

rules and regulations

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[3410-05]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER PURCHASE PROGRAM

PART—1434—HONEY

Subpart—1978 Crop Honey Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth (1) the final loan and purchase availability dates, (2) maturity dates, (3) loan and purchase rates, and (4) premiums and discounts under which Commodity Credit Corporation will extend price support for 1978 crop honey. The need for this rule is to satisfy statutory requirements of section 201 of the Agricultural Act of 1949, which provides that price support shall be available on honey. This final rule will enable producers to obtain price support on 1978 crop honey.

EFFECTIVE DATE: June 5, 1978.

ADDRESS: Price Support and Loan Division, ASCS, U.S. Department of Agriculture, 3752 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Dalton Ustynik, ASCS, 202-447-6611.

SUPPLEMENTARY INFORMATION: On February 2, 1978, a notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 4437) regarding certain determinations for the 1978 crop honey. Such determinations included price support rates based on color, differentials, class, grade, and the program availability period. Five responses were received concerning the price support rates, and maturity dates. Three commentators requested that the price support level be established at 90 percent of parity (the Statutory maximum). One commentator requested that the rate be set at 75 percent of parity. One commentator stated that the level of 60 percent of parity would be appropriate.

After considering the responses, statutory considerations, and other factors, the price support rate is established at the legal statutory minimum of 60 percent of parity.

FINAL RULE

The Honey Price Support Regulations for the 1977 and Subsequent Crops which contain regulations of a general nature with respect to loan and purchase operations are supplemented for the 1978 crop of honey as stated herein. The title of the subpart and §§1434.40 through 1434.44 are revised to read as follows, effective as to 1978 crop honey. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Subpart—1978 Crop Honey Loan and Purchase Program

Sec.

- 1434.40 Purpose.
- 1434.41 Availability.
- 1434.42 Maturity of loans.
- 1434.43 Loan and purchase rates.
- 1434.44 Discounts.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, 1072, as amended. (15 U.S.C. 714 b and c); secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421).

Subpart—1978 Crop Honey Loan and Purchase Program

§ 1434.40 Purpose.

This subpart contains program provisions which, together with (a) the Honey Price Support Regulations for 1977 and Subsequent Crops, (b) the Cooperative Marketing Association Eligibility Requirements for Price Support in Part 1425 of this chapter, and (c) any amendments to such regulations, set forth the requirements with respect to loans and purchases for 1978 crop honey.

§ 1434.41 Availability.

(a) **Loans.** Producers must request a loan on 1978 crop eligible honey on or before March 31, 1979.

(b) **Purchases.** Producers desiring to offer eligible honey not under loan for purchase must complete a purchase agreement (Form CCC-614) at the county ASCS office on or before June 30, 1979.

§ 1434.42 Maturity of loans.

Unless demand is made earlier, loans on honey will mature on June 30, 1979.

§ 1434.43 Loan and purchase rates.

(a) **Table and nontable honey.** The rate for the quantity of 1978 crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below:

Class and color

Table honey:	
1. White and lighter	37.6
2. Extra light amber	36.6
3. Light amber	35.6
4. Other table honey	33.6
Nontable honey	33.6

(b) **Objectionable flavor, fermentation, or caramelization.** The settlement value for a lot of honey delivered under loan or for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the loan and purchase rate for nontable honey.

(c) **Grade not certified.** The settlement value for a lot of honey, delivered under loan or for purchase, on which the grade cannot be certified shall be the lower of its market value as determined by CCC or a value as determined on the basis of the loan and purchase rate for nontable honey.

(d) **Substandard.** The rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the discounts in § 1434.44.

§ 1434.44 Discounts.

