

# federal register

FRIDAY, NOVEMBER 5, 1976



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Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Town Hall, 36 North Lancaster Street, Annville, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Quittapahilla Creek	West Main St.	394	(0)	200
	White St.	399	(0)	220
	Bachman St.	404	(0)	120
	South Spruce St.	410	230	400
	Southwestern corporate limit	415	120	630

<sup>1</sup> Corporate limits.

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

Issued: October 13, 1976.

J. ROBERT HUNTER,  
Federal Insurance Administrator.

[FR Doc.76-32429 Filed 11-4-76;8:45 am]

[Docket No. FI-2018]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the Township of Plymouth, Luzerne County, Pennsylvania**

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Plymouth, Luzerne County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain man-

agement measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Tilbury Volunteer Fire Company, Routes 11 and 29, West Nanticoke, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Upstream corporate limits	543	(0)	(0)
	Erie-Lackawanna R.R. (extended northwest)	542	(0)	4,400
	River Rd. Bridge	542	(0)	400
	Nanticoke Rd. Bridge	541	(0)	140
	Mill St. (extended southwest)	539	(0)	1,200
Harveys Creek	Downstream corporate limits	537	(0)	220
	Sullivan Trail	539	1,400	1,800
	Route 29 (river crossing)		180	20
	Unnamed road		(0)	(0)

<sup>1</sup> Outside corporate limits.

<sup>2</sup> 70 ft from bank to corporate limits.

<sup>3</sup> 200 ft from 100-yr boundary to corporate limits.

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

Issued: October 6, 1976.

J. ROBERT HUNTER,  
Federal Insurance Administrator.

[FR Doc.76-32430 Filed 11-4-76;8:45 am]

FEDERAL REGISTER, VOL. 41, NO. 215—FRIDAY, NOVEMBER 5, 1976

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR  
SUBCHAPTER G—TRIBAL GOVERNMENT  
PART 60—USE OR DISTRIBUTION OF INDIAN JUDGMENT FUNDS  
SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS  
PART 104—INDIVIDUAL INDIAN MONEY ACCOUNTS

Protection of Per Capita Shares of Minors, Legal Incompetents and Deceased Beneficiaries

OCTOBER 26, 1976.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on Page 53593 of the FEDERAL REGISTER of November 19, 1975 (40 FR 53593), there were published proposed revisions to § 60.10 of Part 60, Subchapter G, Chapter I, and § 104.4 of Part 104, Subchapter J, Chapter I, of Title 25 of the Code of Federal Regulations.

A notice of extension of time from January 19, 1976, the original deadline date, to April 5, 1976, for interested persons to submit to the Commissioner of Indian Affairs written comments on, or suggestions or objections to, the proposed revisions relating to the per capita payment aspects of Indian judgment funds, was published on page 5129 of the FEDERAL REGISTER of February 4, 1976 (41 FR 5129).

The written comments received from interested persons and organizations generally reflect opposition to the proposed revisions and generally register objection to any restrictions on the use of minors' shares except those imposed by parents, guardians or tribal governing bodies. Given the trust nature of minors' shares and the Secretary's responsibility as mandated in subsection (b)(3) of section 3 of the Indian Judgment Funds Act of 1973, 87 Stat. 466, which direct the Secretary to preserve and protect the per capita shares of minors and other legally incompetent persons, we conclude that by formalizing the revisions to Part 60 and Part 104 the directive of the Congress will have been met.

The proposed revisions are hereby adopted. Any printing or typographical errors in the publication of the proposed revisions in 40 FR 53593 are corrected as set forth below.

Effective date. These regulations shall become effective December 6, 1976.

1. Section 60.10 of Part 60, Subchapter G, Chapter I, of Title 25 of the Code of Federal Regulations is revised to read as follows.

§ 60.10 Per capita payment aspects of plans and protection of funds accruing to minors, legal incompetents and deceased beneficiaries.

(a) The per capita shares of living competent adults shall be paid directly to

them. The shares of minors, legal incompetents and deceased individual beneficiaries, enhanced by investment earnings, shall be held in individual Indian money (IIM) accounts unless otherwise provided as set out in this section. While held in IIM accounts, said shares shall be invested pursuant to 25 U.S.C. 162a and shall be the property of the minors or legal incompetents or the estates of the deceased individual beneficiaries to whom the per capita payments were made.

(b) (1) Unless otherwise provided in paragraph (b) (2) of this section, minors' per capita shares, until the minors attain the age of 18 years, shall be retained in individually segregated IIM accounts and handled as provided in § 104.4 of this chapter. Should it be determined that the funds are to be invested pursuant to a trust, minors who will have reached the age of 18 years within six months after the establishment of the trust shall have their funds retained at interest in IIM accounts and paid to them upon attaining their majority.

