in the Sunshine Act (Pub. L. 94-409, 90 Stat. 1241). Interested persons were invited to comment on the proposed § 200.5 of Part 200 of the Board's regulations on or before March 1, 1977. Inasmuch as the comment period so allowed did not permit the thirty days required for comments under section 3(g) of the Government in the Sunshine Act, the Board has decided to receive and consider comments up to the effective date of these regulations, March 12, 1977, and for three days thereafter, until March 15, 1977. To date, the Railroad Retirement Board has received comments from two sources concerning its regulations, and having given due consideration to the comments received has determined to make certain changes in its regulations as proposed in accordance with those comments.

The comments received from interested members of the public concerned the proposed paragraphs (a)(2), (a)(3), (c)(1), (c)(3), (d)(6), and (f)(1) of § 200.5.

Paragraph (a)(2) of the proposed regulations defined the term "agency business" as follows:

Agency business. For purposes of this section the term "agency business" shall include those duties and functions delegated to the Board or which the Board is authorized to perform by Congress under the Railroad Retirement Act, the Railroad Unemployment Insurance Act, or any other statute. Agency business shall include such matters as joint consideration and rendition of final Board decisions on Appeals, the promulgation of regulations, the adoption of statements of policy which will affect the general public, the establishment of the rate of contributions to be made by employers under the Railroad Unemployment Insurance Act, and the approval of procurement matters. The term "agency business" shall not include matters such as the approval of routine correspondence which does not establish agency policy or precedent, the approval of superior accomplishment awards, the discussion and agreement on the content and wording of testimony to be given before Congress by one Board member on behalf of himself and at least one other member, and the approval of informational leaflets distributed by the Board.

It was the intent of the Board by so defining "agency business" to segregate business significant from the standpoint of public interest from insignificant business, so as not to obscure the important business of the agency by including within the meetings subject to the Sunshine Act the routine matters dealt with by the Board which would be of virtually no interest to the public at large. In the comments received by the Board concerning the proposed paragraph (a)(2), the commenters questioned the Board's authority to restrict the coverage of the open meeting requirement to only meetings concerning significant business and included citations to the legislative history of the Act as supportive of their positions. In view of the comments and upon reconsideration of the desirability of including a restrictive definition of the term "agency business", the Board has determined to delete paragraph (a)(2) from its final regulations as adopted.

Paragraph (a)(3) of the proposed regulations defined the term "public announcement" as follows:

"*Public announcement*. For purposes of this section the term "public announcement" shall mean the placement in the office of the Secretary of the Board for public inspection of a copy of the document setting forth the subject matter required by this section to be announced to the public."

In a comment regarding this subsection, the commenter suggested that the Board might make the announcement more readily available to the public. The Board agrees with the commenter on this point, and has amended the renumbered paragraph (a)(2) to read as follows:

"*Public announcement*. For purposes of this section, the term "public announcement" shall mean the posting of the notice of a scheduled meeting as required by this section on a bulletin board available to the public on the first floor of the Board's headquarters building located at 844 Rush Street, Chicago, Illinois 60611."

In a comment received with respect to the proposed paragraph (c)(1), the commenter expressed the opinion that it was not clear from the wording of that subsection whether a determination by the Board to close a meeting or a portion of a meeting would be a two-step determination, considering separately the public interest factor and the exceptions contained in paragraph (c)(3) as contemplated by the Act, or a one-step determination. It was the Board's intent in drafting the proposed paragraph (c)(1) to provide for a two-step determination, and in order to remove any ambiguities in that regard the Board has amended that subsection to read as follows:

"Except as provided in this subsection, every portion of every meeting of the Board shall be open to the public. A meeting or a portion of a meeting may be closed where (i) the Board properly determines that the subject matter of the meeting or portion thereof is such as to make it likely that disclosure of matters falling within one or more of the exceptions set out in paragraph (3) of this subsection would result, and (ii) the Board determines that the public interest would not require that the meeting or portion thereof be open to the public."

