

(B) Paragraph (b) and (c) of § 157.29, in Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations Under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 157.29 Exemption of emergency sales or transportation.

(b) Emergency operations undertaken without certificate authorizations pursuant to paragraph (a) of this section shall be discontinued upon the expiration of the 60-day period. Each person undertaking any such construction or operation, pursuant to this section desiring to retain such facilities in place shall file an application for a certificate of public convenience and necessity pursuant to the regulations under the Natural Gas Act with the Commission prior to the expiration of the exempt period provided herein.

(c) No emergency sale or transportation of natural gas in interstate commerce undertaken pursuant to the authority of this Section shall be extended beyond the sixty (60) day period unless the seller shall have filed an application for a permanent or temporary certificate pursuant to 18 CFR 2.56(a), 2.70(b)(3), 2.75, or 157.28 prior to the expiration of the sixty (60) day period. Any such continuation of deliveries at a rate in excess of the rate prescribed in § 2.56(a) (18 CFR 2.56(a)) will be subject to refund if the rate is in excess of the rate finally found to be appropriate by the Commission.

(C) The amendment adopted herein shall be effective upon issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-16009 Filed 6-6-77; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Sulfamethazine Tablets and Boluses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule revokes the regulation that provides for use of a certain

drug for infectious disease in nonlactating cattle. The manufacturer, Norden Laboratories, Inc., has requested withdrawal of approval since the drug is no longer marketed.

EFFECTIVE DATE: June 7, 1977.

FOR FURTHER INFORMATION CONTACT:

David N. Scarr, Bureau of Veterinary Medicine (HFV-210), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Norden Laboratories, Inc., Lincoln, NE 68501, requested by letter dated January 17, 1977, that approval of NADA 32-378V be withdrawn. The notice of withdrawal of approval is published elsewhere in this issue of the FEDERAL REGISTER. They further stated that they wish to waive the opportunity for a hearing because the drug is no longer being marketed. Accordingly, the Commissioner of Food and Drugs is revoking § 520.2260a Sulfamethazine tablets and boluses.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1))), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 520 is amended by revoking § 520.2260a Sulfamethazine tablets and boluses.

Effective date: This amendment becomes effective June 7, 1977.

(Sec. 512(i) 82 Stat. 347) (21 U.S.C. 360b(1)).

Dated: May 27, 1977.

C. D. VAN HOUWELING,
Director, Bureau
of Veterinary Medicine.

[FR Doc.77-15839 Filed 6-6-77; 8:45 am]

PART 539—BULK ANTIBIOTIC DRUGS SUBJECT TO CERTIFICATION

Streptomycin and Streptomycin-Containing Drugs, Conforming Amendments; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: This document corrects a section heading, published in the FEDERAL REGISTER of April 26, 1977 (42 FR 21276).

FOR FURTHER INFORMATION CONTACT:

John Richards, Federal Register Writers Office (HFC-11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-11765, published in the FEDERAL REGISTER of April 26, 1977 (42 FR 21276), in the center column, the section heading for § 539.170 is changed to read as follows:

§ 539.170 Streptomycin sulfate veterinary grade; dihydrostreptomycin sulfate veterinary grade; dihydrostreptomycin hydrochloride veterinary grade.

Dated: May 27, 1977.

C. D. VAN HOUWELING,
Director, Bureau
of Veterinary Medicine.

[FR Doc.77-15841 Filed 6-6-77; 8:45 am]

**Title 28—Judicial Administration
CHAPTER I—DEPARTMENT OF JUSTICE**

[Order No. 726-77]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart W—Additional Assignments of Functions and Designation of Officials To Perform the Duties of Certain Offices in Case of Vacancy or Absence Therein or in Case of Inability or Disqualification To Act

DESIGNATION OF ACTING ATTORNEY GENERAL DURING ABSENCE OF BOTH ATTORNEY GENERAL AND DEPUTY ATTORNEY GENERAL

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Deputy Attorney General is authorized by statute to act as Attorney General in the event of the Attorney General's absence from office. Under existing regulations, the Assistant Attorney General in charge of the Criminal Division is designated to act as Attorney General in the event of the absence from office of both the Attorney General and the Deputy Attorney General. This order revises the regulations by designating the Solicitor General to act as Attorney General in case of the absence from office of both the Attorney General and Deputy Attorney General.

EFFECTIVE DATE: May 27, 1977.

FOR FURTHER INFORMATION CONTACT:

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

0.133 [Amended]

By virtue of the authority vested in me by 28 U.S.C. 508(b), § 0.133(a) is amended by substituting "the Solicitor General" for "the Assistant Attorney General in charge of the Criminal Division."

Dated: May 27, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-16056 Filed 6-6-77; 8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[729-3]

PART 52—APPROVAL AND PROMULGA-
TION OF IMPLEMENTATION PLANSGasoline Vapor Recovery; Final Compliance
Date for Small Bulk PlantsAGENCY: Environmental Protection
Agency.ACTION: Responses to public com-
ments; correction of omissions and
clarification of throughput designation.SUMMARY: This document summarizes
EPA's responses to public comments
received after its promulgation of revised
compliance dates for small gasoline
bulk plants on December 29, 1976. It also
clarifies the throughput designation for
small bulk plants and corrects several
errors and omissions made in the De-
cember 29, 1976, promulgation.DATES: The clarifying and correcting
amendments are effective immediately
upon promulgation.FOR FURTHER INFORMATION CON-
TACT:Jared Flood, Regional Programs Sec-
tion (EN-341), Division of Stationary
Source Enforcement, U.S. Environ-
mental Protection Agency, 401 M
Street SW., Washington, D.C. 20460
(202-755-7927).SUPPLEMENTARY INFORMATION:
In 1973 and 1974, the Administrator
promulgated Stage I Vapor Recovery
regulations for 13 Air Quality Control
Regions (AQCRs). The AQCRs, FEDERAL
REGISTER references, and promulgation
dates are listed below:

- Metropolitan Los Angeles AQCR, 38 FR
31251, November 12, 1973.
- Sacramento Valley AQCR, 38 FR 31251, No-
vember 12, 1973.
- San Joaquin Valley Intrastate AQCR, 38 FR
31251, November 12, 1973.
- Metropolitan Denver Intrastate AQCR, 38
FR 30823, November 7, 1973.
- Marion County, Indiana, 38 FR 12349, April
5, 1974.
- Maryland portion of National Capital Inter-
state AQCR, 38 FR 33719, December 6, 1973.
- Metropolitan Baltimore Intrastate AQCR, 38
FR 34252, December 12, 1973.
- Boston Intrastate AQCR, 38 FR 30969, No-
vember 8, 1973.
- New Jersey portion of New Jersey-New York-
Connecticut Interstate AQCR, 38 FR 31399,
November 13, 1973.
- New Jersey portion of Metropolitan Phila-
delphia Interstate AQCR, 38 FR 31399, No-
vember 13, 1973.
- Allegheny County portion of Southwest
Pennsylvania Intrastate AQCR, 38 FR
32896, November 28, 1973.
- Houston-Galveston Intrastate AQCR, 38 FR
30643, November 6, 1973.
- San Antonio Intrastate AQCR, 38 FR 30643,
November 6, 1973.
- Virginia portion of National Capital Inter-
state AQCR, 38 FR 33726, December 6, 1973.