(a) **Defects.** The loan and purchase rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects shall be adjusted by the following discount:

	Discount (cents per pound)
Substandard on account of defects.....	2

(b) **Moisture.** The loan and purchase rate for a lot of honey delivered under a loan or for purchase which contains moisture in excess of 18.5 percent shall be adjusted by the following discounts which shall be in addition to the discount for defects:

Moisture (percent):	Discount (cents per pound)
18.5	0.0
19.0	.5
19.5	1.0
20.0	1.5
20.5	2.0
21.0	2.5
21.5	3.0
22.0	3.5
22.5	4.0
23.0	4.5
23.5	5.0
24.0	5.5
24.5	6.0

(c) *Commingled storage.* The loan and purchase rate for a lot of honey tendered for loan or purchase by CCC while stored commingled in a warehouse, or delivered to a warehouse in bulk in satisfaction of a farm storage loan, shall be adjusted by the following discount:

Bulk commingled	Discount (cents per pound)
	1.5

Signed at Washington, D.C.

Dated: May 26, 1978.

STEWART N. SMITH,
Acting Executive
Vice President, CCC.

[FR Doc. 78-15518 Filed 6-2-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 444.8]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart G—Rural Housing Site Loan Policies, Procedures and Authoriza- tions

INTERIM RULE

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration amends its regulations to allow the use of loan funds to finance common areas, playgrounds, and tot lots, when they are required by State, County, or local laws and ordinances as a condition for subdivision approval, provided such facilities are dedicated to and maintained by a public body. This action is taken because of an administrative decision to conform agency requirements to those of local political subdivisions. The intended affect of this action is to allow broader use of the Rural Housing Site loan (RHS) program, by relaxing a previous agency restriction which was often in conflict with State, county, or local planning and zoning requirements.

EFFECTIVE DATE: June 5, 1978. Comments must be received on or before July 5, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, Director, Multiple Family Housing Division, phone 202-447-7207.

SUPPLEMENTARY INFORMATION: Sections 1822.265(e), 1822.267(g), and 1822.271(b)(3)(v) are amended; and §§ 1822.271(a)(11) and (c)(5) are added to Subpart G of Part 1822 Chapter XVIII Title 7, Code of Federal Regulations (39 FR 44993). It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however are being published effective on an interim basis. This action is being taken to allow more potential applicants to be eligible for FmHA funds and at the same time permit public participation in the rulemaking process. Any delay in implementing this amendment would be contrary to the public interest because it would delay the availability of funds to certain applicants. Comments made pursuant to this notice will be considered in the development of the final rule.

Accordingly, sections 1822.265(e), 1822.267(b), 1822.267(g), 1822.271(b)(3)(v) are amended and 1822.271 (a)(11) and (c)(5) are added and read as follows:

1. As amended, § 1822.265(e) reads as follows:

§ 1822.265 Loan purposes.

(e) When legally required by proper local, county, and State Governmental bodies as a condition for subdivision approval, RHS loan funds may be used to provide common areas playgrounds and tot lots, provided such facilities are dedicated to, and maintained by, a public body.

2. As amended, § 1822.267(g) reads as follows:

§ 1822.267 Special conditions.

(g) *Compliance with local codes and regulations.* Planning and development of sites will comply with all

State, county, and local planning and zoning requirements, and will be for housing that will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, and sanitation.

3. As amended, § 1822.271(b)(3)(v) reads as follows:

§ 1822.271 Processing applications.

(b) *County supervisor's review and evaluation of applications.* ***

(3) *Determine that:* ***

(v) Proposed subdivisions will comply with the local codes and ordinances and also meet the requirements of Subpart D of Part 1804.

4. As added, §§ 1822.271 (a)(11) and (c)(5) read as follows:

§ 1822.271 Processing applications.

(a) *Application.* ***

(11) Written evidence of any State, county, or local planning, zoning, or other ordinances imposing additional restrictions or requirements upon the proposed sites.

(c) *Completion of the docket.* ***

(5) Satisfactory evidence that the appropriate public bodies will accept and maintain all public facilities, including common areas, playgrounds, and tot lots, when dedicated to such bodies.

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

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-95.