In a comment received concerning section (c)(3), the commenter expressed the opinion that the Board exceeded its authority in providing that information concerning a meeting may be withheld where such information would come within one of the exceptions contained in that subsection. The authority of an agency to withhold information concerning a meeting is expressly provided for in section 3(c) of the Government in the Sunshine Act, and the proposed paragraph (c)(3), in connection with paragraph (c)(2) of the Board's regulations, merely makes provision for the withholding of information as provided in the Act. The Board has, however, made a slight amendment in the wording of paragraph (c)(3) to conform it to the amended paragraph (c)(1). The amended portion of paragraph (c)(3) provides as follows:

The Board may close a meeting or a portion thereof and may withhold information concerning the meeting or portion thereof, including the explanation of closure, the description of the subject matter of the meeting, and the list of individuals expected to attend, which otherwise would be required to be made public under paragraph (d) and (e) of this section, where it has determined, as provided in paragraphs (1) and (2) of this subsection, that the public interest would not otherwise require that the meeting or portion thereof be open or that the information be made public, and that the meeting, or portion thereof, or the disclosure of the information is likely to: * * *

In its proposed regulations, the Board provided for adoption of the expedited closing procedure authorized by section 3(d)(4) of the Government in the Sunshine Act. The proposed paragraph (d)(6) of the Board's regulations provided as follows:

"The requirements for closing a meeting or portion of a meeting set forth in paragraphs (d) (1) through (5) of this section, as well as the requirements imposed by paragraph (e) of this section, shall not apply to a meeting or a portion thereof which could be properly closed under paragraphs (c)(3) (iv) and (ix) of this section. The Board may close a meeting or portion thereof which could be closed under paragraphs (c)(3) (iv) and (ix) of this section by a majority vote of the members at the beginning of the meeting or portion of a meeting. A copy of the vote showing the vote of each member shall, within one day following such vote, be made available in the office of the Secretary of the Board for public inspection and copying. Information, except to the extent exempt from disclosure under paragraph (c) of this section, as to the time, place, and subject matter of a meeting or portion thereof which could be properly closed under paragraphs (c)(3) (iv) and (ix) of this section, shall be publicly announced at the earliest practicable time."

A commenter expressed the opinion that the Board should reconsider its position with respect to adoption of the expedited closing procedure. In proposing paragraph (d)(6) the Board determined that under the definition of "agency business" expressed in paragraph (a)(2) of the proposed regulations, a majority of the Board's meetings pertained to matters which would permit adoption of the expedited closing procedure. However, having deleted the definition of "agency business" from its final regulations, the Board is not certain at this time whether a majority of its meetings will concern matters which would permit adoption of paragraph (d)(6). Accordingly that subsection has been deleted from the final regulations.

The final comment received by the Board pertained to paragraph (f)(1) of the regulations, which requires that the General Counsel of the Board certify the closing of meetings. The commenter stated that the language of paragraph (f)(1) was not clear as to when the certification would be made. To clarify the Board's intent in this regard, paragraph (f)(1) has been amended to expressly provide that the certification be made prior to the meeting or portion thereof which is to be closed.

The Railroad Retirement Board hereby adopted the proposed § 200.5 of Title 20 of the Code of Federal Regulations as published in the FEDERAL REGISTER on February 14, 1977, subject to the aforementioned amendments which the Board has determined to make in accordance with the comments it received on its proposed regulations, and several editorial corrections.

A new § 200.5 is added to Part 200 as follows:

§ 200.5 Open meetings.

(a) *Definitions*—(1) *Meeting*. For purposes of this section, the term "meeting" shall mean the deliberations of at least two of the three members of the Railroad Retirement Board, which deliberations determine or result in the joint conduct or disposition of official agency business. Deliberations of the Board members concerning the closure of a meeting, the withholding of any information with respect to a meeting, the scheduling of a meeting, or the amendment of the agenda of a meeting shall not constitute a meeting for purposes of this section.