Because of concerns raised by bulk
plant owners, operators, and representa-
tives asking for an exemption of smallbulk plants from regulation and requests
for SIP revisions from several states for
exemption of these plants, there have
been several delays of the final com-
pliance dates. The latest was promul-
gated in the FEDERAL REGISTER on Decem-
ber 29, 1976 (41 FR 56642) and extended
the compliance date until May 31, 1977
(to coincide with the oxidant attainment
date). In connection with the most re-
cent compliance date delay, EPA solici-
ted comments on such delay.

PUBLIC COMMENTS

With respect to the most recent delay
of the final compliance dates to May 31,
1977 (41 FR 56642, December 29, 1976),
EPA received three comments.One comment, by the National Oil
Jobbers Council, urged exemption of
small bulk plants based on the expense,
and resulting plant closures, that it sug-
gested would result if the regulations
were enforced. The second comment, by
the Texas Air Control Board, suggested
that the final compliance date be delayed
much further beyond May 31, 1977, or
that no compliance date be established
at all until certain EPA studies were
complete. The third comment, by Exxon
Company, recommended that displace-
ment type systems be utilized to control
emissions from small bulk plants, that
bulk plants regardless of size be required
to install controls, and that hearings be
held prior to the promulgation of any
amendments to the regulations.

RESPONSE TO COMMENTS

EPA initiated various studies in 1976
which are described in the notice of
availability also published today in the
FEDERAL REGISTER. These studies indicate
that there has been, and will continue
to be, a steady decline in the number of
small bulk plants in the nation, and that
because of the relative costs of installing
and operating these systems, some eco-
nomically marginal small bulk plants
will close. However, since 1972 gasoline
bulk plants have been diminishing in
importance as a method of marketing
gasoline. Comparison of 1972 Census
Data with 1975 and 1976 National Pe-
troleum News marketing surveys indi-
cates a closure rate of at least 14 percent.
Reduced profitability in gasoline sales
has generally been attributed as the
cause. EPA expects that this trend will
continue and that these regulations may
tend to increase the short term closure
rate by about 10 percent, these being
plants that are currently economically
marginal.The studies also showed that both
vapor balance and refrigeration-con-
densation systems are capable of achiev-
ing 90 percent control, that the
equipment and technology for achieving
such control does exist in sufficient
supply and has been applied on gasoline
transfer operations for a number of
years, and that controls are available at
a reasonable cost. Accordingly, EPA in-
tends to enforce the existing Stage IVapor Recovery final compliance date of
May 31, 1977, for small bulk plants and
not to exempt from regulation any facili-
ties, delivery vehicles, or storage tanks
not already exempted from coverage.Since these actions are being taken at
a date so close to the final compliance
date of May 31, 1977, some owners or
operators may find it economically and
operationally difficult to comply within
the required time frame. In such cases,
EPA will consider establishing reason-
able compliance schedules through en-
forcement orders under section 113 of
the Act.CLARIFYING AND CORRECTING
AMENDMENTSThe amendments promulgated below
revise the language in amendments in
the December 29, 1976, FEDERAL REGISTER
(41 FR 56642) to clarify the throughput
designation of small bulk plants as 20,000
gallons per day or less (not 5,000,000
gallons per year as previously specified),
and to correct the inadvertent omission
of Stage I Vapor Recovery regulations in
Virginia from the same promulgation.The Administrator finds that good
cause exists for omitting prior notice and
public comment on these amendments
as unnecessary and for making them
immediately effective because they simply
clarify and correct the existing regula-
tions and impose no additional substan-
tive requirements.NOTE: The EPA 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.This rulemaking is issued under the
authority of sections 110 and 301 of the
Clean Air Act as amended (42 U.S.C.
1857c-5 and 1857g).Part 52 of Chapter I, Title 40, of the
Code of Federal Regulations is amended
as follows:

Subpart G—Colorado

§ 52.336 [Amended]

1. In § 52.336(c)(3), subparagraph
(iv), the words "an average annual
throughput of 5,000,000" are revised to
read "a daily throughput of 20,000".

Subpart I—Indiana

§ 52.787 [Amended]

2. In § 52.787(e), the words "an aver-
age annual throughput of 5,000,000" are
revised to read "a daily throughput of
20,000".

Subpart V—Maryland

§ 52.1086 [Amended]

3. In § 52.1086(c)(3), subparagraph
(iv) is amended by revising the words
"an average annual throughput of 5,000,-
000" to read "a daily throughput of 20,-
000".

§ 52.1101 [Amended]

4. In § 52.1101(c)(3), subparagraph
(iv) is amended by revising the words
"an average annual throughput of 5,000,-
000" to read "a daily throughput of 20,-
000".

Subpart W—Massachusetts

§ 52.1147 [Amended]

5. In § 52.1147(a)(5), subparagraph (i) is amended by revising the words "an average annual throughput of 5,000,000" to read "a daily throughput of 20,000".

Subpart FF—New Jersey

§ 52.1598 [Amended]

6. In § 52.1598(c)(3), subparagraph (iv) is amended by revising the words "an average annual throughput of 5,000,000" to read "a daily throughput of 20,000".

Subpart NN—Pennsylvania

§ 52.2042 [Amended]

7. In § 52.2042(c)(3), subparagraph (iv) is amended by revising the words "an average annual throughput of 5,000,000" to read "a daily throughput of 20,000".

Subpart SS—Texas

§ 52.2285 [Amended]

8. In § 52.2285(c)(3), subparagraph (iv) is amended by revising the words "an average annual throughput of 5,000,000" to read "a daily throughput of 20,000".

Subpart VV—Virginia

9. In § 52.2438(c), subparagraph (3) is amended by adding (iv), as follows:

§ 52.2438 Gasoline transfer vapor control.

(c) * * *

(3) * * *

(iv) Facilities which have a daily throughput of 20,000 gallons of gasoline or less are required to have a vapor recovery system in operation no later than May 31, 1977. Delivery vessels and storage containers served exclusively by facilities required to have a vapor recovery system in operation no later than May 31, 1977, also are required to meet the provisions of this section no later than May 31, 1977.