Dated: May 25, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-15474 Filed 6-2-78; 8:45 am]

[3410-07]

SUBCHAPTER I—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

[FmHA Instruction 1904-C]

PART 1904—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

Subpart C—Farmer Program Loans

EMERGENCY LOANS; MISCELLANEOUS AMENDMENTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations concerning disaster assistance. This amendment is issued because on the list of appropriate FmHA forms, Form FmHA 406-2, "Notice of Visit" has been replaced by revised Form FmHA 141-2, "Notice of Visit or Meeting". The intended effect of this action is to remove an obsolete form from the list of appropriate forms and place a current form on the list.

EFFECTIVE DATE: June 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Betty H. Baker, 202-447-4130.

SUPPLEMENTARY INFORMATION: Paragraph B of Exhibit C, to Subpart C, Part 1904, Chapter XVIII, Title 7 in the Code of Federal Regulations is amended. The Farmers Home Administration has obsoleted Form FmHA 406-2 entitled, "Notice of Visit". In lieu of Form FmHA 406-2, a revised Form FmHA 141-2 "Notice of Visit or Meeting" is to be used. This amendment accomplishes this change in the list which is a part of Exhibit C. It is the policy of the Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemptions in 5 U.S.C. 553 with regard to such actions. This amendment is not published for proposed rulemaking however since the action concerns internal procedures and is administrative in nature. Accordingly, Paragraph B of Exhibit C to Subpart C, Part 1904 is amended to remove Form FmHA 406-2 and to add in its place Form FmHA 141-2 and as amended reads as follows:

EXHIBIT C

PROCESSING GUIDE, INSURED FARMER PROGRAM (IFP) LOANS

	*	*	*	*	*
B. Field visit	*	*	*	*	*

Form No.	Name	EM	OL	FO	SW	RL
141-2	Notice of visit or meeting	X	*	*	*	*

(7 U.S.C. 1989; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357, 88 Stat 392; 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.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact State-

ment under Executive Order 11821 and OMB Circular A-107.

Dated: May 20, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-15473 Filed 6-2-78; 8:45 am]

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION¹

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Resellers and Retailers—Blends of Covered and Non-Petroleum-Based Products

AGENCY: Economic Regulatory Administration, Department of Energy.

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

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby amends its petroleum price regulations to permit resellers (and retailers) that blend non-petroleum-based products with regulated petroleum products to reflect in the selling prices of the resulting blend the costs associated with the non-petroleum-based portion of the blend. This rule is specifically intended to remove any regulatory impediments to the marketing by resellers of "Gasohol" and other similar blends of gasoline and non-petroleum-based products (such as ethyl alcohol) which may be used as motor fuel in the same manner as gasoline.

EFFECTIVE DATE: These amendments take effect on July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Kelly (Media Relations), Department of Energy, Room 6308E, 2000 M Street NW., Washington, D.C. 20461, 202-254-8690.

Chuck Boehl (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street NW., Washington, D.C. 20461, 202-254-7200.

Lloyd Costley (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2314, 2000 M Street NW., Washington, D.C. 20461, 202-254-8034.

Judith Garfield (Office of General Counsel), Department of Energy, Room 7132, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-2085.

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Discussion of comments.
- III. Amendments adopted.
- IV. Additional matters.

I. BACKGROUND

On March 7, 1978, we issued a Notice of Proposed Rulemaking and Public Hearing (43 FR 10937, March 16, 1978) to amend certain provisions of the DOE's petroleum price regulations applicable to resellers for the purpose of removing any regulatory impediments to the marketing of "Gasohol" (a blend of gasoline and alcohol which may be used as motor fuel in the same manner as gasoline) and similar blends of covered and non-petroleum-based products.

Section 212.93 of the price regulations currently permits a reseller to sell covered products (i.e., refined petroleum products that are subject to price regulation) at a price not to exceed the lawful May 15, 1973, price to each class of purchaser, plus an amount which reflects, on a dollar-for-dollar basis, the reseller's increased product costs. Under §212.92, "increased product costs" are defined as "the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973 * * *." Inasmuch as the term "product" in this definition is intended to mean only covered products and, within each particular category of covered products, each of the various grades or types of covered products that are distinguished by significant technical differences, resellers are precluded from passing through as increased product costs those costs associated with any non-covered product which is blended with a covered prod-