(2) *Public announcement.* For purposes of this section the term "public announcement" shall mean the posting of the notice of a scheduled meeting as required by this section on a bulletin board available to the public on the first floor of the Board's headquarters building located at 844 Rush Street, Chicago, Illinois 60611.

(b) The members of the Board shall not jointly conduct or dispose of agency business except in accordance with the procedures and requirements established by this section. Every portion of every meeting of the Board at which agency business is conducted or disposed of shall be open to public observation, except as provided in paragraph (c) of this section.

(c) (1) Except as provided in this subsection, every portion of every meeting of the Board shall be open to the public. A meeting or a portion of a meeting may be closed where (i) the Board properly determines that the subject matter of the meeting or portion thereof is such as to make it likely that disclosure of matters falling within one or more of the exceptions set out in paragraph (c) (3) of this section would result, and (ii) the Board determines that the public interest would not require that the meeting or portion thereof be open to the public.

(2) The requirements of paragraphs (d) and (e) of this section shall not apply to information pertaining to a meeting which would otherwise be required to be disclosed to the public under this section where the Board properly determines that the disclosure of the information is likely to disclose matters within the exceptions listed in paragraph (c) (3) of this section, and that the public interest would not require that the matters, even though excepted, should be disclosed.

(3) The Board may close a meeting or a portion thereof and may withhold information concerning the meeting or portion thereof, including the explanation of closure, the description of the subject matter of the meeting, and the list of individuals expected to attend, which otherwise would be required to be made public under paragraph (d) and (e) of this section, where it has determined, as provided in paragraphs (c) (1) and (2) of this section, that the public interest would not otherwise require that the meeting or portion thereof be open or that the information be made public, and that the meeting, or portion thereof, or the disclosure of the information is likely to:

(i) Disclose matters that are (A) specifically authorized under criteria established by Executive Order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive Order;

(ii) Relate solely to the internal personnel rules and practices of the Board;

(iii) Disclose matters exempted from disclosure under 45 U.S.C. 362(d) and 362(n) and 45 U.S.C. 231f(b) (3) or disclose matters specifically exempted from disclosure by any other statute (other than 5 U.S.C. 552), *Provided,* That such other statute either requires that the matters be withheld from the public in such a manner as to afford no discretion on the issue or establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(iv) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Involve accusing any person of a crime, or formally censuring any person;

(vi) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(vii) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (A) interfere with law enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(viii) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed Board action, except that this paragraph shall not apply in any instance where the Board has already disclosed to the public the content or nature of its proposed action, or where the Board is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(ix) Specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the authority granted in 45 U.S.C. 231f and 45 U.S.C. 365.

(d) (1) Any action by the Board to close a meeting or a portion thereof, or to withhold any information pertaining to such meeting or portion thereof, shall be taken only upon the vote of at least two members of the Board that the meeting or portion thereof be closed or information withheld for one or more of the reasons set forth in section (c) (3) of this section. A single vote may be taken with respect to a series of meetings, to close the meetings or portions thereof or to withhold information pertaining to such meetings, where the meetings or portions thereof involve the same subject matter and are scheduled within 30 calendar days after the date of the initial meeting in the series.

(2) The vote of each member of the Board participating in the vote on closure of a meeting or portion thereof shall be recorded. Vote by proxy shall not be allowed.

(3) A person whose interests might be directly affected by a meeting or portion thereof which otherwise would be open may request that the meeting or portion thereof which concerns such person's interests be closed under paragraphs (c) (3) (v), (vi), or (vii) of this section. The request should be directed to The Secretary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, and must be received no later than the beginning of the meeting to which it applies. Upon receipt of such a request the Board shall vote by recorded vote on the question as to whether the meeting or portion thereof should be closed.

(4) Within one day following a vote taken under paragraphs (d) (2) and (3) of this section, a copy of such vote showing the vote of each member shall be available for public inspection and copying in the office of the Secretary of the Board, located in the Board's headquarters office.