APPENDIX—GASOLINE VAPOR RECOVERY; SMALL BULK PLANTS; NOTICE OF AVAILABILITY OF STUDIES

This notice announces the availability of and summarizes studies conducted by EPA regarding the availability and applicability of control technology for small bulk plants in connection with Stage I Vapor Recovery regulations promulgated by EPA as discussed below.

EPA initiated several studies in 1976 to determine if the requirement to install gasoline vapor recovery equipment would place severe economic burdens on the industry and whether the 90 percent control level was achievable by a vapor balance system, and to further determine the availability of control equipment which would satisfy the requirements of the existing regulations. Pacific Environmental Services, Inc., of Santa Monica, California, was chosen by EPA to perform these studies.

BACKGROUND

In 1973 and 1974, the Administrator promulgated Stage I Vapor Recovery regulations for 13 Air Quality Control Regions (AQCRs). The AQCRs, FEDERAL REGISTER references, and promulgation dates are listed below:

Metropolitan Los Angeles AQCR, 38 FR 31251, November 12, 1973
Sacramento Valley AQCR, 38 FR 31251, November 12, 1973
San Joaquin Valley Intrastate AQCR, 38 FR 31251, November 12, 1973
Metropolitan Denver Intrastate AQCR, 38 FR 30823, November 7, 1973
Marion County, Indiana, 38 FR 12349, April 5, 1974
Maryland portion of National Capital Interstate AQCR, 38 FR 33719, December 6, 1973
Metropolitan Baltimore Intrastate AQCR, 38 FR 34252, December 12, 1973
Boston Intrastate AQCR, 38 FR 30969, November 8, 1973
New Jersey portion of New Jersey-New York-Connecticut Interstate AQCR, 38 FR 31399, November 13, 1973
New Jersey portion of Metropolitan Philadelphia Interstate AQCR, 38 FR 31399, November 13, 1973
Allegheny County portion of Southwest Pennsylvania Interstate AQCR, 38 FR 32896, November 28, 1973
Houston-Galveston Intrastate AQCR, 38 FR 30643, November 6, 1973
San Antonio Intrastate AQCR, 38 FR 30643, November 6, 1973
Virginia portion of National Capital Interstate AQCR, 38 FR 33726, December 6, 1973

EXTENT OF THE STUDIES

The first study (EPA contract 68-01-3154, Task No. 5) evaluated the applicability and cost impact of bottom-loading vapor balance systems on small bulk plants. The second study (EPA contract 68-01-3156, Task No. 17) surveyed small bulk plants in and around Denver, San Diego, and the San Joaquin Valley, and included the source testing of two small bulk plants to determine if 90 percent control could be achieved for incoming and outgoing loads through the use of a vapor balance system and a refrigeration-condensation system. A third study (EPA contract 68-01-3156, Task No. 28) surveyed small bulk plants in the Washington, D.C., Baltimore, Md., and Houston/Galveston, Tex., areas to determine whether the descriptive, market and economic data presented in the report of the second study could be adequately applied to other areas of the country, and also to evaluate the methods being employed by bulk plant operators in these areas to comply with vapor recovery regulations. A fourth study (EPA contract 68-01-4140, Task No. 9) provided for the evaluation of the applicability, availability and the financial impact of installing and operating top-loading vapor balance systems at small bulk plants. In addition, Radian Corporation performed a study for EPA (EPA contract No. 68-02-1319, Task No. 2) in 1975 which evaluated vapor control methods for gasoline marketing operations, including small bulk plants.

RESULTS OF THE STUDIES

Among other things, the studies concluded that both refrigeration-condensation and vapor balance type systems are capable of achieving the 90 percent control levels established in the regulations. They further concluded that the equipment and technology for achieving these levels does exist in sufficient supply, and has been satisfactorily applied on gasoline transfer operations for a number of years.

These studies also concluded that certain types of vapor control systems (e.g., a bottom-loading vapor balance system) are more desirable from the viewpoint of the owner and operator because of the more efficient marketing capability that the systems provide. It must be emphasized that there is no requirement in the federal regulations that bottom-loading systems be

installed. These bottom-loading systems, because of the additional modifications and equipment required for installation on bulk plants, are consistently much more expensive to install than the alternative top-loading vapor balance system.

The recent EPA studies on small bulk plants reaffirm the earlier conclusion that controls are available at a reasonable cost. Specifically, EPA has determined that the top-loading vapor balance system, which is readily available and the least expensive alternative, will meet the 90 percent control level established in the existing regulations at a reasonable cost. However, due to the Administrator's concern regarding the possible economic impacts of these regulations on the very small bulk plants (less than 4,000 gal/day of gasoline throughput), EPA will continue to study such impacts. EPA will report on its findings at the end of four to six weeks.

For further information or copies of the studies contact: Jared Flood, Regional Programs Section (EN-341), Division of Stationary Source Enforcement, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Dated: May 31, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 77-16097 Filed 6-6-77; 8:45 am]

[FRL 740-7]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Standard for Vinyl Chloride; Corrections and Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: These amendments are being made to the vinyl chloride standard which was promulgated under the authority of the Clean Air Act on October 21, 1976. The standard contains some typographical errors and needs clarification in some parts. These amendments are intended to correct the typographical errors and clarify the standard.

EFFECTIVE DATE: June 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone 919-688-8146, ext. 271.

SUPPLEMENTARY INFORMATION: On October 21, 1976, under section 112 of the Clean Air Act, as amended (42 U.S.C. 1857), the Environmental Protection Agency (EPA) promulgated a national emission standard for vinyl chloride (41 FR 46560). The standard covers plants which manufacture ethylene dichloride, vinyl chloride, and/or polyvinyl chloride. Since that time, it has become apparent that a few sections of the standard and Test Methods 106 and 107 are unclear. The purpose of the amendments being made at this time is to clarify these sections and to correct typographical errors. These corrections are in addition to those published on December 3, 1976 (41 FR 53017). The Administrator finds that

good cause exists for omitting prior notice and public comment on these amendments as unnecessary and for making them immediately effective because they simply clarify and correct the existing regulations and impose no additional substantive requirements.

The most significant amendment involves clarification of the requirements for certification of the analysis of gas cylinders which may be used to calibrate testing and monitoring equipment. The standard, as promulgated on October 21, 1976, requires that an analysis of the gas used for calibration purposes, " * * be traceable to the National Bureau of Standards or to a gravimetrically calibrated permeation tube." Comments were received indicating that the term "traceable" was unclear.

These amendments require that the composition of gas cylinders which may be used for calibration of testing and monitoring equipment be certified by the gas manufacturer. The certified composition must have been determined by direct analysis of the gas contained in each calibration cylinder using an analytical procedure the manufacturer had calibrated on the day the analysis was performed. Calibration of the analytical procedure was to have been done using gases for which the concentrations have been verified: (1) By comparison with a calibrated vinyl chloride permeation tube, (2) by comparison with a gas mixture prepared in accordance with the procedure described in § 7.1 of Test Method 106 and using 99.9 percent vinyl chloride, or (3) by direct analysis by the National Bureau of Standards. These amendments are being made to §§ 61.65(b)(8)(iii) and 61.68(c), which contain the monitoring requirements, and to §§ 5.2 and 6.2 of Test Methods 106 and 107, respectively.