(2) A private trust for the minors' per capita shares may be established subject to the approval of the tribal governing body and the Secretary on the following conditions:

(i) The tribal governing body specifically requests the establishment of such trust, and the trust provides for segregated amounts to each individual minor, based on his per capita share, and

(ii) The trust agreement specifically provides that the investment policy to be followed is that of preserving the trust corpus and of obtaining the highest interest rates current money markets can safely provide. The trust agreement must further provide that maturity dates of investments cannot exceed the period of the trust and that only the following types of investment shall be made: United States Treasury obligations; Federal agency obligations; repurchase/resell agreements; United States Treasury bills; Bankers' acceptance, provided the assets of the issuing bank exceed \$1 billion or the issuing bank pledges full collateral; Certificates of deposit, provided the assets of the issuing bank exceed \$1 billion or the issuing bank pledges full collateral; Commercial paper, provided it is rated prime-2 by Moody or A-2 by Standard and Poor or is obligation of a company with outstanding unsecured debt rated Aa by Standard and Poor.

(c) The per capita shares of legal incompetents shall be held in IIM accounts

and administered pursuant to the provisions of § 104.5 of this chapter.

(d) The shares of deceased individual beneficiaries, plus all interest and investment income accruing thereto, shall be paid to their heirs and legatees upon their determination as provided in 43 CFR, Part 4, Subpart D.

(e) All per capita shares, including all interest and investment income accruing thereto, while they are held in trust under the provisions of this section, shall be exempt from Federal and State income taxes and shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act, as amended.

(f) All per capita shares or portions thereof, including all interest and investment income accruing thereto, which are not paid out but which remain unclaimed with the Federal Government shall be maintained separately and be enhanced by investment, and shall, unless otherwise provided in an effective plan or in enabling legislation, be subject to the provisions of the Act of September 22, 1961, 75 Stat. 584. No per capita share or portion thereof shall be transferred to the U.S. Treasury as "Monies Belonging to Individuals Whose Whereabouts are Unknown."

2. Section 104.4 of Part 104, Subchapter J, Chapter I, of Title 25 of the Code of Federal Regulations is revised to read as follows.

#### § 104.4 Minors.

(a) Funds, other than a per capita share of judgment funds which exceeds \$100 in total amount at the time actual payment is made, including the investment income accruing thereto, of a minor may be disbursed in such amounts deemed necessary in the best interest of the minor for the minor's support, health, education, or welfare to parents, legal guardians, fiduciaries, or to persons having the control and custody of the minor under plans approved by the Secretary, or the minor directly, upon such conditions as the Secretary may prescribe. The Secretary will require modification of an approved plan whenever deemed in the best interest of the minor.

(b) A per capita share of judgment funds which exceeds \$100 in total amount at the time actual payment is made, including the investment income accruing thereto, of a minor shall not be disbursed until the minor reaches 18 years of age.

At that time, unless the minor is under legal disability, the minor shall be entitled to withdraw his judgment funds and accrued investment income as provided in § 104.3. If the minor is under legal disability upon reaching his majority, his judgment funds and accrued investment income thereon shall be handled pursuant to § 104.5.

MORRIS THOMPSON,  
Commissioner of Indian Affairs.

[FR Doc. 76-32608 Filed 11-4-76; 8:45 am]

## Title 40—Protection of the Environment CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

### SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS [FRL 640-4]

#### PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLE PROCESSING POINT SOURCE CATEGORY

##### Revocation of Fecal Coliform Effluent Limitations

On March 21, 1974 effluent limitations guidelines, new source performance standards and new source pretreatment standards were promulgated pursuant to sections 301, 304(b), 306 and 307(c) of the Federal Water Pollution Control Act (the Act), 33 U.S.C. 1311, 1314(b), 1316 and 1317(c), for five subcategories of the Canned and Preserved Fruits and Vegetables point source category, (40 CFR Part 407, subparts A through E) (the "Phase I" regulation).

On March 11, 1976 the United States Court of Appeals for the District of Columbia Circuit rendered its decision concerning petitions for review of the Phase I regulations in "American Frozen Food Institute, et al v. Train," F. 2d, 8 E.R.C. 1993 (D.C. Cir. 1976). The Court remanded the Phase I fecal coliform best available technology economically achievable effluent limitations guidelines and new source performance standards to the Administrator for reconsideration. The Court found that the industry had not had sufficient opportunity to comment on the fecal coliform regulations and thus remanded them. However, the Agency had already reconsidered the issue of fecal coliforms. In the Phase II regulations for Fruits and Vegetables (41 FR 16272), fecal coliform standards were omitted because information did not indicate significant levels of coliforms from fecal origin in wastewaters from most fruit and vegetable processing