(5) If a meeting or portion thereof is closed in accordance with an action under paragraphs (d) (2) or (3) of this section, the Board shall, within one day following the vote, except to the extent such information is exempt from disclosure under section (c) of this section, make available for inspection and copying in the office of the Secretary of the Board a written explanation of the Board's action and a list of the persons expected to attend and their affiliations.

(e) (1) Except as to those meetings or portions of meetings scheduled as provided in paragraphs (d) (2) and (3) of this section, the Board shall for each meeting make public announcement at least one week prior thereto of the time, place and subject matter of the meeting, whether the meeting is to be open or closed to the public, and the name and telephone number of an official of the Railroad Retirement Board designated by the Board to respond to any requests from the public pertaining to the meeting.

(2) The requirement contained in paragraph (e) (1) of this section that the Board give one week advance notice of each meeting shall not apply where the Board determines by majority vote, which vote shall be recorded, that agency business requires that a meeting be scheduled at an earlier date. If a meeting is scheduled less than one week in the future, as provided in this paragraph, the Board shall make a public announcement at the earliest practicable time of

the time, place and subject matter of the meeting and whether the meeting is to be open or closed to the public.

(3) The Board may change the time and place of a previously scheduled and announced meeting, but such change must be announced to the public at the earliest practicable time. The Board may change the subject matter, or its determination to open or close a meeting or portion thereof, of a previously scheduled and announced meeting only if (i) a majority of the Board determines by recorded vote that agency business requires the change and that no earlier public announcement of the change was possible, and (ii) the Board makes a public announcement of the change and the vote of each member thereon at the earliest practicable time.

(4) Immediately following each public announcement required by this subsection, the Board shall submit for publication in the FEDERAL REGISTER notice of the time, place, and subject matter of the meeting, whether the meeting is to be open or closed, any changes in such items from a previous announcement, and the name and telephone number of the Railroad Retirement Board official designated by the Board to respond to requests concerning the announced meeting.

(f) (1) Whenever the Board should determine to close a meeting or a portion of a meeting under any of the exemptions contained in paragraph (c) (3) of this section, the General Counsel of the Railroad Retirement Board shall, prior to the meeting, certify in writing that in his or her opinion the meeting or portion thereof may be closed to the public and shall state the applicable exemptions which permit closure. The Board shall maintain a copy of the General Counsel's certification and a copy of the statement of the presiding officer of the meeting setting forth the time and place of the meeting and a list of the persons present, other than those present merely as spectators.

(2) In the event that a meeting or any portion of a meeting is closed to the public, a complete transcript or recording shall be made of the meeting or portion thereof closed; *Provided, however*, That if the meeting or portion thereof is closed under paragraph (c) (3) (ix) of this section, a set of minutes may be made of the closed meeting or portion of a meeting in lieu of a complete transcript or recording thereof. If a set of minutes is the method chosen to record the proceedings of a meeting or portion thereof closed under paragraph (c) (3) (ix) of this section, such minutes shall fully and clearly describe the matters discussed. The minutes shall also fully reflect any actions taken by the Board, set forth a statement of the reasons for such actions, summarize each of the views expressed concerning such actions, identify any documents considered in connection with such agency actions, and show the vote of the Board and each of its members on such actions.

(3) The transcript, recording, or minutes of each meeting or portion thereof closed to the public shall be available for public inspection or listening in the office of the Secretary of the Board, 844 Rush Street, Chicago, Illinois 60611, no later than two weeks following the meeting. There shall be expunged or erased from the transcript, recording, or minutes of each meeting which is made available to the public any items of discussion or testimony when it has been determined that they contain information which may be withheld under paragraph (c) of this section, and that the public interest would not require disclosure. The determination as to what items of discussion or testimony shall be expunged or erased from the copies of the transcript, recording, or minutes available to the public shall be made by the Secretary of the Board with the approval of the Board.