There are several other changes in wording for clarification purposes. For example, § 61.60 is being amended to clarify that the testing, reporting, and recordkeeping requirements apply to research and development equipment subject to §§ 61.64 (a) (1), (b), (c), and (d), and definitions for standard temperature and pressure are being added to § 61.61. The phrase "in vinyl chloride service" is being added to § 61.65(b)(1) to clarify that loading and unloading lines which clearly do not contain vinyl chloride do not have to be continuously tested to demonstrate that fact. Section 61.67(d) is being redesignated as § 61.67(g)(1)(ii) to clarify that conducting a series of three runs is not necessary when Test Method 107 is being used to determine emissions. A change is being made in § 61.67(g)(1)(iii) [which was originally promulgated as § 61.67(g)(1)(ii)] to establish that the concentration emission limits for gas streams are to be determined on a dry basis. Similarly, wording is being added to § 61.70(e)(2)(v) to establish that vinyl chloride concentrations in polyvinyl chloride resin are to be determined on a dry weight basis. An additional change to this same section is being made to clarify that a sample from

each batch of resin is to be measured for its vinyl chloride content. Section 61.71 (a) is being changed to correct typographical errors and to clarify that daily operating records for polyvinyl chloride reactors are required to be kept whether a relief valve discharges or not.

Section 4.3.2 of Test Method 106 is being revised to allow the option of using Poropak T as the column packing instead of GE SF-96 in a secondary gas chromatographic column if acetaldehyde is present. This packing has also been shown to produce adequate separation of vinyl chloride and acetaldehyde. Section 61.67(e) of the regulation and § 6.2 of Test Method 106 are being amended to include a limit on the amount of time a test sample can be kept before it is analyzed for vinyl chloride. Section 1.2 of Test Method 107 is being amended to clarify that chromatograph parameters can be altered if the precision and reproducibility of analysis of vinyl chloride cylinder standards is not impaired. Section 5.3.2 of Test Method 107 is being amended to allow the use of a pair of Poropak Q columns if methanol or acetaldehyde is present in the sample. Also in Test Method 107 a clarification for the term K_w has been added to § 9.2.

The remaining changes are corrections of typographical errors or are self-explanatory.

These amendments are issued under the authority of section 112 of the Clean Air Act, sec. 4(a) of Pub. L. 91-604, 84 Stat. 1685 (42 U.S.C. 1857c-7) and section 301(a) of the Clean Air Act, sec. 2 of Pub. L. No. 90-148, 81 Stat. 504, as amended by sec. (15)(c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857g(a)). The amendments to §§ 61.67 and 61.68 are also issued under the authority of section 114 of the Clean Air Act, as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1687 and amended by Pub. L. 93-319, sec. 6(a)(4), 88 Stat. 259 (42 U.S.C. 1857c-9).

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

Dated: May 26, 1977.

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

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.60, paragraph (c) is amended as follows:

§ 61.60 Applicability.

(c) Sections of this subpart other than §§ 61.61; 61.64 (a) (1), (b), (c), and (d); 61.67; 61.68; 61.69; 61.70; and 61.71 * * *

2. In § 61.61 paragraphs (t) and (u) are added as follows:

§ 61.61 Definitions.

(t) "Standard temperature" means a temperature of 20° C (69° F).

(u) "Standard pressure" means a pressure of 760 mm of Hg (29.92 in. of Hg).

3. Section 61.62 is corrected as follows:

§ 61.62 Emission standard for ethylene dichloride plants.

(a) Ethylene dichloride purification: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from any equipment used in ethylene dichloride purification is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that has been opened, is out of operation, and met the requirement in § 61.65(b)(6)(i) before being opened.

(b) Oxychlorination reactor: Except as provided in § 61.65(a), emissions of vinyl chloride to the atmosphere from each oxychlorination reactor are not to exceed 0.2 g/kg (0.0002 lb/lb) of the 100 percent ethylene dichloride product from the oxychlorination process.

4. In § 61.65, paragraphs (b)(1), (b)(8)(iii)(A), and (b)(8)(iii)(B) are amended as follows:

§ 61.65 Emission standard for ethylene dichloride, vinyl chloride and polyvinyl chloride plants.

(b) * * *

(1) Loading and unloading lines: Vinyl chloride emissions from loading and unloading lines in vinyl chloride service which are opened to the atmosphere after each loading or unloading operation are to be minimized as follows:

(8) * * *

(iii) * * *

(A) A calibration gas mixture prepared from the gases specified in sections 5.2.1 and 5.2.2 of Test Method 106 and in accordance with section 7.1 of Test Method 106, or

(B) A calibration gas cylinder standard containing the appropriate concentration of vinyl chloride. The gas composition of the calibration gas cylinder standard is to have been certified by the manufacturer. The manufacturer must have recommended a maximum shelf life for each cylinder so that the concentration does not change greater than ±5 percent from the certified value. The date of gas cylinder preparation, certified vinyl chloride concentration and recommended maximum shelf life must have been affixed to the cylinder before shipment from the manufacturer to the buyer. If a gas chromatograph is used as the vinyl chloride monitoring system, these gas mixtures may be directly used to prepare a chromatograph calibration curve as described in section 7.3 of Test Method 106. The requirements in section 5.2.3.1 and 5.2.3.2 of Test Method 106 for certification of cylinder standards and for establishment and verification of calibration standards are to be followed.

Secs. 112 and 301(a), Clean Air Act (42 U.S.C. 1857c-7 and 1857g(a)).

3. Section 61.67 is amended by deleting and reserving paragraph (d), revising paragraphs (e), (g) (1) (i) and (g) (1) (iii), and by adding paragraph (g) (1) (iv) as follows:

§ 61.67 Emission tests.

(d) [Reserved]
(e) When at all possible, each sample is to be analyzed within 24 hours, but in no case in excess of 72 hours of sample collection. Vinyl chloride emissions are to be determined within 30 days after the emission test. The owner or operator shall report the determinations to the Administrator by a registered letter dispatched before the close of the next business day following the determination.

(g) * * *
(1) * * *
(ii) Each emission test is to consist of three runs. For the purpose of determining emissions, the average of results of all runs is to apply. The average is to be computed on a time weighted basis.
(iii) For gas streams containing more than 10 percent oxygen the concentration of vinyl chloride as determined by Test Method 106 is to be corrected to 10 percent oxygen (dry basis) for determination of emissions by using the following equation:

$$C_b(\text{corrected}) = C_b \frac{10.9}{20.9 - \text{percent } O_2}$$

where:
 $C_b(\text{corrected})$ = The concentration of vinyl chloride in the exhaust gases, corrected to 10-percent oxygen.
 C_b = The concentration of vinyl chloride as measured by Test Method 106.
20.9 = Percent oxygen in the ambient air at standard conditions.
10.9 = Percent oxygen in the ambient air at standard conditions, minus the 10.0-percent oxygen to which the correction is being made.
Percent O_2 = Percent oxygen in the exhaust gas as measured by Reference Method 3 in Appendix A of Part 60 of this chapter.

(iv) For those emission sources where the emission limit is prescribed in terms of mass rather than concentration, mass emissions in kg/100 kg product are to be determined by using the following equation:

$$C_{BX} = \frac{[C_b(2.60) Q 10^{-4}][100]}{Z}$$

where:
 C_{BX} = kg vinyl chloride/100 kg product.
 C_b = The concentration of vinyl chloride as measured by Test Method 106.
2.60 = Density of vinyl chloride at one atmosphere and 20° C in kg/m³.
 Q = Volumetric flow rate in m³/hr as determined by Reference Method 2 of Appendix A to Part 60 of this chapter.
 10^{-4} = Conversion factor for ppm.
 Z = Production rate (kg/hr).

6. Section 61.68 is amended by revising paragraphs (c) (1) and (c) (2) as follows:

§ 61.68 Emission monitoring.

(c) * * *
(1) A calibration gas mixture prepared from the gases specified in sections 5.2.1 and 5.2.2 of Test Method 106 and in accordance with section 7.1 of Test Method 106, or
(2) A calibration gas cylinder standard containing the appropriate concentration of vinyl chloride. The gas composition of the calibration gas cylinder standard is to have been certified by the manufacturer. The manufacturer must have recommended a maximum shelf life for each cylinder so that the concentration does not change greater than ±5 percent from the certified value. The date of gas cylinder preparation, certified vinyl chloride concentration and recommended maximum shelf life must have been affixed to the cylinder before shipment from the manufacturer to the buyer. If a gas chromatograph is used as the vinyl chloride monitoring system, these gas mixtures may be directly used to prepare a chromatograph calibration curve as described in section 7.3 of Test Method 106. The requirements in sections 5.2.3.1 and 5.2.3.2 of Test Method 106 for certification of cylinder standards and for establishment and verification

of calibration standards are to be followed.

(Secs. 112, 114, and 301(a), Clean Air Act (42 U.S.C. 1857c-7, 1857c-9, and 1854g(a)).

7. In § 61.70 paragraphs (c) (2) (i) and (c) (2) (v) are amended as follows.

§ 61.70 Semiannual report.

(c) * * *
(2) * * *
(i) If batch stripping is used, one representative sample of polyvinyl chloride resin is to be taken from each batch of each grade of resin immediately following the completion of the stripping operation, and identified by resin type and grade and the date and time the batch is completed. The corresponding quantity of material processed in each stripper batch is to be recorded and identified by resin type and grade and the date and time the batch is completed.

(v) The report to the Administrator by the owner or operator is to include the vinyl chloride content found in each sample required by paragraphs (c) (2) (i) and (c) (2) (ii) of this section, averaged separately for each type of resin, over each calendar day and weighted according to the quantity of each grade of resin processed by the stripper(s) that calendar day, according to the following equation:

$$A_{T_i} = \frac{\sum_{i=1}^n P_{G_i} M_{G_i}}{Q_{T_i}} = \frac{P_{G_1} M_{G_1} + P_{G_2} M_{G_2} + \dots + P_{G_n} M_{G_n}}{Q_{T_i}}$$

where:
 A = 24-hour average concentration of type T_i resin in ppm (dry weight basis).
 Q = Total production of type T_i resin over the 24-hour period, in kg.
 T_i = Type of resin; $i=1, 2, \dots, m$ where m is total number of resin types produced during the 24-hour period.
 M = Concentration of vinyl chloride in one sample of grade G_i resin, in ppm.
 P = Production of grade G_i resin represented by the sample, in kg.
 G_i = Grade of resin; e.g., G_1, G_2 , and G_3 .
 n = Total number of grades of resin produced during the 24-hour period.

8. Section 61.71 is amended by correcting paragraphs (a) (2) and (a) (3), and by adding paragraph (a) (4) as follows:

§ 61.71 Recordkeeping.

(a) * * *
(2) A record of the leaks detected during routine monitoring with the portable hydrocarbon detector and the action taken to repair the leaks, as required by § 61.65(b) (8), including a brief statement explaining the location and cause of each leak detected with the portable hydrocarbon detector, the date and time of the leak, and any action taken to eliminate that leak.

(3) A record of emissions measured in accordance with § 61.68.
(4) A daily operating record for each polyvinyl chloride reactor, including pressures and temperatures.

9. Section 1.1 of Test Method 106 is corrected as follows:

1.1 An integrated bag sample of stack gas containing vinyl chloride (chloroethene) is subjected to chromatographic analysis, using a flame ionization detector.

10. Section 3 of Test Method 106 is corrected as follows:

3. *Interferences.* Acetaldehyde, which can occur in some vinyl chloride sources, will interfere with the vinyl chloride peak from the Chromasorb 102¹ column. See sections 4.3.2 and 6.4. If resolution of the vinyl chloride peak is still not satisfactory for a particular sample, then chromatograph parameters can be further altered with prior approval of the Administrator. If alteration of the chromatograph parameters fails to resolve the vinyl chloride peak, then supplemental confirmation of the vinyl chloride peak through an absolute analytical technique, such as mass spectroscopy, must be performed.

11. Section 4.1 of Test Method 106 is corrected as follows:

4.1 Sampling (Figure 106-1).

12. Section 4.1.3 of Test Method 106 is corrected as follows:

4.1.3 Male (2) and female (2) stainless steel quick-connects, with ball checks (one pair without) located as shown in Figure 106-1.

13. Section 4.1.10 of Test Method 106 is corrected as follows:

4.1.10 *Connecting tubing.* Teflon, 6.4 mm outside diameter, to assemble sample train (Figure 106-1).

14. Section 4.3.2 of Test Method 106 is amended as follows:

4.3.2 *Chromatographic column.* Stainless steel, 2 m x 3.2 mm, containing 80/100 mesh Chromasorb 102. A secondary column of GE SF-96, 20 percent on 80/80 mesh AW Chromasorb P, stainless steel, 2 m x 3.2 mm or Porapak T, 80/100 mesh, stainless steel, 1 m x 3.2 mm is required if acetaldehyde is present. If used, a secondary column is placed after the Chromasorb 102 column. The combined columns should then be operated at 120° C.