(4) Copies of transcripts, minutes, or transcriptions of recordings maintained by the Board as provided in paragraph (e) (3) of this section shall be provided to members of the public who request such copies, at the actual cost of duplicating or transcription. Requests for copies of transcripts, minutes, or transcriptions of recordings should be in writing, addressed to the Secretary of the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, and should clearly indicate the date of the meeting or meetings for which such copies are requested. If the requester desires a copy of only a portion or portions of the transcript, minutes, or transcription of a specified meeting, the request should specify which portion or portions are desired.

(5) The Board shall maintain the complete transcript, recording, or minutes required to be made under paragraph (e) (2) of this section for a period of at least two years after the meeting, or for at least one year after the conclusion of any agency proceeding with respect to which the meeting or portion of the meeting was held, whichever occurs later.

(g) Nothing in this section shall expand or limit the rights of any person under 5 U.S.C. 552, and 20 CFR 200.3, except that the exemptions contained in paragraph (c) of this section shall govern in the case of any request under 5 U.S.C. 552 and 20 CFR 200.3 to copy, inspect, or obtain copies of transcripts, recordings, or minutes described in paragraph (f) of this section. Nothing in this section shall limit the rights of any individual under 5 U.S.C. 552a and 20 CFR 200.4 to gain access to any record which would be available to such individual under those provisions.

(5 U.S.C. 552b.)

Effective date: March 12, 1977.

By Authority of the Board.

Dated: March 9, 1977.

R. F. BUTLER,
Secretary of the Board.

[FR Doc.77-8338 Filed 3-18-77;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 699-77]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Assigning Functions to the Associate Attorney General

AGENCY: Department of Justice.

ACTION: Final Rule.

SUMMARY: This order formally establishes the Office of the Associate Attorney General in the Department of Justice. The order assigns to the Associate Attorney General certain functions, including the preparation of recommendations for judicial appointments and certain personnel matters, previously assigned to the Deputy Attorney General. The function of providing general supervision over various organizational units of the Department will be shared by the Deputy Attorney General and the Associate Attorney General. Most criminal Law matters and investigative matters will continue to be under the general direction of the Deputy Attorney General. Most civil matters and matters relating to the internal administration of the Department will be under the general direction of the Associate Attorney General.

EFFECTIVE DATE: March 10, 1977.

FOR FURTHER INFORMATION CONTACT:

John M. Harmon, Office of Legal Counsel, Department of Justice, Washington, D.C. 20530. (202-739-2041).

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

§ 0.1 [Amended]

1. Section 0.1 of Subpart A of Part 0 is amended by inserting "Office of the Associate Attorney General" and "Office for Improvements in the Administration of Justice" immediately after "Office of Legislative Affairs" and by deleting "Office of Policy and Planning" in the list of Offices of the Department.

2. Subpart B of Part 0 is amended by adding a new § 0.8, to read as follows:

§ 0.8 Associate Attorney General.

The Associate Attorney General, established in the Office of the Attorney General, shall advise and assist the Attorney General in formulating and implementing Department policies and programs, shall provide overall supervision and direction of certain organizational units of the Department, as provided in this Chapter, and shall:

(a) Prepare, for the consideration of the Attorney General, recommendations for Presidential appointments to judicial positions and positions within the Department, including United States Attorneys and United States Marshals.

(b) Exercise the power and authority vested in the Attorney General and in the Law Enforcement Assistance Administration to take final action in matters pertaining to:

(1) The employment, separation, and general administration of personnel in General Schedule grades GS-16 through GS-18, or the equivalent, and of attorneys regardless of grade or pay in the Department; and

(2) The appointment of Assistant U.S. Attorneys and other attorneys to assist U.S. Attorneys when the public interest so requires, and fixing their salaries.

(c) Administer the Attorney General's recruitment program for Honor Law Graduates and judicial law clerks.

(d) Review any personnel action taken by any officer of the Department.

(e) Coordinate Departmental liaison with the White House staff and the Executive Office of the President.

(f) Perform such other duties as may be especially assigned from time to time by the Attorney General.

3. Paragraph (c) of § 0.15 of Subpart C is revoked and paragraph (b) is revised to read as follows:

§ 0.15 Deputy Attorney General.

* * * * *

(b) The Deputy Attorney General shall act as Attorney General and perform all the duties of the Office of the Attorney General in case of a vacancy in that office or in case of the absence or disability of the Attorney General and shall:

(1) Assist the Attorney General in formulating and implementing Department policies and programs and in providing overall supervision and direction of certain organizational units of the Department, as provided in this Chapter.

(2) Coordinate the Department's response to requests for production or disclosure of information under 5 U.S.C. 552(a). See Part 16(A) of this Chapter.

(3) Establish and direct the implementation of policy relating to the participation of the United States in the International Criminal Police Organization (22 U.S.C. 263(a)).

(4) Coordinate and control the Department's reaction to civil disturbances.

(5) Perform such other duties and functions as may be especially assigned from time to time by the Attorney General.

§§ 0.20, 0.25 and 0.27 [Amended]

4. Sections 0.20(e), 0.25(m) and 0.27 (d) are amended by inserting ", the Associate Attorney General," immediately after "the Attorney General."

5. In the following sections, "Associate Attorney General" is substituted for "Deputy Attorney General" each place it appears: §§ 0.30, 0.40, 0.41, 0.45, 0.50, 0.65, 0.70, 0.75, 0.76, 0.77, 0.105, 0.115, 0.116, 0.160 through 0.168, 0.190, 42.102, 42.412, 45.735-3(b), 45.735-5(a)(2), 45.735-9 (c), 45.735-12, 45.735-22(g), and 45.735-24.

6. Section 0.85 of Subpart P of Part O is revised to read as follows:

§ 0.85 General functions.

Subject to the general supervision of the Attorney General and under the direction of the Deputy Attorney General, the Director of the Federal Bureau of Investigation shall:

* * * * *

§ 0.171 [Amended]

7. Section 0.171 of Subpart Y is amended by inserting "or the Associate Attorney General" immediately after "the Deputy Attorney General."

Dated: March 10, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-8336 Filed 3-18-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 699-6]

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

Medium and Heavy Trucks: Extension of Comment Period

On March 1, 1977, the Environmental Protection Agency published an amendment to the test method under 40 CFR Part 205 which deletes 40 CFR § 205.54-1(c)(1)(iv) and 205.54-1(c)(2)(iv) (42 FR 11835), effective May 31, 1977. This amendment was published in final form without prior proposal because the Administrator finds it impractical to carry out a full formal rulemaking, which would delay final amendment until beyond the date when testing would have to begin to assure compliance with the standards. Moreover, since the Administrator found that the deleted provisions were unnecessary, the amendment has little substantive effect.

The administrator did ask the public to comment on the amendment, however, and intended to allow 45 days for submittal of comments. The notice of March 1 incorrectly allowed only 14 days. Accordingly, the closing date for comments is extended to April 20, 1977.

Dated: March 10, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.77-7978 Filed 3-18-77;8:45 am]

[PP6F1829/R123; FRL 700-6]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Aldicarb

On September 1, 1976, notice was given (41 FR 36834) that Union Carbide Corp., 1730 Pennsylvania Ave., NW, Washington DC 20006 had filed a pesticide petition (PP6F1829) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.-269 be amended to establish a tolerance for combined residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio) - propionaldehyde O-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites 2-methyl - 2-(methylsulfinyl) propionaldehyde O-(methylcarbamoyl) oxime and 2-methyl- 2-(methylsulfonyl) propionaldehyde O-(methylcarbamoyl) oxime in or on the raw agricultural commodity oranges at 0.3 part per million (ppm). (A related document concerning the establishment of a food additive regulation containing a tolerance limitation for residues of aldicarb in dried citrus pulp at 0.6 ppm appears elsewhere in today's FEDERAL REGISTER.) No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerance is sought. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use as delineated in 40 CFR 180.6(a)(2), and there is no reasonable expectation of residues in eggs and poultry as delineated in 40 CFR 180.6 (a)(3). It has been determined that this tolerance will protect the public health. In addition, the negligible residue designator ("N") has been removed from the existing tolerances because long-term feeding studies are now available. It is concluded, therefore, that the tolerance be established as set forth below.