15. Section 5.2 of Test Method 106 is revised as follows:

5.2 *Calibration.* Use one of the following options: either 5.2.1 and 5.2.2, or 5.2.3.

5.2.1 *Vinyl chloride, 99.9+ percent.* Pure vinyl chloride gas certified by the manufacturer to contain a minimum of 99.9 percent vinyl chloride for use in the preparation of standard gas mixtures in Section 7.1. If the gas manufacturer maintains a bulk cylinder supply of 99.9+ percent vinyl chloride, the certification analysis may have been performed on this supply rather than on each gas cylinder prepared from this bulk supply. The date of gas cylinder preparation and the certified analysis must have been affixed to the cylinder before shipment from the gas manufacturer to the buyer.

5.2.2 *Nitrogen gas.* Zero grade, for preparation of standard gas mixtures.

5.2.3 *Cylinder standards (3).* Gas mixture standards (50, 10, and 5 ppm vinyl chloride in nitrogen cylinders) for which the gas composition has been certified by the manufacturer. The manufacturer must have recommended a maximum shelf life for each cylinder so that the concentration does not change greater than ± 5 percent from the certified value. The date of gas cylinder preparation, certified vinyl chloride concentration and recommended maximum shelf life must have been affixed to the cylinder before shipment from the gas manufacturer to the buyer. These gas mixture standards may be directly used to prepare a chromatograph calibration curve as described in section 7.3.

5.2.3.1 *Cylinder standards certification.* The concentration of vinyl chloride in nitrogen in each cylinder must have been certified by the manufacturer by a direct analysis of each cylinder using an analytical procedure that the manufacturer had calibrated on the day of cylinder analysis. The calibration of the analytical procedure shall, as a minimum, have utilized a three-point calibration curve. It is recommended that the manufacturer maintain two calibration standards and use these standards in the following way: (1) a high concentration standard (between 50 and 100 ppm) for preparation of a calibration curve by an appropriate dilution technique; (2) a low concentration standard (between 5 and 10 ppm) for verification of the dilution technique used.

5.2.3.2 *Establishment and verification of calibration standards.* The concentration of each calibration standard must have been established by the manufacturer using reliable procedures. Additionally, each calibration standard must have been verified by the manufacturer by one of the following procedures, and the agreement between the initially determined concentration value and the verification concentration value must be within ± 5 percent: (1) verification value determined by comparison with a calibrated vinyl chloride

permeation tube, (2) verification value determined by comparison with a gas mixture prepared in accordance with the procedure described in section 7.1 and using 99.9+ percent vinyl chloride, or (3) verification value obtained by having the calibration standard analyzed by the National Bureau of Standards. All calibration standards must be renewed on a time interval consistent with the shelf life of the cylinder standards sold.

16. Section 6.2 of Test Method 106 is amended as follows:

6.2 *Sample storage.* Sample bags must be kept out of direct sunlight. When at all possible analysis is to be performed within 24 hours, but in no case in excess of 72 hours of sample collection.

17. Section 7.1 of Test Method 106 is amended as follows:

7.1 *Preparation of vinyl chloride standard gas mixtures.* Evacuate a sixteen-inch square Tedlar bag that has passed a leak check (described in Section 7.4) and meter in 5 liters of nitrogen. While the bag is filling, use the 0.5 ml syringe to inject 250 μ l of 99.9+ percent vinyl chloride through the wall of the bag. Upon withdrawing the syringe needle, immediately cover the resulting hole with a piece of adhesive tape. The bag now contains a vinyl chloride concentration of 50 ppm. In a like manner use the other syringe to prepare gas mixtures having 10 and 5 ppm vinyl chloride concentrations. Place each bag on a smooth surface and alternately depress opposite sides of the bag 50 times to further mix the gases. These gas mixture standards may be used for 10 days from the date of preparation, after which time preparation of new gas mixtures is required. (CAUTION.—Contamination may be a problem when a bag is reused if the new gas mixture standard contains a lower concentration than the previous gas mixture standard did.)

18. Section 7.3 of Test Method 106 is amended as follows:

7.3 *Preparation of chromatograph calibration curve.* Make a gas chromatographic measurement of each gas mixture standard (described in section 5.2.2 or 7.1) using conditions identical with those listed in sections 6.3 and 6.4. Flush the sampling loop for 30 seconds at the rate of 100 ml/min with each standard gas mixture and activate the sample valve. Record C_s , the concentration of vinyl chloride injected, the attenuator setting, chart speed, peak area, sample loop temperature, column temperature, carrier gas flow rate, and retention time. Record the laboratory pressure. Calculate A_s , the peak area multiplied by the attenuator setting. Repeat until two injection areas are within 5 percent, then plot these points $v. C_s$. When the other concentrations have been plotted, draw a smooth curve through the points. Perform calibration daily, or before and after each set of bag samples, whichever is more frequent.

19. Section 1.2 of Test Method 107 is amended as follows:

1.2 This procedure is suitable for determining the vinyl chloride monomer (VCM) content of inprocess wastewater samples, and the residual vinyl chloride monomer (RVCM) content of polyvinyl chloride (PVC) resins, wet cake, slurry, and latex samples. It cannot be used for polymer in fused forms, such as sheet or cubes. If a resolution of the vinyl chloride peak is not satisfactory for a particular sample, then

chromatograph parameters may be altered provided that the precision and reproducibility of the analysis of vinyl chloride cylinder standards are not impaired. If there is reason to believe that some other hydrocarbon with an identical retention time is present in the sample, then supplemental confirmation of the vinyl chloride peak through an absolute analytical technique, such as mass spectroscopy, should be performed.

20. Section 5.3.2 is amended as follows:

5.3.2 *Chromatographic column.* Stainless steel, 2 m x 3.2 mm, containing 0.4 percent Carbowax 1500 on Carbowax A. Perkin-Elmer Corporation No. 105-0133, or equivalent. Carbowax C can be used in place of Carbowax A. If methanol and/or acetaldehyde is present in the sample, a pair of Poropak Q columns in series (1 m x 3.2 mm followed by 2 m x 3.2 mm) with provision for backflush of the first column has been shown to provide adequate separation of vinyl chloride.

21. Section 6.2 of Test Method 107 is revised as follows:

6.2 *Calibration.*

6.2.1 *Cylinder standards (4).* Gas mixture standards (50, 500, 2,000, and 4,000 ppm vinyl chloride in nitrogen cylinders) for which the gas composition has been certified by the manufacturer. Lower concentration standards should be obtained if lower concentrations of vinyl chloride samples are expected, as the intent is to bracket the sample concentrations with standards. The manufacturer must have recommended a maximum shelf life for each cylinder so that the concentration does not change greater than ± 5 percent from the certified value. The date of gas cylinder preparation, certified vinyl chloride concentration and recommended maximum shelf life must have been affixed to the cylinder before shipment from the manufacturer to the buyer.