Any person adversely affected by this regulation may, on or before April 20, 1977, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Rm. 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on March 21, 1977, Part 180 is amended as set forth below.

Dated: March 11, 1977.

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

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

40 CFR Part 180, Subpart C, § 180.269 is amended by revising the section in its entirety to (1) delete the words "negligible residues," (2) editorially restructure the section into an alphabetized columnar listing, (3) alphabetically insert a tolerance of 0.3 ppm in or on the raw agricultural commodity oranges, as follows:

§ 180.269 Aldicarb; tolerances for residues.

Tolerances are established for combined residues of the insecticide and nematocide aldicarb (2 - methyl - 2 -

(methylthio) propionaldehyde O-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) proprionaldehyde O-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde O-(methylcarbamoyl)-oxime in or on the following raw agricultural commodities:

Commodity:	Parts per million
Beets, sugar	0.05
Beets, sugar, tops	1
Cattle, fat	0.01
Cattle, meat byproduct	0.01
Cattle, meat	0.01
Cottonseed	0.1
Goats, fat	0.01
Goats, meat byproduct	0.01
Goats, meat	0.01
Hogs, fat	0.01
Hogs, meat byproduct	0.01
Hogs, meat	0.01
Horses, fat	0.01
Horses, meat byproduct	0.01
Horses, meat	0.01
Milk	0.002
Oranges	0.3
Peanuts	0.05
Peanuts, hulls	0.5
Potatoes	1
Sheep, fat	0.01
Sheep, meat byproduct	0.01
Sheep, meat	0.01
Sugarcane	0.02
Sugarcane, fodder	0.1
Sugarcane, forage	0.1
Sweet potatoes	0.02

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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

Farmers Home Administration

[7 CFR Part 1804]

[FmHA Instruction 424.1]

PLANNING AND PERFORMING DEVELOPMENT WORK

Proposed Assistance Eligibility Requirement

Notice is hereby given that the Farmers Home Administration has under consideration the amendment of § 1804.3(d) (1) and the addition of Appendix D to Subpart A, Part 1804, Chapter XVIII, Title 7, Code of Federal Regulations (36 FR 18062). The proposed change will establish thermal performance standards for new dwellings to be constructed with Rural Housing (RH) loan funds and for existing dwellings to be purchased with RH funds. These standards would replace applicable portions of the Minimum Property Standards (MPS) for use by the Farmers Home Administration.

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed amendment to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before April 20, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m.–4:45 p.m.).

1. As proposed, § 1804.3(d) (1) reads as follows:

§ 1804.3 Planning development.

* * * * *

(d) *Construction*. (1) All new buildings to be constructed and all alterations and repairs to buildings will be planned to conform with good construction practices. All improvements to the property will conform to applicable laws, ordinances, codes, regulations which relate to safety and the sanitation of buildings and Appendix D of this subpart, which supersedes the applicable MPS as related to thermal performance standards.

* * * * *

2. As proposed, Appendix D to Subpart A of Part 1804 reads as follows:

APPENDIX D—CONSTRUCTION STANDARDS

1. *Purpose*. This Appendix prescribes construction standards to be used in all Rural Housing (RH) loan programs. These requirements shall supersede those listed in the Minimum Property Standards (MPS) No. 4900.1, "One and Two Family Dwellings," and 4910.1, "Multifamily Housing," as applicable.

2. *Policy*. All loans for new construction approved or conditional commitments issued after the date of issuance of this Appendix shall have drawings and specifications prepared to comply with paragraph 3 a of this Appendix. All existing dwellings to be bought with RH loan funds shall comply with paragraph 3 b of this Appendix.