6.2.1.1 *Cylinder standards certification.* The concentration of vinyl chloride in nitrogen in each cylinder must have been certified by the manufacturer by a direct analysis of each cylinder using an analytical procedure that the manufacturer had calibrated on the day of cylinder analysis. The calibration of the analytical procedure shall, as a minimum, have utilized a three-point calibration curve. It is recommended that the manufacturer maintain two calibration standards and use these standards in the following way: (1) a high concentration standard (between 4,000 and 8,000 ppm) for preparation of a calibration curve by an appropriate dilution technique; (2) a low concentration standard (between 50 and 500 ppm) for verification of the dilution technique used.

6.2.1.2 *Establishment and verification of calibration standards.* The concentration of each calibration standard must have been established by the manufacturer using reliable procedures. Additionally, each calibration standard must have been verified by the manufacturer by one of the following procedures, and the agreement between the initially determined concentration value and the verification concentration value must be within ± 5 percent: (1) verification value determined by comparison with a gas mixture standard generated in a similar manner to the procedure described in section 7.1 of Method 106 for preparing gas mixture standards using 99.9+ percent vinyl chloride, or (2) verification value obtained by having the calibration standard analyzed by the National Bureau of Standards. All calibration standards must be renewed on a time interval consistent with the shelf life of the cylinder standards sold.

22. Section 7.3.2.d. of Test Method 107 is corrected as follows:

d. W—Stabilization time. The normal setting is 0.2 minutes.

23. Section 9.2 of Test Method 107 is corrected as follows:

9.2 Residual vinyl chloride monomer concentration, or vinyl chloride monomer concentration.

Calculate C_{res} as follows:

$$C_{res} = \frac{A_s P_a}{R_f T_1} \left(\frac{M_s V_s}{m_s R} + K T_2 \right)$$

Equation 107-2

where:

C_{res} —Concentration of vinyl chloride in the sample, in ppm.

P_a —Laboratory atmosphere pressure, mm Hg.

T_1 —Room temperature, °K.

M_s —Molecular weight of VCM (62.5).

V_s —Volume of vapor phase (vial volume less sample volume).

m_s —Weight of sample, grams.

R —Gas constant [62,360 (cc-mm-mole-degrees Kelvin)]

K —Henry's Law constant. For VCM in PVC at 90° C,

$K = 6.52 \times 10^{-4} = K_p$. For VCM in 1 cc (approximate)

wastewater sample at 90° C,

$K = 5.0 \times 10^{-4} = K_w$.

T_2 —Equilibration temperature, °K.

If the following conditions are met, Equation 107-2 can be simplified as follows:

1. $T_1 = 22^\circ \text{C}$ (295° K)

2. $T_2 = 90^\circ \text{C}$ (363° K)

3. $P_a = 750 \text{ mm Hg}$.

4. $V_s = V_v - \frac{m_s}{1.4} = 23.5 - \frac{m_s}{1.4}$

where

V_v —Vial volume, cc (23.5).

5. Sample contains less than 0.5 percent water.

$$C_{res} = \frac{A_s}{R_f} \left(4.197 \times 10^{-3} + \frac{5.988 \times 10^{-2}}{m_s} \right)$$

Equation 107-3

The following general equation can be used for any sample which contains VCM, PVC and water.

$$C_{res} = \frac{A_s P_a}{R_f T_1} \times \left[\frac{M_s V_s}{R m_s} + K_p (TS) T_2 + K_w (1-TS) T_2 \right]$$

Equation 107-4

where:

TS —Total solids.

NOTE: K_w must be determined for samples with a vapor volume to liquid volume ratio other than 22.5 to 1. This ratio can be obtained by adjusting the sample weight through giving consideration to the total solids and density of the PVC.

Results calculated using Equation 107-4 represent concentration based on the total sample. To obtain results based on dry PVC content, divide by TS .

For a 1-cc wastewater sample (that is, 22.5 to 1 vapor volume to liquid volume ratio), K_w is 5.0×10^{-4} . Thus, Equation 107-4 can be simplified to the following:

$$C_{res} = \frac{A_s}{R_f} \left[\frac{5.988 \times 10^{-2}}{m_s} + (2.066 \times 10^{-3}) \right]$$

Equation 107-5

(Secs. 112 and 301(a) of the Clean Air Act, 42 U.S.C. 1857c-7 and 1857g(a).)

[FR Doc. 77-15828 Filed 6-6-77; 8:45 am]

FOR FURTHER INFORMATION CONTACT:

Robert F. Carmody, Jr., 202-472-2758.

SUPPLEMENTARY INFORMATION:

This rule prescribes what the Commissioner's "equitable share" of payments is with respect to payments made by a borrower to a State or private nonprofit student loan insurance program ("guarantee agency") in full or partial discharge of the borrower's loan obligation, after the Commissioner has made a reinsurance payment to the guarantee agency with respect to that loan pursuant to a Supplemental Guaranty Agreement. Section 428A of the Higher Education Act of 1965 (Act), as added by section 127 of the Education Amendments of 1976 (Pub. L. 94-482), authorizes the Commissioner to enter with guarantee agencies into Supplemental Guaranty Agreements which provide for 100 percent Federal reinsurance on eligible loans. The statute also directs the Commissioner to prescribe by regulation his "equitable share" of payments collected by the guarantee agency from the borrower once the guarantee agency is subrogated to the rights of the lender after paying an insurance claim. The Commissioner of Education has already begun to enter into Supplemental Guaranty Agreements with guarantee agencies. These agreements provide that the Commissioner's "equitable share" will be determined by regulations to be prescribed by the Commissioner. This regulation is needed immediately to prescribe the disposition of payments received from borrowers after the execution of the agreements.

The definition contained in the interim rule is the same, except for a technical change, as the definition added to section 428(c) of the Act by Public Law 94-482 with respect to the Commissioner's "equitable share" of payments received by guarantee agencies participating in the standard 80 percent reinsurance agreement. It provides that the Commissioner's share of any such payments shall be that portion remaining after the guarantee agency has subtracted:

1. A percentage amount equal to the percentage, if any, of insurance it had previously paid on the loan obligation to the holder of the loan which was not reimbursed by Federal reinsurance;

2. An amount attributable to the allowable "administrative costs of collection of the loan," as defined at sections 428(c) (6) (B) (i) and 428(f) (3) (B) of the Act; and

3. An amount attributable to the allowable "administrative costs of preclaim assistance for default prevention," as defined at sections 428(c) (6) (B) (ii) and 428(f) (3) (C) of the Act.

The technical change clarifies that a guarantee agency may not deduct costs for loan collection and preclaims assistance which are reimbursed pursuant to section 428(f) of the Higher Education Act of 1965, as added by Public Law 94-482.

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Commissioner's "Equitable Share" of Payments on Certain Reinsured Loans

AGENCY: Office of Education, HEW.

ACTION: Interim Final Rule.

SUMMARY: This Guaranteed Student Loan Program (GSLP) rule prescribes the Commissioner's "equitable share" of a payment made by a borrower in discharge of his GSLP loan obligation to an approved State or private nonprofit loan insurance program (guarantee agency) after the Commissioner has made a reinsurance payment on that loan to the agency. This regulation assists in the implementation of a new

100 percent reinsurance program with guarantee agencies authorized by the Education Amendments of 1976 (Public Law 94-482). The regulation is needed immediately to prescribe the disposition of payments received from borrowers after the execution of each agreement.

EFFECTIVE DATE: Pursuant to sec. 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER.

That section provides that regulations subject thereto shall become effective on the 45th day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

ADDRESSES: Written comments concerning this rule should be sent to the Associate Commissioner, Office of Guaranteed Student Loans, Office of Education, Room 4636, Regional Office Building No. 3, Seventh and D Streets, S.W., Washington, D.C.

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

(Catalog of Federal Domestic Assistance No. 13.460 Guaranteed Student Loan Program)

Dated: April 6, 1977.

WILLIAM F. PIERCE,
Acting Commissioner
of Education.

Approved: May 31, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education,
and Welfare.

45 CFR Part 177 is amended by adding a new § 177.37 reading as follows:

§ 177.37 Supplemental guaranty agreements—Equitable share of payments made by borrower.

(a) For the purposes of supplemental guaranty agreements entered into under section 428A of the Higher Education Act of 1965 (HEA), as added by Public Law 94-482, the Commissioner's "equitable share" of payments made by a borrower to a guarantee agency in full or partial discharge of the borrower's loan obligation, after the Commissioner has made an insurance payment with respect to that loan, shall be that portion of the payments remaining after the State or the nonprofit private institution or organization with which the Commissioner has an agreement has deducted from such payments (1) a percentage amount equal to the complement of the reinsurance percentage in effect when payment under the supplemental guaranty agreement was made with respect to the loan and (2) an amount equal to the administrative costs of collection of the loan and the administrative costs of preclaims assistance for default prevention not reimbursed pursuant to subsection (f) of section 428 of the HEA, to the extent such costs do not exceed 30 per centum of such payments.

(b) For the purpose of this paragraph, the term:

(1) "Administrative costs of collection of the loan" means any administrative costs incurred by a guarantee agency which are directly related to the collection of the loan on which a default claim has been paid to the participating lender, including the attributable compensation of collection personnel (and in the case of personnel who perform several functions for such an agency only the portion of compensation attributable to the collection activity), attorney's fees, fees paid to collection agencies, postage, equipment, supplies, telephone and similar charges, but does not include the overhead costs of such agency whether or not attributable and

(2) "Administrative costs of preclaim assistance for default prevention" means any administrative costs incurred by a guarantee agency which are directly re-

lated to providing collection assistance to the lender on a delinquent loan, prior to the loan being legally in a default status, including the attributable compensation of appropriate personnel (and in the case of personnel who perform several functions for such an agency only the portion of compensation attributable to the collection activity), fees paid to locate a missing borrower, postage, equipment, supplies, telephone and similar charges, but does not include the overhead costs of such agency whether or not attributable.

(20 U.S.C. 1078-1(b) (5).)

[FR Doc. 77-16001 Filed 6-8-77; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

Extension of Transition Period During Which "Grandfathered" Terminal Equipment May Be Connected Without Being Registered

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Because of litigation before the U.S. Supreme Court and the continued effectiveness of a court stay over portions of the FCC's registration program, the transition period for phasing-in the program is extended from June 1, 1977, to January 1, 1978. During this period, unregistered "grandfathered" equipment may continue to be connected to the national telephone network.

EFFECTIVE DATE: May 31, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Stanford B. Weinstein, Policy and Rules Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-9342).

SUPPLEMENTARY INFORMATION:

Adopted: May 27, 1977.

Released: May 31, 1977.

MEMORANDUM OPINION AND ORDER

In the Matter of Amendment of § 68.2 of the commission's rules.

1. In its various decisions in Docket No. 19528, the Commission has established a registration program (Part 68 of the Commission's Rules and Regulations) designed to allow consumers to connect terminal equipment to the nationwide telephone network without using carrier-supplied protective couplers (connecting arrangements). This program is applicable both to equipment provided by users (customer-supplied

equipment) and to equipment provided by telephone companies (carrier-supplied equipment).

2. During the course of that proceeding, certain parties appealed one or more of the Commission's decisions therein to the United States Court of Appeals for the Fourth Circuit. By orders of April 28, 1976 and June 16, 1976, the court stayed the Commission's decisions as they relate to main and extension telephones, PBXs, key telephone systems and all carrier-supplied equipment. On March 22, 1977 the Court of Appeals issued its decision, affirming the Commission's decisions in all respects. However, the court did not issue its mandate, and therefore, the court's stay remains in effect during the pendency of appeals to the U.S. Supreme Court.

3. In view of the litigation before the U.S. Supreme Court and the continued effectiveness of the court's stay over the registration program as it relates to main and extension telephones, PBXs, key telephone systems and all carrier-supplied equipment, we are extending the transition period during which "grandfathered" terminal equipment may be connected without being registered, from June 1, 1977, to January 1, 1978.

4. Accordingly, it is hereby ordered pursuant to the delegations of authority contained in Section 0.291 of the Commission's Rules (47 CFR 0.291), and pursuant to Sections 1.2(a), 4(i), 4(j), 201-205, 208, 215, 218, 313, 314, 403, 404, 410 and 602 of the Communications Act that Section 68.2 of the Commission's Rules and Regulations is amended as shown in the appendix hereto, effective May 31, 1977, subject to the court's stay referred to in paragraph 2 above.

5. It is further ordered that American Telephone and Telegraph Company is directed to file tariffs in accordance with this Order, and that § 61.58 of the Commission's Rules is waived to permit this filing.

(Secs. 1, 2, 4, 201-205, 208, 215, 218, 313, 314, 403, 404, 410, 602 48 Stat. as amended 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102, 47 U.S.C. 151, 152, 154, 201-205, 208, 215, 218, 313, 314, 403, 404, 602.)

FEDERAL COMMUNICATIONS
COMMISSION,

WALTER R. HINCHMAN,
Chief,
Common Carrier Bureau.

The Commission's Rules and Regulations (Chapter I of Title 47 of the Code of Federal Regulations) are amended as follows:

Section 68.2 (b) and (c) are amended to read as follows:

§ 68.2 Scope.

Since the rule we are modifying would, absent this modification, take effect on June 1, 1977, the public interest requires that this change become effective before June 1, 1977.