3. *Minimum Requirements*. a. All dwellings, single family or multifamily to be constructed with RH loan funds shall comply with the following:

New Construction—maximum U values for ceiling, wall and floor sections of various construction

Winter degree-days [1]	Ceilings	Walls	Floors [2]	Glazing	Slab edge	Doors [3]
2,500 or less	0.038	0.077	0.09	1.13	....	
2,501 to 4,500	.038	.05	.077	.65	0.20	Storm door if over 25 pct glass.
4,501 to 6,000	.033	.05	.05	.65	.13	Storm door.
6,001 to 8,000	.030	.05	.045	.65	.13	Do.
8,001 or more	.026	.05	.045	.47	.10	Do.

[1] Winter degree-days may be obtained from the ASHRAE Guide, the "NAHB Insulation Manual for Homes Apartments," local utilities, and National Climatic Center, Federal Bldg., Asheville, N.C. Manuals are available from NAHB RF, Rockville, Md. 20850, or NMWIA, 211 East 51st St., New York, N.Y. 10022. Other sources of degree-day data may be used if available from a recognized authority.

[2] Where the walls of an unheated basement or crawl space are insulated in lieu of floor insulation, the total heat loss through the walls shall not exceed the heat loss calculated for floors with required insulation.

[3] 1¾-inch metal faced doors with rigid insulation core and magnetic weatherstripping may be substituted for a conventional door and storm door. All doors shall be weatherstripped.

b. All existing dwellings to be purchased with RH loan funds shall be insulated in accordance with the following:

Existing construction—maximum U values for ceiling, wall and floor sections of various construction

Winter degree-days [1]	Ceilings	Walls [2]	Floors [3]	Glazing	Slab edge [4]	Doors [5]
2,500 or less	0.038	....	0.09	1.13	....	
2,501 to 4,500	.038	....	.077	.65	....	Storm door if over 25 pct glass.
4,501 to 6,000	.033	....	.05	.65	....	Storm door.
6,001 to 8,000	.030	....	.045	.65	....	Do.
8,001 or more	.026	....	.045	.65	....	Do.

[1] Winter degree-days may be obtained from the ASHRAE Guide, the "NAHB Insulation Manual for Homes Apartments," local utilities, and National Climatic Center, Federal Bldg., Asheville, N.C. Manuals are available from NAHB RF, Rockville, Md. 20850 or NMWIA, 211 East 51st St., New York, N.Y. 10022. Other sources of degree-day data may be used if available from a recognized authority.

[2] Walls shall be insulated as near to new construction standards as economically feasible. Any exterior wall framing exposed during repair or rehabilitation work shall have vapor barrier installed and be fully insulated.

[3] Where the walls of an unheated basement or crawl space are insulated in lieu of floor insulation, the total heat loss through the walls shall not exceed the heat loss calculated for floors with required insulation.

[4] Slab-edge insulation should be provided wherever practical in areas of 2,500 or more winter degree-days. Rigid insulation placed on the exterior face of the slab shall be protected by a durable and weather-resistant material.

[5] Storm doors not required for double doors, sliding doors or others where installation would be economically infeasible. 1¾-inch metal-faced doors with rigid insulation core and mangetic weatherstripping may be substituted for a conventional door and storm door. All doors shall be weatherstripped.

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: March 16, 1977.

F. W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.77-8323 Filed 3-18-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 213]

OIL IMPORT REGULATION

Allocations for the Period Beginning May 1, 1977; Proposed Rulemaking and Request for Public Comments

Under the Mandatory Oil Import Program established pursuant to Proclamation No. 3279, as amended, the next allocation period for imports not subject to license fees under Section 3(a) (1) (i)–(ii) of the Proclamation will commence on May 1, 1977. Section 8 of the Proclamation provides that for this allocation period, the maximum levels of imports subject to allocation and license, to which license fees under section 3(a) (1) (i)–(ii) shall not be applicable, shall be reduced to fifty percent (50%) of the levels established during the calendar year 1973. In accordance with Proclama-